

Draft Amendment No 6 to The Hills LEP 2012 - Rezoning of Bella Vista Farm Park

Proposal Title : Draft Amendment No 6 to The Hills LEP 2012 - Rezoning of Bella Vista Farm Park

Proposal Summary : To rezone Bella Vista Farm from RE1 Public Recreation to B7 Business Park.

PP Number : PP_2013_THILL_006_00

Dop File No : 13/08127-1

Proposal Details

Date Planning : 22-Apr-2013

LGA covered : The Hills Shire

Proposal Received :

Region : Sydney Region West

RPA : The Hills Shire Council

State Electorate : BAULKHAM HILLS

Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : Bella Vista Farm, 2 Elizabeth Macarthur Drive, Bella Vista

DoP Planning Officer Contact Details

Contact Name : Cho Cho Myint

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RPA Contact Details

Contact Name : Bronwyn Smith

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre : N/A

Release Area Name : N/A

Regional / Sub : Metro North West subregion

Consistent with Strategy : Yes

Regional Strategy :

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MDP Number :		Date of Release :	
Area of Release (Ha) : 0.00		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0		No. of Dwellings (where relevant) :	0
Gross Floor Area : 0		No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : The Department's Lobbyist Contact Register has been checked on 15 May 2013. There have been no records of contact with lobbyists in relation to this proposal.

Supporting notes

Internal Supporting Notes : **NO OF JOBS CREATED**

There is a difficulty in estimating the number of jobs that will be created as there are no standards that would fit this unique heritage asset and the fact that the rezoning is not likely to be supported.

THE SITE (refer to site location, attached at documents section)

Bella Vista Farm is an 18.5 hectare site located adjacent to the existing Norwest Business Park, Old Windsor Road and Norwest Boulevard in Bella Vista. The site is owned and managed by The Hills Shire Council.

Until the mid-1990s, the area was primarily used for small-scale agriculture. Since then, the farm has been reduced to make way for the Norwest Business Park to the north, north east and west of the site and low to medium density residential areas to the east. To the south of the site is the Norwest Hospital.

CURRENT ZONING (relevant provisions and maps, attached at documents section)

The Bella Vista Farm Park is zoned RE1 Public Recreation in the Hills LEP 2012. It is classified as "operational" land. Under the provisions of the LEP, the site can accommodate a suite of community uses, information and educational facilities, kiosks, markets, restaurants or cafes and recreation areas and all forms of recreation facilities.

Notwithstanding the zoning of the land, Clause 5.10 (10) Conservation incentives of the Hills LEP 2012, allows the consent authority to grant consent to uses that are not permissible on the site if the matters in Clause 5.10(10)(a) - (e) are satisfactorily met. These include requirements for the development to facilitate the heritage significance of the heritage item or Aboriginal place, consistency with the heritage management document (CMP) and the impact on the heritage item and the amenity of the surrounding area.

HERITAGE SIGNIFICANCE

Bella Vista Farm is a significant cultural landscape on the Cumberland Plain. It is listed as a Heritage Conservation Area within Schedule 5 as "State" significance in the Hills LEP 2012 as well as the New South Wales State Heritage Register (refer to the planning proposal).

The site is recognised on the State Heritage Register for its significance as an historic landscape.

Established in the late 1700's it is a historic site 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 (c.1840's) homestead, Georgian/Italianate style, and a Bunya Pine lined drive. The site is now much smaller than the original farm.

In recent years the the site has gone through major conservation works to a number of the buildings and provided new public recreation/community facilities. The site forms part of the open space network in the area (see maps attached) and is currently open to the public (limited occasions - farm buildings, seven days a week - the surrounding parkland).

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **THE PLANNING PROPOSAL**

The planning proposal seeks to rezone the Bella Vista Farm Park site from RE1 Public Recreation Zone to B7 Business Park Zone in The Hills LEP 2012.

Council advises that Bella Vista Farm provides a vital link to the past and lends character to the community. It is a valuable tourism asset which is currently under-utilised and this situation threatens its survival.

Council argues that the rezoning will allow new/sympathetic uses and activities that are currently not permissible under the current RE1 Zone, and will allow the property to become financially sustainable and provide a mechanism for the future maintenance.

