

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: The Hills Local Environmental Plan 2012 (Amendment No. (##)) – Edwards Road Precinct

ADDRESS OF LAND: The Edwards Road Precinct is comprised of the following properties (refer to Figures 1 and 2):

- Northern Frame:
 - Nos. 278 to 290-312 Annangrove Road, Rouse Hill 2155 (Lot 2 DP 879450, Lot 2 DP 1032790, Lot 10 DP 563695, Lot 2 DP 838278, Lot 3 DP 222080, Lot 26 DP 834050 & Lot 12 DP 835727);
 - Nos. 20 & 31 Edwards Road, Rouse Hill 2155 (Lot 2 DP 222080 & Lot 2 DP 225401); and
 - Lot 1 Edwards Road, Rouse Hill 2155 (Lot 1 DP 133473).
- Southern Frame:
 - Nos. 314 to 332-334 Annangrove Road, Rouse Hill 2155 (Lots 27-30 DP 834050, Lots 32-34 DP 834050, Lots 12 & 13 DP 833069 and SP 78246).

SUMMARY OF EMPLOYMENT YIELD

	EXISTING	PROPOSED	TOTAL
Jobs	3,079	4,176	+1,097

SUPPORTING MATERIAL:

Attachment A	Master Plan – Edwards Road Precinct, February 2013
Attachment B	Economic and Employment Assessment, SGS Economics and Planning;
Attachment C	Flora and Fauna Assessment, Eco Logical Australia
Attachment D	Traffic and Accessibility Assessment, Lambert & Rehbein
Attachment E	State Environmental Planning Policies
Attachment F	Section 117 Ministerial Directions
Attachment G	Council Report and Resolution, 8 October 2013
Attachment H	Council Report and Resolution, 12 February 2013
Attachment I	Council Report and Resolution, 27 November 2012
Attachment J	Council Report and Resolution, 24 July 2012
Attachment K	Gateway Determination, 28 May 2013

BACKGROUND

The focus of the planning proposal is the Edwards Road Precinct which is located on the eastern side of Annangrove Road from Murphys Bridge (northern extent) to Withers Road (southern extent) with the Drainage Corridor forming the eastern boundary. It is noted that the Drainage Corridor, zoned SP2 Infrastructure (Stormwater Management System) under *The Hills Local Environmental Plan 2012*, has not been included within the Edwards Road Precinct as this proposal does not seek to amend the zone or any development standard applying this land. The Edwards Road Precinct forms part of the Annangrove Road Light Industrial Area and is highlighted in the following aerial photograph.

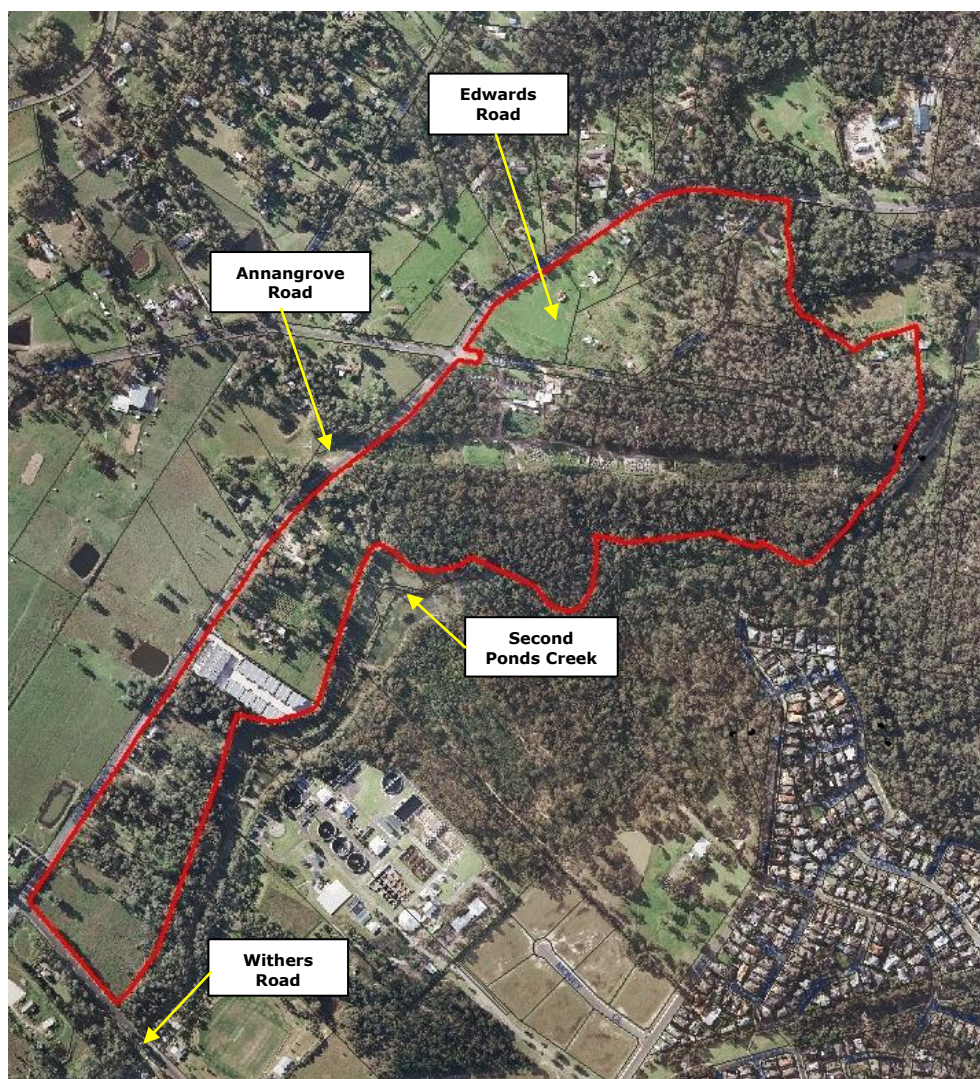


Figure 1
Aerial Photograph (Edwards Road Precinct)

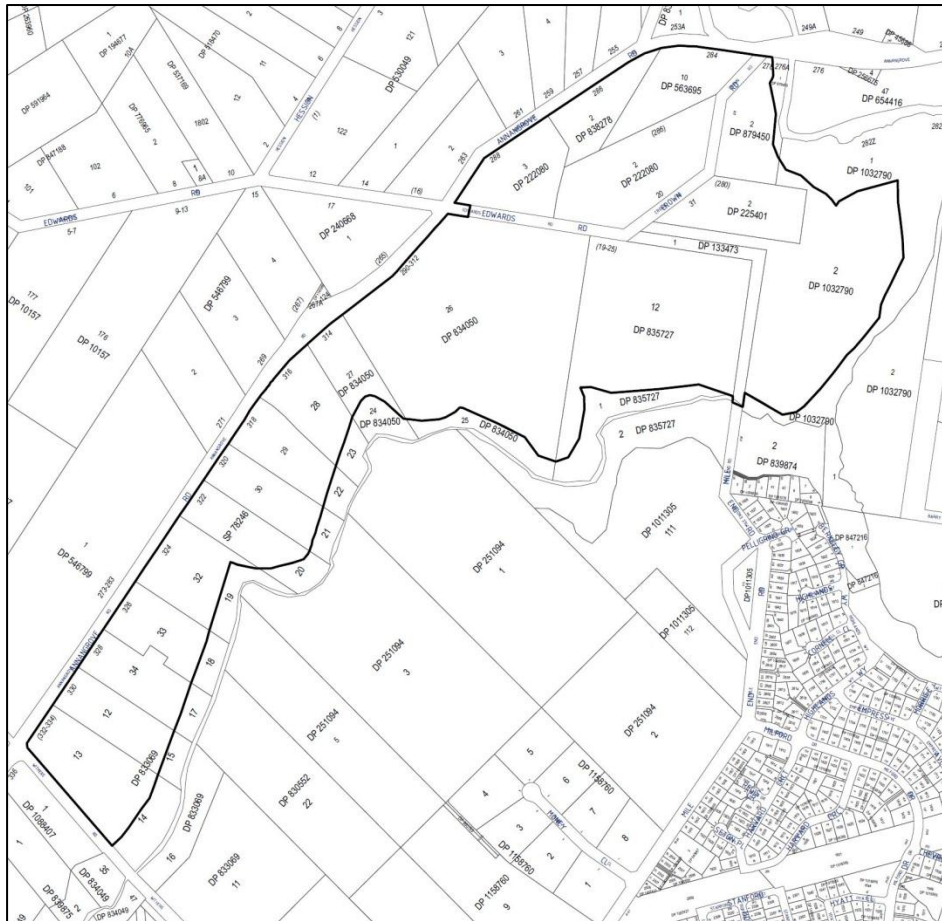


Figure 2
Address and Legal Descriptions (Edwards Road Precinct)

The industrial area was established in 1991 and has had limited success in attracting new industrial businesses. A number of constraints such as endangered and critically endangered ecological communities, slope, and its outlying location have contributed to the slow uptake of land for redevelopment. Notwithstanding these constraints, the precinct is considered to be well situated being within close proximity to the Rouse Hill Major Centre, the proposed North West Rail Link, the North Kellyville Precinct to the south-east, and the proposed Box Hill and Box Hill Industrial Precincts to the north-west.

The Employment Lands and Integrated Transport Directions are the relevant components of Council's Local Strategy to be considered as part of this proposal. During the preparation of the Employment Lands Direction (adopted June 2009) a review was undertaken of the quality and function of employment lands within the Shire. At the time of preparing the Direction the Annangrove Road Light Industrial Area had achieved only 4.9% of its potential employment potential.

In response to the slow uptake of development the Direction required the preparation of a master plan for precinct with the aim of formalising a strategic planning response to attract suitable industrial businesses and to improve the marketable image of the precinct. The preparation of the master plan would enable appropriate consideration of environmental constraints whilst ensuring that development potential and employment opportunities can be achieved. The Direction also recognises that this may result in a different type of product or subdivision pattern from what has traditionally been offered within the Shire's other industrial areas.

In accordance with the action of the Employment Lands Direction, Council has prepared and adopted a master plan for the precinct. The master plan establishes a vision and

development concept for the precinct to assist in the preparation of suitable zoning, minimum lot size and associated development controls. The plan synthesised the recommended outcomes from the specialist studies and provides a cohesive and orderly development outcome that will enable future development to integrate with the planned growth areas immediately adjacent to the precinct. In light of the constraints and opportunities of the Precinct the master plan divided the precinct into two precinct frames being the Northern Frame and Southern Frame (Figure 3)

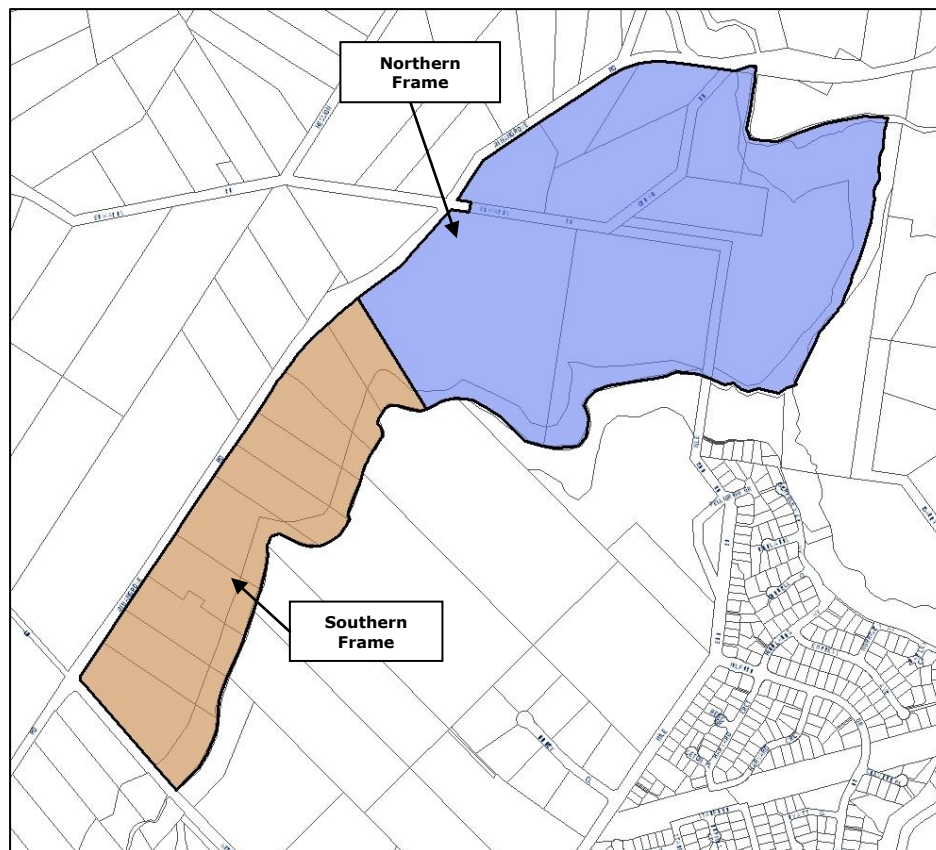


Figure 3
Northern and Southern Frames

This proposal seeks to implement the land use and development control recommendations of the master plan.

