

ITEM-6	PLANNING PROPOSAL - CIRCA COMMERCIAL PRECINCT (19/2015/PLP)
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	26 APRIL 2016 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	PRINCIPAL FORWARD PLANNER MEGAN MUNARI
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that the planning proposal to provide for a significant increase in commercial floor space in the Circa Precinct, Bella Vista be forwarded to the Department of Planning and Environment for Gateway Determination.

Specifically it is recommended to:

- a. Increase the maximum building height from RL108 and RL116 to RL116 and RL140 (which would allow eight (8) to 17 storey buildings); and
- b. Increase the maximum floor space ratio, in specific locations, from 1:1 to 1.2:1, 2:1 and 3:1.

The planning proposal seeks to facilitate development of an additional 450,000m² of commercial floor space (under the current controls 240,000m² could be delivered) through a range of commercial office, café and restaurant developments which could provide up to 25,000 jobs.

The Circa Precinct represents a significant, long term employment growth opportunity within Norwest Business Park that will facilitate jobs growth in the Shire. The proposal has some strategic merit, as it aligns with Councils vision for Norwest Business Park being a high density employment centre for the Shire. The proposal will build upon the success of Norwest Business Park and facilitate the evolution of the business park to a world class commercial business district.

However at this time, the yield proposed is significant and not completely justified by the studies that have been undertaken. The Gateway Process allows for the strategic merits of a planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal, as necessary. The planning proposal has strategic merit and is suitable to forward to the Department of Planning and Environment for Gateway Determination and

subsequently, to be publicly exhibited, with the acknowledgement that further work is required prior to exhibition to assess traffic and transport implications, economic impacts, heritage and urban design.

It is considered that as part of the Gateway and public exhibition process, further consideration should be given to amendments to the Development Control Plan which support the planning proposal and ensure appropriate development outcomes are achieved on the site. Whilst it is considered there are sufficient grounds to proceed with the proposal further refinement of the controls may be required following the issue of a Gateway Determination to ensure future development provides appropriate amenity, built form and heritage outcomes particularly in relation to the adjacent lower density housing and Bella Vista Farm.

This report also recommends that Council enter into negotiations with the applicant with respect to infrastructure delivery to adequately resolve the issues relating to the increased demand for traffic facilities. While it is considered that the planning proposal may be forwarded to the Department of Planning and Environment for Gateway Determination in advance of these negotiations, it is recommended that the planning proposal should not proceed to public exhibition until Council is satisfied that the applicant has adequately addressed these issues.

APPLICANT

Mulpha Norwest Pty Ltd

OWNERS

Mulpha Norwest Pty Ltd

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

Zone:	B7 Business Park	B7 Business Park
Minimum Lot Size:	4,000m ²	4,000m ²
Maximum Height:	RL108 and RL116	RL116 and RL140
Maximum Floor Space Ratio:	1:1	1.2:1, 2:1 and 3:1

POLITICAL DONATIONS

Nil disclosures

HISTORY

10/04/2015	Circa Precinct Planning Proposal lodged.
28/07/2015	Additional permitted use of 'seniors housing' reported in advance of proposal at request of applicant.
19/11/2015	Circa Seniors Housing Gateway Determination issued containing conditions related to flood prone land to be addressed prior to exhibition.
21/12/2015	Letter sent to Department of Planning and Environment seeking concurrence to exhibit Circa Seniors Housing.
15/02/2016	Request for further information received from Department of Planning and Environment regarding flood prone land.
1/03/2016	Further information provided to the Department of Planning and Environment.

REPORT

The purpose of this report is to consider the planning proposal to increase the maximum building heights and floor space ratios in the Circa Precinct, Bella Vista to facilitate a high density commercial office precinct, with public plaza space and high quality public domain improvements.

1. THE SITE

The subject site consists of 17 lots and 5 strata plans located on Norbrik Drive and Elizabeth Macarthur Drive, Bella Vista. The site includes approximately 25.3 hectares of developable land, including 4.6 hectares being already partially or wholly developed and 20.7 hectares vacant land. The site currently contains the Norwest Private Hospital, Circa Shopping Centre, commercial office development and the Quest Apartments (under construction). The remainder of the land is vacant. The site slopes generally to the south, with the lowest point being adjacent to Council's reserve on Prestige Avenue (refer to Figure 1).

The site is bound by Bella Vista Farm Park the north east, low density residential development to the east and south, Old Windsor Road to the west and low scale commercial development to the north.



