

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

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

ADDRESS OF LAND:

- Lot 3 DP 270592, No. 2-4 Circa Boulevarde, Bella Vista
- Lot 4 DP 270592, No. 3 Circa Boulevarde, Bella Vista

MAPS:

- Locality map showing the existing zoning of the site and surrounding land– Refer Attachment A.

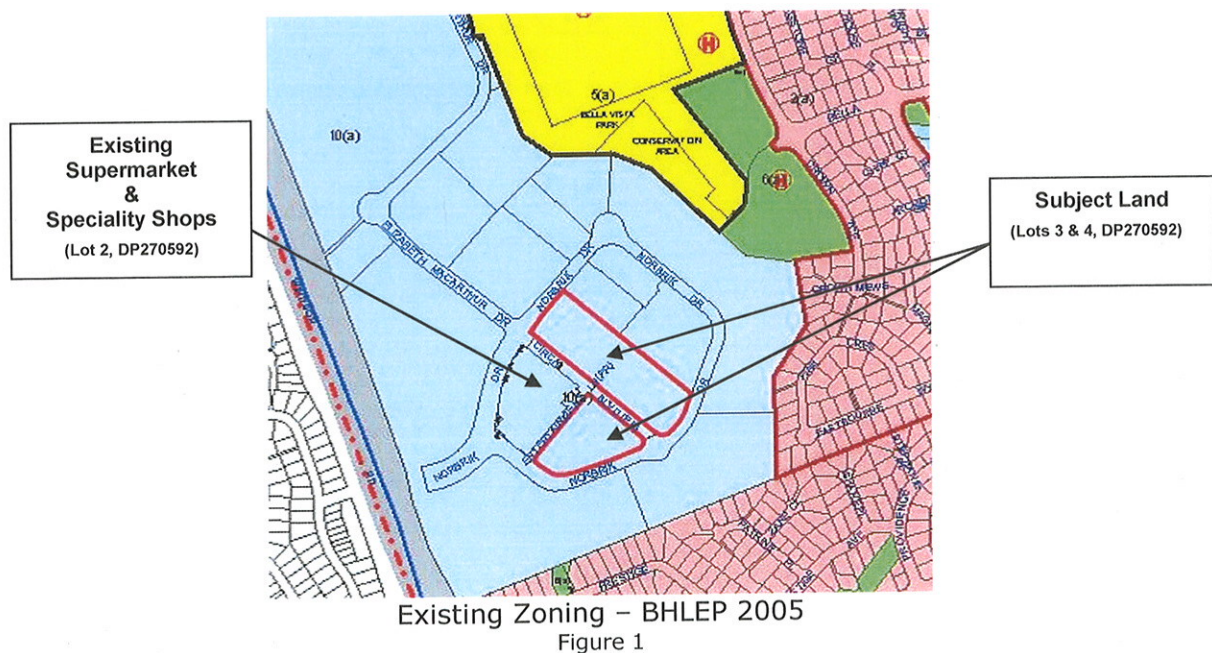
PHOTOS AND OTHER VISUAL MATERIAL:

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

BACKGROUND

Council has received a planning proposal for the rezoning of Lot 3 DP DP270592, No. 2-4 Circa Boulevarde, Bella Vista and Lot 4 DP270592, No.3 Circa Boulevarde, Bella Vista, prepared by Norwest Mulpha FKP Pty Ltd. The proposal seeks to amend the Baulkham Hills Local Environmental Plan (LEP) 2005 to allow an additional 2,500m² of retail floor space permitted in the subject lots. The proposal indicates that the intention for the subject site is a small 1,500m² supermarket as well as 1,000m² of speciality retail floor space.

A map of the subject site is shown below:



The subject sites form part of the Circa Business Centre within Norwest Business Park and is zoned Employment Area 10 (a) (Business Park) Zone. This zone prohibits the development of shops.

In 2006 an amendment to LEP 2005 was made to allow a maximum of 3,890m² of "development for the purpose of shops" in the Circa Business Centre. Justification for the amendment was based on providing retail and other convenience support services for the needs of the employees and local amenity.

In November 2007 Council approved a development application for a shopping village that is now constructed and comprised of a 2,880m² Woolworths Supermarket and 1010m² of small speciality shops and cafes.

With respect to the current proposal to provide additional retail uses on the subject land, Council's assessment concluded that an additional supermarket would need to draw on a wider catchment than the Precinct and impact on the potential of other centres in the surrounding area. Whilst it is envisaged that employment density within the Circa Precinct will increase over the longer term and the hospital may encourage a higher number of visitor to the Precinct, it is considered marginal in terms of supporting retail activities.

