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| <b>ITEM-5</b>               | <b>POST EXHIBITION REPORT - BELLA VISTA FARM (8/2013/PLP)</b>                                                                                         |
| <b>THEME:</b>               | Balanced Urban Growth                                                                                                                                 |
| <b>OUTCOME:</b>             | 7 Responsible planning facilitates a desirable living environment and meets growth targets.                                                           |
| <b>STRATEGY:</b>            | 7.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations. |
| <b>MEETING DATE:</b>        | <b>26 MAY 2015</b><br>COUNCIL MEETING                                                                                                                 |
| <b>GROUP:</b>               | <b>STRATEGIC PLANNING</b>                                                                                                                             |
| <b>AUTHOR:</b>              | <b>SENIOR TOWN PLANNER</b><br>NICHOLAS CARLTON                                                                                                        |
| <b>RESPONSIBLE OFFICER:</b> | <b>MANAGER FORWARD PLANNING</b><br>STEWART SEALE                                                                                                      |

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### **EXECUTIVE SUMMARY**

Bella Vista Farm Park is a State Heritage listed item in Council's ownership. Since coming into Council's ownership just under \$5 million has been expended on the Farm. In order to keep the buildings from decaying it is estimated that approximately \$650,000 is required as well as around \$60,000 each year on maintenance. This expenditure does not necessarily make the buildings re-usable and over a long period Council has tried to attract suitable private investment to assist Council financially to look after the site.

This report recommends that Council adopt and forward to the Department of Planning and Environment the planning proposal to rezone Bella Vista Farm subject to amendments. It is recommended that the maximum building height be amended from RL 120 metres to 9 metres (2 storeys), the maximum floor space ratio be reduced from 1:1 to 0.5:1, the boundary of the area to be rezoned be amended to only include land classified as 'operational' within Bella Vista Farm and additional permitted uses be included within Schedule 1 of Local Environmental Plan 2012 ('LEP 2012') to ensure all existing and proposed future uses will be permissible on the site under the upfront statutory planning regime.

The proposal seeks to widen the permitted uses available under LEP 2012 without relying on heritage incentive provisions. Council owns the site and is cognisant of the strict heritage controls that apply to the state listed item. Any future uses would need to be authorised by Council and could only be approved if such a proposal meets the heritage controls that apply. Any future use or structures must respect the significance of the farm as a heritage item in how they relate to the existing buildings, must be assessed against the requirements of the NSW Heritage Act 1977, LEP 2012, the Conservation Management Plan and Council's DCP and must be deemed to be acceptable by both Council and the NSW Heritage Council on its own merits.

While it is acknowledged that the existing provisions within LEP 2012 provide flexibility for the approval of additional land uses on the site (if it can be demonstrated that the use will facilitate the conservation of a heritage item), the objectives for the rezoning were broader than simply increasing the number of permissible uses on the site. Rather, the proposal was initiated (based on the recommendations contained within the CMP) to reinforce the ties between past commercial activities on the farm and modern business in the surrounding area and provide more certainty and clarity to future proponents in the upfront statutory planning regime in order to establish a stable platform for sponsorship and investment into Bella Vista Farm.

**OWNER/APPLICANT**

The Hills Shire Council – Council initiated

**REPORT**

The purpose of this report is to inform Council of the outcome of the exhibition of the planning proposal for the rezoning of Bella Vista Farm.

**BACKGROUND**

Bella Vista Farm is a significant cultural landscape on the Cumberland Plain, and is of exceptional significance to The Hills Shire Council as a cultural and recreational facility. Bella Vista Farm is listed as a Heritage Conservation Area on the New South Wales State Heritage Register and within Schedule 5 of LEP 2012. The site is owned and managed by The Hills Shire Council. In recent years major conservation works have been undertaken to a number of the buildings and provided new public recreation facilities on the site.

In order to ensure the long term financial sustainability of Bella Vista Farm, Council commissioned a review and update of the Conservation Management Plan ('CMP') (2000) which was completed by Worley Parsons in May 2012. The Review and Upgrade of the CMP (2012) was prepared as an addendum to the original CMP (2000). It recommends a variety of actions for future management of Bella Vista Farm and in particular, that the best way to create financial sustainability for Bella Vista Farm is to attract viable commercial land uses that are compatible with, and sensitive to, the identified values and cultural significance of the site through rezoning of the site to the B7 Business Park zone.

The following is an indicative plan showing aspects of the policies within the CMP which are intended to indicate the type and scale of development. It must be noted these are examples only and any future use will need the appropriate approvals and heritage impact assessments.

**Figure 1**

Location and examples of B7 uses for Bella Vista Farm Park

Based on the recommendations contained within the CMP, the planning proposal to rezone Bella Vista Farm from RE1 Public Recreation to B7 Business Park was initiated by Council and forwarded to the Department of Planning and Environment for Gateway Determination which was issued on 24 June 2013. A copy of the previous report, to initiate the Planning Proposal, is provided as Attachment 1.

## 1. SUMMARY OF PLANNING PROPOSAL

The planning proposal involves the rezoning of Bella Vista Farm from RE1 Public Recreation to B7 Business Park and the application of a maximum building height, across the site, of RL 120 metres (equivalent to the height of the farm homestead) and a maximum floor space ratio (FSR) of 1:1 to the site (there is currently no maximum height or FSR applicable).



**Figure 2**  
Subject Site

## 2. EXHIBITION DETAILS AND SUBMISSIONS

The planning proposal and supporting documentation was publicly exhibited from Tuesday 19 November 2013 to Friday 20 December 2013. Council received a total of 108 submissions comprising four (4) public authority submissions (Office of Environment and Heritage (Heritage Division), Office of Environment and Heritage (Regional Operations), Office of Strategic Lands and Sydney Water), 103 public submissions and one (1) petition containing 385 signatures. The key issues raised by public authorities and other stakeholders are addressed in the following sections.

## 3. PUBLIC AUTHORITY SUBMISSIONS

### **(a) Office of Environment and Heritage – Heritage Division**

The Heritage Division of the Office of Environment and Heritage ('OEH') made a number of comments with respect to the planning proposal. The key issues raised within the Office of Environment and Heritage (Heritage Division) submission are detailed below.

#### Concerns with respect to proposed B7 Business Park zoning

Concern was raised that the B7 Business Park zone does not permit a number of current uses of the site (agricultural activities, recreation or entertainment facilities) and a number of the uses envisaged within the CMP (training establishments, commercial premises, research stations and farm buildings).

Clarification was requested as to how existing land uses would continue, how new uses envisaged within the CMP, but not permissible under the B7 Business Park zone, would occur and why consideration was not given to insertion of a clause within LEP 2012 permitting additional uses on the Bella Vista Farm site rather than rezoning the site.

#### **Comment:**

The planning proposal was initiated to enact the recommendations contained within the CMP, which acknowledges that the Farm was previously a commercial business and suggests that applying an appropriate business zoning (B7 Business Park) will reinforce the ties between past commercial activities on the farm and modern business in the surrounding area. It will also provide certainty to a number of uses that are prohibited under the current zoning that could be an attractive future use in a form that is in context with the heritage significance of the site.



It is acknowledged that a number of existing uses on the site and a small number of uses envisaged within the CMP would not be permitted under the proposed B7 Business Park zoning. It is noted that existing uses would continue to be permissible based on the application of existing use rights however, in order to ensure that all existing uses and future uses envisaged within the CMP are specifically identified as permissible on the site, it is recommended that, in addition to the rezoning, Schedule 1 of LEP 2012 should be amended to include the following additional permitted uses on the site:

*"Agriculture; Entertainment Facility; Environmental Facility; Farm Building; Kiosk; Market; Recreation Facility (Major); and Research Station."*

The objectives for the rezoning were broader than simply increasing the number of permissible uses on the site (which could be achieved through the insertion of additional permitted uses under Schedule 1 of LEP 2012). Rather, the proposal was initiated (based on the recommendations contained within the CMP) to reinforce the ties between past commercial activities on the farm and modern business in the surrounding area and provide more certainty and clarity to future proponents in the upfront statutory planning regime in order to establish a stable platform to allow for sponsorship and investment into Bella Vista Farm providing the development fits within the context of the site as a heritage farm. Accordingly, in order to achieve the *full* range of objectives of the planning proposal, it is recommended that the proposed rezoning proceed.

Condition of Land Transfer

OEH notes that the conditions of the transfer of land from the former Department of Urban Affairs and Planning specify that the land must be used for community purposes and that any compensation payable in respect to any rezoning of the site is accruable to the Sydney Regional Development Fund, or its successors. Clarification is sought how the rezoning of the site accords with these conditions.

**Comment:**

The purpose of the original land acquisition was the recognition of the heritage importance of the Farm and its ability to provide regional open space for the growing North West community. In recent years, Council has undertaken conservation works to a number of buildings and provided new recreation facilities to create a sense of place and encourage the community to enjoy the farm and its history.

In order to ensure that Bella Vista Farm is maintained in a manner that allows many to gain an understanding of how people lived in the past, Council has put in place the Bella Vista Farm Conservation Management Plan which provides guidance for continued conservation of buildings and areas where items such as new buildings and car parking may be considered. The CMP is intended to guide the processes of using, changing, conserving, repairing and maintaining the site. Of particular relevance is Action 5.2.6 of the CMP which requires that:

*"Any income generated from the use of the site is to be used to contribute to the maintenance of the site and to fund specific projects associated with the long term conservation of the site".*

It is considered that the planning proposal is entirely consistent with the purpose for which the land was originally acquired as it seeks to promote the historical and community value that is attached to Bella Vista Farm by creating financial sustainability to ensure the ongoing maintenance, conservation and continued use of Bella Vista Farm for recreational and community purposes.

**Building Height**

Concern was raised that the proposed maximum building height of RL120 AHD would allow for buildings greater in height than the Homestead and would be a departure from the policies of the previous CMP's height controls and current arrangements. Clarification was sought as to why a height of RL120 AHD was required.

**Comment:**

The Gateway Determination required Council to apply a maximum building height to the site prior to the commencement of the public exhibition period. The proposed maximum building height of RL120 metres is equivalent to the maximum height of the farm homestead. The expression of the maximum building height as a "reduced level" ("RL") is consistent with the application of height limits throughout the Norwest Business Park and in particular, the land adjoining the site to the north, west and south.

It is acknowledged that a maximum building height of RL120 AHD could potentially facilitate buildings with a maximum height of 26 metres (8 storeys) on the lower portions on the site. Structures of this height on certain parts of the site could impact on the setting of the existing homestead heritage structures, adjoining residential land to the east and important views to and from the site.

