

The Hills LEP 2012 - Circa Commercial Precinct

Proposal Title : **The Hills LEP 2012 - Circa Commercial Precinct**

Proposal Summary : **The proposal seeks to facilitate development of 450,000m2 of commercial floor space on 25.3 hectares of land zoned B7 Business Park at Norbrik Drive and Circa Boulevard, Bella Vista. It seeks to deliver this outcome by increasing the height of buildings from part RL 108 and part RL 116 to part RL 116 and part RL 140 and by increasing the floor space ratio from part 1.0:1 and part 1.49:1 to part 1.2:1, part 2.0:1 and part 3.0:1.**

PP Number : **PP_2016_THILL_013_00** Dop File No : **16/10940**

Proposal Details

Date Planning Proposal Received : **10-Aug-2016** LGA covered : **The Hills Shire**
 Region : **Metro(Parra)** RPA : **The Hills Shire Council**
 State Electorate : **BAULKHAM HILLS** Section of the Act : **55 - Planning Proposal**
 LEP Type : **Spot Rezoning**

Location Details

Street : **2 Norbrik Drive**
 Suburb : **Bella Vista** City : Postcode :
 Land Parcel : **Lot 0 DP 00000**

DoP Planning Officer Contact Details

Contact Name : **Chris Browne**
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RPA Contact Details

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**
 Regional / Sub Regional Strategy : **Metro North West subregion** Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha) : 25.30		Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots : 0		No. of Dwellings (where relevant) :	0
Gross Floor Area : 0		No of Jobs Created :	2,300
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :			
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :			
Supporting notes			
Internal Supporting Notes :			
External Supporting Notes :			

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The planning proposal seeks to facilitate development of up to 450,000m2 of commercial floor space at Bella Vista (an increase of 210,000m2 over the existing potential of 240,000m2), providing land for up to 25,000 jobs.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks to deliver its objectives by amending The Hills LEP 2012 as follows:
- increase the maximum height of buildings on the subject land from part RL108 and part RL116 to part RL116 and part RL140; and
- increase the maximum floor space ratio on the subject land from 1:1 to part 1.2:1, part 2:1 and part 3:1.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**1.1 Business and Industrial Zones
2.3 Heritage Conservation
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
6.1 Approval and Referral Requirements**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 21—Caravan Parks**

e) List any other matters that need to be considered :

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 proposal seeks to increase the development potential of land zoned B7 Business Park in an identified employment area.

As such, the proposal is consistent with this Direction.

2.3 Heritage Conservation

The subject land is located in the vicinity of a State and local heritage item, Bella Vista Farm Park. The park's heritage listing includes key vistas to and from the park, and there is a risk that these vistas could be disrupted by the proposed increase in height and floor space ratio.

A heritage report has been prepared by Worley Parsons, and this report concludes that the objectives of the planning proposal can be achieved without any adverse impact on the heritage value of Bella Vista Farm Park. The report notes that development of the site would be subject to The Hills Development Control Plan Part C Section 4 - Heritage (particularly section 3.5 Development in the Vicinity of a Heritage Site) and that the proposed development can be carried out in a manner that frames key view corridors and enhances their value.

Given that the heritage value of Bella Vista Farm Park is protected at the development application stage by clause 5.10 (Heritage conservation) of The Hills Local Environmental Plan 2012 and further by The Hills Development Control Plan Part C Section 4 - Heritage, it is considered that the planning proposal will not adversely impact the heritage value of Bella Vista Farm Park.

As such, the planning proposal is consistent with this Direction. However, the Office of Environment and Heritage (Heritage Branch) should be consulted prior to exhibition.

3.4 Integrating Land Use and Transport

A traffic impact report has been prepared by Gennaoui Consulting. This report concludes that the proposed development could, subject to a number of improvements, be delivered without significant impact to the surrounding traffic network.

While the subject land is not located within walking distance of a railway station, it is in close proximity to a number of bus services on Old Windsor Road, including the T-Way. It is therefore well served with links to major regional population centres, and it is likely that a majority of trips made by employees in the precinct could be undertaken by public transport.