Accordingly, Council at its meeting on the 25 May 2010 resolved to support an amendment to the LEP that permits local neighbourhood shops, with individual floor areas not exceeding 100m², incorporated into mixed use commercial/retail buildings and restricted to ground floor level to a total of 1,000m².

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

The purpose of the draft plan is to increase the amount of retail floor space permissible within Lots 3 & 4 DP 270592 Circa Boulevard, Bella Vista known as the Circa Business Centre.

2. PROVISIONS TO BE INCLUDED IN PROPOSED LEP:

The proposal involves an amendment to Clause 56, Schedule 6 of the Baulkham Hills Local Environmental Plan 2005 (BHLEP) to allow an additional 1,000m² of retail floor space to be permitted on Lots 3 & 4 DP 270592 Circa Boulevard, Bella Vista as shown in the table below:

Proposed Schedule 6 (Clause 56)

Schedule 6 Additional Development on certain land

Column 1	Column 2	Column 3
Lots 3 & 4 DP 270592 Circa Boulevard, Bella Vista	Development for the purpose of shops with individual floors areas not exceeding 100m ² .	The total gross floor area of shops must not exceed 1,000m ² and be incorporated into a mixed commercial/retail building, with retail activities restricted to the ground floor level.

Should the amendment proceed a total of 4,890m² of retail floor space (existing retail provision of 3,890m² plus the proposed retail floor space of 1,000m²) will be permitted in the Circa Business Centre.

New Standard Template

Council is currently in discussions with the Department of Planning (DoP) to finalise a new draft Shire-Wide LEP, under the standard template, for exhibition.

The zones in the standard template that would apply to activities currently found in Norwest Business are:

- B7 Business Park;
- IN1 General Industrial; and
- IN2 Light Industrial

All these zones include "neighbourhood shops" as mandated activities under permitted with consent.

The philosophy behind this is indicated in the State Government's Centres Policy where it discusses the principle of contributing to the amenity, accessibility, urban context and sustainability of centres. It states that "Centres need to be well designed and well integrated with surrounding areas, in particular residential areas, and provide for a range of uses to service the local and/or wider population".

Neighbourhood shops means "retail premises used for the purpose of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises"

The standard template contains a compulsory clause that provides 'controls relating to miscellaneous permissible uses.'

The effect of this clause, in Council's Draft Instrument will restrict or limit neighbourhood shops to a maximum floor space of 100m². Under these circumstances a new supermarket would not be possible, however the permissibility of neighbourhood shops would achieve the objective of a convenience centre.

The DoP has indicated that it does not support the carry over of Schedule 6 items that allow additional uses on specific sites. Therefore, it is likely that once Council implements the Standard Template LEP 2010 only neighbourhood shops would be permissible in this location.

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

No – this planning proposal is a result of a application from Mulpha FKP Pty Ltd seeking to amend the LEP to allow an additional 2,500m² of retail floor space to be permitted on Lots 3 & 4 DP 270592 Circa Boulevard, Bella Vista. Supporting information provided with the application includes an Economic Impact Assessment (EIA) carried out by Urbis (2009) and a Traffic Impact Assessment by Gennaoui Pty Ltd.

As stated previously, Council at its meeting on the 25 May 2010, resolved to support an amendment to LEP 2005 to permit local neighbourhood shops, with individual floor areas not exceeding 100m² incorporated into mixed use commercial/retail buildings and restricted to ground floor level to a total of 1,000m², in Lots 3 & 4 DP 270592 Circa Boulevard, Bella Vista. Council's

decision to limit the retail floor space in this location is based on its Local Strategy which guide the future planning for centres and employment within the Shire. As a result, it was recommended that a planning proposal be prepared and forward to the Department of Planning in order to receive gateway determination.

The proposal for an additional 1,000m² of retail floor space is consistent with Council's strategies and regional strategies identified later in this proposal.

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 to allow 'development for the purpose of shops,' as an additional use on the subject site only, whilst retaining the existing Employment 10(a) Business Park zoning is considered the most appropriate means of achieving the intended outcomes.

It is proposed that the "enabling clause," *Clause 56 Additional development on certain land*, of the BHLEP 2005 will be utilised so that Council can control the amount of retail space permitted, up to 1,000m² only, and will only be permitted on the subject lots.

3. *Is there a net community benefit?*

Yes. The speciality component of the proposal (1,000m²) is forecast to turnover approximately \$6 million in 2012, and has the potential to generate 61 retail jobs (Urbis, 2009) In addition, employment will be generated during the construction phase and as a result of economic multipliers, for example supplier employment.

The convenience nature of the proposed development has the potential to reduce car trips from Circa Business to neighbouring supermarket centres such as Norwest Market Town. Reducing car trips for essential goods and services will save workers time, money and provide convenience.

