

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No.) – to amended Schedule 1 to permit additional permitted uses at Bella Vista Farm Park

ADDRESS OF LAND: Bella Vista Farm Park

SUMMARY OF HOUSING AND EMPLOYMENT YIELD

	EXISTING	PROPOSED	TOTAL YIELD
Housing	N/A	N/A	N/A
Jobs	N/A	N/A	N/A

SUPPORTING MATERIAL

- **Attachment A** State Environmental Planning Policies
- **Attachment B** Section 117 Ministerial Directions
- **Attachment C** Council Report and Minute – 26 May 2015

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.



Figure 1

Bella Vista Farm Park and surrounding development

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 Council's 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 Council have undertaken major conservation works to a number of the buildings and provided new public recreation facilities.

Council at its Ordinary meeting of 26 May 2015 resolved in part to;

- a. *The planning proposal to rezone Bella Vista Farm from RE1 Public Recreation to B7 Business Park under Baulkham Hills LEP 2012 not proceed to finalisation.*
- b. *Council initiate a Planning Proposal to amend Schedule 1 of Baulkham Hills LEP 2012 to include additional permitted uses for the site from the SP3 tourist zone.*
- c. *In addition to the permitted uses in the RE1 Public Recreation zone, the following additional permitted uses be included from SP3 tourist zone whilst adhering to a two storey (9 metre) height limit with an 0.5 to 1 Floor Space Ratio: (Tourist and Visitor Accommodation including, Bed & Breakfast accommodation, Farm Stay Accommodation, Hotel or Motel Accommodation and Serviced Apartments), Camping Grounds, Eco-Tourist Facilities, (Food and Drink premises including pubs, restaurants/cafes and take-away food & drink premises), entertainment facilities, function centres.*

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal is to amend Schedule 1 'Additional Permitted Uses' of Local Environmental Plan 2012 to permit Bella Vista Farm to become financially sustainable. The additional uses will permit the site to be used for activities that are currently not permissible under the RE1 zone. Additional uses would be restricted to a maximum building height of nine (9) metres, and a Floor Space Ratio of 0.5:1.

PART 2 EXPLANATION OF THE PROVISIONS

The Planning proposal involves an amendment to The Hills Local Environmental Plan 2012 to have the following additional uses included within Schedule 1 and introducing a maximum building height of nine (9) metres and a Floor Space Ratio of 0.5:1:

Camping Grounds, Eco-Tourist Facilities, Tourist and Visitor Accommodation, Food and Drink Premises**, Entertainment Facilities and Function Centres.*

Notes:

** Tourist and Visitor Accommodation is a group term which includes backpackers accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation, serviced apartments.*

*** Food and Drink Premises is a group term which includes restaurant, café, takeaway food and drink premises, pub, small bar*

The proposal does not seek to amend the zoning and the 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.

PART 3 JUSTIFICATION

SECTION A – NEED FOR THE PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

No - This planning proposal has been initiated by The Hills Shire Council to allow for Bella Vista Farm to become financially sustainable, while allowing the community to use the site more frequently.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes - The planning proposal is considered to be the best way to achieve the intended outcomes for the site. The 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.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes - A discussion of consistency is provided below:

A Plan for Growing Sydney

In December 2014, the NSW Government adopted "A Plan for Growing Sydney" that highlights a clear strategy for accommodating Sydney's future population growth for the next 20 years and the creation of strong and resilient communities within a highly liveable city.

The planning proposal is consistent with the strategy as it strengthens the existing social infrastructure and growing community needs of the Shire. The planning proposal is also consistent with the objectives relating to revitalisation of existing suburbs, support for urban renewal and population growth.

Draft North West Subregional Strategy

The draft North West Subregional Strategy was prepared by the NSW Government to implement the Metropolitan Plan and the State Plan. It is currently being reviewed by the Department of Planning and Environment. The draft strategy plans to accommodate some 130,000 jobs and 140,000 dwellings within the North West Subregion by 2031. Of these, 47,000 jobs (36%) and 36,000 dwellings (26%) are to be accommodated within The Hills Shire. An overarching theme of the strategy is for dwelling and employment growth to be concentrated within centres and near to public transport hubs.