PART 1 OBJECTIVES OR INTENDED OUTCOME

To stimulate development and employment generation within the Edwards Road Precinct by facilitating a different type of industrial product and subdivision pattern from what has traditionally been offered within The Hills Shire.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by:

- Amending *The Hills Local Environmental Plan 2012* Land Zoning Map for land within the Edwards Road Precinct to replace the existing IN2 Light Industrial zone with the B6 Enterprise Corridor zone (proposed Land Zoning Map shown in Figure 10).
- Amending *The Hills Local Environmental Plan 2012* Lot Size Map for land within the Edwards Road Precinct (proposed Lot Size Map shown in Figure 12). The proposed Lot Size Map indicates 4,000m² for the Southern Frame and a mix of 2,500m², 4,000m² and 8,000m² for the Northern Frame.

- Amending *The Hills Local Environmental Plan 2012* Land Reservation Acquisition Map to reflect the updated extent of land required for local road widening (proposed Land Reservation Acquisition Map shown in Figure 14).

PART 3 JUSTIFICATION

SECTION A: NEED FOR THE PLANNING PROPOSAL

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

In accordance with the action of the Employment Lands Direction, Council has prepared a 'Master Plan – Edwards Road Industrial Precinct' (Attachment A). The plan was directly informed by the following specialist studies which are outlined in greater detail within Section C of this planning proposal:

- Economic and Employment Assessment, SGS Economics and Planning (Attachment B);
- Flora and Fauna Assessment, Eco Logical Australia (Attachment C); and
- Traffic and Accessibility Assessment, Lambert & Rehbein (Attachment D).

The master plan and supporting documents were exhibited for thirty-one (31) days from Tuesday 7 August 2012 to Friday 7 September 2012. During the exhibition period landowners were actively engaged to provide feedback on the draft Plan to enable refinements to be made to the concept prior to commencing the statutory process of amending Council's planning documents.

On 27 November 2012 Council considered a report on the outcome of the public exhibition of the draft Plan (refer to Attachment I). At this meeting Council resolved as follows:

- 1. This matter be deferred to allow further consultation with affected property owners.*
- 2. Following this consultation, a report be submitted to a Council meeting in February 2013.*

In accordance with the above resolution a landowner consultation meeting was held at Council's Administration Building to enable further discussion to be carried out with affected landowners. The meeting was attended by twenty-one (21) landowners and landowner representatives. At this meeting a number of matters were discussed which resulted in further refinements to the draft Plan. The Plan was subsequently adopted by Council at its meeting of 12 February 2013 (refer to Attachment H).

The master plan seeks to rezone the precinct from the IN2 Light Industrial zone to the B6 Enterprise Corridor zone. It is also proposed that the minimum lot zone be reduced from 8,000m² to a mix of 2,500m², 4,000m² and 8,000m² for various sections of the precinct. A road layout has also been identified to facilitate an efficient and orderly subdivision pattern. The broad strategic vision for the precinct, as identified within the master plan, is included in the following figure:

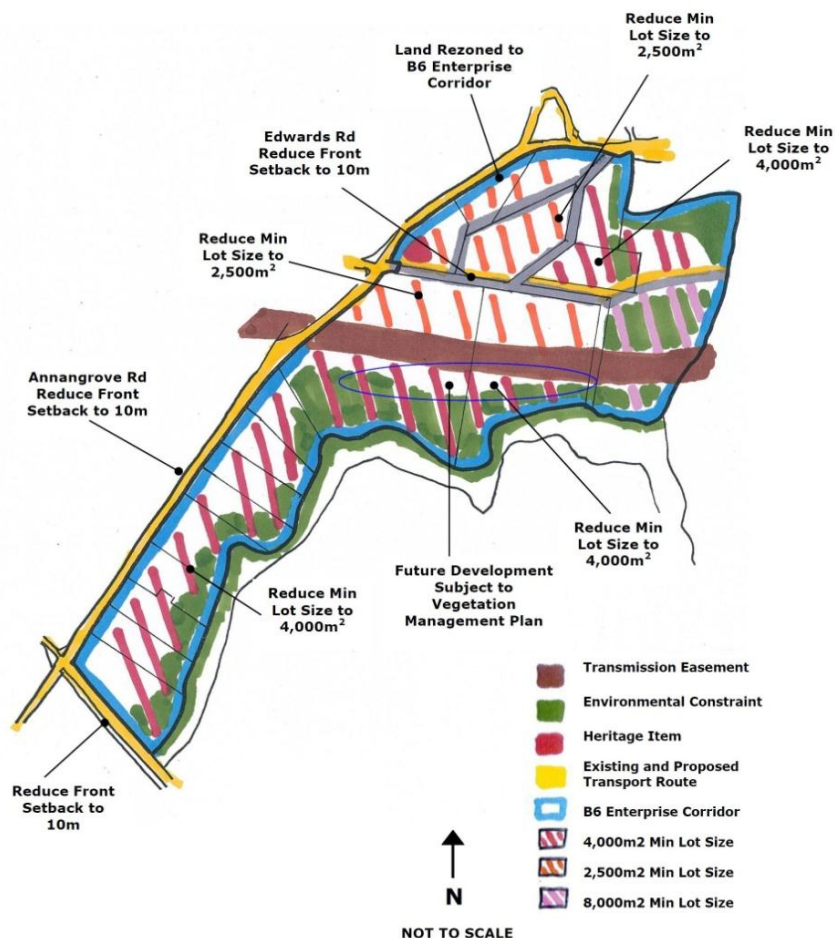


Figure 4
Strategic Vision

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 considered the most appropriate means of achieving the intended outcome for the precinct.

In order to stimulate development the master plan proposes that the precinct be rezoned from the IN2 Light Industrial zone to the B6 Enterprise Corridor zone. This zone will retain the light industrial and urban support function of the precinct whilst providing additional development opportunities through business and office floor space.

The proposed zone will enable a concentration of floor space on the portions of each site which is least constrained. The additional development opportunity will also assist in off-setting the costs resulting from the management of environmental conservation areas and the delivery of critical infrastructure services such as roads, water, sewerage, and electricity. The B6 Enterprise Corridor zone will permit the following additional uses which are not permitted within the IN2 Light Industrial zone:

- Business;
- Office;
- Garden Centres;
- Landscape and Material Supplies;
- Plant Nurseries;
- Educational Establishments;
- Health Services Facilities;

- Public Administration Buildings; and
- Shop Top Housing.

With respect to the minimum lot size standard, it has been identified that the high capital cost of establishing a development on an 8,000m² site is impacting on the feasibility of development, particularly in the current market where there is low demand for industrial floor space. In order to improve the feasibility of development the proposal seeks to apply a minimum lot size of 4,000m² for the Southern Frame and a mix of 2,500m², 4,000m² and 8,000m² for the Northern Frame. The reduction has been proposed to encourage smaller developments that suit niche industries which do not have access to sufficient capital to develop large multi unit complexes and businesses that require less restrictive strata by-laws to operate.

The approach which has been pursued for the precinct is to enable a reduction in the minimum lot size in a manner which avoids reliance on excessive battle-axe lots and which reduces the requirement for developers to construct internal roads. Whilst a reduction in the minimum lot size is proposed for most of the precinct, the extent of the reduction varies depending on the presence and extent of environmental constraints. A larger minimum lot size has been applied to the areas of the precinct which are impacted by an environmental constraint such as vegetation and slope. This will enable the constrained land to be wholly contained within future development lots.

SECTION B: RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. *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

The Metropolitan Plan for Sydney was released in December 2010 and forms the scheduled five yearly review of the Metropolitan Strategy *City of Cities: A Plan for Sydney's Future 2005*. The Plan establishes the planning framework for the Sydney Region to 2036 and takes into account population forecasts, housing and employment needs, sustainability, affordability, liveability and equity.

The Plan has identified that Sydney's growing population will require the generation of an additional 760,000 jobs by 2036 with 145,000 additional jobs to be located within the North West Subregion.

The Plan notes under Action E3.2 that many older employment areas are experiencing a decline in employment activity due to their out-dated building stock and subdivision pattern. In light of this there is a significant opportunity for these areas to be subject to a precinct planning process so as to stimulate redevelopment and job creation.

An overarching theme within the Plan is to ensure that more jobs are located closer to homes. The Edwards Road Precinct is within close proximity to the Rouse Hill Major Centre, the North West Growth Centre and the proposed North West Rail Link. Given the significance of this location, the precinct is well placed to accommodate significant employment growth.

Draft Metropolitan Strategy for Sydney

In March 2013 the Draft Metropolitan Plan for Sydney was released for Public comment. Once finalised, the draft Strategy will replace the Metropolitan Plan for Sydney. The draft Strategy establishes a vision and key objectives, policies and actions to guide the growth of Sydney to 2031 and is under pinned by the following key outcomes:

- Balanced growth;
- A liveable city;
- Productivity and prosperity;
- Healthy and resilient environment; and
- Accessibility and connectivity.

The draft Strategy has identified that Sydney's growing population will require the generation of an additional 625,000 jobs by 2031 with 142,000 additional jobs to be located within the North West and West Central Subregion (comprising The Hills Shire, Auburn, Blacktown, Holroyd and Parramatta Local Government Areas).

The key policies outlined within the draft Strategy with respect to the productivity and prosperity of Sydney are listed below:

- Provide new industrial lands to meet future demand.
- Industrial lands will better link with supply chains and markets.
- Sydney's industries will be supported to adapt to changing local, national and global markets.
- There will be better access to Strategic Centres, the Western Sydney Employment Area and key economic infrastructure as supported by the Long Term Transport Master Plan and State Infrastructure Strategy.
- Proposals to rezone existing industrial lands must be consistent with the Industrial Lands Strategic Assessment Checklist (Criteria Table 1, page 49).

The draft Strategy notes that existing industrial lands, especially in established areas, are under pressure to be rezoned to other uses. To provide a framework to assess proposals to rezone industrial land, an assessment checklist has been developed in consultation with key stakeholders on the NSW Government's Employment Lands Task Force. An analysis of this proposal against the key criteria contained within checklist is provided below.

- Is the proposed rezoning consistent with State and/or council strategies on the future role of industrial lands?*

In response to the slow uptake of development within the precinct Council's Employment Lands Direction required the preparation of a master plan with the aim of formalising a strategic planning response to attract suitable industrial businesses and to improve the marketable image of the precinct. In accordance with this action Council has prepared and adopted a master plan which establishes a vision and development concept for the precinct to assist in the preparation of suitable zoning, minimum lot size and associated development controls.

The key land use recommendation of the master plan was that the precinct be rezoned to the B6 Enterprise Corridor zone. This zone will provide the additional flexibility and floor space potential necessary to offset the significant cost of redevelopment and will enable future development to be concentrated on the portion of each site which is least constrained. Whilst the proposed zone will provide greater flexibility in the range of permitted land uses, light industrial development will remain as a permitted land use and as such the industrial floor space potential within the precinct will be retained.

- Is the site:*
 - *near or within direct access to key economic infrastructure?*
 - *contributing to a significant industry cluster?*

Currently the precinct does not form part of a significant industry cluster due to the slow uptake of land for industrial development within the Annangrove Road Light Industrial Area. However the precinct is considered to be well situated being within close proximity to the Rouse Hill Major Centre, the proposed North West Rail Link, the North Kellyville Precinct to

the south-east, and the proposed Box Hill and Box Hill Industrial Precincts to the north-west. The precinct will significantly benefit from the delivery of key economic infrastructure such as the North West Rail Link and the District and Regional bus routes proposed as part of the planning for the North West Growth Centre. These transport links will ensure that the precinct is well connected to the surrounding residential areas and strategic centres.

c) How would the proposed rezoning impact the industrial land stocks in the subregion or region and the ability to meet future demand for industrial land activity?

As part of the preparation of the master plan Council engaged SGS Economics and Planning to prepare an Economic and Employment Assessment for the precinct (Attachment B). The purpose of the assessment was to identify the root causes that have been preventing the precinct from attracting investment and to provide land use and development control recommendations to stimulate growth.

