

The Hills LEP 2012 - Bella Vista Farm Park (Version 2)

Proposal Title : The Hills LEP 2012 - Bella Vista Farm Park (Version 2)

Proposal Summary : To assist the financial sustainability of Bella Vista Farm by amending Schedule 1 (Additional Permitted Uses) of The Hills Local Environmental Plan 2012 to include a number of tourism-related uses not currently permitted on the land.

PP Number : PP_2015_THILL_007_00 Dop File No : 15/12796

Proposal Details

Date Planning Proposal Received : 27-Jul-2015 LGA covered : The Hills Shire

Region : Metro(Parra) RPA : The Hills Shire Council

State Electorate : BAULKHAM HILLS Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street :

Suburb : City : Postcode :

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

DoP Planning Officer Contact Details

Contact Name : Chris Browne

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RPA Contact Details

Contact Name : Bronwyn Smith

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DoP Project Manager Contact Details

Contact Name : Derryn John

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Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
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 Metropolitan (Parramatta), the Department's Code of Practice in relation to communications and meetings with lobbyists has been complied with. Metropolitan (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the planning system.

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this planning proposal.

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 20 August 2015, and there are no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

The site is the subject of an earlier planning proposal (PP_2013_THILL_006_00) which sought to rezone the site from RE1 Public Recreation to B7 Business Park. In response to submissions received during community consultation, The Hills Shire Council at its meeting on 26 May 2015 resolved not to progress that planning proposal, and instead to prepare and submit a planning proposal to apply additional permitted uses to the site.

THE SITE

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

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.

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 and is recognised as an item on the State Heritage Register for its significance as an historic landscape.

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

In recent years the the site has gone through major conservation works to a number of the buildings, and new public recreation/community facilities have been provided. The site forms part of the open space network in the area (see maps attached) and is currently open to the public.

Adequacy Assessment

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

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

Comment : The proposal seeks to aid the financial viability of Bella Vista Farm Park by allowing a range of additional permitted uses associated with tourism.

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

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

Comment : The proposal seeks to amend Schedule 1 of The Hills Local Environmental Plan 2012 to allow the following additional permitted uses on the site:

- Camping grounds;
- Eco-tourist facilities;
- Tourist and visitor accommodation (group term which includes backpackers accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation, service apartments);
- Food and drink premises (group term which includes restaurant, cafe, takeaway food and drink premises, pub, small bar); and
- Entertainment facilities and function centres.

The proposal also seeks to limit the intensity of development by amending the height and floor space ratio maps to apply a maximum building height of 9m and a maximum floor space ratio of 0.5:1.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

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

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

d) Which SEPPs have the RPA identified?

SEPP (Infrastructure) 2007

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

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

If No, explain :

2.3 Heritage Conservation

The Office of Environment and Heritage (Heritage Division) was consulted for the original planning proposal, and provided advice which has been implemented in this version, such as limiting the building height to 9m and using Schedule 1 Additional Permitted Uses rather than rezoning the land to B7 Business Park.

Clause 5.10(4) (Effect of proposed development on heritage significance) of The Hills LEP 2012 states that 'The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.' It is therefore reasonable to suppose that any development that may occur as a result of this planning proposal will be sympathetic to the heritage value of Bella Vista Farm.

This notwithstanding, the adopted Conservation Management Plan for the site has not been endorsed by the Office of Environment and Heritage (Heritage Division). It is therefore recommended that the Heritage Division be consulted prior to exhibition.

5.9 North West Rail Link Corridor Strategy

The intention given in the North West Rail Link Corridor Strategy (Bella Vista structure plan and Norwest structure plan) is 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 not clear to what extent the planning proposal will lead to a loss of public open space on the 18.5ha site. However, given the heritage protection afforded the site and the existence of a Conservation Management Plan, it is unlikely that significant encroachment could occur. As such, it is considered that any inconsistency with this Direction is minor in nature.

6.1 Approval and Referral Requirements

The planning proposal does not create any new approval or referral requirements. As such, it is consistent with this Direction.

6.2 Reserving Land for Public Purposes

The planning proposal, in using Schedule 1 Additional Permitted Uses, will not result in the loss of land zoned RE1 Public Recreation. It will, however, permit the development of a range of building types on land that is currently reserved for public purposes. The extent of this loss of open space is not clear from the information provided. However, given the heritage protection afforded the site and the existence of a Conservation Management Plan, it is unlikely that significant loss of open space could occur.

As such, it is considered that any inconsistency with this Direction is minor in nature.

Given that the land was originally acquired by the Office of Strategic Lands for public purposes, it is recommended that it be consulted.

6.3 Site Specific Provisions

The proposal seeks to identify a number of additional permitted uses on the subject site, but does not create unnecessarily restrictive site specific planning controls, and

nor does it seek to allow a particular development application to progress.

As such, any inconsistency with this Direction is considered minor in nature.

7.1 Implementation of A Plan for Growing Sydney

The planning proposal is broadly consistent with A Plan for Growing Sydney, particularly insofar as it will assist in the ongoing viability of existing social infrastructure and will support the substantial population growth expected in Bella Vista and Norwest.