The Draft North West Subregional Strategy set a target of providing an additional 25,000 jobs within the Norwest Business Park between 2001 and 2031. The proposal is consistent with the Strategy as it will assist with meeting employment targets for the Hills Shire and Norwest Business Park in a location that is close to services and the planned North West Rail Link.

North West Rail Link Corridor Strategy

The Department of Planning and Environment has produced a Corridor Strategy (September 2013) to guide future development around the eight (8) new stations of the North West Rail Link. The introduction of the North West Rail Link (NWRL) and a station at Norwest has the potential to further reinforce Norwest as a Specialised Centre and the largest employment centre for Sydney's North West. A new station, located within the existing Norwest Business Park, will provide further impetus for Norwest to evolve as a vibrant and active centre of business for the region, comprising offices, retailing, community facilities, recreation, cultural, education and housing to serve the increasing population.

4. *Is the planning proposal consistent with applicable state environmental planning policies?*

Yes - A discussion of consistency is provided below:

The Hills Future Community Strategic Plan

The Hills Future Community Strategic Plan is the first 20 year outlook for The Hills Shire. The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The proposal is consistent with the vision and objectives of The Hills Future – Community Strategic Plan as it provides an opportunity for businesses to grow and meet the needs of a modern local economy in a location that will have good access to the future North West Rail Line.

Draft Local Strategy

In 2008 Council adopted its Local Strategy to provide the basis for the future direction of land use planning in the Shire and within this context implement the key themes and outcomes of the 'Hills 2026 Looking Toward the Future'. The Environment and Leisure Direction is the relevant component of the Local Strategy to be considered in assessing this application.

Environment and Leisure Direction

A key objective of the Environment and Leisure Direction is to provide high quality spaces for community recreation. The planning proposal seeks to expand on the number of way in which the community can utilise and enjoyment Bella Vista Farm. The proposal 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.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes - An assessment of the planning proposal against relevant State Environmental Planning Policies is provided in Attachment A. A discussion on the consistency of the proposal with the relevant Policies is provided below.

State Environmental Planning Policy (Infrastructure) 2007

The SEPP (Infrastructure) aims to assist the delivery of infrastructure and provide greater certainty regarding the planning provisions that apply to new infrastructure across NSW.

The planning proposal does not contradict or repeat any provision within this Policy and any future development of the site will be required to consider the provisions of the SEPP.

SREP NO. 20 Hawkesbury-Nepean River

The aim of SREP No. 20 (NO.2 1997) is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as environmentally sensitive areas, water quality, water quantity, flora and fauna, riverine scenic quality, agriculture, and metropolitan strategy.

It is considered that the planning proposal achieves satisfactory compliance with the provisions of SREP.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes - The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 2.3 Heritage Conservation**

This Direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction requires that a planning proposal must contain provisions that facilitate the conservation of environmental heritage.

The proposal is considered to be 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 Heritage Act 1977. The planning proposal will support the ongoing maintenance and conservation of Bella Vista Farm.

- **Direction 5.9 North West Rail Link Corridor Strategy**

This Direction aims to promote transit-oriented development, manage growth around the new train stations of the North West Rail Link, and to ensure that development within the North West Rail Link corridor is consistent with the Corridor Strategy and precinct Structure Plans.

The site is located within the Bella Vista Station Precinct. The proposal is consistent with the Bella Vista Structure Plan and Direction 5.9 as it seeks to preserve Bella Vista Farm, reinforce its heritage significance and strengthen the role of the site as a key area of open space.

- **Direction 6.1 Approval and Referral Requirements**

The purpose of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development by minimising the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. The planning proposal is considered to be consistent with this Direction as it does not identify any development as designated development.

- **Direction 6.2 Reserving Land for a Public Purpose**

This Direction requires that a draft LEP shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the Relevant Planning Authority and Secretary of the Department of Planning and Environment. The proposal is consistent with this Direction as it will not reduce the amount of land zoned as RE1 Public Recreation for a public purpose.