Figure 1
Aerial photograph of subject site

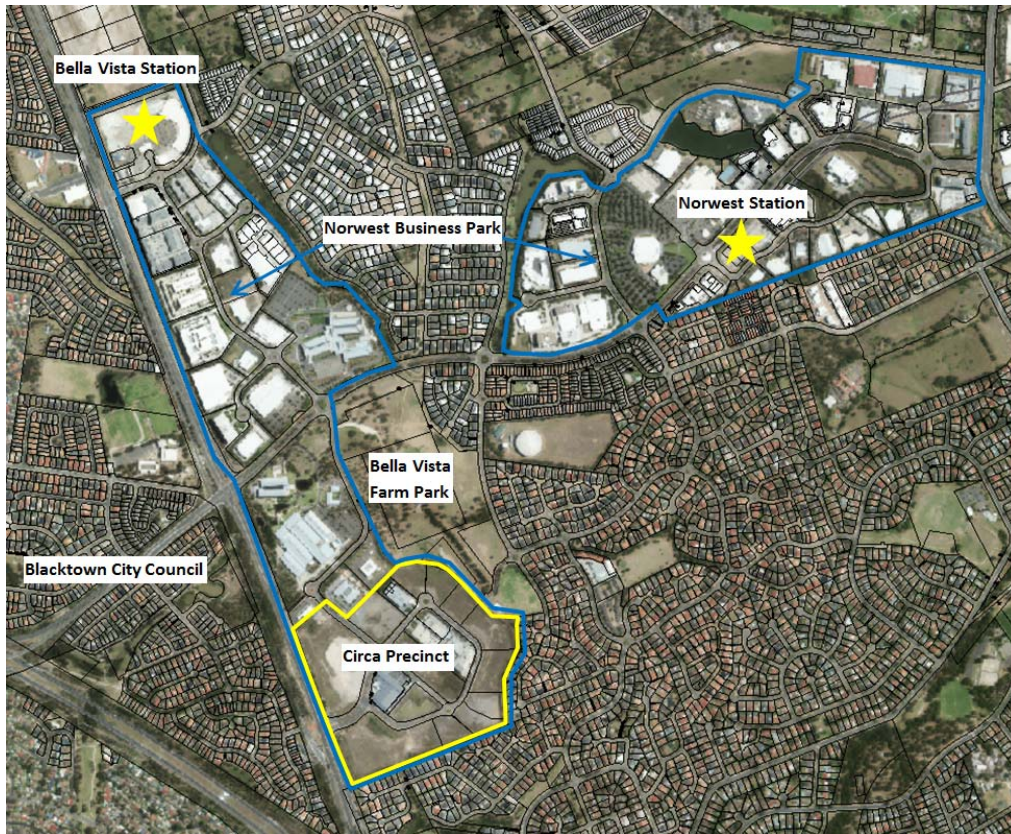


Figure 2
Aerial photograph of subject site and surrounds

The master plan breaks the site into precincts that reflect the intended development outcome. The Core Commercial Precinct includes the Circa Shopping centre, hospital and medical centre, the Eastern Commercial Precinct includes Quest Apartments and Q Central and the Campus Precinct which is vacant. The Retirement Precinct is the subject of a separate planning proposal to allow for seniors housing, which has received a Gateway Determination. The planning proposal considered in this report includes the Retirement Precinct land and proposes to increase the maximum building height and floor space ratio.



Figure 3
Site identification map showing four 'Precincts'

2. PLANNING PROPOSAL

The planning proposal seeks to facilitate development of an additional 450,000m² of commercial floor space (under the current controls 240,000m² could be delivered) through a range of commercial office, café and restaurant developments which could provide up to 25,000 jobs.

This is intended to be achieved by amending LEP 2012 to increase the maximum building height from RL108 and RL116 to RL116 and RL140 and increase the maximum floor space ratio from 1:1 to 1.2:1, 2:1 and 3:1. The existing and proposed planning controls for each precinct are:

<i>Precinct</i>	<i>Maximum Building Height</i>		<i>Floor Space Ratio</i>	
	<i>Existing</i>	<i>Proposed</i>	<i>Existing</i>	<i>Proposed</i>
Core Commercial	RL108 & RL116	RL116 & RL140	1:1 & 1.49:1	3:1
Eastern Commercial	RL108 & RL116	RL116	1:1	2:1
Campus	RL108 & RL116	RL116 & RL140	1:1	3:1
Retirement	RL108 & RL116	RL116	1:1	1.2:1

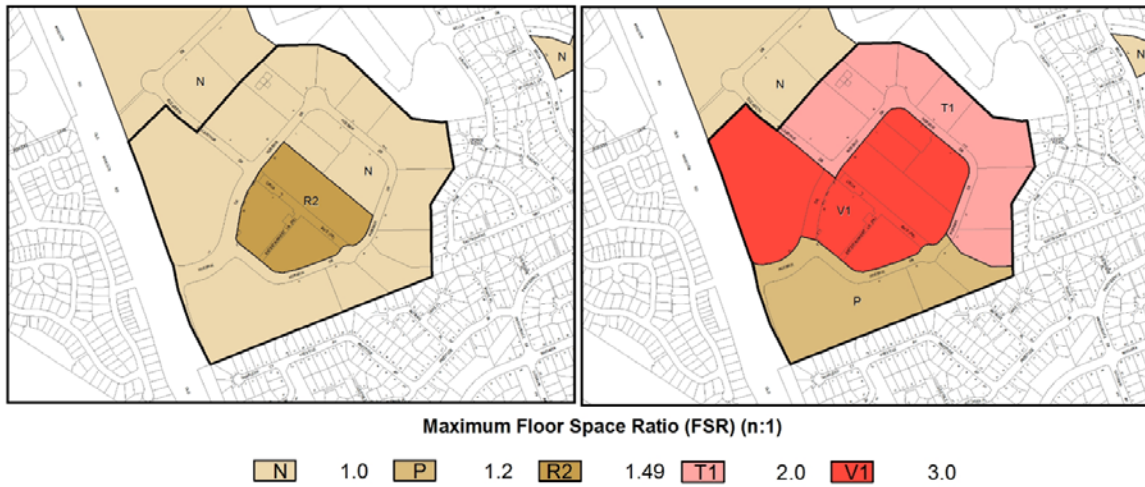


Figure 4
Existing and Proposed Floor Space Ratio

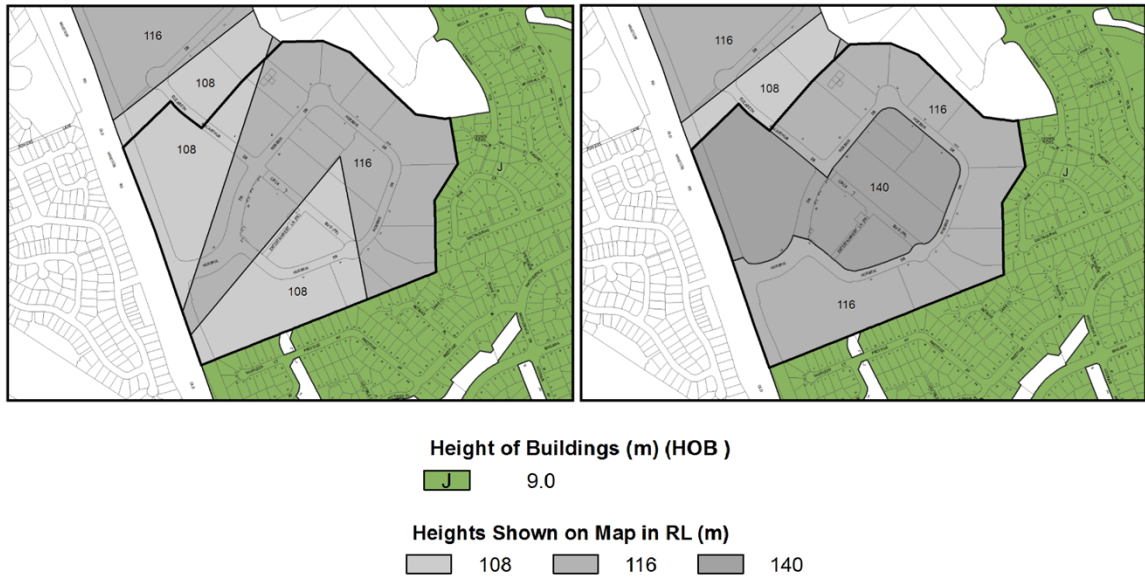


Figure 5
Existing and Proposed Maximum Building Height

3. DEVELOPMENT CONCEPT

The applicant has provided a development concept to indicate how the proposed buildings will be arranged on the site and to demonstrate how these buildings will integrate with the surrounding environment, particularly with relation to Bella Vista Farm.