The proposal has been assessed against the Net Community Benefit Test from the Draft Centres Policy shown in Appendix 1.

The net effect of the proposal is to increase the attractiveness of the precinct as a viable business centre providing additional employment in the Hills Shire.

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)?*

The Metropolitan Strategy and the Draft North West Subregional Strategy make reference to objective *B4.1 Concentrate retail activity in centres, business development zones and enterprise corridors*. In this regard, the subject proposal is well sited within Norwest Business Park which is identified as a Specialised Centre. These strategies provide a number of actions for Councils in relation to centres and employment including:

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

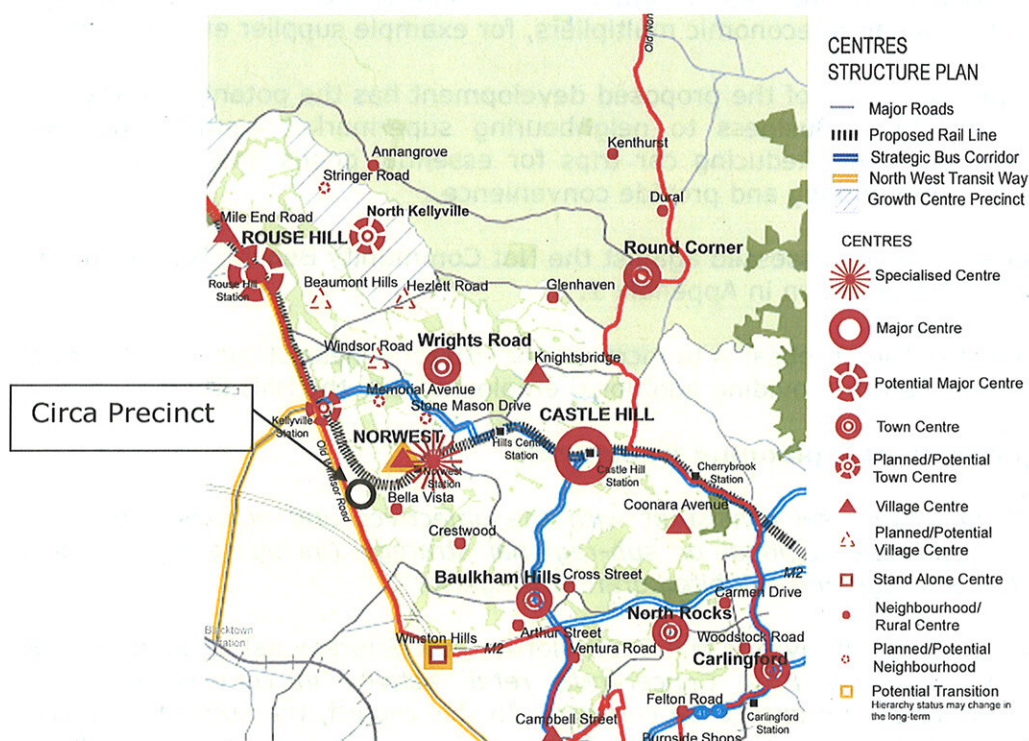
b. B3.4.1 - North West Councils to continue to support sufficient supply of commercial office sites in strategic centres, in line with employment targets, including through the use of the commercial core zoning in Principal LEPs where appropriate.

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

The planning proposal is consistent with these actions by providing appropriately situated retail floor space that will increase the variety of employment opportunities and support the attractiveness of Circa Business Centre as an employment centre. The planning proposal and likely resultant development is considered to be complementary to the vision for Norwest Business Park.

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

Yes. Council's Centres Direction guides the future growth and development of centres throughout the Hills Shire. The Direction contains a Centres Hierarchy (Figure 2) and desired typology that provides a framework for the scale, location and objectives for each centre in the Shire. This hierarchy of centres is important to ensure that the Hills Shire population (whether resident, worker or visitor) has access to a range of centres that meet their needs and are appropriate in scale and design for their location.



Centres Hierarchy
Figure 2

The Circa Business Centre is not identified in the Centres Direction as a retail centre. However, limited retail is supported in this location as it contributes to the functioning of Norwest Business Park as a Specialised Centre, within the objective of providing ancillary facilities and services that meet the day to day needs of the workers in the Centre.

Despite not being identified in Council's Centres Hierarchy, the Circa Business Centre can be compared in scale to a small village. A small village consists of low scale built form with retailing that provides convenience and daily shopping needs of the surrounding community. They generally contain a small supermarket, between 5-30 speciality shops and normally 800-3,000 dwellings within a 400m radius, dependent upon other factors such as transport. In this case the surrounding zoning supports the creation of a substantial worker population driven by commercial development.