- **Direction 6.3 Site Specific Provisions**

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The proposal does not seek to allow a particular development proposal to be carried out but rather, seeks to create opportunities for a range of sympathetic uses to be carried out on the site. The proposal will allow for a range of additional land uses to be carried out in the zone that land is currently situated on (RE1 Public Recreation) and will not impose any unnecessarily restrictive site specific planning controls.

- **Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

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

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal is unlikely to result in any adverse environmental impacts.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

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.

9. How has the planning proposal adequately addressed any social and economic effects?

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.

The proposal 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 financially sustainable through a range of uses that may create additional income that can be used for future restorations and maintenance of the property.

SECTION D. STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

Yes - Future development on the site would need to be supported by the necessary services including electricity, telecommunication, gas, water, sewer and stormwater drainage.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination.

The views of State and Commonwealth Public Authorities will not be known until after the Gateway Determination. However, it is noted that during the public exhibition period of the proposal to rezone Bella Vista Farm (8/2013/PLP), a number of public authorities recommended that additional uses should be identified in Schedule 1 of LEP 2012 rather than rezoning the site.

An initial list of public Authorities to be consulted includes, but not limited to, the following:

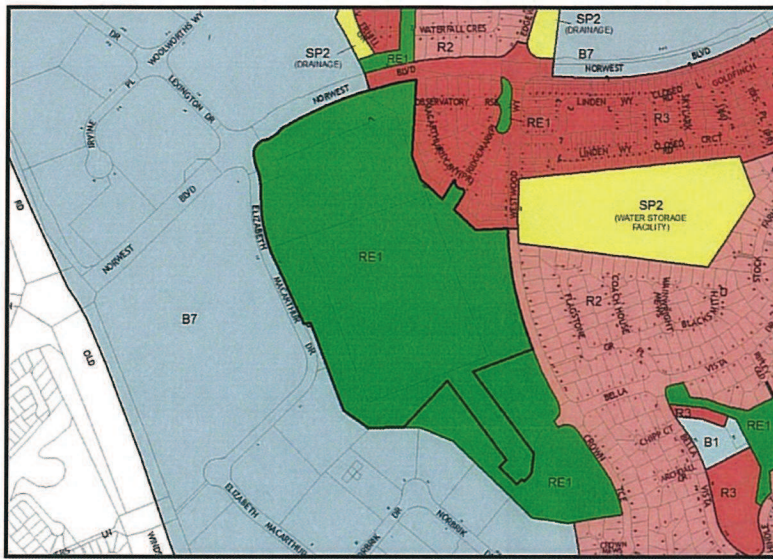
- NSW Roads and maritime Service;
- Sydney Water Corporation;
- Endeavour Energy;
- Transgrid;
- NSW Heritage Office; and
- Office of Environment and Heritage

A list of all relevant agencies would be determined as part of the Gateway Determination. Following the Gateway determination, all relevant agencies will be consulted.

PART 4 MAPPING

The planning proposal seeks to amend the Schedule 1 Permitted Uses Map, the Height of building Map and the Floor Space Ratio Map of *The Hills Local Environmental Plan 2012* as shown below.