In response to concerns raised within submissions and in order to ensure that the future built form on the site remains consistent with, and sympathetic to, the existing homestead and heritage structures, it is recommended that a maximum building height of 9 metres be applied to the site rather than RL120 metres. A maximum height of 9 metres would ensure that no building on the site could exceed two (2) storeys in height and any future built form would remain consistent with the homestead building and the adjoining residential land to the east. Further, the maximum height of 9 metres would limit the future built form on the site and ensure that the significance of the existing heritage structures in their setting (as well as significant views to and from the heritage features) would be retained.

It should be noted that irrespective of the maximum building height applicable, any future structures must respect the significance of the farm as a heritage item in how they relate to the existing buildings. Specifically, any future use of the site would require a development application to be lodged and assessed against the requirements of the NSW Heritage Act 1977, LEP 2012, the CMP and Council's DCP. These existing heritage restrictions which apply to the site would continue to form the basis for decision-making and future management of Bella Vista Farm.

**Floor Space Ratio**

Concern was raised that a minimum floor space ratio of 1:1 would allow for applications for buildings with substantial footprints.

**Comment:**

The Gateway Determination required Council to apply a maximum floor space ratio to the site prior to the commencement of the public exhibition period. The maximum floor space ratio of 1:1 proposed for the site is consistent with the floor space ratio applicable to B7 Business Park land adjoining Bella Vista Farm under LEP 2012.

Notwithstanding this, it is acknowledged that the proposed floor space ratio of 1:1 would provide an inaccurate indication of the intended intensity of any future use of the site as it does not accurately account for (or enforce) the retention of larger areas of Bella Vista Farm as vacant and available for informal and community recreational purposes.

It is recommended that a maximum floor space ratio of 0.5:1 would better reflect a desirable built form (and footprint of uses) on the site and would restrict the intensity of future use of the site.

As mentioned previously, any future use of the site would require a development application to be lodged and assessed against the requirements of the NSW Heritage Act 1977, LEP 2012, the CMP and Council's DCP.

Endorsement of CMP

OEH recommends that Council submit the CMP to the Heritage Council for endorsement and consider developing a site specific DCP for the site.

**Comment:**

OEH had previously advised Council that a review of the CMP for endorsement would occur as part of the consultation associated with the planning proposal. However, the submission from OEH specifically noted that their comments should not be viewed as endorsement of the CMP or its recommendations. Accordingly, while the CMP has been adopted by Council, it has not yet been endorsed by the Heritage Council and it is recommended that the CMP be submitted to OEH for endorsement.

**(b) Office of Environment and Heritage – Greater Sydney (Regional Operations)**

The Greater Sydney Regional Operation Division of the Office of Environment and Heritage ('OEH') made a number of comments and recommendations with respect to the CMP exhibited as supporting documentation to the planning proposal. OEH is concerned that the CMP does not adequately represent or articulate the results and recommendations of the 2006 Bella Vista Farm Aboriginal Heritage Survey and Assessment (AHSA) nor adequately address or articulate the statutory and approvals processes for the management of Aboriginal Heritage.

The key issues raised within the OEH (Greater Sydney Regional Operations) submission are detailed below.

Potential Impacts to Aboriginal Objects

OEH advised that any impact to an Aboriginal object will require an Aboriginal Heritage Impact Permit (AHIP) and that the application for an AHIP must be made in accordance with current OEH guidelines. The Office of Environment and Heritage cautioned that any impact to Aboriginal objects that occurs without an AHIP is a breach of the *National Parks and Wildlife Act 1974* and will result in regulatory action.

**Comment:**

It is noted that any impact to an Aboriginal object will require an Aboriginal Heritage Impact Permit (AHIP). Any future development or use of the site will be required to satisfy the statutory and approval processes for the management of Aboriginal Heritage. In addition, Section 4.1 of the CMP requires that the NSW National Parks and Wildlife Service (part of the Office of Environment and Heritage) is to be consulted with regard to any future proposals for Bella Vista Farm and adjoining land, to ensure that significant sites are protected and appropriately managed.

Update Section 4.1 of CMP

The Office of Environment and Heritage have recommended that Section 4.1 of the CMP (Heritage Listings and Considerations) should be updated to include a list of Aboriginal sites and areas of potential archaeological deposit (PAD) known to exist within the subject land. These should also be registered on the OEH Aboriginal Heritage

Management Systems (AHIMS) database which should also be mentioned in Section 4.1 of the CMP. Figures of the locations of known sites and areas of PAD should be included somewhere in the CMP and be referred to in the appropriate sections.

**Comment:**

Section 5.5 of the Bella Vista Farm Aboriginal Heritage Survey and Assessment (2006) identifies the sites of Potential Archaeological Deposits (PAD) on Bella Vista Farm and divides the areas into "Moderate to Low" potential and "Low to Nil" potential. The assessment provides that given the history of land use and development, no areas of "High" potential are identified on the site. Section 4.1 of the CMP requires that the NSW National Parks and Wildlife Service (part of the Office of Environment and Heritage) is to be consulted with regard to any future proposals for Bella Vista Farm and adjoining land, to ensure that significant sites are protected and appropriately managed.

However, as requested by OEH, it is recommended that the information (and the map showing zones of potential for Aboriginal archaeological deposits) in Section 5.5 of the Bella Vista Farm Aboriginal Heritage Survey and Assessment (2006) be incorporated into Section 4.1 of the CMP. Section 5.10 of the CMP should also be updated to make reference to the locations of known sites and areas of PAD within Bella Vista Farm Park.

Further, the areas of "Potential Archaeological Deposits" (PAD) should also be registered on the OEH Aboriginal Heritage Management Systems (AHIMS) database.

Update Section 4.2 of CMP

OEH recommended that Section 4.2 (Statutory Requirements and Approvals Processes) of the CMP should be updated to include the up-to-date statutory requirements and approvals processes for managing Aboriginal heritage. These processes and requirements have changed since the AHSA was completed. The NPW Act was reviewed and reformed and new guidelines were issued by DECCW (now OEH) in 2011.

**Comment:**

The statutory requirements and approvals process for managing Aboriginal Heritage as detailed within the *National Parks and Wildlife Act 1974* is already discussed in Section 5.10 of the CMP and Action 5.10.1 requires that *"the relevant approvals be obtained from the NSW Heritage Council and NPWS prior to disturbance of archaeological or Aboriginal sites"*.

It should also be noted that the statutory requirements and approvals process for managing Aboriginal Heritage is imposed under the *National Parks and Wildlife Act 1974* and as such will apply to any future development or use on Bella Vista Farm irrespective of whether or not the details of the requirements and processes are duplicated within the CMP. It is therefore considered unnecessary to include the statutory requirements and processes applicable under the *National Parks and Wildlife Act 1974* within Section 4.2 of the CMP as they are already discussed in Section 5.10 of the CMP and imposed under the *National Parks and Wildlife Act 1974*.

Update Section 5.10 of CMP

Section 5.10 (Archaeology Policy) of the CMP should be updated to include a full and accurate description of the recommendations and management options as outlined in Section 8 of the AHSA.

**Comment:**

The Review and Upgrade of the CMP already takes into consideration the findings and recommendations of the Bella Vista Farm Aboriginal Heritage Survey and Assessment (2006). However, as requested by OEH, it is recommended that Section 5.10 of the CMP



should be updated to incorporate the full range of recommendations contained within Section 8 of the Aboriginal Heritage Survey and Assessment (2006).

*Consultation with Local Aboriginal Stakeholders*

It was recommended that consultation with local Aboriginal stakeholders including the groups mentioned in the AHSA should be undertaken.

***Comment:***

Consultation was undertaken with local Aboriginal stakeholders in the preparation of the Aboriginal Heritage Assessment and their view and recommendations were incorporated into the final Aboriginal Heritage Survey and Assessment. This Aboriginal Heritage Survey and Assessment in turn informed the preparation of the review and upgrade of the Conservation Management Plan.

It is noted that in response to issues raised by OEH (detailed above), it is recommended that Section 5.10 of the CMP should be updated to incorporate the full range of recommendations contained within Section 8 of the Aboriginal Heritage Survey and Assessment (2006). Of particular relevance, the Aboriginal Heritage Survey and Assessment provides recommendations relating to 'Aboriginal Consultation'.

It is considered that the existing consultation with local Aboriginal stakeholders, as well as the further consultation recommended within the Aboriginal Heritage Survey and Assessment (to be incorporated into the CMP) is sufficient. Further, in accordance with the Gateway Determination the NSW Aboriginal Land Council was consulted as part of the exhibition period and no objection to the proposal was raised.

***(c) Department of Planning and Environment (Office of Strategic Lands)***

The Office of Strategic Lands ('OSL') objected to the planning proposal and encouraged further consideration of alternative existing options within the LEP 2012 for the approval of additional uses for the site. OSL is a non-statutory branch within the Department of Planning and Environment with the responsibility to comment on behalf of the Minister on land owned, previously owned or to be acquired by the Minister under environmental planning instruments. OSL identified interest in the planning proposal on the basis that in 1993 the Minister acquired two parcels with a total area of 10.55 hectares and transferred these to Council in 1994 for \$1.00 to form part of Bella Vista Farm.

The purpose of the original land acquisition was the recognition of the heritage importance of the Farm and its ability to provide regional open space for the growing North West community. OSL advised that the basis of the transfer of the land to Council was that it would be used for ongoing community purposes and serve the function of open space provision. In light of this, the Office of Strategic Lands provided a number of comments with respect to the planning proposal as detailed below.

*Future Uses on the site would be possible under existing provisions of LEP 2012*

OSL is supportive of the goal of encouraging sympathetic new uses at Bella Vista Farm that can assist in raising funds for ongoing maintenance and protection. However, concern was raised with rezoning the land to B7 Business Park when there are two (2) existing provisions within LEP 2012 which would already allow these additional uses to occur without the need for rezoning. These were:

- Schedule 1 – Additional Permitted Uses, which allows additional uses to be nominated on specific sites; and

- Clause 5.10 (10) – Heritage Conservation Incentives, which allows for the approval of development which assists in the conservation of a heritage item despite being a prohibited use under the LEP.

OSL is of the opinion that these provisions provide the necessary means to allow additional land uses and activities within Bella Vista Farm whilst retaining the current zoning.