The analysis found the Annangrove Road Industrial Area to be typical of the North West subregion to the extent that demand appears to be languishing while there is sufficient supply available. In addition to the more regional market forces of supply and demand, it was highlighted that localised issues such as planning controls and development feasibility would also be a contributing factor to the slow uptake of redevelopment.

The proposed rezoning will provide additional floor space and employment opportunities through business and offices uses whilst retaining the light industrial and urban support function of the precinct. The additional land use opportunities, coupled with the reduction in the minimum lot sizes, will increase the capacity for intensified light industrial development. Based on initial estimates the proposal will increase the potential floor space within the precinct by approximately 76,831m². Accordingly, it is considered that the proposed zone will not impact on the industrial land stocks in the subregion or region nor will it impact on the ability to meet future demand for industrial land activity.

d) How would the proposed rezoning impact on the achievement of the subregion/region and LGA employment capacity targets and employment objectives?

Based on initial estimates, the proposal will increase the employment capacity of the precinct by approximately 1,097 jobs. Accordingly, the proposal is considered to satisfy this criterion as it will increase the potential employment within the precinct, LGA and subregion.

e) Is there a compelling argument that the industrial land cannot be used for an industrial purpose now or in the foreseeable future and what opportunities may exist to redevelop the land to support new forms of industrial land uses such as high-tech or creative industries?

The industrial area was established in 1991 and has had limited success in attracting new industrial businesses. A number of constraints such as endangered and critically endangered ecological communities, slope, and its outlying location have contributed to the slow uptake of land for redevelopment. The Economic and Employment Assessment concluded that these constraints, coupled with the land use and planning controls, have rendered redevelopment unfeasible.

In response to these findings, the master plan has proposed a number of land use and development control recommendations to improve the feasibility of development within the precinct and to ensure that the zoning and development controls for this precinct appropriately align with the needs of industry. The findings of the Economic and Employment Assessment identified that local light industrial and business park type uses will be the most appropriate and capable of responding to the sensitive nature of the site.

The approach being pursued through the planning proposal will open the precinct to a wider segment of the industrial market by amending the zone and development standards which currently apply to the precinct. This will result in a different type of industrial product and subdivision pattern from what has traditionally been offered within the Shire's other industrial areas and will facilitate smaller developments that suit niche industries who do not have access to capital to develop large multi-unit complexes and who require less restrictive strata by-laws to operate their business.

f) Is the site critical to meeting the need for land for an alternative purpose identified in other NSW Government or endorsed council planning strategies?

The planning proposal does not pursue an alternative use for the precinct. Whilst the B6 Enterprise Corridor zone will provide additional land use opportunities such as business and office uses, the light industrial and urban support function of the precinct will be retained. The additional development opportunities and floor space potential will assist in offsetting the costs associated with the provision of infrastructure and the management of significant vegetation communities.

Draft North West Subregional Strategy

The Draft North West Subregional Strategy (NW Subregional Strategy) was prepared in December 2007 and outlined how the key actions contained within the Metropolitan Strategy 2005 were to be implemented at the subregional level. At the time of preparing this proposal, the Strategy had not been reviewed in-line with the objectives and actions contained within the Metropolitan Plan for Sydney 2036.

Employment areas currently employ around a quarter of the region's workforce and for this reason the planning of these areas is essential in ensuring that the Sydney Metropolitan economy remains efficient and competitive. In this regard the planning proposal is consistent with the following action contained within the Draft North West Subregional Strategy:

- Action 1.9.1 Identify opportunities to revitalise existing industrial areas. The rejuvenation of underperforming employment areas is seen as critical in ensuring that the supply of employment lands appropriately aligns with the needs of industry. The Strategy recognises that there may be opportunities to increase the capacity of existing employment land through the intensification of under-utilised or vacant sites within the subregion.

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

Yes - The Planning Proposal is consistent with Hills 2026 Community Strategic Direction, Draft Local Strategy, Employment Lands Direction and Integrated Transport Direction as detailed below:

"The Hills Future" Community Strategic Plan

Council's "The Hills Future" Community Strategic Plan identifies the community's vision for the Shire and outlines how Council will align its delivery of services and facilities to support this vision. Council's vision is for '*proactive leadership creating vibrant communities, balancing urban growth, protecting our environment and building a modern local economy*'.

The planning proposal is consistent with the following Community Outcomes:

- Proactive Leadership – Council works together with the community;
- Balanced Urban Growth – I can get to where I need to go;
- Balanced Urban Growth – Lifestyle options that reflect our natural beauty;
- Modern Local Economy – Our Shire attracts new businesses and visitors; and

- Modern Local Economy – I can work close to home.

The critical outcome which will be achieved through this proposal is the creation of a modern local economy. This planning proposal seeks to achieve a modern local economy through the utilisation and redevelopment of an existing underperforming employment area. In doing so, this proposal will assist in achieving the aim of ensuring that the Shires employment lands are modern, well located and have access to high frequency public transport services. This will have the effect of attracting new businesses and will enable these businesses to grow.

Draft Local Strategy

To build on the Hills 2026 Community Strategic Direction, a Local Strategy and supporting Directions have been prepared in response to the growth and development that will occur within the Shire. It provides an informed framework for land use planning and decision making with a focus on employment lands, residential development, centres, environment and leisure, and integrated transport.

In June 2008 Council adopted its Draft Local Strategy to provide the basis for the future direction of land use planning in the Shire and within this context implement the key themes and outcomes of the 'Hills 2026 Looking Toward the Future'. The Employment Lands and Integrated Transport Directions recognise the importance of revitalising existing employment areas to encourage economic growth and job creation and ensuring that residents and workers are provided with a range of transport options.

Employment Lands Direction

The Employment Lands Direction establishes the overall strategic context for the planning and management of employment lands within The Hills Shire and considers a range of issues such as land availability, growth opportunities and the revitalisation of older areas.

The Employment Lands Direction highlights the importance of revitalising existing underperforming employment areas. This includes making better use of existing services and infrastructure and ensuring that building stock meets the technological needs of industry. Redeveloping older industrial areas for higher order employment uses provides opportunities for increased investment and jobs closer to home. With specific reference to the Annangrove Road Light Industrial Area, the Employment Lands Direction states that the precinct has not been successful in attracting industrial businesses for the following reasons:

- Outlying location;
- Lack of marketable image;
- Fragmented ownership;
- Need for cooperation between landowners to achieve access in some instances; and
- Extensive vegetation including endangered ecological communities.

Whilst the precinct represents a substantial opportunity to provide for additional employment growth the Direction notes that in order to attract businesses to the precinct a strategic planning response is required to address the identified site constraints and matters relating to accessibility. The critical action within the Direction which has prompted this proposal is included below:

- Action E6.1.1 (a): Instigate master planning at Annangrove Road Industrial Precinct to recognise and plan for particular site constraints and opportunities, to encourage take up and generate employment.

In accordance with the above action a master plan has been prepared for the precinct. The land use and development control recommendations contained within the master plan form the basis of this planning proposal.

Integrated Transport Direction

Council's Integrated Transport Direction commenced in May 2010 and provides an overall strategic context for the planning and management of transport within the Shire. The Direction provides a package of solutions to provide greater connectivity between key destinations and to ensure that residents and workers can get where they need to go with a range of integrated travel options.

The Direction is underpinned by five key directions which are to:

- Plan and manage the Shire's transport network to meet community needs;
- Facilitate delivery of a cohesive transport network;
- Promote and enhance sustainable travel choices;
- Plan for an integrated transport network for new areas; and
- Encourage quality transport outcomes.

The precinct will significantly benefit from the delivery of the North West Rail Link and from the District and Regional bus routes proposed as part of the planning for the North West Growth Centre. These transport links will ensure that the precinct is well connected to the surrounding residential areas and strategic centres.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment E. A detailed discussion on the consistency of the proposal with the relevant Policies is provided below.

State Environmental Planning Policy No 55 Remediation of Land

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by:

- (a) specifying when consent is required, and when it is not required, for a remediation work;
- (b) specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and
- (c) requiring that remediation work meet certain standards and notification requirements.

The Policy requires a planning authority to consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.

Based on a review of historic aerial photography from 1947 and 1961, it is evident that the precinct has primarily been used for rural residential purposes. However, it is likely that some properties were previously used for minor agricultural activities. Whilst agricultural activities are identified within Table 1 of the Contaminated Land Planning Guidelines as a 'possible activity that may cause contamination', given the low intensity of these uses within the precinct the risk of contamination is considered to be low. Accordingly, a contamination assessment is not considered to be necessary at this stage of the plan preparation process.

The B6 Enterprise Corridor zone has been proposed for this precinct as it provides additional office and business opportunities which are not currently available within the IN2 Light Industrial zone. Whilst 'shop top housing' is permitted within the B6 Enterprise Corridor zone it is considered that there will be limited demand for this use within this precinct.

Given the size of the precinct and the range of permitted uses within the proposed zone it would be appropriate that contamination be addressed on a site by site basis as part of the assessment of individual applications for mixed use development incorporating shop top housing.

For the reasons outlined above the proposal is considered to satisfactorily address the requirements of SEPP 55 Remediation of Land for the current phase of the proposal's assessment.

State Environmental Planning Policy (Infrastructure) 2007

The key objective of the Policy is to assist in facilitating the delivery of infrastructure by introducing consistent planning regime which provides greater certainty regarding the planning provisions applying to infrastructure projects across NSW. The planning proposal does not contradict or repeat any provision within the Policy. Any future development within the precinct will need to be in accordance with the provisions of the Policy.

SREP No 20 Hawkesbury-Nepean River

The aim of SREP No 20 (No. 2 – 1997) is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as environmentally sensitive areas, water quality, water quantity, flora and fauna, riverine scenic quality, agriculture, and metropolitan strategy.

The precinct is currently zoned IN2 Light Industrial wherein industrial development is already permitted. Appropriate controls will apply to ensure that future development does not adversely impact the riverine environment. Accordingly, it is considered that the planning proposal achieves satisfactory compliance with the provisions of SREP No 20 (No. 2 – 1997).

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

The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment F. A discussion on the consistency of the proposal with each relevant Direction is provided below.

Direction 1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth, protect employment lands and support the viability of strategic centres. The Direction requires that where relevant a draft LEP shall:

- (a) Give effect to the objectives of this direction;
- (b) Retain business areas and locations of existing business and industrial zones;
- (c) Not reduce the total potential floor space area for employment uses and related public services in business zones;
- (d) Not reduce the total potential floor space for industrial uses in industrial zones; and
- (e) Ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

Under the current zoning there has been very little uptake of redevelopment. This finding is supported within Council's Local Strategy and the Economic and Employment Assessment prepared by SGS Economics and Planning (Attachment B).

In order to stimulate development and employment generation this proposal seeks to rezone the precinct from the IN2 Light Industrial zone to the B6 Enterprise Corridor zone. The proposed rezoning is considered to be the most appropriate means of providing

additional floor space and employment opportunities through business and offices uses whilst retaining the light industrial and urban support function of the precinct. Under the current zone these additional opportunities will not be available which would significantly restrict the feasibility of development within the precinct.

The additional development opportunity will also assist in off-setting the costs resulting from the management of environmental conservation areas and the delivery of critical infrastructure services such as roads, water, sewerage, and electricity. It is recognised that the additional uses that are permitted within the B6 Enterprise Corridor zone will create a minor inconsistency within this Direction. However, it is highlighted that light industrial development will remain as a permitted land use under the proposed zone. The additional land use opportunities, coupled with the reduction in the minimum lot sizes, will increase the capacity for intensified light industrial development.

A comparison of the existing and proposed floor space and employment capacity is included within the following table. As can be seen it is estimated that the potential achievable floor space within the precinct will increase by approximately 76,831m². This additional floor space will increase the employment capacity of the precinct by approximately 1,097 jobs.

Floor Space and Employment Capacity		
	Potential Floor Space (m²)	Employment Yield (1 person/ 70m²)
Existing Capacity (FSR 0.5:1)	215,495*	3,079
Proposed Capacity (FSR 0.75:1)	292,326**	4,176
Difference	+76,831	+1,097
* Based on Contributions Plan No. 11 floor space assumptions ** Does not include potential floor space south of the transmission easement within the Northern Frame		

Table 1:
Floor Space and Employment Capacity

Whilst there is a minor inconsistency with this Ministerial Direction, the proposal will assist in achieving the objectives of the Direction as detailed below.

(a) Encourage employment growth in suitable locations

The precinct is well situated being within close proximity to the Rouse Hill Major Centre, the proposed North West Rail Link, the North Kellyville Precinct to the south-east, and the proposed Box Hill and Box Hill Industrial Precincts to the north-west. Future development within the precinct will provide employment opportunities for the future residents within the Growth Centres and will also provide critical urban support services for those residents.