It is considered that the planning proposal is likely to promote use of public transport, and is therefore consistent with this Direction.

4.3 Flood Prone Land

Council's justification against this Direction is that the site's lowest point is the Retirement Precinct in the south, and that detailed work has been undertaken with regard to flood prone land and drainage for the Retirement Precinct. This is true, in that the Gateway determination for the separate planning proposal to allow seniors housing as an additional permitted use on the subject land (PP_2015_THILL_009_00) required further flooding information to be provided in order to establish consistency with

Direction 4.3 Flood Prone Land, and this information was provided in February 2016 to the satisfaction of the Secretary's delegate.

However, no flood mapping has been provided for the remainder (ie. the majority) of the site, and it is not clear where the land sits in relation to the 20 year ARI, the 100 year ARI or the PMF. In addition, it should be noted that the Department's agreement to the previous planning proposal's consistency with this Direction was based on introduction of an additional permitted use (seniors housing) but no change to development controls; the new planning proposal seeks to alter development controls in the Retirement Precinct, increasing the maximum height of buildings for part of the Precinct from RL 108m to RL 116m and increasing the floor space ratio throughout the Precinct from 1.0:1 to 1.2:1.

As such, Council has not provided adequate information to demonstrate consistency with this Direction. Prior to exhibition, Council must provide the necessary information and obtain the Secretary's agreement that the planning proposal is consistent with this Direction.

5.9 North West Rail Link Corridor Strategy

The Bella Vista Station Structure Plan in the North West Rail Link Corridor Strategy identifies the subject land as a short-term opportunity site for business park development. The Structure Plan describes the potential character of business park development as four- to six-storey commercial offices. The planning proposal seeks to facilitate a range of building heights, with the tallest being seventeen storeys. This is well in excess of the four to six storeys envisaged by the Structure Plan.

Since the release of the North West Rail Link Corridor strategy, the State government has undertaken more detailed strategic work on three of the North West Rail Link precincts, one of which is Bella Vista. The Bella Vista Station Precinct Proposal has not yet been finalised, but was publicly exhibited from December 2015 to February 2016. The subject land has not been included in the Precinct Proposal (primarily because of an awareness that this planning proposal was imminent and would include supporting documentation of its own), but the draft Precinct Proposal generally allows for greater intensification of development than was envisaged by the Bella Vista Structure Plan. This planning proposal is consistent with such an increase.

It is considered that the planning proposal is inconsistent with the North West Rail Link Corridor Strategy, but that, owing to the site's context and the more recent strategic work, the inconsistency is minor in nature.

6.1 Approval and Referral Requirements

The planning proposal does not seek to introduce any provisions which will create requirements for concurrence, consultation or referral, and it does not identify any development as designated development.

As such, it is consistent with this Direction.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided aerial photography showing the site in detail and in context, a map showing the proposed sub-precincts, and maps showing existing and proposed heights and floor space ratios. These maps provide sufficient information to identify the site and the proposed provisions, and are adequate for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has identified the manner of community consultation, and has proposed an exhibition period of 28 days. Given the scale of the proposed development, this is considered appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Hills Local Environmental Plan 2012 is a Principal LEP.**

Assessment Criteria

Need for planning proposal : **The planning proposal is not the result of any strategic study or report. It is instead the result of an application to Council by the landowner.**

Consistency with strategic planning framework :

NORTH WEST RAIL LINK CORRIDOR STRATEGY

The planning proposal is not entirely consistent with the North West Rail Link Corridor Strategy, but the inconsistency is considered minor. For more information, see comments against Section 117 Direction 5.9 North West Rail Link Corridor Strategy in the 'Adequacy' tab of this report.

A PLAN FOR GROWING SYDNEY

The planning proposal is broadly consistent with the economic objectives of A Plan for Growing Sydney, particularly given that the subject land is located within the Global Economic Corridor. The proposed development will assist in consolidating Norwest business park, which is identified as a Strategic Centre in A Plan for Growing Sydney. Other than Norwest, the surrounding suburbs are primarily residential, meaning that the proposed delivery of employment lands will assist in realising Direction 1.7: Grow strategic centres - providing more jobs closer to home.