***Comment:***

It is acknowledged that the existing RE1 Public Recreation zoning as well as the existing heritage incentive provisions within LEP 2012 (Clause 5.10 (10)) would provide flexibility for additional viable commercial uses and activities to occur on the site without the need for the rezoning, if it can be demonstrated that the uses will facilitate the conservation of Bella Vista Farm.

Notwithstanding this, the planning proposal was initiated to enact the recommendations contained within the CMP, which acknowledges that the Farm was a commercial business and suggests that applying an appropriate business zoning (B7 Business Park) will reinforce the ties between past commercial activities on the farm and modern business in the surrounding area in order to provide a stable platform for sponsorship and investment into Bella Vista Farm.

The proposed rezoning will provide certainty with respect to future uses of the site through the *upfront* statutory planning regime of zoning, permissible uses, building height and floor space ratio. The statutory planning regime which the planning proposal seeks to establish provides clarity to future proponents by establishing clear 'rules' for the use of the site.

***Objection to Proposed B7 Business Park zoning***

OSL stated that a rezoning to B7 Business Park would be inappropriate, unnecessary and inconsistent with Section 117 Direction 6.2 as it would reduce the amount of land currently available for public purposes of open space. Further, while OSL acknowledges there is no intention by Council to subdivide, sell the land, or actually reduce the amount of open space, concern is raised that rezoning to a higher order zone will result in increased pressure over time to consider uses and proposals that are not in the spirit of what the site was originally acquired for.

***Comment:***

The proposal seeks to reinforce the significance of Bella Vista Farm Park as an area of public open space and community use and can assist Council to improve the future financial sustainability of Bella Vista Farm to allow for the ongoing maintenance and conservation of Bella Vista Farm for use by the community. It is considered that the planning proposal is entirely consistent with the purpose for which the land was originally acquired as it seeks to promote the historical and community value that is attached to Bella Vista Farm.

As addressed within the planning proposal forwarded to the Department of Planning and Environment for Gateway Determination and also placed on public exhibition, it is considered that the inconsistency with the Direction is justified on the basis that the amount of land to be used for public purposes will not decrease as the site will continue to be used for public and community purposes despite the rezoning. Accordingly the planning proposal remains consistent with the underlying objectives of the Direction.

**(d) Sydney Water Corporation – Urban Growth Branch**

Sydney Water Corporation raised no objection to the planning proposal, however commented that the drinking water main available for connection is the 250mm main on the western side of Elizabeth Macarthur Drive. Further, they advised that there are multiple wastewater connection points available to service Bella Vista Farm and detailed wastewater requirements would be provided at the Section 73 application phase based on the developer's wastewater servicing scheme plan.

**Comment:**

Sydney Water will need to be consulted as part of the preparation of any future development applications for the site. Sydney Water will provide detailed wastewater requirements at this time based on the wastewater servicing scheme plan prepared as part of any future development application.

**4. PUBLIC SUBMISSIONS**

The following key issues were raised within the public submissions received:

- a) Built Form (height and impact on views and vistas and floor space ratio);
- b) Amenity (impact on residential development, loss of buffer between residential and commercial development and loss of character of the suburb of Bella Vista);
- c) Environment and Heritage (heritage/historical significance of Bella Vista Farm, protection of the row of Bunya Pine trees and environmental impact resulting in a loss of flora, fauna and natural beauty);
- d) Infrastructure (traffic congestion, loss of public open space and specific concern about the loss of public open space at the end of Ridgemark Place and potential for this park to be used as a new access road to Bella Vista Farm);
- e) Economic Impacts (oversupply of commercial/office development within Bella Vista and Norwest, impact on property values, financial justification for proposal); and
- f) Additional Matters (concern with the necessity of the proposed rezoning, objection to rezoning the whole site, objection to a specific form of future development and concern about the public exhibition process).

**Built Form**

- i. *Height and Character: Concern is raised that the proposed height of buildings is excessive, inappropriate, not compatible with recreational use of the site and out of character with the heritage of Bella Vista Farm. Concern that the proposed maximum building height would allow for buildings which block views of the existing heritage buildings from the surrounding area, views of residents to Bella Vista Farm and views from Bella Vista Farm to the Blue Mountains.*

**Comment:**

While any future structures must respect the significance of the farm as a heritage item in how they relate to the existing buildings, a maximum building height of RL120 AHD could potentially facilitate buildings with a maximum height of 26 metres (8 storeys) on the lower portions on the site. It is acknowledged that structures of this height on certain parts of the site could impact on the setting of the existing homestead heritage structures, adjoining residential land to the east and important views to and from the site.

In response to concerns raised within submissions received and in order to ensure that the future built form on the site remains consistent with, and sympathetic to, the existing homestead and heritage structures, it is recommended that a maximum building

height of 9 metres be applied to the site rather than RL120 metres. A maximum height of 9 metres would ensure that no building on the site could exceed two (2) storeys in height and any future built form would remain consistent with the homestead building and the adjoining residential land to the east. It would also ensure that the significance of the existing heritage structures in their setting (as well as significant views to and from the heritage features) would be retained.

- ii. *Floor Space Ratio: Concern is raised that the proposed floor space ratio would allow for significant coverage and scale of buildings across the site.*

**Comment:**

While any future structures must respect the significance of the farm as a heritage item in how they relate to the existing buildings, it is acknowledged that the proposed floor space ratio of 1:1 would provide an inaccurate indication of the intended intensity of any future use of the site as it does not accurately account for (or enforce) the retention of larger areas of Bella Vista Farm as vacant and available for informal and community recreational purposes.

In response to these concerns raised in submissions, and in light of the proposed reduction in the maximum height to 9 metres, it is recommended that a maximum floor space ratio of 0.5:1 would better reflect a desirable built form (and footprint of uses) on the site. A maximum floor space ratio of 0.5:1 would restrict the intensity of future use of the site and ensure larger areas of Bella Vista Farm remain vacant and unused for any formal purpose or development.

**Amenity**

- i. *Impact on residential development: Concern is raised about the loss of the 'buffer' between residential and commercial development and that future commercial use of the site would result in amenity impacts to existing residential development adjoining, and within the vicinity of, Bella Vista Farm. Amenity impacts included noise, pollution, litter and security.*

**Comment:**

Any future use or development will require a detailed development application to be submitted for assessment. Before a decision can be made on a development application, the consent authority must consider the application under section 79C of the *Environmental Planning and Assessment Act 1979*. Section 79C requires consent authorities to consider the likely impacts of development, including the environmental impacts on the natural and built environments, social and economic impacts on the locality and the public interest.

Any future development approval would contain conditions of consent which minimise the potential impacts on adjoining residential development including, but not limited to, the restriction of hours of events/operation and waste management requirements for events.

The types of land uses and activities envisaged for the site within the CMP are those that are compatible with and sensitive to the identified values and cultural significance of the site and include educational and demonstrative programs, special events, cafes/tea rooms, public recreation, receptions and weddings and corporate functions as opposed to typical multi-storey 'business park' commercial and office developments as found within the remainder of the Norwest Business Park. Accordingly, it is envisaged that the Farm will continue to provide a buffer between the commercial and office development within Norwest Business Park and residential development within Bella Vista.



- ii. *Loss of character of the suburb of Bella Vista: Concern that Bella Vista Farm is an integral part of the character and landscape of Bella Vista and makes the suburb feel beautiful, leafy and family oriented. Concern that making the Farm a business park would detract from Bella Vista as a residential area.*

**Comment:**

The types of land uses and activities envisaged for the site within the CMP are those that are compatible with and sensitive to the identified values and cultural significance of the site and include educational and demonstrative programs, special events, cafes/tea rooms, public recreation, receptions and weddings and corporate functions. These uses would be unlikely to detract from the existing prominence of Bella Vista Farm as part of the character and landscape of Bella Vista.

The proposal seeks to support the provision of new recreation facilities on the site to create a sense of place, bring the community together and encourage the continued use and enjoyment of the Farm and its history by the community.

**Environment and Heritage**

- i. *Heritage/Historical significance of Bella Vista Farm: Concern is raised that the use of Bella Vista Farm for commercial purposes is incompatible with the Heritage of the site and will ruin the "heritage experience", iconic value and historical significance of Bella Vista Farm.*

**Comment:**

Bella Vista Farm is considered, by Council, to be the 'jewel in the crown' of its heritage assets and is an important link to where the community of The Hills Shire came from. Bella Vista Farm will be a consistent reminder for future generations to come, through its ability to allow people to enjoy and appreciate our past.

In order to ensure that Bella Vista Farm is maintained in a manner that allows many to gain an understanding of how people lived in the past, Council has put in place the Bella Vista Farm Conservation Management Plan which provides guidance for continued conservation of buildings and areas where items such as new buildings and car parking may be considered. The CMP is intended to guide the processes of using, changing, conserving, repairing and maintaining the site and recommends uses and activities that are compatible with and sensitive to the identified values and cultural significance of the site.

Bella Vista Farm is not only significant in a local context, but is also listed on the State Heritage Register. As such, irrespective of the zoning of the site, any future use or development on the site requires a development application to be lodged and assessed against the requirements of the NSW Heritage Act 1977, LEP 2012, the Conservation Management Plan and Council's Heritage Development Control Plan. These existing heritage restrictions which apply to the site will continue to form the basis for decision-making and future management of Bella Vista Farm.

- ii. *Protection of the row of Bunya Pine trees: Concern that the rezoning will result in the removal of the row of Bunya Pines along the ridgeline within Bella Vista Farm which are a landmark.*

**Comment:**

The planning proposal does not seek approval for the removal of the Bunya Pines along the ridgeline within Bella Vista Farm. Rather, the CMP exhibited with the planning

proposal identifies the row of Bunya Pine Trees along the ridgeline as the major cultural planting on the site with prominent distant views from many angles and includes a number of actions to ensure the ongoing protection and maintenance of the Bunya Pine Avenue, such as:

- Reinstall the Bunya Pine Avenue along the ridgeline as an access to the Farm for visitor vehicles and pedestrians; and
- Manage the Bunya Pines and undertake succession planting.

The CMP is intended to guide the processes of using, changing, conserving, repairing and maintaining the site and as demonstrated above, clearly identifies actions to ensure the ongoing protection and maintenance of the Bunya Pine Avenue as a key landmark and major cultural planting within Bella Vista Farm.