Figure 6
Aerial view of development concept

The Core Commercial Precinct is expected to predominantly comprise office buildings but will include range of other uses which promote ground level tenancies that encourage pedestrian activities and interaction, such as small scale shops, cafes and restaurants. The area is expected to exhibit an intensity of built form, commercial activity and highly utilised public spaces, with buildings ranging from two (2) to 15 storeys in height.

The Core Commercial Precinct will contain the focal point for the activation of the whole Circa Precinct. This space will be linked to the surrounding precincts via a pedestrian network that encourages movement through shade, seating, artwork and design interest.

The Campus Precinct is an area which is expected to predominantly comprise medium and high rise office buildings, ranging in height from five (5) to 15 storeys, but may also include:

- clinics, consulting rooms and health facilities;
- high technology and research centres;
- high tech industries;
- education establishments;
- function centres; and
- clubs.

The Eastern Commercial Precinct is an area with a similar land use mix to that of the Campus Precinct but at low and medium heights (maximum six (6) storeys) reflecting its interface with the Bella Vista Farm Park and the existing residential neighbourhood to the southeast (refer to Figure 7).

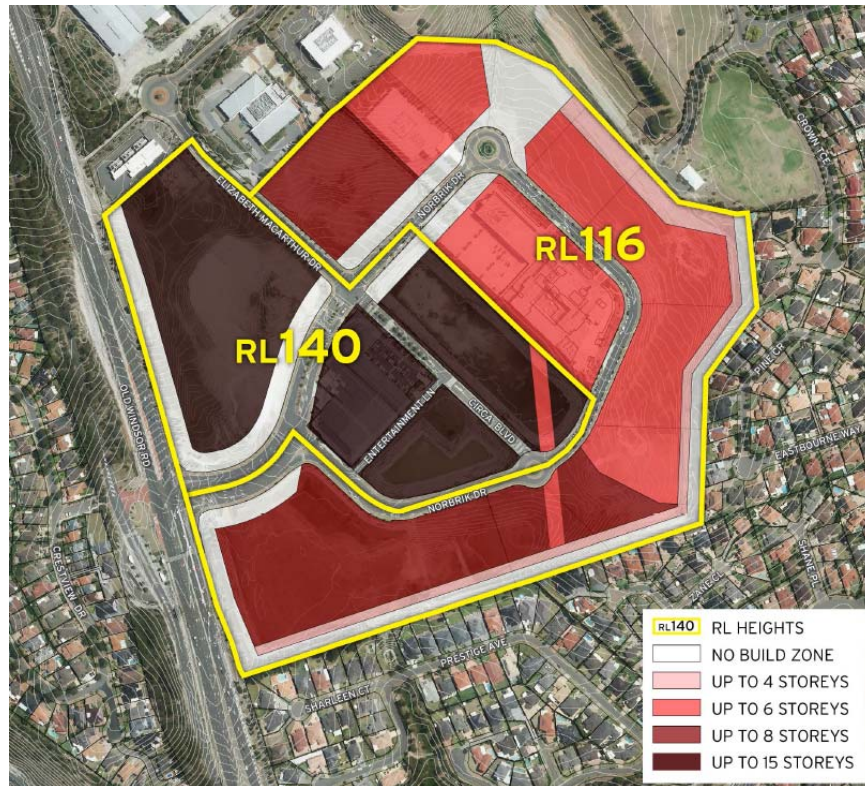


Figure 7

Proposed maximum building heights and proposed heights in storeys

4. STRATEGIC CONTEXT

A Plan for Growing Sydney

On 14 December 2014, the NSW Minister for Planning released 'A Plan for Growing Sydney'. The Plan is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. To achieve the Government's vision for Sydney as a "strong global City and a great place to live", the Plan sets out four (4) main goals, for Sydney to be:

- A competitive economy with world-class services and transport,
- A City of housing choice with homes that meet our needs and lifestyles,
- A great place to live with strong, healthy and well-connected communities, and
- A sustainable and resilient City that protects the natural environment and has a balanced approach to the use of land and resources.

Norwest is identified as part of the Global Economic Corridor that extends from the Sydney CBD to Parramatta and Sydney Olympic Park, as well as Norwest. Direction 1.6 of the Plan is to 'Expand the Global Economic Corridor', which is supported by sub-directions 1.6.1 'grow high-skilled jobs in the Global Economic Corridor by expanding employment opportunities and mixed-use activities' and 1.6.2 'invest to improve infrastructure and remove bottlenecks to grow economic activity'. The planning proposal will increase the development potential on land to facilitate new jobs, particularly high skilled jobs located in commercial office environments.

Direction 1.7 is to 'grow strategic centres – providing more jobs closer to home'. Norwest is identified as a strategic centre in the Plan. It is a suburban business park, surrounded by residential development. Norwest is strategically located in close

proximity to a large catchment of skilled workers. This planning proposal will capitalise on the success of Norwest Business Park and provide a significant contribution to jobs growth, close to a large labour force catchment. The planning proposal is consistent with Direction 1.7.

Local Strategy

Council's Draft Local Strategy was adopted in 2008. It is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport.

The Local Strategy continues to provide a clear statement of the overall strategic land use management and planning objectives for the Hills Shire. However, it is noted that the dwelling and job growth targets detailed within the Local Strategy represent Council's projected growth targets as at June 2008.

The Local Strategy is supported by various Directions. The Employment Lands Direction is particularly relevant to this planning proposal, as it seeks to facilitate increased development potential in Norwest Business Park, a key employment generating location in the Shire. The key directions within the Employment Lands Direction are to:

- E1 Accommodate the growth of a modern local economy to meet community needs;
- E2 Enhance the attractiveness of the Shire for new business and visitors;
- E3 Promote growth in local business and employment opportunities;
- E4 Enhance the use and viability of existing employment lands;
- E5 Plan for new employment lands; and
- E6 Encourage quality employment lands.