(b) Protect employment land in business and industrial zones

The B6 Enterprise Corridor zone will provide the additional flexibility and floor space potential necessary to offset the significant cost of redevelopment and will enable future development to be concentrated on the portion of each site which is least constrained. Whilst the proposed zone will provide greater flexibility in the range of permitted land uses, light industrial development will remain as a permitted land use and as such the industrial floor space potential within the precinct will be retained.

(c) Support the viability of strategic centres

As retail uses are not permitted within the B6 Enterprise Corridor zone, the proposal will not impact on the viability of the Rouse Hill Major Centre of the planned town centres within Box Hill or North Kellyville. Rather the future employment development within this precinct will support these centres by providing employment opportunities (including industrial, business and office) for surrounding residents. Future public transport services identified as part of the planning for the North West Growth Centre and the North West Rail Link will also ensure that the employment area integrates with the identified strategic centres.

Direction 2.1 Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas and applies to all councils preparing a planning proposal. The Direction requires that a planning proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas and that land within an environment protection zone shall not reduce the environmental protection standards that apply to the land.

Under LEP 2012 the E2 Environmental Conservation zone has been used to zone Broadwater Swamp and ten additional wetlands that were identified in Council's Natural Assets Assessment Project Stage 2 Wetlands Study prepared by Teresa James in May 2002. No land within the Edwards Road Precinct is currently zoned, or is proposed to be zoned, E2 Environmental Conservation.

As part of the preparation of the Edwards Road Precinct Master Plan, Council engaged the firm Eco Logical Australia to prepare a flora and fauna assessment for the precinct. The purpose of the assessment was to identify the extent and significance of vegetation communities within the precinct. The assessment identified the presence of Cumberland Plain Woodland (Critically Endangered Ecological Community) and Shale Sandstone Transition Forest (Endangered Ecological Community). Details regarding the outcome of this assessment are included within Section C of this proposal.

It is proposed that the management of areas of significant vegetation be undertaken via the existing assessment framework under the *Environmental Planning and Assessment Act 1979*, *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*. This will involve the preparation of a species impact assessment for any development which is likely to have a significant impact on the vegetation communities within the precinct. Compensatory Offset measures will also be considered for any significant impacts that cannot be avoided or mitigated. The offsetting measures will need to be developed in accordance with the "Principles for the use of Biodiversity Offsets in NSW".

As the current approach for the management of vegetation will be maintained the inconsistency with this Direction is considered to be of minor significance.

Direction 2.3 Heritage Conservation

This Direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction requires that a planning proposal must contain provisions that facilitate the conservation of environmental heritage. It is noted that an old farm cottage at No. 288 Annangrove Road (Lot 3 DP 222080) is listed as an item of local heritage significance under Schedule 5 of *The Hills Local Environmental Plan 2012 (Item I181)*. An extract of the Heritage Conservation Map of LEP 2012 is included as Figure 5. The proposal is considered to be consistent with this Direction as it will not impact on the existing heritage conservation provisions within LEP 2012.

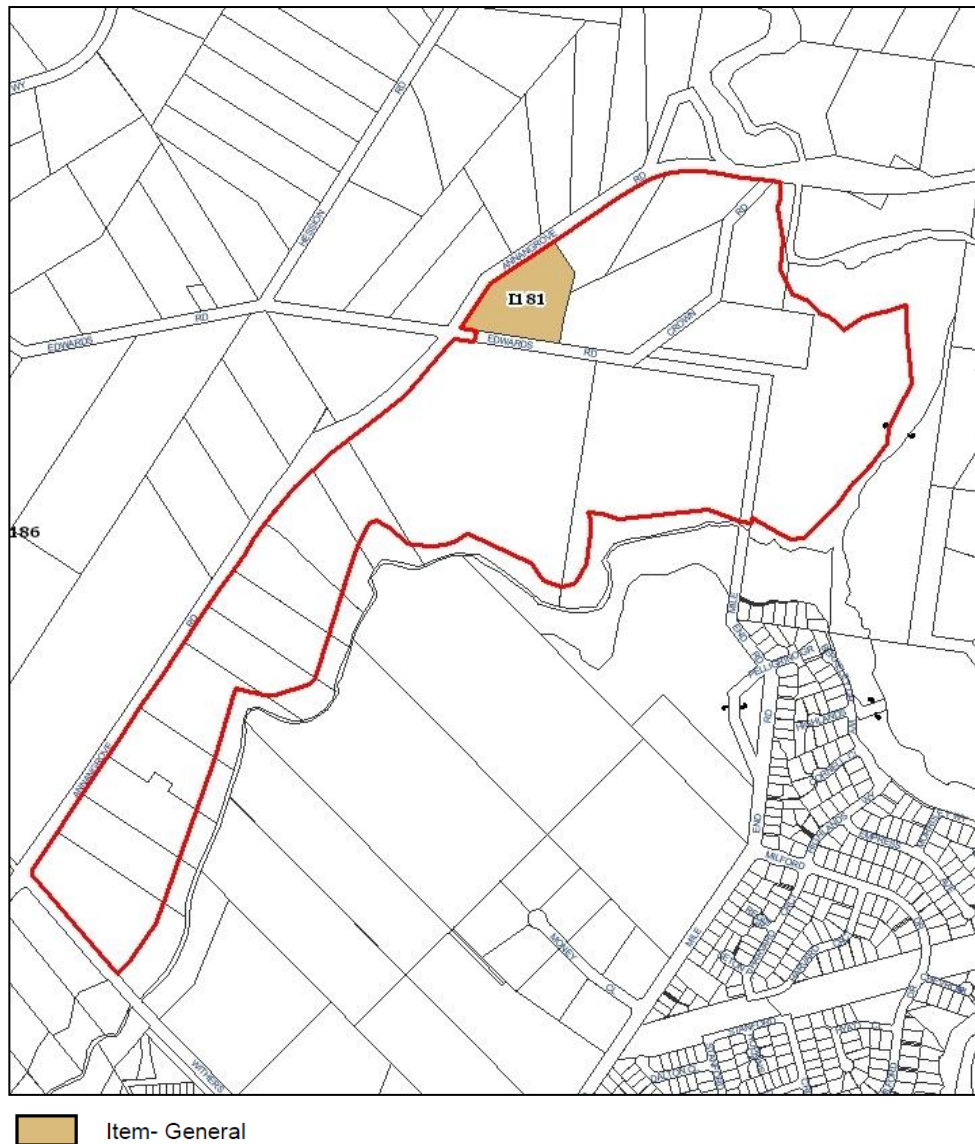


Figure 5
Heritage Conservation Map

Direction 3.4 Integrating Land Use and Transport

This Direction aims to ensure that development improves access to housing, jobs and services, increase choice of available transport, reduce travel demand, and provide for the efficient movement of freight. A planning proposal must locate zones for urban purposes and include provisions that are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

The precinct is considered to be well situated being within close proximity to the Rouse Hill Major Centre, the North Kellyville Precinct to the south-east, and the proposed Box Hill and Box Hill Industrial Precincts to the north-west. The precinct will also benefit from the delivery of the North West Rail Link and the District and Regional bus routes proposed as part of the planning for the North West Growth Centre. These public transport links will ensure that the precinct is well connected to the surrounding residential areas and strategic centres. As future employment growth within the Edwards Road Precinct will contribute toward the provision of jobs closer to homes this proposal is considered to be consistent with this Direction.

Direction 4.3 Flood Prone Land

This Direction applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land and requires the planning proposal to include provisions that give effect to, and be consistent with, the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*). The Direction requires that planning proposals must not permit development that will result in significant flood impacts to other properties, permit significant increases in the development of that land or result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

Council's flood mapping does not identify the extent of the Flood Planning Level for this precinct. However a previous study undertaken by Sydney Water of land within the Drainage Corridor identified that the 1 in 100 year Average Recurrence Interval (ARI) for this precinct is generally contained within the land zoned SP2 Infrastructure (Stormwater Management System) under LEP 2012. There may be some land, below the 1 in 100 ARI, which extends above the Trunk Drainage Corridor. However, Clause 7.3 of LEP 2012 requires that development consent cannot be granted to development on land below the flood planning level (1 in 100 year ARI plus 0.5 metre freeboard), unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land; and
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties; and
- (c) incorporates appropriate measures to manage risk to life from flood; and
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses; and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

In addition to the provisions of LEP 2012, applicable flood related development controls will apply through The Hills Development Control Plan. These controls will apply to any land which adjoins land zoned SP2 Infrastructure (Stormwater Management System) or land affected by an overland flow path. These controls have been prepared in accordance with the NSW Government's Flood Prone Land Policy.

It is considered that the provisions of the planning proposal that are inconsistent are of minor significance and can be addressed at the development assessment stage.

Direction 4.4 Planning for Bushfire Protection

Much of the precinct is identified as bushfire prone, containing Vegetation Category 1 and buffer. Below is an extract from The Hills Shire Bushfire Prone Land Map 2012.

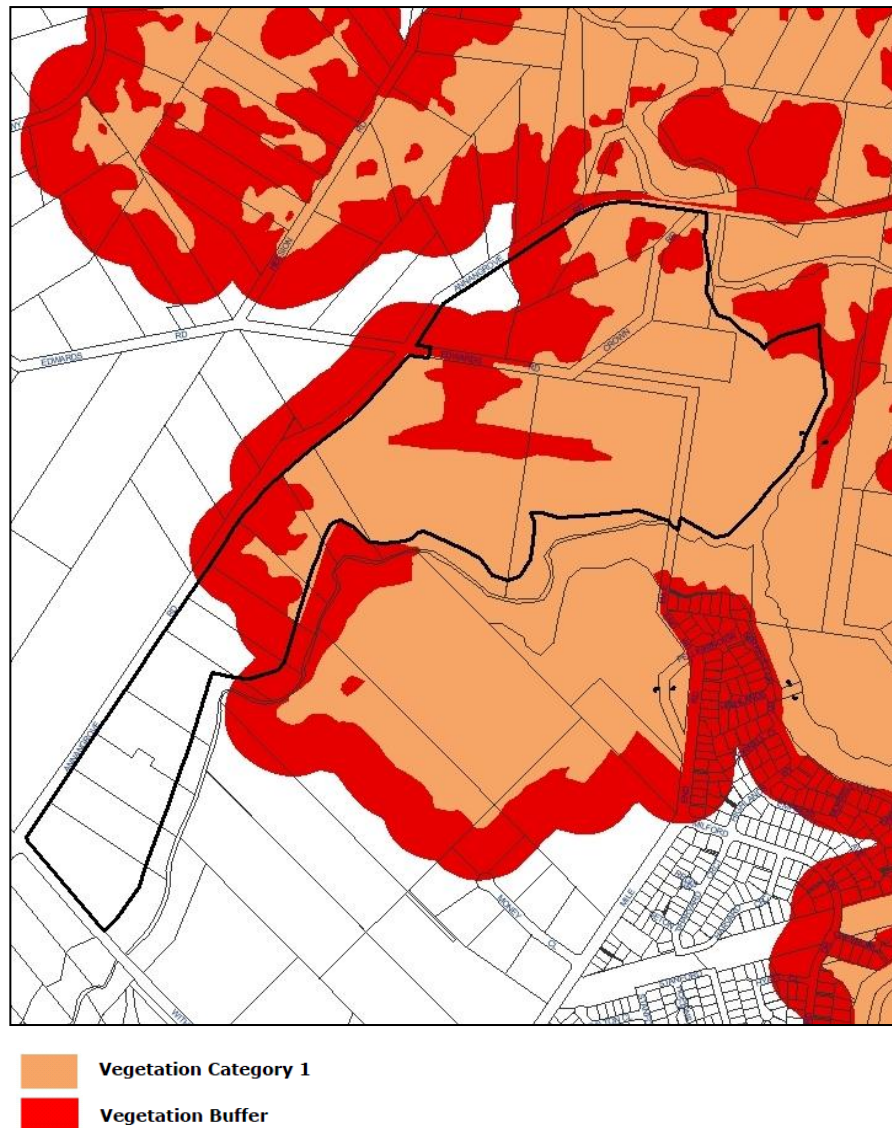


Figure 6
Bushfire Prone Land Map

Any planning proposal for land which is identified as being bushfire prone on a Bushfire Prone Land Map must be consistent with Ministerial Direction 4.4 Planning for Bushfire Protection. The Direction requires that planning proposals:

- (a) have regard to Planning for Bushfire Protection Guideline 2006;
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas; and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

The Direction requires that Council undertake consultation with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act. Council will need to take into consideration any comments received as part of this consultation.

Clause 5.11 of LEP 2012 requires that bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent. This provision ensures that bush fire hazard reduction work is not prohibited within Asset Protection Zones.

