

Planning Services

Gateway Determination Report

LGA	The Hills Shire
PPA	The Hills Shire Council
NAME	328-334 Annangrove Rd Rouse Hill (857 jobs)
NUMBER	PP_2018_THILL_001_00
LEP TO BE AMENDED	The Hills Local Environmental Plan 2012 (The Hills LEP)
ADDRESS	328-334 Annangrove Road, Rouse Hill
DESCRIPTION	Lots 12 & 13 DP 833069 and Lot 34 DP 834050
RECEIVED	1/03/2018
FILE NO.	IRF18/1053
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The planning proposal seeks to amend Schedule 1 of The Hills LEP 2012 to include 'bulky good premises' as an additional permitted use on land at 328-334 Annangrove Road, Rouse Hill and to identify the subject land on the LEP Additional Permitted Uses Map.

Site description

The site is located at 328-334 Annangrove Road, Rouse Hill (Lots 12 & 13 DP 833069 and Lot 34 DP 834050) and is zoned B6 Enterprise Corridor and part SP2 Infrastructure (Local Road Widening). Land to the south is zoned IN2 Light Industrial and land to the north is also zoned B6 Enterprise Corridor. Land to the west is located within the Box Hill Growth Centres Precinct and is zoned B6 Enterprise Corridor. The subject site is located within the Edwards Road Precinct which forms part of the Annangrove Road Light Industrial Area (shown in **Figure 1**).

The northern part of the site contains a tributary of Second Ponds Creek and Cumberland Plain Woodland vegetation (a critically endangered ecological community under the Biodiversity Conservation Act 2016). The site currently contains two dwellings (refer to **Figure 2**).

There may be potential for land contamination on the subject site due to previous agricultural land uses.