The Employment Lands Direction identifies Norwest Business Park as a key employment destination within the Shire and seeks to support the *"core economic role of the Norwest Business Park"* as a *"premiere professional employment precinct with a focus on professional, scientific and technical service industries"*. The focus for Norwest is to leverage investment and economic development opportunities to generate further jobs and business growth. Norwest is a key contributor to economic growth and employment in the Global Economic Corridor, drawing on the Shire's competitive strengths of an accessible location, prestigious image, and a skilled labour force to attract world class business and investment.

The Direction identifies the need for sufficient commercial office space to be provided to match the skills of residents within the Shire. The resident labour force represents 51% of the total population and 48.2% of these persons have an advanced diploma or higher degree. Currently, 62% of the resident labour force is employed in professional and managerial occupations and 61% of these persons travel outside the Shire for work. Applying these same breakdowns to the expected incoming population of 100,000, the Shire will have an additional 31,000 residents that will seek employment in professional or managerial occupations.

The planning proposal will facilitate 450,000m² of commercial office floor space that will deliver 25,000 jobs over the next 20 years. This represents a significant portion of the jobs that are anticipated to be needed to serve the resident labour force. The planning proposal is consistent with the Employment Lands Direction as it will promote the core economic role of Norwest Business Park and provide increased floor space for professional employment uses to match the skills of residents in the Shire.

North West Rail Link Corridor Strategy

The subject site is located within the Bella Vista Station Structure Plan, however the site was not included as part of the precinct planning package for the Bella Vista Priority Precinct recently exhibited by the Department of Planning and Environment.

The Bella Vista Station Structure Plan envisages a business park outcome on the subject site, comprising four (4) to six (6) storey commercial office buildings. The planning proposal would facilitate buildings up to 17 storeys in height.

The North West Rail Link Corridor Strategy assumes a floor space ratio of 2:1 to 4:1 for commercial developments. Based on the site area of 25.3 hectares, this would result in somewhere between 506,000m² and 1,021,000m² of commercial floor space in this Circa Precinct. If only the vacant sites in the Circa Precinct are included, the floor space anticipated under the Strategy would be between 414,000m² and 828,000m². The planning proposal seeks to facilitate 450,000m² of commercial floor space.

If development on the site were to meet the desired build form of four (4) to six (6) storeys identified in the Bella Vista Station Structure Plan and use the floor space ratio assumptions of 2:1 to 4:1, the development would have very high site coverage, little public domain space and result in bulky built form. The planning proposal seeks to deliver a high quality commercial precinct that activates the streets and provides a high quality public domain. This vision is consistent with the principles of transit oriented development and will result in a superior outcome to that envisaged in the Bella Vista Structure Plan.

The strategy identifies the Bella Vista Precinct as being capable of delivering 10,500 additional jobs by 2031. However, this is based on a 23% uptake rate for development. This uptake rate is considered low, particularly for a long term strategy. If the uptake was fully realised, the Bella Vista Precinct could deliver up to 47,000 additional jobs. The planning proposal would facilitate approximately 11,700 additional jobs, just in the Circa Precinct.

Given that there is a need to provide additional jobs in the Shire, the additional employment yield in the proposal is appropriate. Any inconsistency with the strategy is justified on the basis that the business park outcome is still achieved, although a greater range of building heights is achieved than identified in the desired future character.

5. MATTERS FOR CONSIDERATION

There are a number of matters for consideration including:

- a. Commercial Floor Space
- b. Building Height
- c. Traffic and Car Parking
- d. Heritage
- e. Drainage
- f. Development Control Plan

These matters are addressed in detail below:

- a. Commercial Floor Space

The Norwest Business Park currently has approximately 771,000m² of floor space. The proposed commercial floor space under this proposal is 450,000m². This is a substantial amount of floor space that has the potential to change the business park dramatically. The location of this floor space, being proposed at a part of the business park that is not located in close proximity to the future rail stations, warrants consideration. The growth

in commercial office space is slow in the current market and there is the potential for this site to absorb this growth in locations that do not present the best opportunity to capitalise on the new rail line.

If the proposal is supported it may result in slower growth on land better located in closer proximity to the future Norwest and Bella Vista rail stations. The applicant has indicated several initiatives such as shuttle buses and pedestrian and cycle routes to integrate with the wider network and ensure accessibility to the Circa Precinct is adequate to support the proposed growth. However, the physical distance of the site from the future train stations means that the rail stations will not be as convenient for people travelling to the Circa Precinct, compared to land closer to Norwest of Bella Vista Stations. However, the Circa Precinct is a long term plan that is not intended to flood the market in the short term. The Shire has a need for jobs growth to match the extremely rapid residential growth that it is currently experiencing.

There is sufficient justification to proceed with the planning proposal, as the proposal provides the desired jobs growth. However, to consider the implications of this quantum of commercial floor space in this location in more detail, it is recommended that the applicant provide an economic assessment prior to public exhibition. The economic assessment will need to investigate the current suburban business park and commercial office market and justify the proposed quantum of floor space in the context of Norwest Business Park and the likely future development envisaged under the North West Rail Link Corridor Strategy and the Hills Corridor Strategy.

b. Building Height

The existing maximum building height that applies to the site is split between RL108 and RL116. These maximum building heights and the topography of the land would result in a variety of buildings ranging from eight (8) to 10 storeys. The proposal includes maximum building heights of RL116 and RL140 which would result in buildings ranging from eight (8) to 17 storeys. The maximum building height identified in the Circa Precinct Preliminary Concept is 15 storeys.

- *Heritage*

In addition to the LEP 2012 maximum building height controls, there are also height controls within Part B Section 6 of DCP 2012 relating to retaining views to and from Bella Vista Farm Park. DCP 2012 identifies specific view corridors to the Pearce Family Cemetery and Old Windsor Road, as well as panoramic views to the Blue Mountains. These additional controls mean that the maximum building height expressed in LEP 2012 could not necessarily be achieved on all sites.