*iii. Environmental impacts resulting in a loss of flora, fauna and natural beauty: Concern is raised that future commercial development of the site will result in the destruction of flora and fauna and the loss of opportunities to witness nature and natural beauty.*

**Comment:**

The CMP identifies a number of vegetation systems within Bella Vista Farm including the Homestead garden, inner and outer farmyards and home paddock, pastures, open woodland and Bunya Pine Avenue. Specific policies and actions are included to ensure the long term conservation and maintenance of these important vegetation systems within Bella Vista Farm. These policies and actions include:

- Retention of major cultural plantings;
- Succession planting programs;
- Conservation of existing formal plantings and removal of undergrowth;
- Maintenance of pastures for grazing;
- Retention of the mix of Eucalypts species (Forest Red Gum, Narrow Leafed Iron Bark, White Stringy Bark and Forest Oak);
- Removal of spoil and exotic weed species in open woodland;
- Maintenance of grassland through grazing or mowing; and
- Research into understorey species to enable their identification and retention.

As detailed above, the CMP seeks to identify and put in place policies and actions to protect, retain and maintain flora, fauna and natural beauty on Bella Vista Farm.

**Infrastructure**

*i. Increased traffic congestion: Concern is raised that the proposal will result in a significant increase in traffic using the already congested road network within Bella Vista and Norwest Business Park.*

**Comment:**

Any future use or development will require a detailed development application to be submitted for assessment. Traffic management would need to be addressed as part of the assessment of this application and the potential impacts of traffic generation on the surrounding road network would be identified and assessed.

Notwithstanding this, the CMP exhibited with the planning proposal outlines the scope of likely appropriate future uses/reuses including educational and demonstrative programs, special events, cafes/tea rooms, public recreation, receptions and weddings and corporate functions. Traffic generated by these commercial activities envisaged within

the CMP is unlikely to be during peak hours (as would be the case for commercial and office development within the Norwest Business Park) and as such, it is considered that the potential impact of future traffic generation can be managed.

- ii. *Loss of public open space and community land: Concern about the alienation of public land from the community and the loss of public open spaces for community use and recreation within the Bella Vista and Norwest areas. Concern that inadequate open space will be available to the community. Bella Vista Farm should be retained exclusively for the use of the community for recreation and local events.*

**Comment:**

Rather than alienating public land from the community, the proposal seeks to reinforce the significance of Bella Vista Farm Park as an area of public open space and community use and ensure the future financial sustainability of Bella Vista Farm to allow for the ongoing maintenance and conservation of Bella Vista Farm for use by the community.

The planning proposal seeks to provide opportunities for the community to use Bella Vista Farm in ways that are not currently possible and of particular relevance, Action 5.4.3 of the CMP is to *"ensure that the place remains accessible to the public by the development of a range of public activities and increased opportunities for access to the site and buildings where appropriate"*.

- iii. *Concern about the loss of public open space at the end of Ridgemark Place and potential for this park to be used as a new access road to Bella Vista Farm: Concern is raised that the rezoning of the small parcel of public open space at the end of Ridgemark Place will reduce the amenity for local residents and that this public open space will become a future access road to commercial developments within Bella Vista Farm.*

**Comment:**

It is noted that the parcel of public open space at the end of Ridgemark Place (Lot 23 DP 1046638) is classified as "community" land, rather than "operational" land similar to the remainder of Bella Vista Farm. It is recommended that the planning proposal be amended to exclude this "community" land, which should retain the existing RE1 Public Recreation zoning.

There is no plan for this small parcel of public open space at the end of Ridgemark Place to become an access road to Bella Vista Farm and this has not been identified or proposed within any of the planning proposal documentation.

**Economic Impacts**

- i. *Oversupply of Commercial and Office Development: A number of submissions identify that there are already a number of existing commercial and office buildings within Bella Vista and Norwest which are vacant (in particular Circa Precinct). These submissions propose that there is no need or demand for additional commercial or office development.*

**Comment:**

The CMP exhibited with the planning proposal outlines the scope of likely appropriate future uses/reuses including educational and demonstrative programs, special events, cafes/tea rooms, public recreation, receptions and weddings and corporate functions.

These uses and activities are unlikely to add to the existing stock of typical commercial and office developments within Bella Vista and Norwest.

- ii. *Impact of the proposal on property values: Concern that the proposal will reduce the value of properties within Bella Vista and adjoining Bella Vista Farm.*

**Comment:**

This is not a relevant planning concern as there is no documentary evidence to suggest that the proposal would have a negative impact on property values which are subject to fluctuations in the property market.

- iii. *Financial justification for the proposal: Concern that the proposal is driven by greed and developers.*

**Comment:**

The CMP acknowledges that the farm was a commercial business and recommends that applying an appropriate business zoning (B7 Business Park) will reinforce ties between past commercial activities on the farm and modern business in the surrounding area. It will provide a stable platform for sponsorship and investment that will ensure the future financial sustainability of Bella Vista Farm to allow for the ongoing maintenance and conservation of Bella Vista Farm for use by the community.

It is important to note Action 5.2.6 of the CMP requires that:

*"Any income generated from the use of the site is to be used to contribute to the maintenance of the site and to fund specific projects associated with the long term conservation of the site".*

**Additional Matters**

- i. *Concern with the necessity of the proposal: A number of submissions questioned the necessity of rezoning Bella Vista Farm and proposed that existing provisions available under LEP 2012 including Clause 5.10 (10) – Heritage Conservation Incentives and Schedule 1 – Additional Permitted Uses provide adequate scope to allow for the current uses on the site and additional future uses identified within the CMP.*

**Comment:**

It is acknowledged that the existing heritage incentive provisions within LEP 2012 (Clause 5.10 (10)) enable the approval of otherwise prohibited land uses and activities under the current zoning if it can be demonstrated that the use will facilitate the conservation of a heritage item and that this would provide flexibility for the continued operation of existing uses as well as the approval of new activities and uses envisaged within the CMP.

Notwithstanding this, the objectives for the rezoning were broader than simply increasing the number of permissible uses on the site. Rather, the proposal was initiated (based on the recommendations contained within the CMP) to reinforce the ties between past commercial activities on the farm and modern business in the surrounding area and provide more certainty and clarity to future proponents in the upfront statutory planning regime in order to establish a stable platform for sponsorship and investment into Bella Vista Farm.

- ii. *Objection to rezoning the whole site: Concern is raised with the proposal to rezone the entire site. A number of submissions suggest that the rezoning should*

*be limited to the central fenced farm area only to allow the existing buildings to be used for commercial purposes and the existing zoning should be retained for all surrounding parkland.*

**Comment:**

Bella Vista Farm operated historically as a successful agricultural enterprise and the CMP seeks to determine a viable, long term approach to commercial activities and future uses on the site to ensure financial sustainability of the Farm. The CMP is intended to guide the processes of using, changing, conserving, repairing and maintaining the site and envisages a range of future uses including educational and demonstrative programs, special events, cafes/tea rooms, public recreation, receptions and weddings and corporate functions. These uses are not limited to the central fenced farm area only but rather take into account the range of opportunities available on the wider Bella Vista Farm site. The CMP seeks to provide opportunities for the community to use the whole of Bella Vista Farm in ways that are not currently possible.

- iii. *Objection to a specific form of future development: A number of submissions object to specific forms of development on the site. These included multi-storey office buildings, multi-storey car parks, industrial development, take-away restaurants such as Hungry Jacks and subdivision and sale of the land by Council.*

**Comment:**

The planning proposal does not propose any specific use for the site. Rather, the CMP exhibited with the planning proposal outlines the scope of likely appropriate future uses/reuses including educational and demonstrative programs, special events, cafes/tea rooms, public recreation, receptions and weddings and corporate functions.

Any future use or development would require a development application to be lodged and assessed by Council against the requirements of the NSW Heritage Act 1977, LEP 2012, the Conservation Management Plan and Council's DCP and must also be separately approved by the NSW Heritage Council on its own merits. Given the extensive heritage restrictions which apply to the site, it should be noted that a change in the permissible uses, height and floor space ratio controls applicable to the site does not mean that any development meeting these controls will simply be approved. Irrespective of the applicable land use zoning, maximum building height and floor space ratio, any future use or structures must respect the significance of the farm as a heritage item in how they relate to the existing buildings and must be deemed to be acceptable by both Council and the NSW Heritage Council.

- iv. *Concern about the public exhibition process: Concern is raised with respect to the number of local residents notified of the planning proposal, the complexity of information placed on public exhibition, the lack of information provided relating to a specific development proposal for the site and the timing of the exhibition period prior to Christmas.*

**Comment:**

It is the statutory responsibility of Council to carry out consultation in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the Gateway Determination issued by the Department of Planning and Environment. It is considered that Council has met these requirements.

As part of the exhibition Council wrote to 417 adjoining and surrounding property owners. Notification of the exhibition was placed in The Hills Shire Times and Rouse Hill Times on two (2) separate occasions (once at the start of the exhibition period and again during the exhibition period). The notification advised property owners of where to find



the exhibition material and how to make submissions. The extent of notification is considered to be appropriate.

The planning proposal does not seek approval for any specific future use of the site and as such no specific development concept or proposal could be publicly exhibited. Rather, the CMP exhibited with the planning proposal does outline the scope of likely appropriate future uses/reuses of the site.

## **5. BELLA VISTA FARM PARK TASK GROUP**

Following the completion of the public exhibition period, Council at its Ordinary Meeting of 10 December 2013 resolved to establish the Bella Vista Farm Park Task Group to oversee the next stage of development and identify opportunities for ongoing preservation and maintenance of Bella Vista Farm Park.