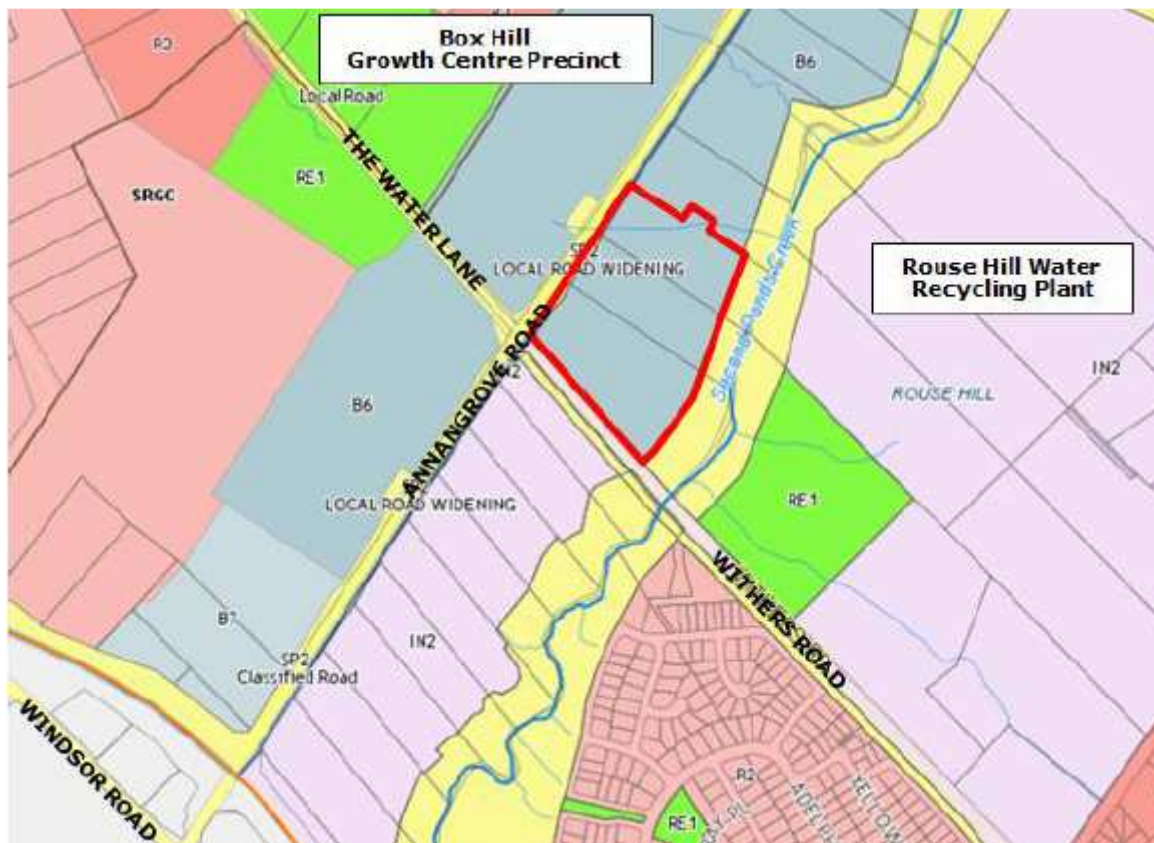


Figure 1 – Site and surrounding zoning (site outlined in red)



Figure 2 – Aerial view (site outlined in yellow)

Existing planning controls

The following Hills Local Environmental Plan 2012 development standards apply to the subject site:

- Zoned B6 Enterprise Corridor;
- Maximum Floor Space Ratio 1:1; and
- Maximum Height of Buildings 16 metres.

Surrounding area

The subject site sits on the fringe of the North West Growth Area and is in close proximity to the Box Hill and North Kellyville precincts (shown in **Figure 3**).

To the north of the site there are several vacant commercially zoned lots. The Rouse Hill Pre-School Kindergarten and two commercial premises, such as a hydro shop and civil engineering facilities, are located at the north-east from the subject site, within 400 metres distance.

In close proximity to the south-west there are a number of commercial facilities including the Rider Training Centre, the Australian Tap House Bar, the Australian Hotel and Brewery, and Bunnings.

To the east of the site there are large lots zoned for light industrial uses adjacent to Second Ponds Creek, along the south-east boundary. The Rouse Hill Waste Water Treatment Plant is located approximately 330 metres to the north-east of the site. The Rouse Hill Rural Fire Brigade and The Hills United Soccer Club are located at the south-east side of the subject site.

The western surroundings include a private property located across Annangrove Road, within approximately 25 metres distance from the subject site. The Box Hill Industrial area extends beyond that point to the north-west.

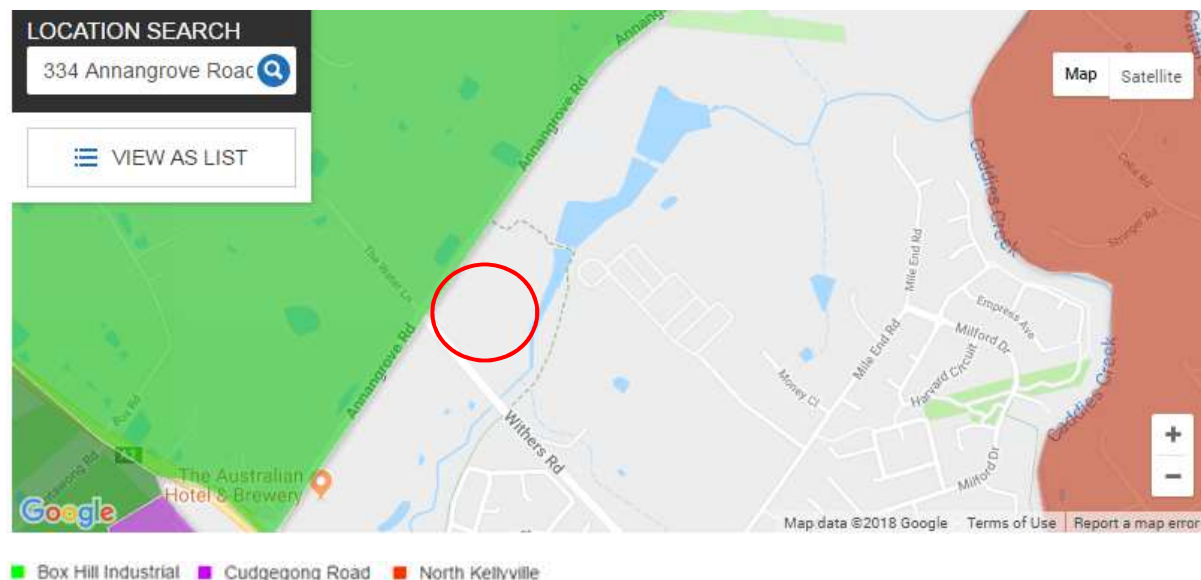


Figure 3 – Site and surrounding Growth Area Precincts (site outlined in red)

Summary of recommendation

The planning proposal has merit and should proceed subject to conditions as it will enable a compatible retail use, maintain the potential for commercial uses and it is consistent with the local and strategic planning framework.