The proposed maximum height of buildings will breach the view planes identified in DCP 2012. The applicant is seeking amendments to the heritage related controls in DCP 2012, however no specific details of these amendments have been provided. Heritage related matters are discussed later in this report, however it is important to note that the LEP 2012 maximum building heights will be informed by heritage matters.

- *Bella Vista Station Precinct*

The Bella Vista Station Priority Precinct exhibition documents from Department of Planning did not include the Circa Precinct and proposed no changes to the planning controls applicable to the site. The documents did propose changes to land up to the line of Elizabeth Macarthur Drive and the Endeavour Energy substation.

Council's submission to the Department of Planning and Environment raised concerns with the proposed height increase to RL128 for the land north of the Circa Precinct:

“Concern is raised with respect to the proposed height of buildings standard applying to the employment land south of Bella Vista Station. The indicative distribution of heights figure within the Precinct Plan identifies heights ranging between 8-10 storeys within this location, which is reflected through a floor space ratio standard of 2:1. However, the proposal seeks to increase the height of buildings standard from RL116 to RL128. An RL of 128 could facilitate building heights of in excess of 13 storeys which is of concern. It is considered that the existing height restriction of RL116, coupled with an FSR of 2:1 would be sufficient to achieve the intended built form of 8-10 storeys.”

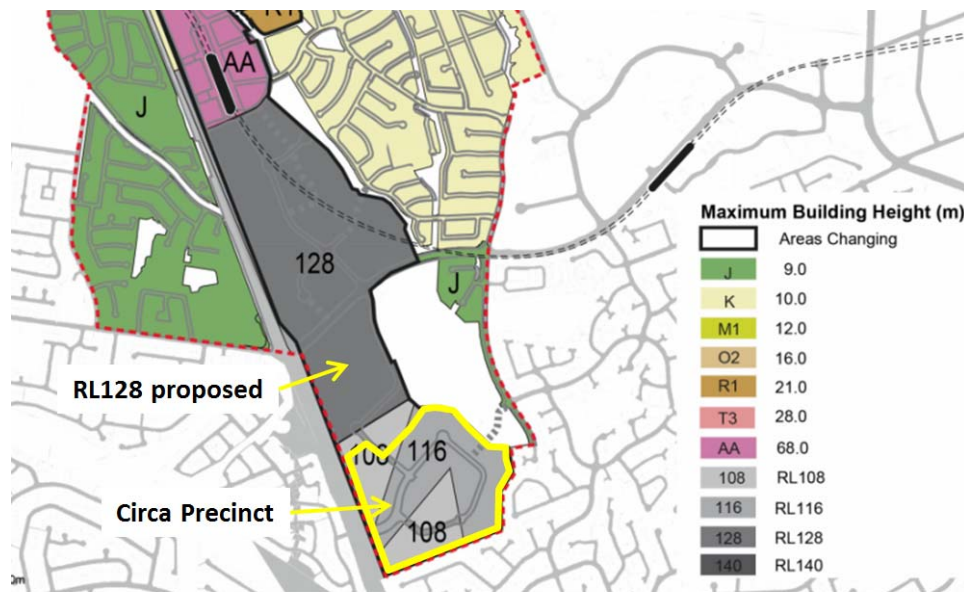


Figure 8
Proposed building height under Bella Vista Station Priority Precinct Plan

The Department of Planning and Environment will determine whether to proceed with the Priority Precinct package as exhibited or whether the amendments recommend by Council (to not increase the height to RL128 on the land south of the station but north of the Circa Precinct) are included. Should the Priority Precinct package be adopted as exhibited, there will be three (3) properties between the Priority Precinct area and the Circa Precinct. These properties may require planning proposals to amend the building height to facilitate development consistent with that surrounding them in the future.

In the context of the building heights identified in the North West Rail Link Corridor Strategy and the Bella Vista Station Precinct Priority Precinct plans, the building heights proposed for the Circa Precinct are high. However, as the Circa Precinct presents an opportunity for a master planned approach to commercial development and the building heights are intended to facilitate smaller building footprints and increased public domain spaces at the ground level, the proposed heights have some merit. However, it is recommended that the building heights be further investigated and justified in an urban design study (to be provided prior to exhibition) that identifies where height increases are warranted to deliver the increased public domain areas at the ground level and how these heights will integrate with the desired heritage outcomes.

c. Traffic and Car Parking

The Circa Precinct will be largely reliant upon private motor vehicle access in the short term. The project is estimated to take 20 years to complete and over this time the project seeks to build in alternative transport options, notably pedestrian, cycle and shuttle bus networks and to reduce rates of private car parking provision as an incentive to utilise alternative transport modes.

Circa is already well served by public transport with the T Way Bus system on its boundary on Old Windsor Road and providing direct access to Rouse Hill to the north-west and the City of Sydney to the south east, via the M2 bus lanes.

The applicant intends to create a campus-style development, where pedestrians and their linkages come first. In this regard, opportunity will be taken to further enhance the pedestrian dominance by developing a design with entrances and exits to car parking off the ring-road only. Whilst these initiatives are not required from a traffic management perspective, their incorporation in the long term strategy and master plan for this precinct will provide the development the ability to maintain its relevance with social, environmental and economic changes over the next 20 years.

While a reduction in vehicle trip generation is targeted over the long term, the proposal will generate additional traffic movements in the short term. A number of traffic works and intersection upgrades are identified as a result of this proposal, in particular:

- Replacement of the roundabout at the intersection of Norwest Boulevard, Elizabeth Macarthur and Lexington Drive with traffic signals;
- Extension of the left turn only lane along the northbound ramp at Norwest Boulevard along the shoulder on the western side of Old Windsor Road;
- Prohibition of on-street parking along Elizabeth Macarthur Drive between Norwest Boulevard and the roundabout at the Resmed secondary access;
- Prohibition of on-street parking along all internal roads including the remaining section of Elizabeth Macarthur Drive, Norbrik Drive and Circa Boulevard.
- Access to the Campus Commercial Precinct to be provided via a fourth approach at the intersection of Norbrik Drive with Norbrik Drive South;
- A new T junction at Elizabeth MacArthur Drive; and
- Provision of an exclusive right turning lane from Elizabeth MacArthur Drive to Norbrik Drive.