The planning proposal is supported by a review/upgrade prepared by Worleyparsons (May 2013) of the previous Conservation Management Plan (2000). The review of the CMP is attached in the document section.

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

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

Comment :

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

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

d) Which SEPPs have the RPA identified? **SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)**

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

CONSISTENCY WITH APPLICABLE STRATEGIES

METROPOLITAN PLAN FOR SYDNEY 2036, DRAFT NORTH WEST SUBREGIONAL STRATEGY AND DRAFT METROPOLITAN STRATEGY FOR SYDNEY TO 2031

Council advised that the planning proposal is consistent with the Metropolitan Plan for Sydney 2036 and the draft North West Subregional Strategy (NW SRS) as the proposal will provide community facilities within easy walking distance from the proposed North West Rail Link to be located at Norwest Business Centre.

Comment:

The Metropolitan Plan for Sydney 2036 and the draft North West Subregional Strategy (NW SRS) both have key objectives for provision/importance for timely provision of local open spaces to meet the needs of the growing population as well as the strategic directions and objectives for provision of employment lands in the region. However, there are no agreed strategic directions or local strategies for the site to be used for employment purposes.

Objective H2 To Ensure Appropriate Social Infrastructure and Service are located near Transport, Jobs, and Housing of the Metropolitan Plan for Sydney 2036 and Objective F2.1.1 of the draft NW SRS clearly states that Councils are to maintain or enhance the provision of local open space particularly in centres and along transport corridors where urban and residential growth is being located. It should be noted that the draft NW SRS states that only 2% of the open space in the North West region is accessible and suitable for a range of open space uses (pg. 139).

The draft Metropolitan Strategy for Sydney to 2031 has Objective 8: Create socially inclusive places that promote social, cultural and recreational opportunities in, has similar statements, including the need for long term strategies to protect and promote places and objects of heritage value to our diverse community. Action 8.1 mentions the need for agencies and local councils to prepare guidelines for planning and delivery of community facilities for local areas.

The draft Metropolitan Strategy for Sydney to 2031 also identified North West Rail link Corridor as a major city shaper for the North West Subregion and one of the priorities for the North West rail Link Corridor Strategy is to create liveable centres around each new station that are well-designed with high quality public spaces and a range of community facilities.

Council's planning proposal has not addressed the issue of 'loss of open space' as a result of the rezoning and alternative options to accommodate open space needs for future residential and employment uses proposed in the area. The planning proposal assumes that B7 Business Park will continue to allow for community uses without any detailed discussion on how this will occur and how this will satisfy open space needs for future developments in the vicinity.

The planning proposal is not consistent with the strategic directions relevant to provision of local open space in these strategic documents.

NORTH WEST RAIL LINK CORRIDOR STRATEGY

The Draft Metropolitan Strategy for Sydney to 2031 identifies the North West Rail Link Corridor as one of the nine city shapers (pg. 25) as well as a major city shaper for the

North West Subregion (pg 89). The preparation of structure plans for each of the stations along the North West Rail Link is one of the priorities identified for the corridor, to guide the growth of housing and commercial activity around each of the stations.

The draft structure plans for Bella Vista and Norwest has identified the potential of 23,700 new jobs and 8,750 new houses around the proposed Bella Vista and Norwest rail stations.

Bella Vista Station is one of the eight new stations, proposed to be located to the north west of the site. The proposed station is located to the south-west of the proposed station and is subject to the BELLA VISTA STATION DRAFT STRUCTURE PLAN (March 2013) which was prepared as part of the North West Rail Link Corridor Strategy.

The North West Rail Link Corridor Strategy investigated lands surrounding each of the eight stations of the North West Rail Link to ensure the significant investment in infrastructure is maximised by planning for additional housing and jobs in the areas surrounding the stations. The draft structure plans have been informed by a high level feasibility/demand analysis to test the viability of the land use and built form controls proposed.