PROPOSAL

Objectives or intended outcomes

The objective of the planning proposal is to amend The Hills LEP 2012 to enable a commercial development outcome comprising approximately 60,000m² of bulky goods floor space. The intended outcome of the subject planning proposal is clear for the purposes of public exhibition.

Explanation of provisions

The planning proposal seeks to amend Schedule 1 of The Hills LEP 2012 to include 'bulky good premises' as an additional permitted use on land at 328-334 Annangrove Road, Rouse Hill and to identify the subject land on the LEP Additional Permitted Uses Map. The proposal has the potential to create 857 jobs.

Mapping

The planning proposal includes an amendment to the Additional Permitted Uses Map to identify the subject site (shown in **Figure 4**). The mapping contained in the planning proposal documentation is clear and sufficient for the purposes of public exhibition.

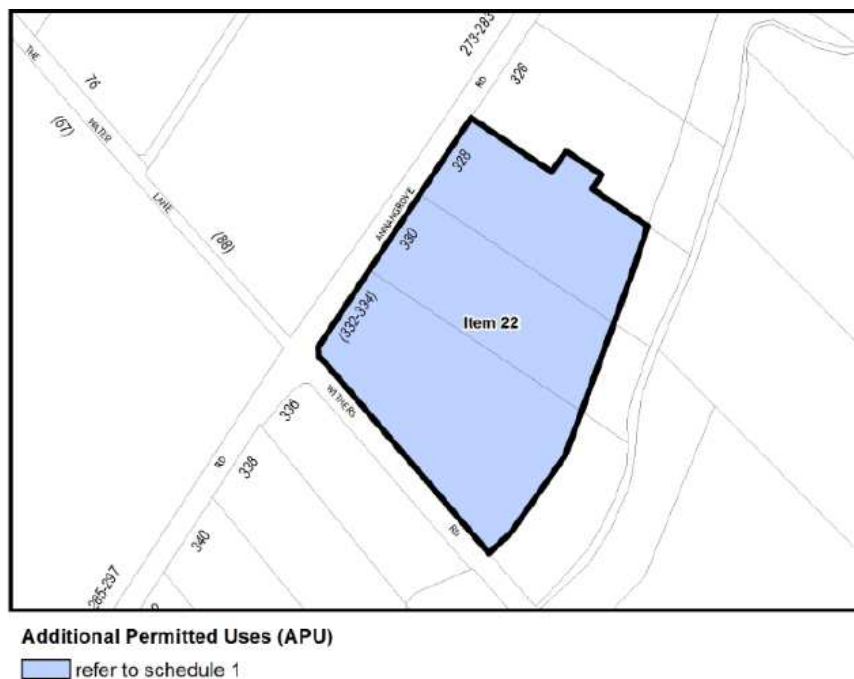


Figure 4 – Proposed amendment to Additional Permitted Uses Map (site shown in blue)

NEED FOR THE PLANNING PROPOSAL

As stated in the planning proposal documentation (**Attachment A**) the planning proposal will help stimulate development and employment generation within the Edwards Road Precinct and wider Annangrove Light Industrial Area by providing potential for a different type of industrial product and subdivision pattern.

Precinct planning for the Edwards Road Precinct (which forms part of the Annangrove Road Light Industrial Area) was undertaken by Council in 2014 and resulted in rezoning the subject site and the Precinct from IN2 Light Industrial to B6 Enterprise Corridor and changing minimum lot sizes from 8,000m² to a mix of 2,500m², 4,000m² and 8,000m².

An Economic and Employment Study prepared as part of the precinct planning process identified bulky good premises as typically being large, single storey buildings surrounded by parking, located out of centres and in high exposure (main road) locations. The study considered bulky goods premises to be unsuitable in the precinct as the Standard Instrument LEP objectives of the B6 Enterprise Corridor zone aimed to limit retailing activity. Although bulky good premises are technically defined as retail premises, Council states there is sufficient strategic and site-specific merit to allow the proposed use on the subject site.