A number of long term initiatives are also proposed:

- Promote and provide pedestrian and cycle access to the bus stop on the T-way;
- Install active, way finding signage;
- Limit car park entrances and exits to the ring road;
- Deliver a centralised 'pool' of parking, with a community title type legal structure where spaces can be reallocated over time; and
- Provide a shuttle bus service to the stations, with the potential to expand this to circulate around the business park.

The Circa Precinct seeks to establish a common basement car park that provides the necessary car parking in the short term, based on current car parking requirements and car usage, but have capacity for this space to be redistributed as new buildings come online, commensurate with the car parking demand and changes in motor vehicle usage over time. This provides the Circa Precinct will the flexibility to meet car parking demands in the short term, but respond to the long term changes in vehicle usage and public transport patronage.

The applicant intends to work closely with Council to bring about the improvements that will be necessary to the road system as the precinct develops. This includes participating in sound planning decisions, initiating and contributing to infrastructure works, implementing efficiency management systems and influencing mode switching to reduce car dependency. These initiatives will form the basis of an ongoing commitment to the Circa Precinct and regular reviews of the total traffic and transport plan for the Norwest Business Park.

It is recommended that as part of the planning proposal process that Council enter into negotiations with the applicant with respect to infrastructure delivery to adequately resolve the issues relating to the increased demand for traffic facilities in the Circa Precinct.

d. Heritage

Bella Vista Farm Park is a State and locally listed heritage item, comprising a grouping of early farm buildings, surrounding parklands and a prominent row of Bunya Pines that sits above and overlooking the Circa Precinct. The heritage listing of Bella Vista Park includes the built form and the Bunya Pines and includes protection of key vistas to and from the Park.

The planning proposal includes increasing the maximum building height to the point that it would contradict the existing DCP 2012 requirements with respect to heritage views to and from Bella Vista Farm.

The existing controls in DCP 2012 relate to views to the Homestead and the prominent ridgeline from the key locations of Old Windsor Road and the Pearce Family Cemetery. The controls are supported by a map (Figure 9) illustrating specific view corridors. The map contains 'Line X' with marked heights through the south of the heritage conservation site applying to the view limit. These are to be aligned with the identified survey points to provide the view vistas that must be maintained.

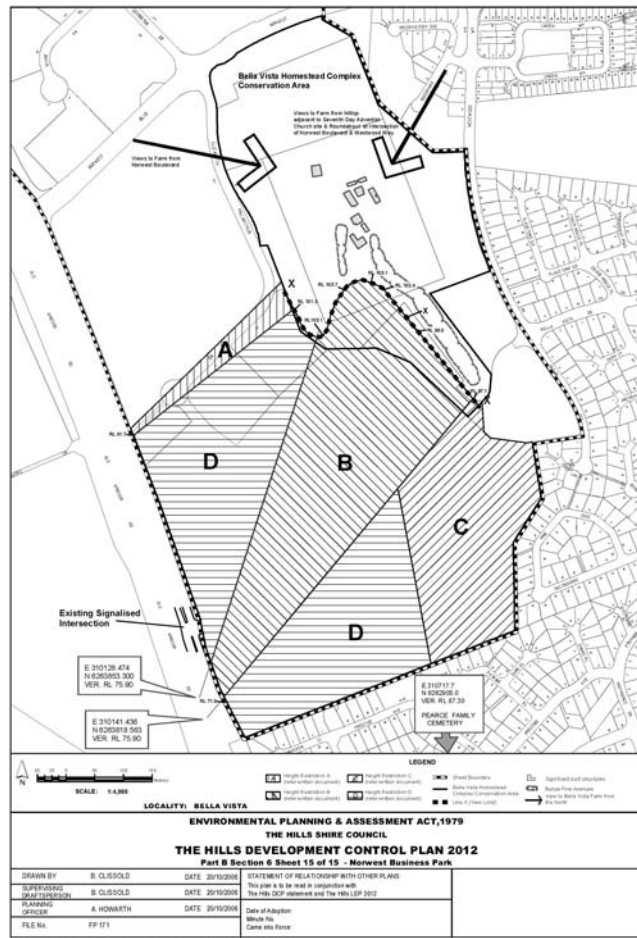


Figure 9
Extract from DCP 2012 Part B Section 6 – Bella Vista view corridors

The controls also protect panoramic views from the site to the surrounding landscape. This is supported by a series of photomontages (Figure 10) and that depict the maximum development height to ensure retention of views by restricting development to below the dotted lines.

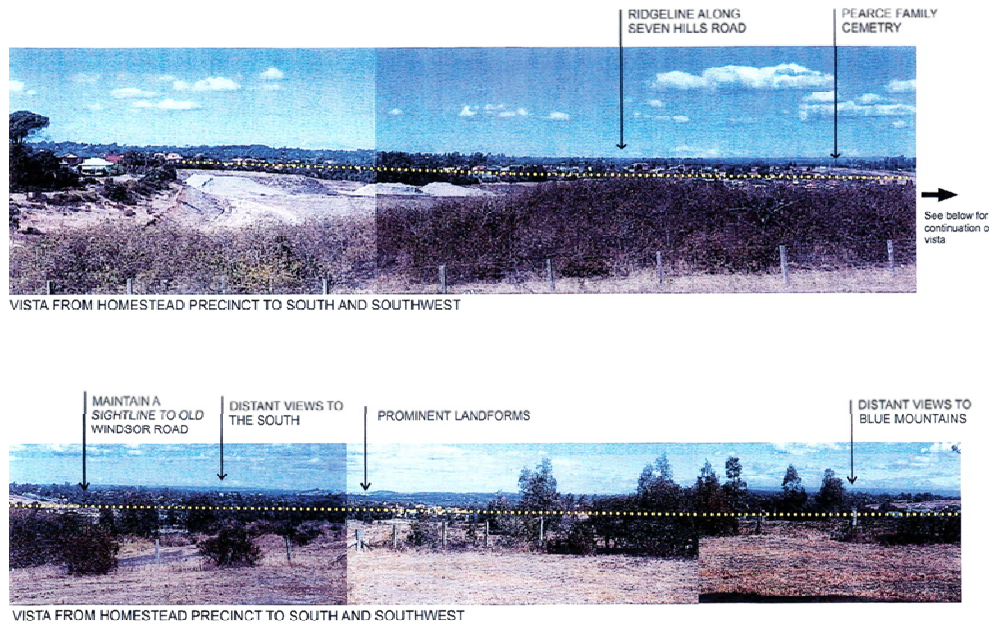


Figure 10
Extract from DCP 2012 Part B Section 6 – panoramic views from Bella Vista

The Circa Precinct Preliminary Concept outlines the key features that the Circa Precinct is intended to incorporate to enhance the heritage of Bella Vista Farm being:

- enhanced permeability through the built form so as to increase public accessibility;
- enhanced public experiences through maintaining or expanding the reasons and ease to visit the site;
- increased open space to maintain the heritage setting and integrity of what remains of Bella Vista Farm;
- views from the homestead to the cemetery;
- views to the site from key vantage points within the precinct; and
- views from the site into the surrounding urban landscape.