The Task Group comprised four (4) Councillors, three (3) independent community representatives and a nominee of the Friends of Bella Vista Farm. The Bella Vista Farm Park Task Group met on 10 March 2014 and recommended that:

"Council proceed with the planning proposal to rezone the park amended as follows:

- *Amend the boundary to include operational land only (removing two parcels of community land from the proposal);*
- *Apply a maximum height limit of nine (9) metres (2 stories) rather than RL120 AHD; and*
- *Retain B7 Business Park Zone with the inclusion of additional land uses in Schedule 1."*

Following the completion of additional investigations with respect to amending the boundary of the proposal, the maximum building height and the additional land uses in Schedule 1, the Task Group met again on 13 April 2015 and recommended that:

"Council proceed with the planning proposal amended as follows:

- *Amend the boundary to include operational land only (removing two (2) parcels of community land from the proposal);*
- *Apply a maximum height limit of 9 metres (2 storeys) rather than RL120 AHD;*
- *Apply a maximum floor space ratio of 0.5:1 rather than 1:1; and*
- *Amend Schedule 1 of LEP 2012 to include additional permitted uses on the site (Agriculture; Entertainment Facility; Environmental Facility; Farm Building; Kiosk; Market; Recreation Facility (Major); and Research Station)."*

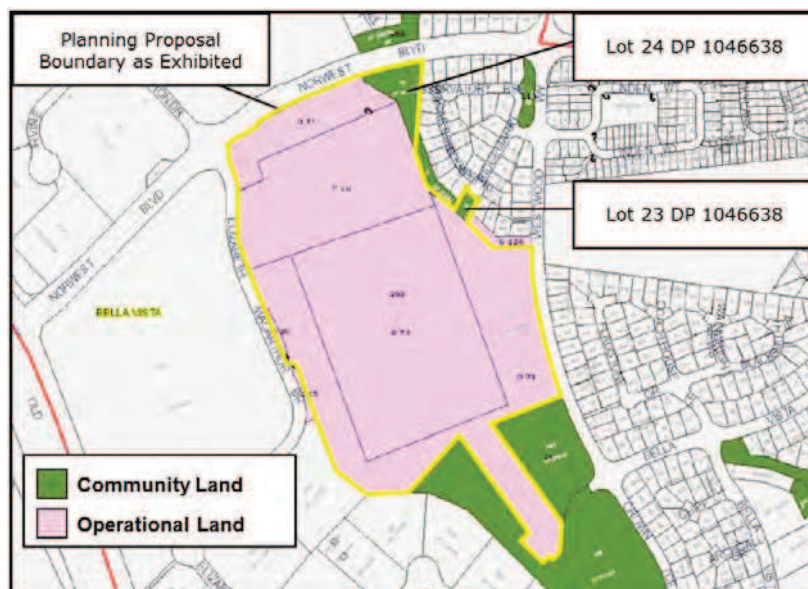
## **6. POST EXHIBITION AMENDMENTS**

Taking into account the submissions received during the public exhibition period as well as the outcomes of the meeting of the Bella Vista Farm Park Task Group, it is recommended that a number of amendments be made to the planning proposal with respect to the planning proposal boundary, maximum building height, maximum floor space ratio and land zoning and additional permitted uses. An overview of each of the recommended amendments is provided below.

### *Planning Proposal Boundary*

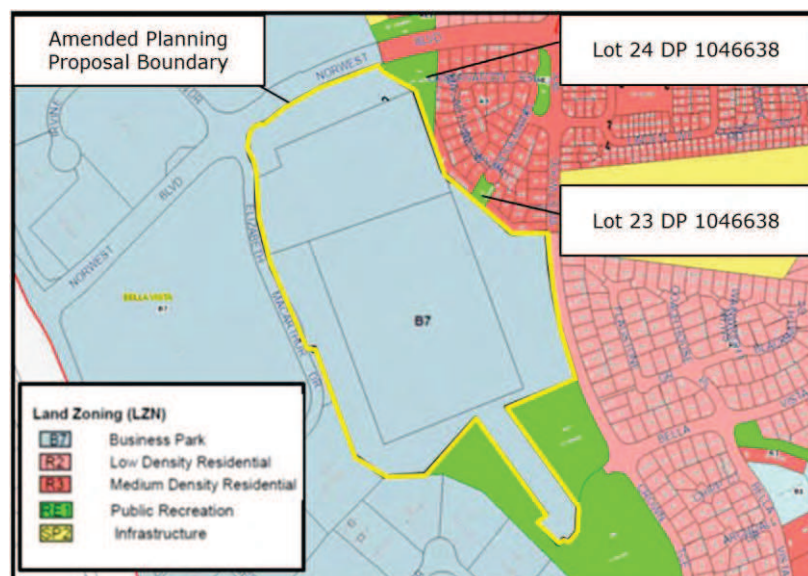
The area subject to the proposed rezoning (as exhibited) contains two (2) allotments classified as Community Land. These allotments have a legal description of Lot 23 DP 1046638 (located at the end of Ridgemark Place) and Lot 24 DP 1046638.

It is recommended that the area subject to the rezoning be amended as detailed in Figures 3 and 4 below to exclude these two (2) allotments of Community Land to ensure that these allotments retain the current RE1 Public Recreation zoning and that the rezoning will apply to Operational Land.



**Figure 3**

Community and Operational Land Map with Exhibited Planning Proposal Boundary



**Figure 4**

Proposed Rezoning with Amended Planning Proposal Boundary

### Building Height

While any future structures must respect the significance of the farm as a heritage item in how they relate to the existing buildings, a number of submissions raised concern with respect to the proposed maximum building height of RL120 metres and the scale of buildings which would be permissible under this height limit.

A maximum height of RL120 AHD could potentially facilitate buildings with a maximum height of 26 metres (8 storeys) on the lower portions on the site. It is acknowledged that structures of this height on certain parts of the site could impact on the setting of

the existing homestead heritage structures, adjoining residential land to the east and important views to and from the site.

In response to concerns raised within submissions received and in order to ensure that the future built form on the site remains consistent with, and sympathetic to, the existing homestead and heritage structures, it is recommended that a maximum building height of 9 metres be applied to the site rather than RL120 metres. A maximum height of 9 metres would ensure that no building on the site could exceed two (2) storeys in height and any future built form would remain consistent with the homestead building and the adjoining residential land to the east. It would also ensure that the significance of the existing heritage structures in their setting (as well as significant views to and from the heritage features) would be retained.

#### Floor Space Ratio

A number of submissions raised concern with the proposed maximum floor space ratio of 1:1 and the extent of physical development which this would permit on the site. In response to these concerns, and in light of the proposed reduction in the maximum height to 9 metres, it is recommended that a maximum floor space ratio of 0.5:1 would better reflect a desirable built form (and footprint of uses) on the site. A maximum floor space ratio of 0.5:1 would restrict the intensity of future use of the site and ensure larger areas of Bella Vista Farm remain vacant and unused for any formal purpose or development.

#### Land Zoning and Additional Permitted Uses

The planning proposal was initiated to enact the recommendations contained within the CMP, which acknowledges that the Farm was a commercial business and suggests that applying an appropriate business zoning (B7 Business Park) will reinforce the ties between past commercial activities on the farm and modern business in the surrounding area.

It is acknowledged that a number of existing uses of the site and a small number of uses envisaged within the CMP would not be permitted under the proposed B7 Business Park zoning. It is considered that the application of existing use rights as well as the existing heritage incentive provisions within LEP 2012 (Clause 5.10 (10)), which allows for the approval of otherwise prohibited land uses and activities under the current zoning if it can be demonstrated that the use will facilitate the conservation of a heritage item, would provide adequate flexibility for the continued operation of existing uses as well as the approval of new activities and uses envisaged within the CMP.

In order to ensure that all existing uses and future uses envisaged within the CMP are specifically identified as permissible on the site within the upfront statutory planning regime it is recommended that, in addition to the rezoning, Schedule 1 of LEP 2012 should be amended to include the following additional permitted uses on the site:

*"Agriculture; Entertainment Facility; Environmental Facility; Farm Building; Kiosk; Market; Recreation Facility (Major); and Research Station."*

#### **OPTIONS**

Having regard to the outcomes of the exhibition process, the following options are provided for consideration:

1. Proceed with planning proposal amended as follows and as recommended by the Bella Vista Farm Park Task Group:

- Amend the boundary to include operational land only (removing two (2) parcels of community land from the proposal);
  - Apply a maximum height limit of 9 metres (2 storeys) rather than RL120 AHD;
  - Apply a maximum floor space ratio of 0.5:1 rather than 1:1; and
  - Amend Schedule 1 of LEP 2012 to include additional permitted uses on the site (*Agriculture; Entertainment Facility; Environmental Facility; Farm Building; Kiosk; Market; Recreation Facility (Major); and Research Station*).
2. Council could choose not to proceed with the current proposal and make no change to the existing zoning or development controls applicable to the site.

Future applications for uses identified within the CMP would be required to rely on the permissible uses under the RE1 Public Recreation zoning as well as the heritage incentive provisions (Clause 5.10 (10)) within LEP 2012.

3. Council could choose not to proceed with the current proposal and instead initiate a Planning Proposal to amend Schedule 1 of LEP 2012 to include additional permitted uses for the site.

The exhibition has raised no issue that would prevent Council from proceeding as recommended in this report.

## **CONCLUSION**

The planning proposal as amended is supported on the basis that it will reinforce ties between past commercial activities on the farm and modern business in the surrounding area, create financial sustainability for Bella Vista Farm through the attraction of viable commercial land uses that are compatible with and sensitive to the identified values and cultural and community significance of the site. As detailed within this report, any income generated by the use of the site will be used to contribute to the ongoing maintenance and conservation of the site in order to promote the historical and community value that is attached to Bella Vista Farm and ensure the continued (and increased) use of Bella Vista Farm by the community for recreational and community purposes.

As detailed within a number of public authority submissions and public submissions received, the existing RE1 Public Recreation zoning and the heritage incentive provisions within LEP 2012 (Clause 5.10 (10)) provides flexibility for all current land uses and activities, as well as those envisaged under the CMP, to occur on Bella Vista Farm without the need for the rezoning. Of particular relevance, the Office of Environment and Heritage questioned the necessity of rezoning the site in light of these existing provisions and did not endorse the CMP which has been adopted by Council.

While it is acknowledged that the existing provisions within LEP 2012 provide flexibility for the approval of any land use on the site (if it can be demonstrated that the use will facilitate the conservation of a heritage item), the objectives for the rezoning were broader than simply increasing the number of permissible uses on the site. Rather, the proposal was initiated (based on the recommendations contained within the CMP) to reinforce the ties between past commercial activities on the farm and modern business in the surrounding area and provide more certainty and clarity to future proponents in the upfront statutory planning regime in order to establish a stable platform for sponsorship and investment into Bella Vista Farm. Accordingly, in order to achieve the *full* range of objectives of the planning proposal, it is recommended that the proposed rezoning proceed as amended.

Given heritage significance of Bella Vista Farm and the extensive heritage restrictions which apply to the site under both local and state planning legislation, it should be noted that a change in the permissible uses, height and floor space ratio controls under LEP 2012, does not mean that any development meeting these controls will simply be approved. Any future use or development would require a development application to be lodged and assessed by Council against the requirements of the NSW Heritage Act 1977, LEP 2012, the Conservation Management Plan and Council's DCP and must also be separately approved by the NSW Heritage Council on its own merits. Accordingly, irrespective of the level of compliance with the applicable controls under LEP 2012, any future use or structures can only be approved if they respect the significance of the farm as a heritage item in how they relate to the existing buildings and are deemed to be acceptable and appropriate by both Council and the NSW Heritage Council.