Direction 6.1 Approval and Referral Requirements

The purpose of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development by minimising the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. The proposal is considered to be consistent with this Direction as it does not include any concurrence, consultation or referral provisions and does not identify any development as designated development.

Direction 6.2 Reserving Land for a Public Purpose

The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. The planning proposal seeks to amend the land acquisition requirements at the intersections of Annangrove Road/ Withers Road and Annangrove Road/ Edwards Road by adjusting the land identified for local road widening within the Land Zoning Map and the Land Reservation Acquisition Map of LEP 2012.

Under Clause 5.1 of LEP 2012 Council is the relevant acquisition authority for land identified on the Land Reservation Acquisition map as SP2 Infrastructure and marked 'Local Road Widening'. As Council is the relevant acquisition authority for this land no concurrence is required from another public authority. Accordingly the planning proposal is considered to be consistent with this Direction.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The proposal is consistent with this Direction as it will enable the desired land uses to be undertaken without imposing any development standards or requirements which are in addition to those already contained within LEP 2012.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The planning proposal is consistent with the Strategic Directions and Key Policy Settings of the Metropolitan Plan for Sydney 2036. An overarching theme within the Plan is to ensure that more jobs are located closer to homes. The Edwards Road Precinct is within close proximity to the Rouse Hill Major Centre, the North West Growth Centre and the proposed North West Rail Link. Given the significance of this location, the precinct is well placed to accommodate employment growth.

SECTION C: ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. 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 precinct is currently zoned IN2 Light Industrial wherein light industrial development is already permitted with consent. The assessment of the potential impact of development on significant vegetation communities is addressed under Section 5A of the *Environmental Planning and Assessment Act 1979* the *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*.

As part of the preparation of the master plan Council engaged the firm Eco Logical Australia to prepare a Flora and Fauna Assessment for the precinct. The purpose of the assessment was to clarify the extent and significance of the vegetation communities within the subject area. A copy of the assessment is included as Attachment C of this proposal.

Vegetation Communities

The assessment identified three vegetation communities within the precinct including Shale Sandstone Transition Forest (SSTF), River-Flat Eucalypt Forest (RFEF), and Cumberland Plain Woodland (CPW). CPW is listed as a critically endangered ecological community under both the NSW *Threatened Species Conservation Act 1997* (TSC Act) and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), while SSTF is listed as an endangered ecological community under both the TSC and EPBC Acts. A map of the vegetation communities within the precinct is included in the following figure.

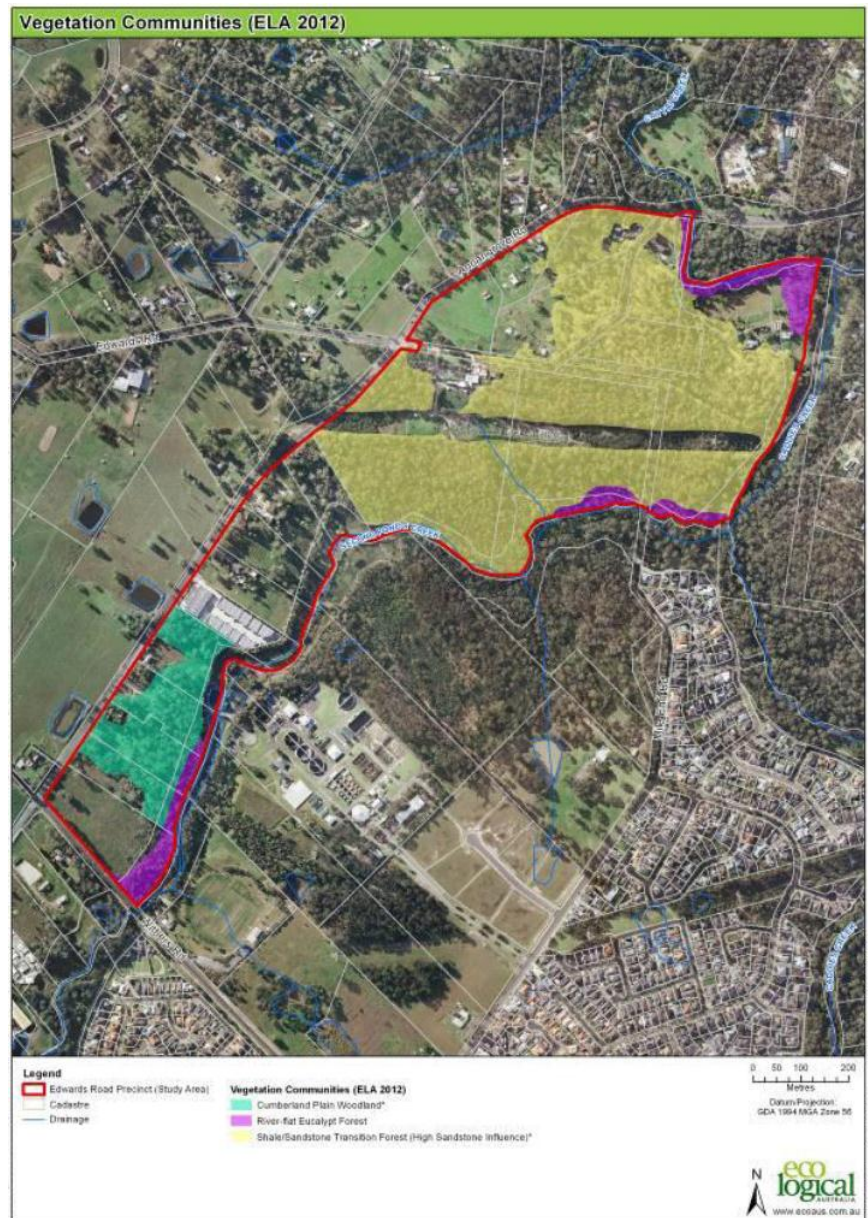


Figure 7
Vegetation Communities (ELA 2012)

Note: the study area for the vegetation assessment included the Drainage Corridor.

Ecological Constraints Assessment

An ecological constraints assessment was also undertaken to assign areas within the precinct with a high, moderate, low, or very low ecological constraint. The analysis was based on the presence of ecologically endangered communities, vegetation community condition (extent of weeds), vegetation community condition (stratum characteristics), core

The areas which were mapped as 'high constraint' are those that scored highest in the ecological assessment compared to other parts of the site. This information was designed to be used in a master planning process in which a number of objectives for the site would also be considered including economic viability, traffic management, visual amenity and infrastructure servicing. Whilst the constraints map provides an input to this process it is not intended to be a map denoting areas of vegetation for retention. Whilst it is acknowledged that the areas identified as having a 'high constraint' are areas which have high ecological value, the map does not denote areas which cannot be considered for removal or for biodiversity trading. The results of the constraints analysis are included in the following map.



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Conservation and Management Recommendations

It is proposed that the management of areas of significant vegetation be undertaken via the existing assessment framework. Any proposed development which is likely to have a significant impact on the critical or endangered vegetation communities within the precinct will be subject to the assessment framework under the aforementioned legislation. This would involve the preparation of a species impact statement for any development which is likely to have a significant impact on the vegetation communities within the precinct.

If the development is approved, Council will require as a condition of development consent that a Vegetation Management Plan be prepared and submitted for approval. This plan will need to be endorsed by the Office of Environment and Heritage. The preparation of a Vegetation Management Plan will ensure that the areas which are deemed to have high conservation significance are appropriately managed to encourage the regeneration of remnant vegetation.

Compensatory Offset measures may also be considered for any significant impacts that cannot be avoided or mitigated. The offsetting measures will need to be developed in accordance with the "Principles for the use of Biodiversity Offsets in NSW".

The approach which is being pursued will enable development to be concentrated on the portion of each development site which is least constrained. The additional development potential will ensure that sufficient funds are available to manage and regenerate the areas which are identified for retention through future development proposals. Most areas of vegetation within the precinct will require management to enhance their condition and support long term viability. In this regard future development must be economically feasible so as to ensure that sufficient funds are available to allocate toward the initial regeneration works and the ongoing management of the conservation areas.

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

Other potential environmental effects resulting from the proposal are outlined below.

Bushfire

As mentioned previously within this proposal much of the precinct is identified as bushfire prone containing Vegetation Category 1 and buffer. As part of the plan preparation process Council will be required to undertake consultation with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act. Council will need to take into consideration any comments received as part of this consultation.

Future development proposals on land which is bushfire prone will need to be supported by a bushfire assessment addressing how the development meets the aims and objectives of *Planning for Bushfire Protection Guidelines 2006* in relation to access, water, services, emergency planning and landscaping/vegetation management.

Flooding

There may be some land, below the 1 in 100 ARI, which extends above the Trunk Drainage Corridor. However Clause 7.3 of LEP 2012 requires that development consent cannot be granted to development on land below the flood planning level (1 in 100 year ARI plus 0.5 metre freeboard), unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land; and
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and

- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

In addition to the provisions of LEP 2012 applicable flood related development controls will apply through The Hills Development Control Plan. These controls will apply to any land which adjoins land zoned SP2 Infrastructure (Stormwater Management System) or land affected by an overland flow path. These controls have been prepared in accordance with the NSW Government's Flood Prone Land Policy.

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

Social Effects

Given the type and scale of development anticipated within the precinct, it is considered that the proposal will not place any significant additional demand on social infrastructure within the vicinity of the site such as educational establishments, schools or open space facilities (either local or regional).

Economic Effects

As part of the preparation of the master plan Council engaged the firm SGS Economics and Planning to prepare an Economic and Employment Assessment for the precinct. The purpose of the assessment was to identify the root causes that have been preventing the precinct from attracting investment and to provide land use and development control recommendations to stimulate growth.

Although the Employment Lands Direction had already proposed possible causes, further assessment was required to identify whether or not Council's existing development controls have been impacting on the feasibility of development within the precinct. A copy of the Economics and Employment Assessment is included as Attachment B of this proposal.

Development Context

The assessment identified that there is an abundance of zoned industrial land in Outer Western Sydney (with an estimated 10 to 20 years worth of supply). This additional supply is functioning to suppress rental growth and is keeping the industrial market in this area tight.

The assessment examined current development applications and recent development approvals within The Hills Shire to assess the local trends. The analysis found the Annangrove Road Industrial Area to be typical of the North West subregion to the extent that demand appears to be languishing while there is sufficient supply available. In addition to the more regional market forces of supply and demand, it was highlighted that localised issues such as planning controls and development feasibility would also be a contributing factor to the slow uptake of redevelopment.

Land Use Recommendations

It was identified that local light industrial and business park type uses will be the most appropriate and capable of responding to the sensitive nature of the site. The land use recommendations were based on existing and future economic and employment trends, local level development approval data, consultation with key stakeholders and the feasibility assessments. The assessment found that light manufacturing, local light industrial urban support services, and smaller business park type uses as most suitable for the precinct.

In recognition of this finding the planning proposal is pursuing the B6 Enterprise Corridor zone for the precinct. This zone is considered to be most appropriate as it will permit the key land uses recommended within the assessment. The flexibility of this zone will also

ensure that the supply of employment lands within The Shire appropriately aligns with the needs of industry.

Development Controls Findings

The assessment benchmarked the land use and built form controls of various comparable industrial areas against the existing controls for the Edwards Road Precinct. This analysis was undertaken to identify whether the existing controls were impacting on the attractiveness of the precinct for redevelopment.

Of the four case study areas selected, the analysis identified that of the most common lot range was less than 2,000m², followed by 2,000 to 4,000m². Lots greater than 8000m² represented only 23% of the sample. Based on the assumption that market demand is sensitive to lot size, the assessment concluded that a large portion of the industrial market may be excluded by the existing 8,000m² minimum lot size control. When considered in parallel with Council's existing standards for parking, setbacks, lot width and floor space, the assessment concluded that the high capital cost to establish a development on an 8,000m² site is impacting project feasibility. This is particularly the case in the current market where there is low demand for industrial space.

Evidence of reduced demand is present within Council's existing industrial areas with small start-up office uses occupying vacant industrial space. There have also been instances where industrial uses such as vehicle workshops and smash repairers are being excluded from large strata title developments due to restrictive by laws.

For the reasons outlined above it is considered appropriate that an approach be sought which opens the precinct to a wider segment of the industrial market. This will result in smaller developments that suit niche industries.

Traffic Management

As part of the preparation of the master plan Council engaged the firm Lambert & Rehbein to prepare a Traffic and Accessibility Assessment for the precinct. The purpose of the assessment was to assess the performance of the local road network and to have regard to traffic generation arising from the current and proposed land use and built form controls. A copy of the Traffic and Accessibility Assessment has been included as Attachment D of this proposal.