To support the planned outcomes for the Edwards Road Precinct, whilst still enabling flexibility for a bulky goods development on this particular site, the proposed mechanism to enable the proposed use as an additional permitted use under Schedule 1 of LEP 2012 (retaining the site's existing zoning as B6 Enterprise corridor) is appropriate. This mechanism would also allow for greater flexibility in future development and use of the site to incorporate business uses as well as bulky goods.

STRATEGIC ASSESSMENT

Regional / District

Greater Sydney Region Plan

The Greater Sydney Region Plan provides a 40-year vision for the Greater Sydney Region. The following Directions, Objectives and Strategies are considered relevant for the planning proposal:

- Direction: Jobs and skills for the city.
 - Objective 22: Investment and business activity in centres.
 - Strategy 22.1: provide access to jobs, goods and services in centres.
 - Strategy 22.2: create new centres in accordance with the principles for Greater Sydney's centres
 - Objective 23: Industrial and urban services land is planned, protected and managed.
 - Strategy 22.3: consider office development in industrial zones where it does not compromise industrial activities in the South and Western City Districts.

The proposal (**Attachment A**) is consistent with these objectives and strategies as the proposed additional use has the potential to generate 857 jobs, does not detract

from the activity of nearby centres and maintains office and industrial uses within the precinct.

Central City District Plan

The following planning priority of the Central City District Plan is relevant to this proposal:

- Planning Priority C10: Growing investment, business opportunities and jobs in strategic centres.

The District Plan acknowledges that Rouse Hill provides retail and community services to a large population catchment in Sydney's north-west. A future Sydney Metro station provides the opportunity for commercial developments and a greater proportion of knowledge intensive jobs.

Planning Priority 10 of the District Plan aims to grow investment, business opportunities and jobs in strategic centres. Areas highlighted orange in **Figure 5** have been identified for future jobs and services to meet the needs of current and future surrounding residents. While the subject site itself is not identified by the District Plan, it is in close proximity to identified land and will contribute to economic growth in the locality.



Figure 5 – Jobs and service areas (site outlined in yellow)

Local

The Hills Future Community Strategic Plan

The following key outcomes and strategies from The Hills Future Community Strategic Plan are relevant to this proposal:

- Outcome – responsible planning facilitates a desirable living environment and meets growth targets.
 - Strategy – manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.

The proposal is consistent with the vision and objectives of the Strategic Plan as it will create additional local jobs and provide confidence to adjoining owners wanting to deliver commercial developments with reasonable certainty on economic viability.

Local Strategy

Council's Local Strategy is supported by seven Strategic Directions, of relevance to this proposal is the Centres Direction. A summary of the consistency of the planning proposal with this Directions is provided below:

- **Centres Direction**

As stated by Council in the planning proposal documentation (**Attachment A**) the Centres Direction was informed by an economic analysis undertaken by Hill PDA assessed on the assumption that the Hills would increase by approximately 100,000 residents by 2031 (from the 130,000 residents in 2006). On the basis of the projected population growth, Hill PDA's retail analysis identified the demand for an additional 81,000m² of bulky goods floor space to meet the Shire's needs to 2031.

The Hills population is now expected to grow to around 250,000 residents by 2036 (Forecast ID). Accordingly, the demand for additional floor space is expected to increase. There has not been any additional land zoned for bulky goods floor space since the Direction was adopted.

The Direction states that consideration of additional floor space should be based on the identified demand and be contained within bulky goods precincts. A wider distribution of such precincts may be desirable with potential locations to consider the typology.

Section 9.1 Ministerial Directions

The proposal is consistent with all relevant Section 1.9 Ministerial Directions, outlined as follows:

- **Direction 1.1 Business and Industrial Zones**

The planning proposal maintains the provision of commercial premises and the associated employment opportunities for the locality and will encourage employment growth within an identified employment precinct.

- **Direction 3.4 Integrated Land Use and Transport**

The subject site is well placed in a commercial precinct with good access to bus services. The planning proposal will enable more jobs closer to home, reducing commuting times and increasing the viability of public transport as a primary mode of transport.