## **IMPACTS**

### **Financial**

The planning proposal was intended to ensure the long term financial sustainability of Bella Vista Farm by enabling the site to become financially independent. Any income generated by the use of the site will be used to contribute to the maintenance of the site and to fund specific projects associated with the long term conservation of the site. To date, just under \$5 million has been spent on the Farm. Approximately \$650,000 is required to ensure the buildings are structurally stable and around \$60,000 is required each year in ongoing maintenance. To lessen the burden on the rate base, the proposal could assist Council to secure a suitable use that may provide a revenue source for the conservation works.

### **The Hills Future Community Strategic Plan**

The proposed rezoning would contribute towards achieving the needs of the broader community, offering flexibility and a suitable range of uses of existing land while providing more opportunities for the heritage property to be efficiently managed in the long term.

## **RECOMMENDATION**

1. The Planning Proposal to rezone Bella Vista Farm from RE1 Public Recreation to B7 Business Park under LEP 2012 and apply a maximum building height and floor space ratio be adopted by Council and forwarded to the Department of Planning and Environment for finalisation subject to the following amendments:
  - a) The area to be rezoned be amended to apply to operational land only and exclude Lots 23 and 24 DP 1046638 classified as community land;
  - b) A maximum building height of 9 metres be applied to the site;
  - c) A maximum floor space ratio of 0.5:1 be applied to the site; and
  - d) Schedule 1 of LEP 2012 should be amended to include the following additional permitted uses on the site:
    - *Agriculture;*
    - *Entertainment Facility;*
    - *Environmental Facility;*
    - *Farm Building;*
    - *Kiosk;*
    - *Market;*
    - *Recreation Facility (Major); and*
    - *Research Station.*



2. The Bella Vista Farm Conservation Management Plan be reviewed and updated to address the matters raised within the submission by the Office of Environment and Heritage relating to Aboriginal Heritage.
3. The updated Conservation Management Plan be forwarded to the Office of Environment and Heritage for endorsement.

**ATTACHMENTS**

1. Previous Report - Planning Proposal for the Rezoning of Bella Vista Farm Park (8/2013/PLP) - Meeting of 12 February 2013 (15 pages)

## ATTACHMENT 1

## ORDINARY MEETING OF COUNCIL

12 FEBRUARY, 2013

**ITEM-4 PLANNING PROPOSAL FOR THE REZONING OF BELLA VISTA FARM PARK 8/2013/PLP****THEME:** Balanced Urban Growth**HILLS 2026 OUTCOME/S:** VC 3 I am connected to the community.

PL 2.1 Provide and manage assets and infrastructure to meet the current and future needs of our community.

**COUNCIL STRATEGY/S:** VC 3.1 Provide opportunities for our community to interact and volunteer and recognise diversity and local heritage.

BUG 2.2 Maintain the Shire's natural and cultural heritage through quality urban planning, development and maintenance.

**GROUP:** STRATEGIC PLANNING**AUTHOR:** CORDINATOR - FORWARD PLANNING  
BRONWYN SMITH**RESPONSIBLE OFFICER:** MANAGER - FORWARD PLANNING  
STEWART SEALE**EXECUTIVE SUMMARY**

Council considered a report at its Ordinary Meeting of 24 July 2012 following exhibition of a draft Conservation Management Plan prepared by Worley Parsons (Consultants). The Conservation Management Plan was endorsed by Council and one of the actions is for The Hills Shire Council to initiate a planning proposal to rezone Bella Vista Farm, in order for the property to become financially independent and provide a mechanism for the future maintenance of the property. This report recommends that Bella Vista Farm be rezoned from RE1 Public Recreation to B7 – Business Park.

The planning proposal is supported on the basis that Bella Vista Farm provides a vital link to our past and lends character to our community. Bella Vista Farm is a valuable tourism asset which is currently under-utilised which threatens its survival, and for heritage buildings to survive they need a viable use. The best way to preserve Bella Vista Farm is to allow a range of sympathetic new uses which would achieve long-term financial sustainability for future preservation and maintenance.

This report is supported by a Conservation Management Plan that encourages the future use of the site for commercial purposes.

**APPLICANT**

The Hills Shire Council – Council initiated

**OWNER**

The Hills Shire Council

## ORDINARY MEETING OF COUNCIL

12 FEBRUARY, 2013

## THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

|                  |                         |
|------------------|-------------------------|
| <b>Zone:</b>     | RE1 – Public Recreation |
| <b>Height:</b>   | No height map available |
| <b>FSR:</b>      | No FSR map available    |
| <b>Lot Size:</b> | 700m <sup>2</sup>       |

Norwest Business Park Part B Section 6 Hills Development Control Plan 2011 is applicable to the site.

## POLITICAL DONATIONS

No disclosures

## BACKGROUND

Bella Vista Farm is a significant cultural landscape on the Cumberland Plain, and is of exceptional significance to The Hills Shire and is listed as a Heritage Conservation Area within Schedule 5 of Councils Local Environmental Plan 2012 and on the New South Wales State Heritage Register.

The site is owned and managed by The Hills Shire Council and have undertaken in recent years major conservation works to a number of the buildings and provided new public recreation facilities. This proposal is seeking a rezoning for the likely appropriate uses/reuses of the site to ensure the long term financial sustainability of the site. The review and upgrade of the 2000 Conservation Management Plan (CMP) was presented as a first step towards that strategy.

Some of the key guiding principles that were developed to underpin the review and upgrade include:

1. Bella Vista Farm operated historically as a successful agricultural commercial development.
2. Adaptive re-use of Bella Vista Farm including commercial uses will provide for long term viability of Bella Vista.
3. Integration of the development of Bella Vista Farm with the surrounding commercial development of the Norwest Business Park will assist in overcoming isolation of the site in the future uses and development of those adjoining lands.
4. Provision of appropriate zoning and planning controls for Bella Vista Farm to ensure that the commercial viability of the site can be realised.
5. Consideration of development of a branding to market Bella Vista Farm to prospective developers and operators of the nearby Norwest Business Park, increase public awareness and the attraction of visitors.
6. Understanding of how the buildings work and their nature to facilitate appropriate adaptive re-uses.
7. Identifying opportunities for appropriate additions to the existing built forms.

A detailed review of the conservation policies and actions has been undertaken, together with the required works to be done, over what period of time, and an estimate of the

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## ORDINARY MEETING OF COUNCIL

12 FEBRUARY, 2013

costs involved. As a result of this review it is considered that Council should initiate a planning proposal to rezone the property to ensure the long term financial sustainability of the site.

**REPORT**

The purpose of this report is to consider amendments to The Hills Local Environmental Plan 2012 to rezone Bella Vista Farm from RE1 Public Recreation to B7 – Business Park.

**1. THE SITE**

Until the mid-1990s, the area was primarily used for small-scale agriculture. Since then, significant changes have become apparent as it incorporates a residential area and business park. The suburb of Bella Vista contains several shopping complexes a private hospital and a major hotel.

Bella Vista Farm is an 18.5 hectare site located adjacent to the existing Norwest Business Park, and also adjacent to Old Windsor Road and Norwest Boulevard in the suburb of Bella Vista.

It is a historic site with significant cultural landscape within the Cumberland Plain area and is located on a ridge with panoramic views, and includes pastures, remnant woodland, vernacular timber farm buildings some of which date from very early occupation of the site, landscaped gardens, a two storey homestead, originally c1840s Georgian and extended c1864 Italianate architectural style and a Bunya Pine lined drive planted c1890s. The area of the current site is much reduced from the original farm but provides a rare surviving link between the community today, the first European settlers, and some of Australia's earliest rural development.

To the north, north east and west of the site is Norwest Business Park, to the east of the site are low to medium density residential areas, to the south of the site is the recently built Norwest Hospital.



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Bella Vista Farm Homestead (front)



Bella Vista Farm Homestead (rear)

## 2. PLANNING PROPOSAL

The planning proposal is for the purpose of commencing the process to rezone Bella Vista Farm to permit the site to become financially sustainable, while allowing the community to use the site more frequently.

The rezoning will permit the site to be used for activities that are currently not permissible under the RE1 zone. Rezoning the site to a B7 Business Park zone will allow the property to become financially independent and provide a mechanism for the future maintenance of the property.

Bella Vista provides a vital link to our past and lends character to our community. Bella Vista is a valuable tourism asset which is currently under-utilised which threatens the survival of Bella Vista.

The best way to preserve Bella Vista is to give it a sympathetic new use. The most sympathetic use is usually the one a building was originally designed for.

## 3. CONSERVATION MANAGEMENT PLAN

Bella Vista Farm Conservation Management Plan prepared by Worley Parsons dated May 2012.

The Conservation Management Plan (CMP) aims to identify the cultural significance of Bella Vista Farm. The CMP is to be used as a basis for decision making not only for the area defined by the curtilage, but also for the surrounding context and setting, in order to achieve an integration of Bella Vista Farm into the surrounding development. The policies have been divided into sections, starting with planning and management issues followed by broader issues relating to the original extent of the former Elizabeth Macarthur's Seven Hills Farm, followed by more detailed policies regarding the conservation and maintenance works to the buildings and the landscape.

The CMP is intended to guide the processes of using, changing, conserving, repairing and maintaining the site. The policies are sufficiently flexible in recognising both operational building requirements and constraints, while enabling and ensuring that the significance of the place is conserved and maintained. It is intended that the CMP be used by both



## ORDINARY MEETING OF COUNCIL

12 FEBRUARY, 2013

Applicants when preparing development proposals and consent authorities when assessing future development proposals within the surrounding business park and residential development.

The CMP recommends that Bella Vista Farm Park implement a range of uses over multiple implementation stages. This should involve the use of the site for mixed purposes including community, commercial and educational uses. The CMP recommends identification of suitable adaptive re-use to incorporate appropriate commercial uses that will provide for the long term financial viability of Bella Vista Farm Park.

The key objectives of the CMP are;

- Determine a viable, long term approach to development of the site including commercial activity to ensure financial sustainability of the Farm, without compromising the importance of the heritage status of the site and the historical and educational value to the community at local and State levels.
- Ensure the special character, and setting of the site is retained and to conserve the heritage by ensuring that new development does not adversely affect the significance of Bella Vista Farm and its distinctive character.

Change is often required to maintain the ongoing viability of a heritage site. The facilities often need to be upgraded to improve levels of amenity and/or achieve compliance with safety standards, or a new use may be introduced where the original function of the place has become redundant.