The potential traffic volume generated within the precinct was calculated to understand the total impact of the future development on the surrounding road network. The assessment provided an analysis of the potential impact of traffic on Annangrove Road and the intersections of Withers Road and Edwards Road.

The assessment applied traffic generation rates to the proposed land uses in accordance with Roads and Traffic Authority (now Roads and Maritime Services) Guide to Traffic Generating Developments, 2002. Proposed intersection treatments were also modelled through the use of SIDRA intersection analysis. The purpose of the analysis is to ensure that the future intersection layouts are capable of accommodating the forecast demand at an acceptable level of service.

In support of this proposal Council has reviewed Development Contributions Plan No. 11 – Annangrove Road Industry to ensure that the infrastructure works are appropriate to meet the expected demand from future development. The proposed road layout and intersection treatments are included within the attached master plan and are summarised below:

- Signalised upgrade of the Annangrove Road, Withers Road and Water Lane intersection to accommodate a four lane configuration in each direction with turning bays.
- Two lane roundabout at the intersection of Annangrove Road and Edwards Road.

- Two lane roundabout at the first internal intersection of Edwards Road transitioning to a single lane in each direction for the remainder of the precinct.

SECTION D: STATE AND COMMONWEALTH INTERESTS

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

Augmentations will be required to the existing infrastructure to ensure that future development lots are appropriately serviced.

- Water & Sewerage Services
In accordance with the Gateway Determination, Sydney Water Corporation was consulted during the exhibition period. No submission was received.
- Electricity Services
In accordance with the Gateway Determination, TransGrid and Endeavour Energy were consulted during the exhibition period. The comments made by both agencies are detailed below under question 11.
- Traffic Generation and Management
In accordance with the Gateway Determination the Roads and Maritime Services was consulted during the exhibition period. The comments made by the Roads and Maritime Services are detailed below under question 11.

11. 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?

The Gateway Determination, dated 28 May 2013, identified that consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act 1979 and/or to comply with the requirements of relevant Section 117 Directions.

- NSW Rural Fire Service;
- Department of Planning and Infrastructure – Strategies and Land Release;
- Hawkesbury – Nepean Catchment Management Authority;
- Office of Environment and Heritage;
- NSW Department of Primary Industries – Agriculture;
- Endeavour Energy;
- Transport for NSW – Roads and Maritime Services;
- Sydney Water; and
- Transgrid.

Seven public authority submissions were received during the public exhibition period. These submissions resulted in no change to the planning proposal. An overview of the issues raised by public authorities is included within the 8 October 2013 report to Council (Attachment H) and are summarised below. It is noted that there is an unresolved agency objection from the Office of Environment and Heritage.

Department of Planning and Infrastructure – Strategies and Land Release

The Strategies and Land Release Team of the Department of Planning and Infrastructure raised no objection to the planning proposal, however noted that the land covered by *State Environmental Planning Policy (Sydney Region Growth Centres 2006 (Growth Centres SEPP)* will need to be removed from the final planning proposal documentation.

Comment:

The mapping snapshots contained within the planning proposal were updated prior to the public exhibition period to reflect the formal release of the Box Hill and Box Hill Industrial

Precincts. Whilst the Standard Technical A3 maps were not exhibited as part of the planning proposal, Council officers will ensure that the Standard Technical A3 maps appropriately reflect the release of these precincts.

NSW Rural Fire Service

The NSW Rural Fire Service raised no objection to the draft plans, however highlighted that a number of matters would need to be addressed as part of the assessment process for any future development applications.

Comment:

As the Precinct contains significant vegetation with a significant portion identified as bushfire prone land, any future development will need to comply with section 79BA 'Consultation and Development Consent – Certain Bush Fire Prone Land' of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Section 91 of the EP&A Act if integrated development is proposed.

Future development on bush fire prone land will need to be supported by a bushfire assessment addressing how the development meets the aims and objectives of the *Planning for Bushfire Protection Guidelines 2006* in relation to matters such as building materials, access, water, services, emergency planning and landscaping/vegetation management. This will include the provision and maintenance of asset protection zones.

Endeavour Energy

Endeavour Energy raised no objection to the planning proposal, however noted that the B6 Enterprise Corridor zone is likely to attract higher electrical loading than the IN2 Light Industrial zone. Depending on the nature of the customer within the proposed B6 Enterprise Corridor zone, the existing supply network from Mungerie Park Zone Substation may require further augmentation or new supply feeders.

Comment:

With respect of electricity infrastructure and connections, the development consent for subdivision will require the developer to obtain a Notification of Arrangement (NOA) from Endeavour Energy. This NOA will indicate that the developer has made the necessary arrangements to provide electrical services to the development and that the costs and other servicing requirements identified by Endeavour Energy have been satisfied.

Office of Water – Department of Primary Industries

The Office of Water raised a number of issues within their submission. The key issues are detailed below.

- *Zoning of Riparian Corridors:*

The Office of Water's preference is for the riparian corridor to be zoned E2 Environmental Conservation. However if the riparian corridors are to be zoned B6 Enterprise Corridor, the Office of Water recommend that an objective be included under the zone to protect and enhance the creeks and riparian lands.

Comment:

Control C2.2(C) of Part B Section 7 – Industrial of the Development Control Plan identifies a 40 metre setback from the top bank of the creek which is in accordance with the NSW Office of Water Guidelines for Riparian Corridors on Waterfront Land, dated July 2012. As part of the assessment of any future development within the Precinct, applicants will be required to identify the appropriate riparian corridor distance from the creek in accordance with the NSW Office of Water Guidelines, as is currently undertaken within the other industrial areas within the Shire.

The application of a new objective to the B6 Enterprise Corridor zone to protect and enhance the riparian lands is not considered to be necessary as not all land zoned B6 Enterprise Corridor contains riparian land. Rather the management of riparian areas will occur through the 'Biodiversity' controls contained within Development Control Plan 2012.

- *Conservation Areas*

The submission noted that it was not clear as to why the conservation areas were not identified as part of the rezoning process for the Edwards Road Precinct, rather than deferring their identification until the development assessment process.

Comment:

The Flora and Fauna Assessment undertaken as part of the preparation of the Master Plan was only intended to identify the location and significance of vegetation communities within the Precinct. The assessment was not intended to set conservation areas or riparian corridors for each site within the Precinct.

It is proposed that the management of areas of significant vegetation be undertaken via the existing assessment framework under the *Environmental Planning and Assessment Act 1979*, *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*. This will involve the preparation of a species impact statement for any development which is likely to have a significant impact on the vegetation communities within the precinct. Compensatory Offset measures may also be considered for any significant impacts that cannot be avoided or mitigated. The offsetting measures will need to be developed in accordance with the 'Principles for the use of Biodiversity Offsets in NSW'.

- *Ownership of Riparian Lands*

The Office of Water comments that they prefer urban riparian land, in principle, to be under public (Council) ownership to ensure that riparian land is protected and managed in a consistent manner.

Comment:

Council does not have the financial resources available to acquire the riparian corridor land within this Precinct. Accordingly, it is proposed that the riparian corridor distances and conservation areas be contained within both the Stormwater Management System and future development lots. These distances will be determined at the development assessment stage and will take into account site specific conditions.

- *Perimeter Road*

The Office of Water recommends that the layout of the precinct be designed with a perimeter road so that the lots front onto the riparian land.

Comment:

The option of a perimeter road along the riparian corridor was considered during the preparation of the Master Plan. However this option was considered to not be appropriate as it would significantly increase the cost of redevelopment and would also bisect areas of significant vegetation including Cumberland Plain Woodland and Shale Sandstone Transition Forest.

Roads and Maritime Services

The Roads and Maritime Services raised no objection to the planning proposal, however noted that the proposed traffic signals at the intersection of Annangrove Road and Withers Road would need RMS approval.

Comment:

Approval will need to be sought from the Roads and Maritime Services prior to the installation of the traffic control signals at this location.

Office of Environment and Heritage

The Office of Environment and Heritage (OEH) raised a number of issues with respect to the planning proposal. As a result of these issues OEH has stated that they are unable to support the planning proposal in its current form. The key issues raised within the OEH submission are detailed below.

- *Management of Significant Vegetation*

OEH does not support the approach of zoning the site B6 Enterprise Corridor and deferring the decision making on identification and location of the development and conservation areas, including the management of Critically Endangered and Endangered Ecological Communities to the development assessment stage. OEH is concerned that the planning proposal has the potential to adversely affect the vegetation communities on the site as planning mechanisms to protect this vegetation are not included in the planning proposal.

Comment:

The position of OEH that the planning proposal has the potential to adversely affect the vegetation communities within the Precinct is not supported. The Annangrove Road Light Industrial Area was zoned for industrial purposes in 1991 and as such industrial development is, and will continue to be, permitted.

The management of areas of significant vegetation will be undertaken via the existing assessment framework under the *Environmental Planning and Assessment Act 1979*, *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*. This will involve the preparation of a species impact statement for any development which is likely to have a significant impact on the vegetation communities within the precinct.

If such development is approved, Council will require as a condition of development consent that a Vegetation Management Plan be prepared and submitted for approval. This plan will need to be endorsed by the Office of Environment and Heritage. The preparation of a Vegetation Management Plan will ensure that the areas which are deemed to have highest conservation significance are appropriately managed to encourage the regeneration of any remnant vegetation. As part of the assessment process, compensatory offset measures could be considered for any significant impacts that cannot be avoided or mitigated. The offsetting measures will need to be developed in accordance with the 'Principles for the use of Biodiversity Offsets in NSW'.

It is noted that most areas of vegetation within the Precinct will require management to enhance their condition and support their long term viability. In this regard future development must be economically feasible so as to ensure that sufficient funds are available to allocate toward the initial regeneration works and the ongoing management of the conservation areas. The planning proposal seeks to provide additional development opportunities which will enable future development to be concentrated on the portion of each site which is least constrained and enable the generation of sufficient funds to manage and regenerate the areas which are identified for retention through future development proposals.

- *Proposed Zoning*

OEH is of the view that the proposed B6 Enterprise Corridor zone will result in a poor strategic planning outcome as it leaves significant issues unresolved. The submission comments that the impacts to significant vegetation should be avoided with areas identified

as high biodiversity and conservation value and should be protected through a suitable conservation zoning such as the E2 Environmental Conservation zone.

Comment:

Application of an E2 Environmental Conservation zone to denote 'conservation areas', is not considered to be appropriate in this instance. The application of this zone is considered to be too definitive and would not provide sufficient flexibility to manage significant vegetation through future development proposals. During the preparation of the Master Plan, the identification of conservation areas was not considered to be appropriate as there was a significant amount of ambiguity with respect to the potential boundaries of any conservation area.

The application of the E2 Environmental Conservation zone to the areas identified as being 'high constraint', as recommended by OEH, would effectively sterilise entire properties from development. This would be unacceptable outcome as it would prevent opportunities for alternate solutions (such as biobanking), impact on the rights of the landowners and potentially create an acquisition liability for Council.

The management of significant vegetation, whilst important, is not the sole purpose of this planning proposal. The purpose of the planning proposal is to stimulate redevelopment and job creation within the existing employment area in a manner which is sensitive to the unique environmental constraints of the Precinct. In this regard the existing assessment framework for the management of vegetation is considered to be appropriate.

- *Biodiversity Offsets*

OEH comment that it appears that the planning proposal and master plan have not provided any detail demonstrating that impacts on biodiversity have been avoided and mitigated, and that offsetting is avoidable. OEH considers that the proposal is inconsistent with the OEH Principles for the Use of Biodiversity Offsets in NSW.

Comment:

Whilst it is acknowledged that the Precinct contains significant vegetation, it is proposed that the management of significant vegetation be undertaken as part of the existing assessment framework.

The Flora and Fauna Assessment (undertaken at the Master Planning stage) recommended that future development avoid, minimise and ameliorate any impacts on endangered communities to the maximum extent possible, with compensatory (or offset) measures considered for any significant impacts that cannot be avoided or mitigated. It was also recommended that these offsetting measures should be developed in accordance with the 'Principles for the use of Biodiversity Offsets in NSW'. The study proposes that the Bio-banking Assessment methodology be used to develop offsetting measures.

Future development within the Precinct, which has the potential to result in a significant impact on the listed vegetation communities, will need to identify compensatory offset measures for any significant impacts that cannot be avoided or mitigated. Accordingly, the assertion of OEH that the proposal is inconsistent with the '*Principles for the Use of Biodiversity Offsets in NSW*' is not supported.

- *Aboriginal Cultural Heritage*

OEH notes that the large amount of vegetation implies that it is probable that Aboriginal objects are located within the proposed development area. The submission continues by commenting that an assessment needs to be undertaken to identify the nature, extent, cultural and scientific significance of the potential Aboriginal archaeology within the Precinct and how these potential items are to be protected from harm. OEH recommends the

completion of two Aboriginal heritage assessments including an archaeological assessment and cultural heritage assessment.