Further to its heritage significance, the draft Bella Vista structure plan identified Bella Vista Farm as:

- . part of the open space network and heritage conservation area of significance to be retained and reinforced;
- . a 'green link' and a 'pedestrian/cycle link' which traverse the site north to south to improve access for non-vehicular transport modes through the Bella Vista and Norwest precincts connecting the open spaces;
- . having significant vegetation communities on the site; and
- . having an important view corridor between Rouse Hill House and Bella Vista Farm, for preservation. This view corridor is proposed to be the basis of identifying height limits for the surrounding future developments.

The site is not identified as part of the areas for future Business Park and Residential Zones in the draft structure plan.

COMMENTS FROM THE STRATEGIC ASSESSMENT TEAM (attached in the document section)

The Strategic Assessment branch was consulted for its role in the North West Rail Project and are summarised below.

The Strategic Assessment branch noted that:

- . the Council has not made its preferences for the site for future Business Park known, when consulted for the North West Rail Corridor Strategy, however, advised that Council's formal submission on the strategy is due on 17 May 2013;
- . the planning proposal does not provide adequate details of the likely future commercial uses, and the extent of those commercial uses, on the site, or future management plan and the future ownership arrangements for the site; and
- . it is unclear whether the site's function as a subregional public open space, if rezoned, would continue.

The Strategic Assessment branch supports the retention of the majority of the site for public open space purposes to cater for the projected population growth identified for the wider area (23,700 jobs and 8,750 houses) under the draft Bella Vista structure plan

and the draft Norwest structure plan. Any loss in public open space would need to be considered in the context of the projected future population growth for Bella Vista and Norwest precincts and the difficulty in obtaining land for public open space.

The Strategic Assessment branch considered that:

- the planning proposal lacks adequate detail of, and justification for, the type and extent of future commercial uses on site and the potential loss of public open space;
- the proposed B7 zoning is not consistent with the draft Bella Vista structure plan; and
- the proposed uses (restaurants, function centre) are already permissible under heritage provisions in Clause 5.10(10) of The Hills LEP 2012.

DRAFT CONSERVATION MANAGEMENT PLAN (CMP)

WorleyParsons (May 2013) was engaged by Council to review the previous 2000 Conservation Management Plan (CMP) and Plan of Management (PoM) for Bella Vista Farm.

The revised CMP is to guide the Council through the processes of using, changing, conserving, repairing and maintaining the site to ensure the long term financial sustainability of the site including commercial activity without compromising the importance of the heritage status of the site. The revised CMP provided actions relating to specific buildings and elements of the site including view lines for conservation, adaptive reuse and future uses. Chapter 6.2 Development Guideline Plan (Figure 6, pg 80) identified suitable locations for new buildings.

The revised CMP proposed that a "commercial" zoning, either B5 Business Development or B7 Business Park that would achieve conservation and financial viability. A mix of uses recommended include mixed farming (city farm, demonstration farm, riding school or pony club), education (specialised trade training in conjunction with secondary, tertiary institutions, educational and interpretive programs for visitor groups), commercial (arts/craft/trade outlets, cafes and tea rooms, receptions and functions) and various community uses (refer to Table 5 Type of uses, pg 59).

It should be noted that the revised CMP is yet to be endorsed by the Office of Environment and Heritage (OEH). Council proposes to consult OEH as part of the agency consultation process.

LOCAL STRATEGIES

Council has advised that the proposed rezoning to B7 – Business Park is consistent with its Hills 2026 Community Strategic Direction, The Hills Shire Local Strategy and the Environment and Leisure Direction as it will maintain existing and provide additional high quality spaces for community recreation and enjoyment.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Relevant S117 Directions are as follows:

DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

Council considered the planning proposal to be consistent with this direction.

Comment:

The planning proposal will increase land zoned for B7 - Business Park in the surrounding area and will increase employment land uses. Therefore, it is considered

that the planning proposal is consistent with clauses (4) (a) - (d), however, it is not consistent with cl(4)(e) as there is no approved strategy by the Director General that supports new employment area for the site..

Further, the planning proposal is not justified by a study, nor is in accordance with the relevant strategies prepared by the Department as identified in clause (5)(a) - (c). The inconsistency with cl(4)(e) is not considered to be of minor significance.