In addition, the planning proposal is consistent with Direction 1.6: Expand the Global Economic Corridor, and particularly Action 1.6.1: Grow high-skilled jobs in the Global Economic Corridor by expanding employment opportunities and mixed-use activities, and Action 1.6.2: Invest to improve infrastructure and remove bottlenecks to grow economic activity.

ADOPTED DRAFT LOCAL STRATEGY

Council's 2008 Adopted Draft Local Strategy includes an Employment Lands Direction, which identifies Norwest business park as a key employment destination and seeks to support its core economic role as an employment precinct with a focus on professional, scientific and technical service industries. The Direction also identifies that sufficient commercial office space should be provided to support the skills of local residents, and Council has noted that 62% of the Hills Shire's resident labour force is employed in professional and managerial occupations. It is anticipated that the population of The Hills will grow by 100,000 by 2036, and, if current trends continue, this will mean that 31,000 new residents will be seeking employment in professional or managerial occupations. The planning proposal's objective of facilitating space for 25,000 office jobs will go a significant way toward meeting this expected demand.

The planning proposal is therefore broadly consistent with the Adopted Draft Local Strategy.

Environmental social economic impacts :

ENVIRONMENTAL

The subject land is already cleared, and does not host any significant vegetation or habitats. While the proposed development is significant in scale, it is on land surrounded by existing development, and it is unlikely to cause any significant adverse environmental impact. However, Council has not provided a flora and fauna report with the planning proposal, and it is recommended that the Office of Environment and Heritage be consulted prior to public exhibition.

SOCIAL

The planning proposal seeks to facilitate development that will provide for 25,000 jobs in the precinct. The precinct currently includes a private hospital and a large supermarket, but it is likely that substantially more shops, restaurants/cafes and social infrastructure will be required to meet the demands created by this influx.

Assuming these things are provided in a timely manner to meet the staged release of the proposed employment land, the overall social impact is likely to be a positive one, as the planning proposal will provide for professional jobs close to existing residential areas populated primarily by professional workers.

ECONOMIC

Given that the planning proposal seeks to facilitate development that will host up to 25,000 jobs, the overall economic impact is likely to be positive. There is some potential for conflict with existing centres, but the subject land is part of the Global Economic Corridor, and, because of its proximity to the Norwest business park, it is likely that it will complement Norwest in its role as a strategic centre for professional workers.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
Integral Energy
Transport for NSW
Transport for NSW - Roads and Maritime Services
Sydney Water**

Is Public Hearing by the PAC required? **No**
(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Section 56 Notification Letter and Planning Proposal incl attachment A and B - Circa Commerical Precinct - 19 2015 PLP.pdf	Proposal	Yes
Attachment C Council Report 26 4 2016.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones**
 - 2.3 Heritage Conservation**
 - 3.4 Integrating Land Use and Transport**
 - 4.3 Flood Prone Land**
 - 6.1 Approval and Referral Requirements**

Additional Information : The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is required to update the planning proposal to demonstrate consistency with Section 117 Direction 4.3 Flood Prone Land, (or that any inconsistency is minor or justified). The updated information must include flood mapping for the entirety of the subject land and must take into account the proposed controls in the Retirement Precinct as well as any other relevant information. The Secretary's concurrence to this Direction will be required prior to exhibition.

2. Prior to undertaking public exhibition, consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Endeavour Energy;
- Transport for NSW;
- Roads and Maritime Services;
- Sydney Water;
- Office of Environment and Heritage; and
- Office of Environment and Heritage – Heritage Branch.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. The planning proposal is to be amended to include the outcome of this consultation and respond, as necessary. Any public authority submissions received are to be included in the exhibition materials for community consultation.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal will facilitate development that will provide space for up to 25,000 jobs in an area that is part of the Global Economic Corridor and that is well served by public transport. It is likely that the development will provide jobs close to home for the employees working there, and it is likely that it will complement, rather than conflict with, the Norwest strategic centre.

Signature:



Printed Name:

Adrian Hohenzollern

Date:

6/9/2016