Comment:

The preparation of an archaeological assessment and cultural heritage assessment as recommended by OEH is not considered to be necessary. As mentioned previously, the Precinct was zoned for industrial development in 1991 and as such industrial development is and will continue to be permitted. If there is Aboriginal archaeology within the Precinct, these items would be contained within the riparian areas of the Precinct which would be identified and managed as part of any future development proposals.

TransGrid

- *Easement Guidelines*

Within its submission TransGrid notes that a 330kv easement passes through the Edwards Road Precinct and seeks that appropriate development controls be attached to any future development within the vicinity of TransGrid infrastructure of interests.

Comment:

Control 2.21 - Services identifies that development restrictions apply within electricity easements and that developers and landowners are required to seek approval from the electricity provider for all activities and works carried out within the easement.

- *Zoning of Infrastructure*

TransGrid recommends that electricity easements be zoned in accordance with the appropriate adjacent land zone, and continues by recommending that the development of electricity infrastructure is not prohibited in any zone.

Comment:

The electricity easement within the Edwards Road Precinct is proposed to be zoned consistent with the adjoining zone. In accordance with *State Environmental Planning Policy (Infrastructure) 2007* development for the purpose of 'electricity transmission or distribution network' may be carried out by or on behalf of an electricity supply authority or public authority without consent on any land.

PART 4 MAPPING

The planning proposal seeks to amend Land Use Zone Map, Lot Size Map and Land Reservation Acquisition Map of *The Hills Local Environmental Plan 2012*. It is noted that the Precinct currently has a Maximum Building Height of 16 metres and a Floor Space Ratio of 1:1. This proposal does not seek to amend the Building Height or the Floor Space Ratio standards.

The following maps, in the format specified by the Standard Technical Requirements for LEP Maps have been prepared and are included on the FTP site.

Current Land Zoning Map

The precinct is currently zoned IN2 Light Industrial. There are also various sections of land adjoining Annangrove Road and Withers Road which are identified for local road widening and are zoned SP2 Infrastructure and tagged 'Local Road Widening'.

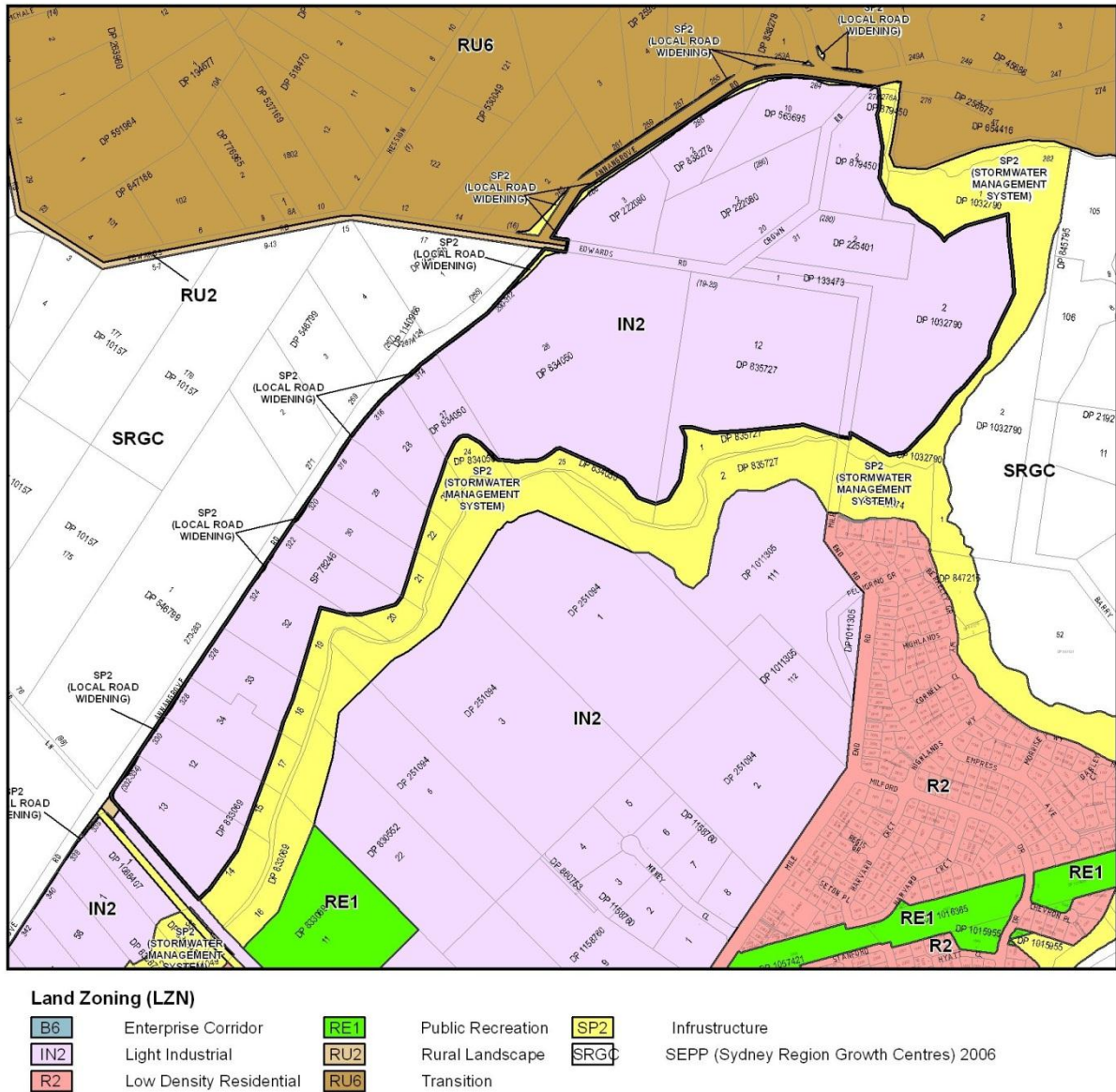
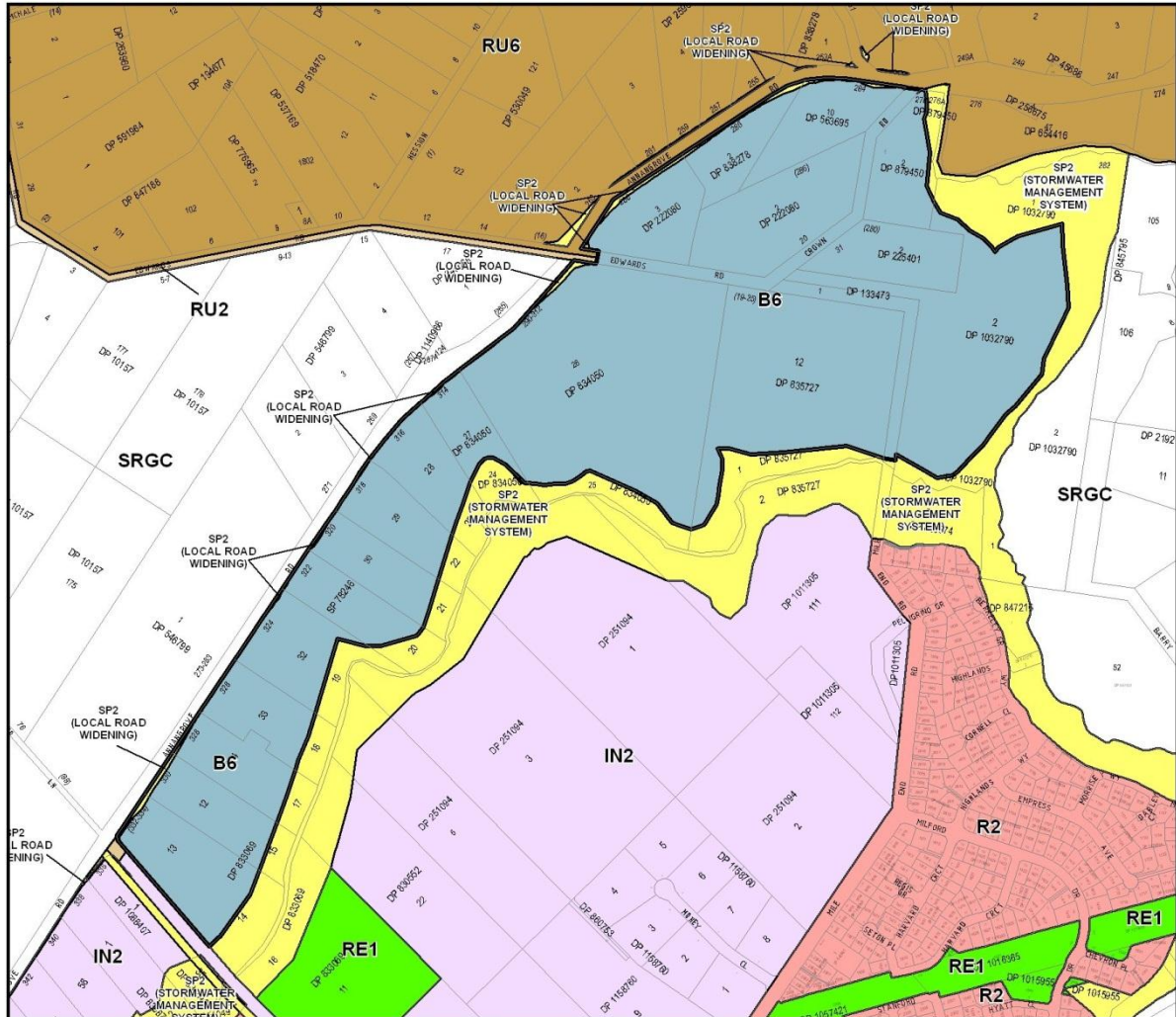


Figure 9
Current Land Use Zoning (LEP 2012)

Proposed Land Zoning Map

The planning proposal seeks to rezone the precinct from the IN2 Light Industrial to the B6 Enterprise Corridor zone as identified in the following map. The extent of land zoned SP2 Infrastructure with a 'Local Road Widening' classification will also be slightly amended to reflect the updated land acquisition requirement along Annangrove Road and Withers Road.



Land Zoning (LZN)

B6	Enterprise Corridor	RE1	Public Recreation	SP2	Infrastructure
IN2	Light Industrial	RU2	Rural Landscape	SRGC	SEPP (Sydney Region Growth Centres) 2006
R2	Low Density Residential	RU6	Transition		

Figure 10
Proposed Land Use Zoning

Current Minimum Lot Size Map

The precinct is subject to a minimum lot size of 8,000m².

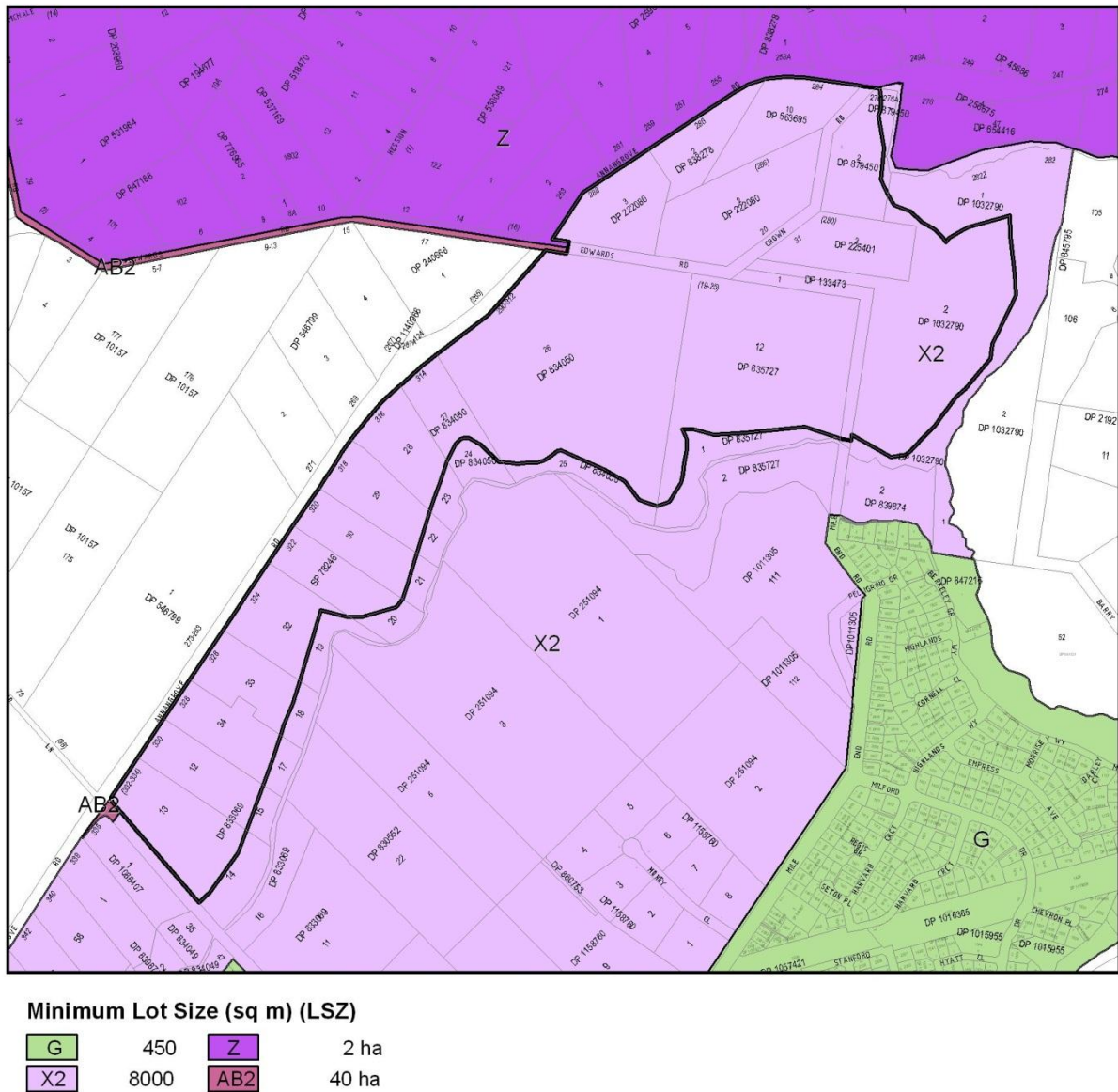


Figure 11
Current Minimum Lot Size (LEP 2012)