Benefits of historic conservation include the benefits of commercial development to more intangible community benefits such as a sense of belonging, history, research and values. Historic conservation also benefits the future generation through preservation of heritage enabling continued access.

Through the recommendations provided in the CMP, Council has been advised that the best way to create financial sustainability for the heritage site is to implement appropriate adaptive re-use of the site that is sensitive to the cultural significance of the site which incorporates a rezoning of the site.

#### 4. ADAPTIVE RE-USE

Since the endorsement of the 2000 CMP, Bella Vista Farm has undergone significant changes to restore and refurbish its original homestead, some outbuildings and parkland areas. These projects were a partnership between The Hills Shire Council, the Friends of Bella Vista Farm and other stakeholders and funding bodies. This has included the completion of the external restoration of the homestead, restoration of the packing shed, shop, kitchen/maids quarters and some repair and restoration works of the other farm sheds, as well as restoration and maintenance of the gardens and outer grounds, installation of a security fence, temporary amenities, and car parking area, and walking paths.

Since the establishment of the S355 Committee in 2009, the main focus has been to determine a viable, long term approach to development of the site including commercial activity to ensure financial sustainability of the Farm, without compromising the importance of the heritage significance of the site and the historical and educational value to the community. That educational value includes the demonstration of ecologically sustainable development and the satisfying of the principals of intergenerational equity in respect to the conservation of our heritage.

## ORDINARY MEETING OF COUNCIL

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Key underlying principles in the selection of future uses are that:

- Bella Vista Farm operated historically as a successful agricultural commercial enterprise.
- As an historic site, it is an important example of the growth of the "commercial" use of the site for the purpose of agriculture, resulting in the creation of forms and spaces reflective of that use, i.e. a mixed use for agriculture and as a place of residence.
- The former use of the site as an agricultural venture on a commercial scale involved adaptation as necessary to new practices and as such this process of adaptation must be given equal weighting in the assessment processes and appreciation of the concept of adaptation and adaptive re-use, especially given the potential strategic relationship of the site with Norwest Business Park and the surrounding residential developments.
- Identification of suitable adaptive re-use is to incorporate appropriate commercial uses that will provide for long term financial viability of Bella Vista.

Adaptive re-use is the suggested way forward for Bella Vista Farm Park by the updated CMP, it is recommended to improve the sites heritage identity. Adaptive re-use of the farm can be done to ensure that community utility of the site for uses such as markets and picnicking can continue while additionally allowing the site to be used for further purposes. These can include the use of the site for a restaurant or as a function centre that can provide employment opportunities as well as creating income for the property that can be used in the future for property maintenance reducing financial dependency on the Council.

Adaptive re-use deals with the issues of conservation and heritage policies. The criteria for adaptive re-use are:

- The importance of the site to the community, and
- The historical importance of the site.

Both of the above criteria apply to Bella Vista Farm Park proving that the site is suitable for adaptive re-use. The best way to preserve heritage structures is to give them a sympathetic new use so they can continue to be used and appreciated. The rezoning of the property will minimise the current isolation of the site within the Norwest Business Park by connecting it through mixed uses that will promote the site and encourage community visitation.

The CMP has identified the following uses for Bella Vista Farm:

- Mixed farming- demonstration farm or/and riding school;
- Education- specialised trades training, open days, programs and field days;
- Commercial- art/craft outlet, cafes, event receptions and functions; and
- Community- public recreation, community gardens and facilities and volunteer programs

The recommended uses are sensitive in nature towards both the cultural heritage and the actual heritage items on the site. The CMP recommends that a mix of uses be implemented on the site that provides sensitive and successful adaptive re-use, and at the same time, would preserve the prevailing character of neighbourhoods by limiting impacts such as high amount of traffic, noise, smell, etc.



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*The Homestead*

The Homestead was progressively extended in stages to create a larger family home, sited on top of the ridge to provide panoramic views. As a focus building on the site, it is to be made publicly accessible, where possible. It is considered that the use of the Homestead may be for hospitality, function or meetings rooms, galleries, a research centre or local history centre incorporating interpretative displays.

*The Kitchen Block*

The kitchen block was also used as servants' quarters, a dairy and storage. Its ground floor location and good condition makes it accessible for use in association with the Homestead, kitchen garden and courtyard space. The kitchen block can be used to support activities in the site.

*The Shop and Coach House*

These buildings provided services for the homestead. The Shop could continue to do so and its fabric is less significant and more easily adapted. It could also be leased for a compatible use such as an office, workshop or shop. The Coach House is highly significant and very fragile. It is not to be used for vehicles or farm animals. Its interpretation is exceptionally important and it has potential for use in specialised training activities in the history of building construction and conservation, history and interpretation. It could be used as undercover space for events in the courtyard or for temporary free standing installations.

It is considered that the Shop could be used for service functions for Bella Vista Farm or lease as an office, workshop or shop to support the activities of the site. The Coach House may be used for permanent interpretative display and in association with special events in the courtyard and specialised training activities.

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*The Homestead Gardens*

The Homestead Garden has a formal ornamental garden. The future uses must be relative to its importance as an original garden. Historic gardens are popular tourist destinations and this could be managed with visits as part of a garden tour.

The kitchen garden could be re-established as a support for activities on the site.

The Homestead courtyard provided services for the Homestead and may continue to be needed for this purpose. It has the potential to be used for outdoor and temporary events and marquees could be erected in the area. This could support larger events and receptions held on the site. Continue to use the garden as a formal ornamental garden to support the activities of the site and/or occasional events and demonstrations or as part of training courses.

Establish the kitchen garden as a productive garden for the site and use the courtyard as open space to support the activities of the site and for temporary and outdoor events.

*The Farm Yards and Home Paddock*

These areas were the working farmyards and buildings and were used over time for various changing farm uses such as housing animals, fodder, machinery, processing crops, shearing, milking, wood storage, blacksmithing and so forth. The preferred use is farm related or traditional craft activities. Some spaces could accommodate farm animals. There is potential to lease buildings or spaces permanently for events such as markets.

The buildings and yards could be used as a small demonstration or model farm or for demonstrations and marketing of traditional craft, open days, festivals and markets.

**5. PLANNING FRAMEWORK****a. Local Government Act 1993**

The Local Government Act 1993 requires all land vested in a Council to be classified as either 'operational' or 'community'. It provides for land that is kept for use by the general public (such as a public park) to be classified as 'Community', which must be regulated via a plan of management.

There are some properties within the Shire that are classified as Operational Land which have a clear public open space function for example Bella Vista Farm Park. In this particular case land was transferred to Council as Operational Land, pending refinement of proposed uses. Review of classifications is required to recognise spaces intended for ongoing use for community purposes. Consideration of the relevant Section 117



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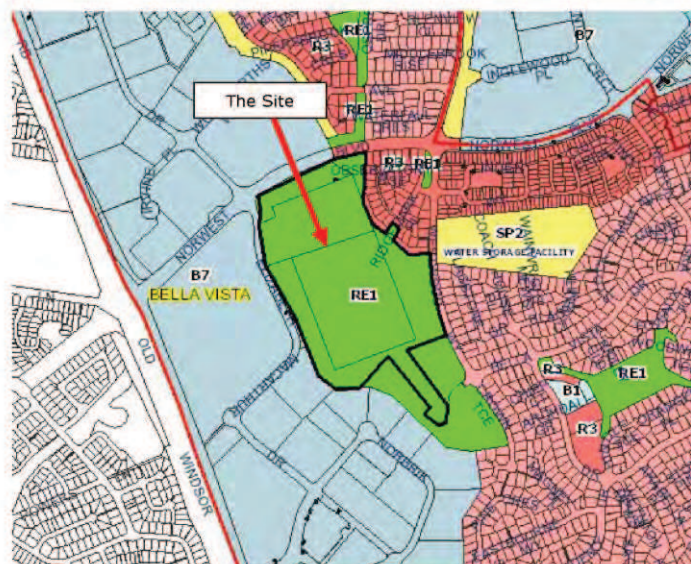
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Direction 6.2 Reserving Land for Public Purpose must be taken into account when amending land classifications through the LEP process. Whilst planning, delivery and availability of public spaces are critical, attention also needs to be given to factors which ensure that people will continue to use and appreciate the public open space network. Spaces should be well maintained, attractively landscaped and safe for children with fenced play areas, shade and seating provided where needed. Bella Vista Farm Park is a publicly owned conservation area and has been identified as an item that should reflect public ownership, recreation and community function while also using the relevant Plan of Management when considering the range of permissible uses.

#### b. The Hills Local Environmental Plan 2012

The site is currently zoned RE1 Public Recreation under the provisions of LEP 2012 and the objectives of the zone are as follows:

- To enable land to be used for public open space or recreational purposes
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes



Bella Vista Farm Park and surrounding land-use zones

In relation to the future zoning of Bella Vista Farm, a key consideration will be of a zoning that reflects the historical commercial success of the site as a commercial agricultural use and its future uses and connections as part of the Norwest Business Park.

The Hills Shire Council proposes to amend the RE1 zoning of Bella Vista by means of a Planning Proposal, which would be prepared and submitted via the "gateway process" to the Department of Planning and Infrastructure (DOPI).

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The two zones which have been considered for the site are as follows:

**B5 – Business Development**

The objectives of the zone are as follows:

- To enable a mix of business and warehouse uses, and bulky goods premises that require large floor area, in locations that are close to, and support the viability of, centres.
- To provide for bulky goods premises that meet community demand.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

Given that this zone permits bulky goods premises it is considered that this zone is inappropriate because of the potential adverse impact that would be created on Bella Vista.

**B7 – Business Park**

The objectives of the zone are as follows:

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of the workers in the area.
- To make provision for high technology industries that use and develop advanced technologies, products and processes.

The CMP proposes that a “commercial” zoning either B5 Business Development or B7 Business Park be applied that would achieve conservation and financial viability the objectives for the site of The Hills Shire Council and the Section 355 Committee. The appropriate “commercial” zoning would have a prescribed scope of uses that would be most appropriate to facilitate the long term conservation and financial viability of Bella Vista.

It is considered that the B7-Business Park would be the most appropriate zoning, however, it would be necessary to include local objectives within the zone to ensure that Bella Vista is protected such as;

- To ensure the special character and setting of the site is retained and to conserve the heritage by ensuring that new development does not adversely affect the significance of Bella Vista Farm and its distinctive character.
- To provide for activities that support and relate to the natural assets of the area, in particular Bella Vista Farm.
- To ensure that any development with respect to Bella Vista Farm is undertaken in a manner that is sympathetic to, and does not detract from the identified significance.
- To encourage innovative approaches to the conservation of Bella Vista Farm and to provide incentives for good management practices.