Figure 11
Photomontage showing Circa Precinct as viewed from Bella Vista Farm

Key challenges to maintaining the views are also identified:

- The views from Old Windsor Road are no longer available;
- The view between Bella Vista Farm Homestead and the Pearce Family Cemetery is difficult to identify as the Cemetery is lost within the landscape; and
- The existing development and associated landscaping around Bella Vista Farm Park has modified the views.

The applicant has provided a Heritage Report that provides an assessment of the existing circumstances relating to heritage in the vicinity of the site and details a new approach to building heights and the views to and from Bella Vista Farm. The Heritage report identifies considerations in relation to the relationship of proposed building heights and the retention of significant views to and from Bella Vista Farm. Key considerations include identifying the viewing points that take into account the likely future built spaces and the separations between built forms, noting that views out of the site are important to provide roundedness and connection with the outside world.

With respect to the existing controls in DCP 2012 related to the views, the Heritage Report advises that the views to Seven Hills Road, the Pearce Family Cemetery, prominent landforms and the distant views to the Blue Mountains are to be retained. The view to the Pearce Family Cemetery has been framed by the design modulation of buildings within the Circa Precinct. The report also advises that the distant views to the south will be partially retained.

The Heritage Report recommends that the following viewing points/view cones be established:

- Norbrik Drive at the intersection of Elizabeth Macarthur Drive up to the Bunya Pines;
- View from the roundabout at Norbrik Drive adjacent to the Q-Central Building;
- View from eastern side of Norbrik Drive up to Bella Vista Oval;
- Eastern end of the overhead pedestrian bridge platform over Old Windsor Road; and
- Along northern side of Norbrik Drive, with building separation and glazed joining elements in the Eastern sub-precinct to allow views through to the Bunya Bunya Pines.

In addition to the views identified above, the Heritage Impact Assessment recommends the following:

- Measures be taken to identify appropriate locations and types of signage to increase awareness of the heritage site;
- There be a proper linking of the two heritage components (Bella Vista and the Pearce Family Cemetery) and measures be taken to more clearly "view" the Cemetery from Bella Vista, including removal of vegetation around that site (RMS lands) and painting white the post and rail fence (liaison with the Pearce Family in relation to the fence may be necessary); and
- Given the statutory and regulatory links between Bella Vista Conservation Area and the Pearce Family Cemetery, a Conservation Management Plan be prepared for the Cemetery.

- *Views to Old Windsor Road*

The views to the Old Windsor Road alignment are not proposed to be retained. The Heritage Report states that these views "*will not be retained given the fundamental changes that have occurred to the context and setting of the location for fixing the observation points and what was intended to be observed.* The view up View Cone B

from the point set in 2006 on the "former" Old Windsor Road and the ability to view Bella Vista has been cumulatively and therefore significantly impacted on by:

- (a) the Medical Centre;*
- (b) the Q-Central Building; and*
- (c) major public infrastructure works:*
 - (1) the T Way;*
 - (2) the realignment and reconstruction of Old Windsor Road as a divided six lane major road; and*
 - (3) the overhead pedestrian bridge."*

The Pearce Family Cemetery was originally located on Old Windsor Road, which indicates the important role of the road for communications between the local settlers and the rest of the colony, especially the markets for their produce, and of the importance of the family who displayed their genealogical relationships and sense of place in such a publicly prominent way.

It is acknowledged that the view from the cemetery point identified in DCP 2012 has been compromised, however the loss of almost all visual connection to Old Windsor Road is not acceptable. The views are not removed in their entirety. There are still views available at various points when travelling along Old Windsor Road and from the surrounding area. The overhead pedestrian bridge itself makes a viewing platform, which the Heritage Report acknowledges, as well as the T Way bus stop. The photomontages provided in the Heritage Report (refer to Figure 12) show the proposed buildings completely obstructing the view from this location to the homestead, with only partial views to the Bunya Pines retained.



Figure 12

Photomontage showing applicants proposed view from the T-Way

Currently there is a clear view from the overhead pedestrian bridge to Bella Vista Farm, where a large section of the Bunya Pines are visible (refer to Figure 13). The loss of this view to this extent is not supported.



Figure 13

Photograph of the existing view from the overhead pedestrian bridge

- *Views to the Pearce Family Cemetery*

The Heritage Report proposes framing of the Pearce Family Cemetery view to direct the viewer to the heritage item. The report states that this will be a particular advantage when viewing the cemetery from the homestead, which is currently very difficult to locate.

The framed view to the Pearce Family Cemetery from Bella Vista provides a squashed visual relationship between two intimately connected items of state heritage and reduces the connections between the cemetery, Old Windsor Road and Bella Vista. The reduced visual connection with the cemetery in this way is not acceptable.