The Hills 2026 Community Strategic Direction identifies the community's vision for the Shire and demonstrates how Council will align its delivery of services and facilities to support this vision.

The proposal to amend BHLEP 2005 supports the following Hills 2026 objectives:

- *Modern Local Economy*, through providing additional retail in the Circa Business Centre for the convenience of its workers and visitors. The rezoning and subsequent development of this site would contribute towards supporting the viability of Norwest Business Park as a major employment zone and maintaining its vital role in terms of future growth and economic development of the North West Sector.

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

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

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

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

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?*

There are no critical habitats or threatened species, populations or ecological communities or their habitats on the site. Therefore, the proposal has no impact on these environmental factors.

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

No other likely environmental effects are envisaged as a result of the planning proposal.

This planning proposal is not located on land that is affected by any land use planning constraints or natural hazards. The land is not identified as Bushfire Prone Land, nor is it flood prone.

Traffic

Vehicular access to the site is provided from a new traffic controlled intersection on Old Windsor Road comprising two right hand turn lanes north-bound and a single left turn south-bound. Access is also available via Elizabeth MacArthur Drive from Norwest Boulevard within Norwest Business Park to Norbrik Drive which forms a loop around the business centre. Traffic light-controlled intersections on Norbrik Drive provide access into the centre.

Traffic generation

The application includes a traffic impact assessment prepared by Gennaoui Consulting Pty Ltd. The traffic impact assessment identifies that there is sufficient capacity within adjacent roads and intersections to accommodate this rezoning, however should the rezoning proceed, the impact of any development proposal on the existing roundabout at Norwest Boulevard and Elizabeth MacArthur Drive will need to be addressed.

Access

As mentioned previously, vehicular access to the south-western portion of the Business Park from Old Windsor Road has been completed. This work has been carried out to facilitate vehicular access to Circa Business Centre and to accommodate current and future development including the Norwest Private Hospital and Circa Retail.

However, during peak periods Elizabeth MacArthur Drive presents an attractive short cut for motorists wanting to travel from Norwest Boulevard to Old Windsor Road and vice versa. Preliminary investigations have indicated that this shortcut exacerbates extensive morning queues along Norwest Boulevard because motorists coming to the roundabout from Elizabeth MacArthur gain priority over motorists coming from the M7 Motorway. To mitigate traffic issues in this location, Council with the RTA are planning to provide traffic lights at the intersection of Elizabeth MacArthur Drive and Norwest Boulevard. It is anticipated that these works will have a total cost somewhere between \$7M to \$14M and there is no clear time-frame for its delivery.

Amenity Impacts

Baulkham Hills Development Control Plan (BHDCP) Part E Section 14 – Norwest Business Park applies to development of the subject site. The proposed development will require minor amendments to the BHDCP Part E Section 14 – Norwest Business Park to ensure that future retail development is located on the ground floor and incorporates active street frontages. The aim of the controls will be to achieve good physical and visual connections between the new development on the site and the streetscape. This will improve access for workers and visitors to the Circa Business Centre and surrounding sites whilst contributing to an attractive public domain. An amendment to the BHDCP will be progressed with the draft amendment.

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

Council's assessment of the planning proposal found that an additional supermarket would need to draw on a wider catchment than the Precinct and impact on the potential of other centres in the surrounding area. However, a

reduced provision of floor space (1,000m²) to target and expanded range of 'speciality' shopping facilities available to workers and visitors to the Centre will have a low impact on the viability of any centres in the trade area. For example, no retail centre is forecast to experience an impact greater than the 5-10% threshold once the proposed development is in operation.

D. State and Commonwealth interests

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

The site is considered to be highly accessible by both private vehicles and public transport, being located on Norbrik Drive, adjacent to Old Windsor Road. The sites are also capable of being serviced by existing utilities associated with recent subdivision and development of the Centre.

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

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

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

It is intended to advertise the planning proposal in local newspapers. The exhibited material will be on display at:

- Council's Administration Building
129 Showground Road, Castle Hill
Monday to Friday, 8.30am - 4.30pm
- Vinegar Hill Memorial Library
29 Main Street, Rouse Hill Town Centre
Monday, Tuesday, Wednesday and Friday 10am - 6pm,
Thursday, 10am - 9pm
Saturday, 10am - 5pm
Sunday, 1pm - 5pm
- Castle Hill Library
Cnr Castle & Pennant Sts, Castle Hill
Monday – Friday, 10am-8pm
Saturday, 10am-5pm
Sunday, 1pm -5pm

The exhibition material will also be made available on Council's website. In addition, letters will be issued to adjoining property owners advising them of the proposed rezoning.

The Gateway determination will identify any additional consultation required.