SEPP (Infrastructure) 2007

There is nothing in the planning proposal that is inconsistent with the provisions of the SEPP.

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

The proposal is unlikely to have any significant impact on the catchment or environment of the Hawkesbury-Nepean River.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided sufficient mapping to identify the site and establish the proposal's intent, including land zoning, additional permitted uses, height of buildings and floor space ratio.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed community consultation but has not specified its length. Given that the original planning proposal for this site was met with significant community opposition, it is considered that the planning proposal should be exhibited for a minimum of 28 days.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Hills Local Environmental Plan 2012 is a Principal LEP.

Assessment Criteria

Need for planning proposal :

The proposal is not the result of a strategic study, but has been initiated by The Hills Shire Council (the landowner) in order to ensure the ongoing financial viability of the site. A

Consistency with strategic planning framework :

previous planning proposal to achieve the same end by rezoning the site to B7 Business Park has been withdrawn by Council in response to submissions received during community consultation, so this planning proposal is considered the best means of achieving the desired outcome.

A PLAN FOR GROWING SYDNEY

Council has argued that the planning proposal is consistent with the strategy as it strengthens the existing social infrastructure and meets the growing community needs of the Shire, and because it is consistent with the objectives relating to revitalisation of existing suburbs, support for urban renewal and population growth. A Plan for Growing Sydney does not specifically prioritise preservation of public open space, so the proposal can be considered broadly consistent with A Plan for Growing Sydney.

DRAFT NORTH WEST SUBREGIONAL STRATEGY

The draft North West Subregional Strategy includes key objectives 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. Council has also not given any indication of how many jobs are likely to result from the planning proposal.

Objective F2.1.1 of the draft North West Subregional Strategy 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).

NORTH WEST RAIL LINK CORRIDOR STRATEGY

Further to its heritage significance, the Bella Vista structure plan identifies Bella Vista Farm as a significant conservation area protected and maintained by the structure plan, and an important green space which forms part of the Bella Vista identity. The structure plan also identifies a pedestrian/cycle corridor through the site, a large concentration of an Endangered Ecological Community (Cumberland Plain Woodland) and an important view corridor.

It is likely that the Conservation Management Plan will continue to protect these values, though it is not clear the extent to which the intended changes to Schedule 1 Additional Permitted Uses will allow development to encroach on the park's public open space.

LOCAL STRATEGIES

Council has advised that the proposal 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 and will encourage businesses to grow.

Environmental social economic impacts :

ENVIRONMENTAL

The proposal will allow for a minor intensification of development on the site. There are, however, significant strategic and legislative protections in place to minimise the potential for adverse environmental impacts, and it is therefore considered that significant impacts are highly unlikely.

SOCIAL

The proposal is likely to have a net positive impact, as its reduction in public open space is likely to be minor (though this is yet to be adequately established) and therefore outweighed by the benefit of securing the ongoing financial viability of the park.

ECONOMIC

The proposal is likely to have a positive economic impact, as it will minimise the impact of ongoing park maintenance and ad hoc costs on The Hills Shire Council's rate base. In addition, it is likely to provide jobs, though it is unclear at this stage how many.

Assessment Process

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

Timeframe to make LEP : **9 months** 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 ? **Yes**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Bella Vista Farm (Version 2) - Cover letter.pdf	Proposal Covering Letter	Yes
Bella Vista Farm (Version 2) - Planning proposal.pdf	Proposal	Yes
Bella Vista Farm (Version 2) - Council report - 26 May 2015.pdf	Determination Document	Yes
Bella Vista Farm (Version 2) - Council resolution 26 May 2015.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney

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

1. Prior to undertaking public exhibition, Council is to consult the Office of Environment and Heritage (Heritage Division) on the planning proposal and the Conservation Management Plan for the site so as to establish consistency with Local Planning Direction 2.3 Heritage Conservation. Council is to update the planning proposal accordingly, and provide a copy of the revised planning proposal to the Department's regional office.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

**(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).**

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- **NSW Aboriginal Land Council**
- **Office of Environment and Heritage - Heritage Division**
- **Department of Planning and Environment – Office of Strategic Lands**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

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

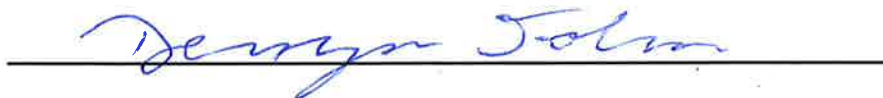
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Plan making delegations:

It is recommended that Council not be issued with delegation.

Supporting Reasons : **The planning proposal has merit, in that it will assist in the ongoing viability of Bella Vista Farm Park and is likely to provide some employment in the Bella Vista area. The proposal is the result of a process whereby Council responded to community criticism of the original planning proposal, and substantially revised its plans accordingly. Assuming consistency with Local Planning Directions and the strategic planning framework can be adequately established, it is considered that the proposal should proceed.**

Signature:



Printed Name:

PERRYN JOHN

Date:

4 SEPTEMBER 2015