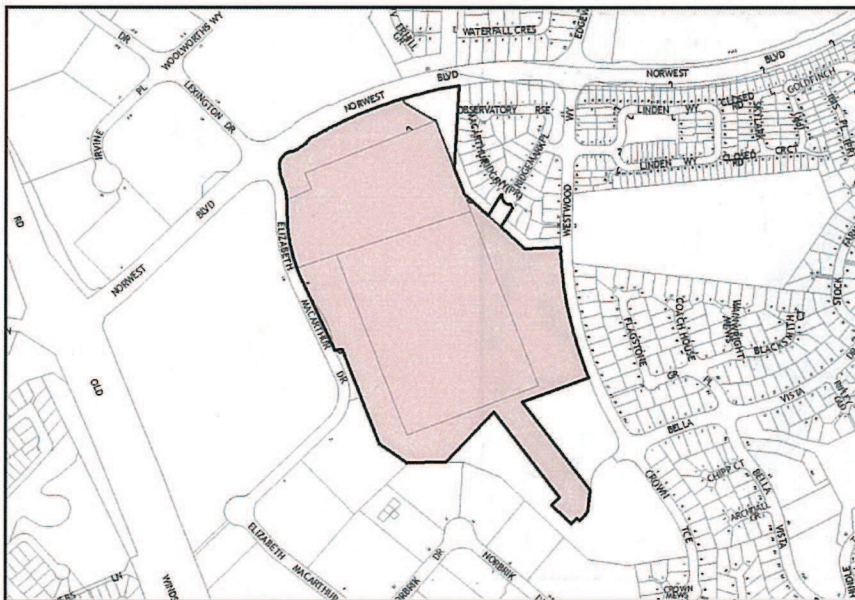
Existing Zoning



Land Zoning (LZN)

B1	Neighbourhood Centre	R2	Low Density Residential	RE1	Public Recreation
B7	Business Park	R3	Medium Density Residential	SP2	Infrastructure

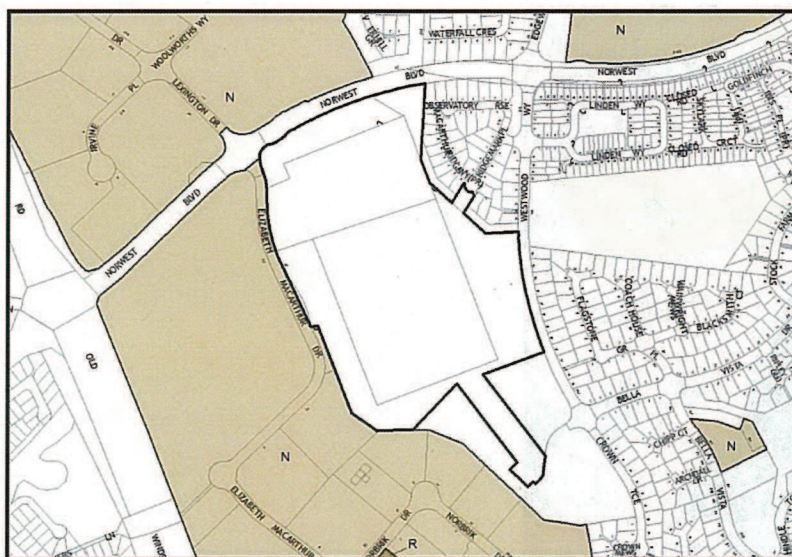
Proposed Additional Permitted Uses Map



Additional Permitted Uses (APU)

[Pink shaded area]	refer to schedule 1
--------------------	---------------------

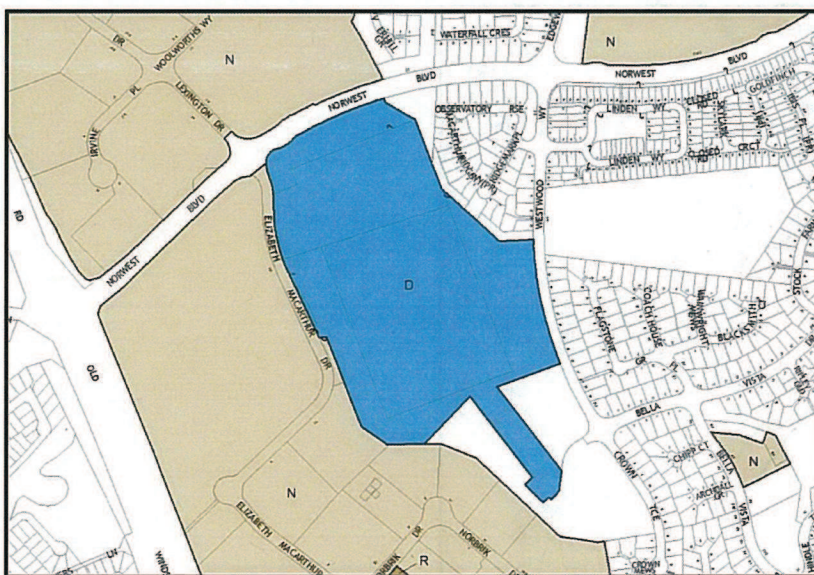
Existing Floor Space Ratio Map



Maximum Floor Space Ratio (FSR) (n:1)