The planning proposal is not consistent with the direction.

DIRECTION 2.3 HERITAGE CONSERVATION

Council has argued that that the planning proposal is consistent with this Direction as it will not impact on the existing heritage conservation provisions within both Council's Local Environmental Plan 2012 and the NSW Heritage Act, 1977.

Comment:

As discussed in the Heritage Conservation section of the planning report, the proposal lacks detailed justification as to why the B7 zoning, as opposed to the current RE1 zoning, was preferred in protecting the heritage item. The objectives of the B7 Zone differ significantly from the objectives of the RE1 Zone which emphasises public useage of the site for recreational, open space and protection of the natural environment. There are no details in the planning proposal of the extent of community uses when the the site is rezoned to B7.

Nevertheless, it is considered that future development on the site will be guided by the revised CMP (yet to be endorsed by the OEH), the provisions in the Heritage Act and the LEP.

It is considered that there is not enough information in the planning proposal to justify its consistency with the direction. It is noted that the revised draft CMP is yet to be endorsed by teh NSW Heritage Council.

DIRECTION 6.3 RESERVING LAND FOR A PUBLIC PURPOSE

Council argued that the proposal is consistent with this Direction as it will enable the desired land uses to be undertaken without imposing any development standards or requirements which are in addition to those already contained within the LEP 2012.

Comment:

As discussed in the "Consistency with Applicable Strategies" section,

- the proposal is inconsistent with the Government's intention for the area in the draft North West Rail Corridor Strategy (Bella Vista structure plan and the draft Norwest structure plan) to retain the majority of the site for public open space purposes to cater for the projected population growth identified for the wider area.
- It is also not clear of the extent of loss of public open space which is actively used by the community.
- There are no alternative options or justification in the planning proposal for loss of 18.5ha public open space considered in the context of the projected future population growth for Bella Vista and Norwest precincts.
- No detailed justification was given in the revised CMP and the planning proposal as to how the B7/B5 zoning, as opposed to the current zoning, was preferred.
- It is also not clear how the community use of the open space is to be maintained under the proposed B7 Zone.
- There is no justification in the planning proposal why the proposed uses cannot be accommodated under clause 5.10(10) of the LEP.

It should be noted that pages 35 and 36 of the revised CMP has information on caveats attached to the land when it was transferred to Council for outright ownership by the Department and Norwest Limited for community purpose. Council is not to transfer or dispose off the land without the concurrence of the Department.

The planning proposal is inconsistent with the direction.

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal argues that the proposal is consistent with the Strategic Directions and Key Policy Settings of the Metropolitan Plan for Sydney 2036.

Comment:

As discussed in the "Consistency with Applicable Strategies" section, the planning proposal is not consistent with the relevant strategies (and drafts).

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Except for the proposed land zoning map, no other map changes have been proposed. However, any B7 zoned land would normally be expected to have minimum lot size, height of building and floor space controls. Their absence indicates that Council has not given full consideration to the implications of applying a B7 Zone.

It should be noted that there are currently no height or floor space restrictions on the site, and this will allow unlimited floor space and height on the site.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council intends to advertise the proposed amendments in the local newspaper and exhibit it at Council. Length of exhibition is not proposed.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : **The planning proposal:**

- lacks adequate detail of, and justification for, the type and extent of future commercial uses on site and management, and the potential loss of public open space;
- no alternative options or justification are discussed in the planning proposal for loss of 18.5ha public open space considered in the context of the projected future population growth for the Bella Vista and Norwest precincts;
- the proposed B7 zoning is not consistent with the draft North West Rail Corridor Strategy (Bella Vista structure plan and the draft Norwest structure plan) and the Metropolitan Plan for Sydney 2036, the draft North West Subregional Strategy and the draft Metropolitan Strategy for Sydney to 2031;
- has not addressed why rezoning is required as the proposed uses are already permissible under the RE1 Zone and through the heritage provisions in Clause 5.10(10) of the LEP;

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- is not consistent with S117 Directions 1.1 Business and Industrial Zones, 2.3 Heritage Conservation, 6.2 Reserving Land for Public Purpose and 7.1 Implementation of the Metropolitan Plan for Sydney 2036; and
- is not supported by a Conservation Management Plan endorsed by the NSW Heritage Council.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Hills LEP 2012 is a Standard Instrument LEP.