**c. Local Strategy****Environment and Leisure Direction**

A key objective of the Environment and Leisure Direction is to provide high quality spaces for community recreation and enjoyment. The rezoning of the site to the proposed B7 – Business Park can assist in meeting some of the Key Directions of the Environment and Leisure Directions such as EL2 that strives to provide high quality spaces for community recreation and enjoyment, this can be achieved through the rezoning as the recreation, picnic facilities will be maintained while additionally providing opportunities for new uses that can allow more spaces and types of community enjoyment. EL4 will also support

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the rezoning of the site as the proposed zones will allow for spaces that will encourage community interaction through the existing sites spaces. This proposal works alongside The Hills Shire Local Strategies and Directions and can assist in achieving particular directions and objectives.

**d. Ministerial Section 117 Directions**

Section 117(2) of the Environmental Planning and Assessment Act 1979 (EP & A Act) enables the Minister for Planning and Infrastructure to issue directions that Councils must address when preparing planning proposals for a new Local Environmental Plan. The planning proposal is generally consistent with the following relevant 117 Directions:

- a) Business and Industrial Zones
- b) Heritage Conservation
- c) Approval and Referral Requirements
- d) Implementation of the Metropolitan Plan for Sydney 2036.

**6. HERITAGE LISTINGS AND IMPLICATIONS****a. Baulkham Hills Heritage Study 1993-1994**

The Baulkham Hills Heritage Study, prepared 1993-1994 identified Bella Vista Farm as being significant and is listed under the inventory of 'Building and Other Works', as both the Bella Vista Homestead (ref.22501), the Bella Vista Outbuilding Complex (ref.22502) and as an archaeological site (ref.22500). It is listed as having Regional significance but this assessment predated the new State Heritage Register.

**b. Sydney Regional Environmental Plan No 19-Rouse Hill Development Area**

Bella Vista is listed as an item of environmental heritage under SREP No. 19 (deemed State Environmental Planning Policy). SREP No. 19 was established to co-ordinate planning and decision-making for long term growth, identifying land that is suitable for urban purposes and providing for the orderly and economic development for growth centres in the north-west sector, north of Blacktown.

**c. Register of the National Estate**

The Australian Heritage Council is a Commonwealth authority which compiles and maintains the *Register of the National Estate*, an inventory of places of significance in Australia. The basis for assessment of significance is the methodology and terminology of the *Burra Charter*.

Bella Vista was listed on the Register on 28 September 1982. A copy of the data sheet is contained within the **Appendix 1**. Other associated sites that are listed include the 'Old Windsor Road' and the 'Pearce Family Cemetery'.

However, some significant changes were made in 2007 in relation to the future of the Register as outlined below by the Department of Sustainability, Environment, Water, Populations and Communities (2011):

*"Following amendments to the Australian Heritage Council Act 2003, the Register of the National Estate (RNE) was frozen on 19 February 2007, which means that no new places can be added, or removed.*

*The Register will continue as a statutory register until February 2012. During this period the Minister for the Environment, Heritage and the Arts (the Minister) is required to continue considering the Register when making some decisions under the Environment*

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Protection and Biodiversity Conservation Act 1999 (EPBC Act). *This transition period also allows states, territories, local and the Australian Government to complete the task of transferring places to appropriate heritage registers where necessary and to amend legislation that refers to the RNE as a statutory list.*

*From February 2012 all references to the Register will be removed from the EPBC Act and the AHC Act. The RNE will be maintained after this time on a non-statutory basis as a publicly available archive.*

*Many places in the Register are already included in other statutory lists, such as the state heritage lists, or local government heritage registers. As a result, those places receive protection under the relevant federal, state or territory legislation, or under council bylaws."*

The implications of these changes for Bella Vista are that the statutory protection will remain under the NSW Heritage Act 1977 as an item of state heritage significance on the NSW State Heritage Register.

**d. Heritage Act 1977**

Under the *Heritage Act 1977*, the approval of the Heritage Council is required for adaptive reuse, conservation and other work to items of state heritage significance.

Bella Vista is listed on the State Heritage Register. Therefore, the approval of the Heritage Council is required for all works, with the exception of works included in the standard exemptions under Section 57(2) of the *Heritage Act 1977*, gazetted on 25 March 2006.

The standard exemptions include:

- Maintenance and cleaning
- Repairs
- Painting
- Excavation
- Restoration
- Development endorsed by the heritage Council or director-general
- Minor activities with no adverse impact on heritage significance
- Non-significant fabric
- Change of use
- New buildings
- Temporary structures
- Landscape maintenance
- Signage
- Burial sites and cemeteries
- Compliance with minimum standards and orders
- Safety and security
- Movable heritage items

Works undertaken under exemption for the *Heritage Act 1977*, except for routine maintenance, may generally still require development consent. Any works where demolition of significant fabric is proposed will require Heritage Council Approval, under an integrated development application (DA).



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An assessment of the impact of any proposed works on the heritage significance of the place needs to be undertaken for all works that involve modification of, or alteration to, the significant fabric of the place.

**7. MATTERS FOR CONSIDERATION****a. Funding**

Bella Vista Farm is a rare surviving link to Australian farming heritage. Restoration of the Homestead and Farm Buildings would not be possible without financial funding from a range of grant providers that include: The Hills Shire Council, Department of Urban Affairs Planning NSW, Greenspace Grant NSW Government, Friends of Bella Vista Farm, Heritage Office NSW Government, Federal Government – Cultural Heritage Grant and Regional Infrastructure Grant. However funding is becoming less and less as the restoration nears completion on this basis it is necessary to secure the financial stability of Bella Vista.

The CMP suggests that any income generated from the use of the site would be used to contribute to the maintenance of the site and to fund specific projects associated with the long term conservation of the site. Further, a rezoning would provide a level of business opportunities that would provide an income, ensuring the continued conservation and maintenance of the significant fabric of Bella Vista Farm.

**b. Economic Issues**

The proposed rezoning will have little effect on The Hills Council as the Council already owns and manages the property. However, rezoning the site will enable business opportunities which would lead to Bella Vista becoming financial sustainability through a range of uses that may create additional income that can be used for future restorations and maintenance of the property.

**c. Social Issues**

Keeping and re-using heritage buildings have long term benefits for the communities that value them, and high profile losses have been met with sadness and disappointment. The re-use of heritage buildings is key to ensuring Bella Vista's character remains for future generations to enjoy.

The proposal seeks to provide opportunities for the community to use the farm in ways that are not possible under the current zoning. Proposed uses of the site as a restaurant or a function centre will provide a space for social activities and leisure while ensuring sensitivity towards the heritage items.

**d. Environmental Issues**

The proposed rezoning is unlikely to result in any adverse environmental impacts. However, should a Development Application be lodged, a full assessment of environmental impacts should be undertaken with respect to a specific development scheme. Any future Development Application should be accompanied by the environmental assessments including but not limited to, an acoustic impact assessment.

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**CONCLUSION**

This report recommends that Bella Vista Farm be rezoned from RE1 Public Recreation to B7 – Business Centre to allow suitable adaptive re-use of the property. Rezoning the site will provide many benefits for both the community and the Council. The benefits include heritage site promotion and increased use, continued preservation and maintenance of the property and reduced financial dependency on the Council through income generated by the proposed future uses. This proposal is the best option for the successful long term conservation of the property.

**IMPACTS****Financial**

The proposed rezoning would enable the site to become financially independent and any additional income generated from the potential business opportunities would finance the ongoing maintenance of Bella Vista Farm.

**Hills 2026**

In accordance with the delivery programs working towards meeting the goals of the Hills 2026, the zoning contributes towards achieving the needs of the broader community, offering flexibility and a suitable range of uses of existing land while providing more opportunities for the heritage property to be efficiently managed in the long term.

**RECOMMENDATION**

A planning proposal to rezone Bella Vista Farm from RE1 Public Recreation to B7 – Business Centre be forwarded to the Department of Planning and Infrastructure for a Gateway Determination.

**ATTACHMENTS**

Nil

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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 12 February 2013**

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*Being a planning matter, the Mayor called for a division to record the votes on this matter*

**VOTING FOR THE MOTION**

Councillors Dr M.R. Byrne, R.K. Harty OAM, A.J. Hay, R. Tracey, M.G. Thomas, Dr J. Lowe, R. Preston, M. Taylor, Y. Keane, P. Gangemi, A.C. Jefferies, A. Haselden

**VOTING AGAINST THE MOTION**

None

*Councillor Keane declared a non-pecuniary non-significant conflict of interest in the following Item-4 Planning Proposal for the Rezoning of Bella Vista Farm Park 8/2013/PLP as she is the CEO of an organisation that has booked the venue for New Year's Eve for a major public event. Councillor Keane signed the Conflicts of Interest Register and remained in the room.*

**ITEM-4****PLANNING PROPOSAL FOR THE REZONING OF BELLA VISTA FARM PARK 8/2013/PLP**

A MOTION WAS MOVED BY COUNCILLOR HARTY OAM AND SECONDED BY COUNCILLOR TAYLOR THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

**30 RESOLUTION**

A planning proposal to rezone Bella Vista Farm from RE1 Public Recreation to B7 – Business Centre be forwarded to the Department of Planning and Infrastructure for a Gateway Determination.

*Being a planning matter, the Mayor called for a division to record the votes on this matter*

**VOTING FOR THE MOTION**

Councillors Dr M.R. Byrne, R.K. Harty OAM, A.J. Hay, M.G. Thomas, Dr J. Lowe, R. Preston, M. Taylor, Y. Keane, P. Gangemi, A.C. Jefferies, A. Haselden

**VOTING AGAINST THE MOTION**

Councillor R. Tracey

**CALL OF THE AGENDA**

A MOTION WAS MOVED BY COUNCILLOR HARTY OAM AND SECONDED BY COUNCILLOR KEANE THAT Items 6, 9, 10, 11, 12 and 14 be moved by exception and the recommendations contained in the reports be adopted.

THE MOTION WAS PUT AND CARRIED.

**31 RESOLUTION**

Items 6, 9, 10, 11, 12 and 14 be moved by exception and the recommendations contained in the reports be adopted.

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**This is Page 7 of the Minutes of the Ordinary Meeting of The Hills Shire Council held on 12 February 2013**

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