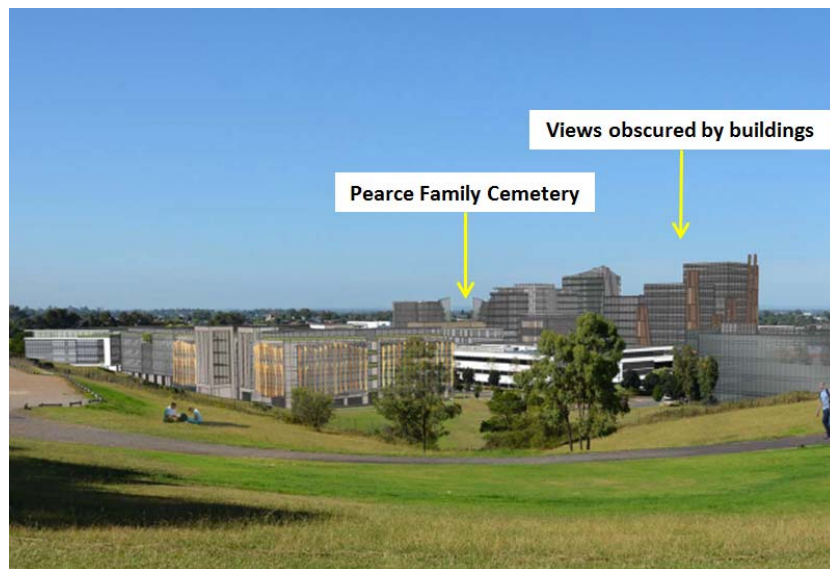


Figure 14

Photomontage showing the Pearce Family Cemetery framed view and proposed buildings

- *Panoramic views*

The significance of Bella Vista Farm relates to its rural setting with remnant indigenous vegetation on rolling hills, extensive pasture grasses, vistas from the site and views into the site. Its ridge top location is a deliberate and prominent siting that provides a panoramic view of the surrounding and distant landscape.

Figure 14 shows the intended development outcome for the Circa Precinct and how it does not provide the views to the prominent landforms and Blue Mountains identified in DCP 2012. The large expanse of build form obscuring a substantial portion of the view reduces the connection of Bella Vista with the wider community and is not supported.

- *Short distance views*

The concept of preserving internal views to and from the conservation area within the Circa Precinct is supported. The use of corridors, gaps in buildings and glazed connections to strengthen the visual connection between the Precinct and Bella Vista Farm and enhance the public's understanding of one its key heritage values is acknowledged. However, these innovative building elements do not preserve the views to Bella Vista Farm from outside the Circa Precinct. The homestead, ridgeline and bunya pines are a significant and widely recognisable feature in this area. The significance of Bella Vista Farm is tied to its location on a prominent ridgetop with vistas from the site and views into the site providing its setting. Reducing or obstructing these views may potentially compromise the significance of the heritage item. There are opportunities to create a built form in the Circa Precinct that allows more views from beyond the Circa Precinct to Bella Vista Farm.

It is recommended that further heritage work be undertaken to:

- identify and detail the existing views identified in DCP 2012 in relation to new development;
- identify the proposed views in a manner suitable for inclusion in DCP 2012;
- identify a view from the overhead pedestrian bridge to the Bella Vista Farm homestead to be retained via DCP controls; and
- reconsider the building forms to allow views to the landscape and Blue Mountains to be retained in part.

The applicant has not provided specific details of the intended DCP amendments, other than an explanation of the intended future view corridors in the Heritage Report provided above. Therefore, it is further recommended that following the additional heritage work, the applicant provide detailed DCP amendments relating to protecting the heritage of Bella Vista Farm and key view corridors for concurrent exhibition with the planning proposal.

e. Drainage

The Circa Precinct's lowest point is in the Retirement Precinct in the south. As part of the planning proposal to make seniors housing a permitted use under LEP 2012, detailed work has been undertaken with respect to flood prone land and drainage. Further, Council has granted development consent for the decommissioning and reconstruction of the existing dam on this part of the site. The works under this development consent allow for the future built form proposed under this planning proposal to be accommodated in terms of drainage and stormwater.

f. Development Control Plan Amendments

DCP 2012 contains controls relating to building setbacks, heights and overshadowing. The development proposed with the Circa Precinct is beyond what was anticipated under DCP 2012 requirements and it is appropriate to reconsider these controls and how they can be amended to facilitate the desired employment growth, while retaining the amenity of nearby properties.

DCP 2012 requires a minimum setback of 15 metres to residential properties surrounding the business park. This setback is required to be used exclusively for

landscaping. A 15 metre setback is required to Bella Vista Farm Park also and the landscaping in this area is not to obscure views to or from the Farm.

In addition to the heritage related amendments identified above, the applicant is seeking amendments to the built form related development controls. The amendments would relate to landscape buffer zones, setbacks, building heights, in addition to the heritage related controls discussed above. No specific details of these controls have been provided.

There is a need to protect the amenity of neighbouring low density residential dwellings. Amendments to DCP 2012 are warranted given the scale of change, particularly building height, included in the planning proposal. It is recommended that amendments to DCP 2012 be provided prior to public exhibition of the planning proposal to enable concurrent exhibition of the LEP 2012 and DCP 2012 amendments. However, any reduction in setbacks or landscape buffers to residential uses or Bella Vista Farm Park is not supported.

CONCLUSION

The planning proposal presents a significant opportunity for jobs growth in the Shire. It is imperative that jobs are provided that match residents needs in order to achieve the goals of providing jobs close to home.

The Gateway Process allows for the strategic merits of a planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary. The planning proposal has strategic merit and is suitable to forward to the Department of Planning and Environment for Gateway Determination and subsequently, to be publicly exhibited, with the acknowledgement that further work is required prior to exhibition to assess traffic and transport implications, economic impacts, heritage and urban design.

It is considered that as part of the Gateway and public exhibition process, further consideration should be given to amendments to the Development Control Plan which support the planning proposal and ensure appropriate development outcomes are achieved on the site. Whilst it is considered there are sufficient grounds to proceed with the proposal further refinement of the controls may be required following the issue of a Gateway Determination to ensure future development provides appropriate amenity, built form and heritage outcomes particularly in relation to the adjacent lower density housing and Bella Vista Farm.

This report also recommends that Council enter into negotiations with the applicant with respect to infrastructure delivery to adequately resolve the issues relating to the increased demand for traffic facilities. While it is considered that the planning proposal may be forwarded to the Department of Planning and Environment for Gateway Determination in advance of these negotiations, it is recommended that the planning proposal should not proceed to public exhibition until Council is satisfied that the applicant has adequately addressed these issues.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future - Community Strategic Plan

The planning proposal is consistent with the Community Strategic Plan as it provides for jobs that match the Shire's needs.

RECOMMENDATION

A planning proposal for the Circa Precinct, Bella Vista be forwarded to the Department of Planning and Environment to:

- a) Increase the maximum building height from RL108 and RL116 to RL116 and RL140; and;
- b) Increase the maximum floor space ratio from 1:1 to 1.2:1, 2:1 and 3:1.

ATTACHMENTS

Nil.