Assessment Criteria

Need for planning proposal :	As discussed in the "Consistency with Applicable Strategies" section, there is no justification in the planning proposal why the proposed uses cannot be accommodated under RE1 Zone and clause 5.10(10) "Conservation incentives" of the LEP. The site is classified as "operational" land and most of the uses suitable on the site, as proposed in the revised CMP are considered to be uses which are largely permissible in the existing RE1 Zone in conjunction with the "Conservation incentives" provisions in clause 5.10(10) of the LEP without the need for rezoning.
Consistency with strategic planning framework :	See "Consistency with Applicable Strategies" section.
Environmental social economic impacts :	See discussions in "S117 2.3 Heritage Conservation" section. The planning proposal has not addressed the significant vegetation on the site, how this is to be protected, maintained and used. There is no discussion in the planning proposal about the extent of impact on the vegetation if used for the proposed employment uses. There is no discussion of the social impact of the potential loss of such a significant open space asset on the current and future planned residential and working population.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	14 Days
Timeframe to make LEP :	12 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	NSW Aboriginal Land Council Office of Environment and Heritage		

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? No

If no, provide reasons : The planning proposal:

- lacks adequate detail of, and justification for, the type and extent of future commercial uses on site and management, and the potential loss of

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- public open space;
- no alternative options or justification are discussed in the planning proposal for loss of 18.5ha public open space considered in the context of the projected future population growth for the Bella Vista and Norwest precincts;
- the proposed B7 zoning is not consistent with the draft North West Rail Corridor Strategy (Bella Vista structure plan and the draft Norwest structure plan) and the Metropolitan Plan for Sydney 2036, the draft North West Subregional Strategy and the draft Metropolitan Strategy for Sydney to 2031;
- has not addressed why rezoning is required as the proposed uses (restaurants, function centre) are already permissible under RE1 Zone and the heritage provisions in Clause 5.10(10) of The Hills LEP 2012;
- is not consistent with S117 Directions 1.1 Business and Industrial Zones, 2.3 Heritage Conservation, 6.2 Reserving Land for Public Purpose and 7.1 Implementation of the Metropolitan Plan for Sydney 2036; and
- is not supported by a Conservation Management Plan endorsed by the NSW Heritage Council.

Resubmission - s56(2)(b) : Yes

If Yes, reasons : Given the existing uses are permitted under the RE1 Zone and the additional conservation incentives provided by Cl.5.10(10), a rezoning is not considered necessary. However, if Council were to resubmit a planning proposal for the site, further work needs to be done to consider the open space requirements of the broader Bella Vista and North West Precincts in the context of urban growth (23,700 jobs and 8,750 houses) anticipated under the North West Rail Link draft Structure Plan.

Identify any additional studies, if required. :

Heritage

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Bella_Vista_Farm_CMP_Review_and_Update.pdf	Study	Yes
Current_Heritage_map_and_extract_from_Schedule_5_of_the_Hills_LEP_2012.pdf	Proposal	Yes
Land_description.pdf	Map	Yes
Planning_proposal.pdf	Proposal	Yes
Site_location_and_extracts_from_revised_CMP_on_heritage_significance.pdf	Map	No
Statements_of_significance_National_Estate_and_NSW_State_Heritage_Registers.pdf	Proposal	No
Zoning_extract_from_The_Hills_LEP_2012.pdf	Map	Yes
Advice_from_Strategic_Assessment_Team.docx	Determination Document	No
Maps_from_the_draft_Bella_Vista_Station_Structure_Plan.pdf	Map	Yes
Bella_Vista_Station_Draft_Structure_Plan.pdf	Determination Document	Yes
Site_Location_map.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions: **1.1 Business and Industrial Zones**
 2.3 Heritage Conservation
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the proposal not proceed.**

Supporting Reasons : **As discussed in the "Assessment" section.**

Signature: _____



Printed Name: _____

DERRYN JOHN

Date: _____

24 MAY 2013