- **Direction 6.3 Site Specific Provisions**

This Planning Proposal seeks to amend the Schedule 1 Additional Permitted Uses within the LEP while retaining the existing B6 Enterprise Corridor zoning of the site. To support the planned outcomes for the Edwards Road Precinct, whilst still enabling flexibility for a bulky goods development on this particular site, the most appropriate mechanism would be to enable the proposed use as an additional permitted use under Schedule 1 of LEP 2012 (retaining the site's existing zoning as B6 Enterprise corridor). The planning proposal to amend Schedule 1 is consistent with the Direction's objective to discourage unnecessarily restrictive site specific planning controls as it will increase permissible uses on the site.

State environmental planning policies

State Environmental Planning Policy 55 – Remediation of Land

As noted in the planning proposal documentation (**Attachment A**) there may be potential land contamination on the subject site due to previous agricultural uses. However, as the proposal does not propose a rezoning and seeks to permit a bulky goods premises, which is not a significant departure from other land uses currently permissible under the B6 Enterprise Corridor zone, it is considered site investigations as part of any future development of the land will be sufficient.

SITE-SPECIFIC ASSESSMENT

Social and Economic

Land Use Conflicts

The subject site is separated from residential land uses and the use of the land for bulky goods is unlikely to significantly impact on surrounding land uses (anticipated business and office uses).

Economic Viability

As discussed previously, there is demand for additional bulky goods floor space within the Hills. As a result of the significant loss in bulky goods zoned land in other parts of the Shire, the site's proximity to Kellyville and Box Hill and the lack of commercial uptake in the Edwards Road Precinct, the planning proposal may assist in stimulating future development in the Precinct.

Environmental

As noted in the planning proposal package (**Attachment A**) while one of the lots making up the site is substantially cleared, the remaining two lots are significantly constrained by Cumberland Plain Woodland, a critically endangered ecological community under the Biodiversity Conservation Act 2016 (refer to **Figure 6**).

The Preliminary Ecological Assessment submitted with the planning proposal package recommends the preservation of 5,000m² of significant vegetation at the rear of the site. This outcome would allow for a more contiguous bushland area adjoining the Sydney Water owned riparian corridor and Second Ponds Creek at the rear of the site.

As there is potential habitat for Cumberland Plain Land Snail and Dural Woodland Snail on the site, the Assessment Report recommends that immediate pre-clearing surveys are undertaken. This would be required to be undertaken prior to a development application as a requirement of the Biodiversity Conservation Act 2016.

Further, under the Biodiversity Conservation Act 2016, the concept development is considered result in a "serious and irreversible impact" (SAII) on the site's biodiversity values (as noted in the proposal documentation at **Attachment A**). The proposal considers future participation in the Biodiversity Offset Scheme prior to any development of the subject site. It is recommended that the Gateway determination be conditioned to require consultation with the Office of Environment and Heritage.



Figure 6 – Native vegetation on subject land

Infrastructure

The proposal will not result in any additional floor space than that envisioned under Contributions Plan No. 11 – Annangrove Road Light Industry.

CONSULTATION

Community

A community consultation period of 28 days is considered an appropriate amount of time to gauge the response by the community.

Agencies

Referral to the following agencies is recommended:

- Sydney Water;
- Office of Environment and Heritage – Regional Operations;
- Transport for NSW; and
- Transport for NSW – Roads and Maritime Services.

TIME FRAME

The proposed timeframe to finalise this planning proposal is 6 months.

LOCAL PLAN-MAKING AUTHORITY

It is recommended that authorisation to be the local plan-making authority is issued to The Hills Shire Council in this instance given its consistency with the strategic and local planning framework and Council is the key planning authority for the Edwards Road Precinct.

CONCLUSION

The planning proposal has merit and should proceed subject to conditions as it will enable a compatible retail use, maintain the potential for commercial uses and it is consistent with the local and strategic planning framework.

RECOMMENDATION

It is recommended that the delegate of the Greater Sydney Commission determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Sydney Water;
 - Office of Environment and Heritage – Regional Operations;
 - Transport for NSW; and
 - Transport for NSW – Roads and Maritime Services.
3. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.



21/3/18

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