N 1.0 **R** 1.49

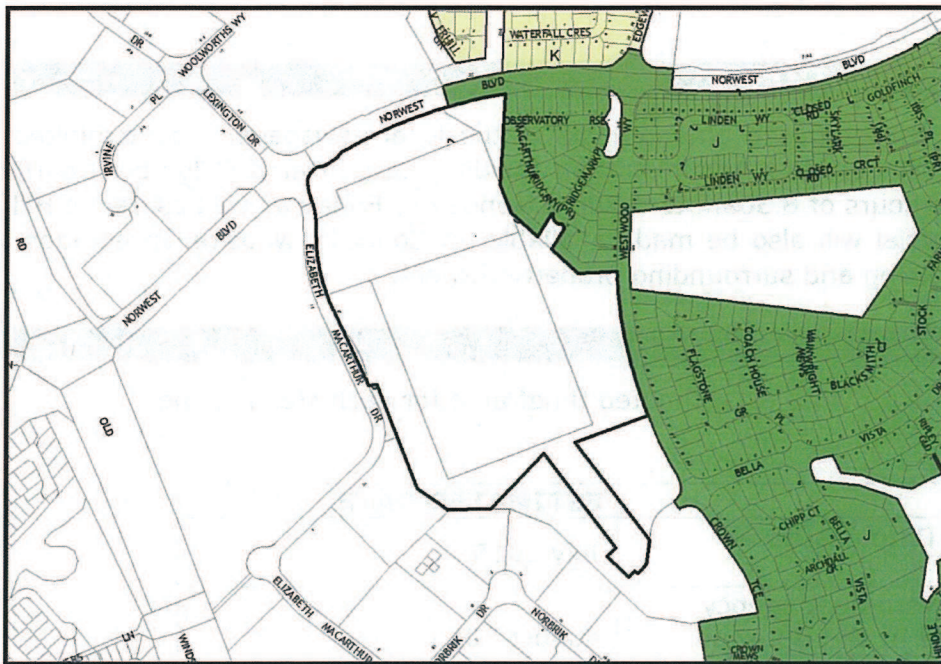
Proposed Floor Space Ratio Map



Maximum Floor Space Ratio (FSR) (n:1)

D 0.5 **N** 1.0 **R** 1.49

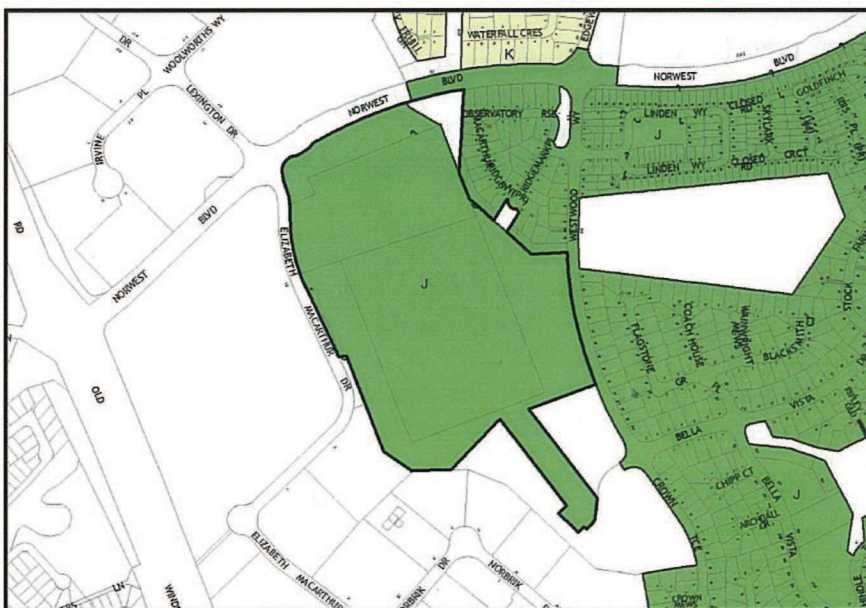
Existing Height of Building Map



Height of buildings (m) (HOB)