Proposed Minimum Lot Size Map

The proposal seeks to amend the Lot Size Map by applying a minimum lot size of 4,000m² for the Southern Frame and a mix of 2,500m², 4,000m² and 8,000m² for the Northern Frame. An extract of the proposed Lot Size Map is included below.

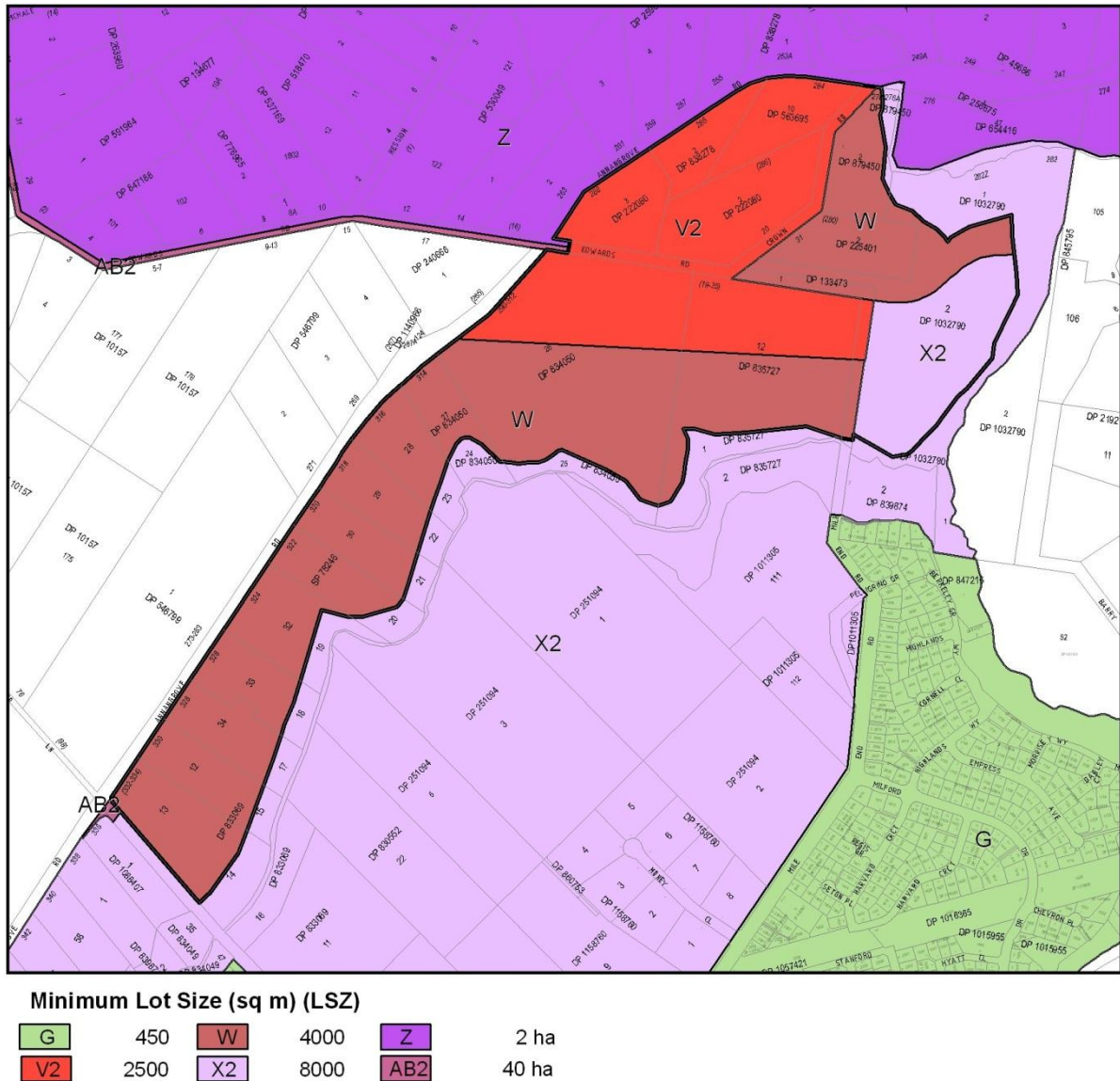
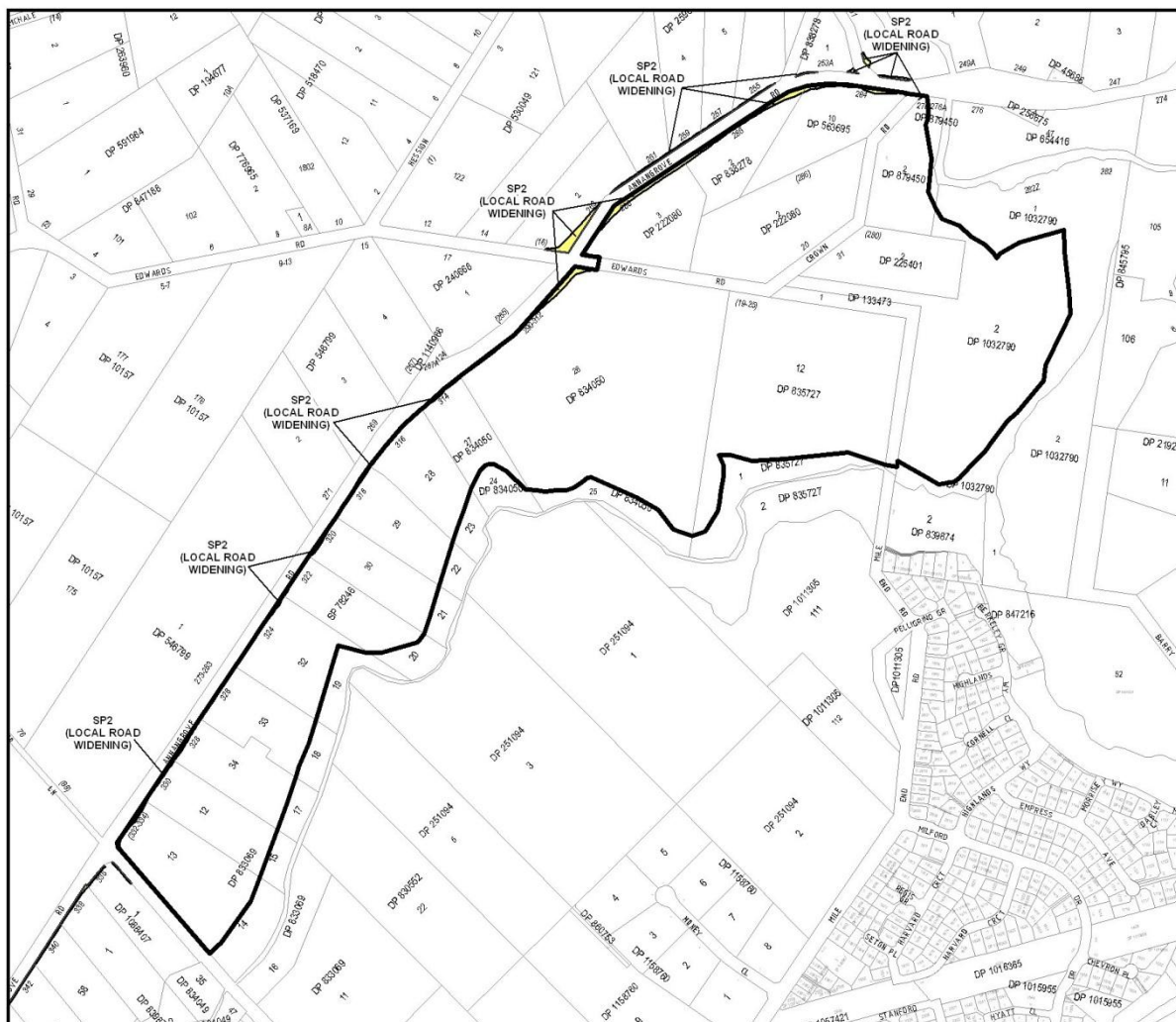


Figure 12
Proposed Minimum Lot Size

Land currently identified for acquisition on the Land Reservation Acquisition Map is included on the following map.

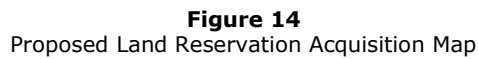


Land Reservation Acquisition (LRA)

- | | | | |
|---|---------------------------|---|---------------------------------|
|  | Classified Road (SP2) |  | Public Transport Corridor (SP2) |
|  | Local Open Space (RE1) |  | Railway Corridor (SP2) |
|  | Local Road Widening (SP2) |  | Trunk Drainage (SP2) |

Figure 13
Current Land Reservation Acquisition Map (LEP 2012)

The Land Reservation Acquisition Map will be amended to update the extent of land required for local road widening. The amended Land Reservation Acquisition Map is included in the following map.



PART 5 COMMUNITY CONSULTATION

The planning proposal, draft development controls and draft contributions plan were exhibited for thirty-one (31) days from Tuesday 9 July 2013 to Friday 9 August 2013. The exhibition material included the following:

- Planning Proposal – Edwards Road Precinct including attachments (11/2013/PLP);
- Draft The Hills Development Control Plan (Part B Section 7 – Industrial);
- Draft The Hills Development Control Plan (Part C Section 1 – Parking);
- Draft Contributions Plan No.11 – Annangrove road Light Industry;
- Council Report and Minute – 12 February 2013;
- Council Report and Minute – 27 November 2012;
- Council Report and Minute 24 July 2012; and
- Supporting documents including the Department of Planning and Infrastructure Gateway Determination, *The Hills Local Environmental Plan 2012*, relevant State Environmental Planning Policies and Section 117 Ministerial Directions.

Notification of the exhibition was placed in The Hills Shire Times and The Rouse Hill Times on two separate occasions being:

- The Hills Shire Times on Tuesday 9 July 2013 and repeated on Tuesday 23 July 2013; and
- The Rouse Hill Times on Wednesday 10 July 2013 and repeated on Wednesday 24 July 2013.

Council wrote to 94 property owners within and surrounding the Edwards Road Precinct. The notification advised property owners on where to find the exhibition material and how to make submissions.

In accordance with the Gateway Determination eleven (11) public authorities were also notified and were provided with a copy of the exhibition material.

All exhibition material was available for viewing at Council's Administration Centre, the Vinegar Hill Memorial Library and Castle Hill Library. It was also available for viewing and download on the 'Major Plans on Exhibition' page of Council's website.

PART 6 PROJECT TIMELINE

STAGE	ESTIMATED DATE
Commencement Date (Gateway Determination)	May 2013
Pre exhibition government agency consultation (where required by the Gateway Determination)	June 2013
Commencement of public exhibition period	June 2013
Completion of public exhibition period	July/ August 2013
Timeframe for consideration of submissions	August/ September 2013
Timeframe for consideration of proposal post exhibition – Report to Council	October 2013