J 9.0 K 10.0

Proposed Height of Building Map



Height of buildings (m) (HOB)

J 9.0 K 10.0

PART 5 COMMUNITY CONSULTATION

It is intended to advertise the proposed amendments in the local newspaper. The exhibited material will be on display at Council's Administration Building located at 3 Columbia Court, Baulkham Hills between the hours of 8.30am to 4.30pm Monday to Friday as well as Castle Hill Library. The exhibition material will also be made available on Council's website. In addition, letters will be issued to adjoining and surrounding property owners.

PART 6 PROJECT TIMELINE

The following project timeline provides an estimated timeframe for each stage of the planning proposal.

STAGE	ESTIMATED DATE
Estimated Commencement Date (Gateway Determination)	July 2015
Estimated pre exhibition government agency consultation (where required by the Gateway Determination)	August 2015
Estimated commencement of public exhibition period	September 2015
Estimated completion of public exhibition period	September/October 2015
Estimated timeframe for consideration of submissions	October/November 2015
Estimated timeframe for consideration of proposal post exhibition – Report to Council	November 2015
Estimated date Council will make the plan (if delegated)	December 2015
Estimated date Council will forward to Department for notification (if not delegated)	January 2016

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	YES	NO	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	NO	-	-
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	NO	-
No. 33	Hazardous and Offensive Development	NO	-	-
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	NO	-	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
Affordable Rental Housing (2009)		NO	-	-
Building Sustainability Index: BASIX 2004		YES	NO	-
Exempt and Complying Development Codes (2008)		YES	NO	-
Housing for Seniors or People with a Disability (2004)		YES	NO	-
Infrastructure (2007)		YES	NO	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Major Development (2005)		YES	NO	-
Mining, Petroleum Production and Extractive Industries (2007)		YES	NO	-
Miscellaneous Consent Provisions (2007)		YES	NO	-
Penrith Lakes Scheme (1989)		NO	-	-
Port Botany and Port Kembla (2013)		NO	-	-
Rural Lands (2008)		NO	-	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
SEPP 53 Transitional Provisions (2011)	NO	-	-
State and Regional Development (2011)	YES	NO	
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)	NO	-	-
Three Ports (2013)	NO	-	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Deemed SEPPs			
SREP No. 8 (Central Coast Plateau Areas)	NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)	NO	-	
SREP No. 16 – Walsh Bay	NO	-	-
SREP No. 18 – Public Transport Corridors	NO	-	-
SREP No. 19 – Rouse Hill Development Area	NO	-	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	NO	-	
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 25 – Orchard Hills	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	YES	NO	-

ATTACHMENT B: LIST OF SECTION 117 DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	NO	-	-
1.2	Rural Zones	NO	-	-
1.3	Mining, Petroleum Production and Extractive Industries	NO	-	-
1.4	Oyster Aquaculture	NO	-	-
1.5	Rural Lands	NO	-	-
2. Environment and Heritage				
2.1	Environment Protection Zone	NO	-	-
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	YES	CONSISTENT
2.4	Recreation Vehicle Area	NO	-	-
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	NO	-	-
3.2	Caravan Parks and Manufactured Home Estates	NO	-	-
3.3	Home Occupations	NO	-	-
3.4	Integrating Land Use and Transport	NO	-	-
3.5	Development Near Licensed Aerodromes	NO	-	-
3.6	Shooting Ranges	NO	-	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	NO	-	-
4.2	Mine Subsidence and Unstable Land	NO	-	-
4.3	Flood Prone Land	NO	-	-
4.4	Planning for Bushfire Protection	NO	-	-
5. Regional Planning				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the SNW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	YES	YES	CONSISTENT
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	YES	CONSISTENT
6.2	Reserving Land for Public Purposes	YES	YES	CONSISTENT
6.3	Site Specific Provisions	YES	YES	CONSISTENT
7. Metropolitan Planning				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES	CONSISTENT