



Heritage Assessment Report

Norwest City Markettown Planning Proposal

Norwest City Trust

27 September 2023

311015-00350

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PROJECT 311015-00350 Heritage Assessment Report – Norwest City Marketown Planning Proposal




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Executive Summary

This Heritage Assessment Report (HAR) has been prepared, on behalf of Norwest City Trust (Mulpha Norwest), to support the submission and assessment of the Norwest City Marketown Planning Proposal. The proposal seeks to amend *The Hills Local Environmental Plan 2019* (THLEP 2019) to insert revised planning controls for land situated at 4-6 Century Circuit, Norwest (the site) adjacent to the Norwest Metro Station and within the Norwest Strategic Centre.

The Planning Proposal aims to facilitate the long-planned transformation of 46,455 square metres of strategically important land presently containing the Norwest Marketown Shopping Centre and adjoining lands comprising the Carlile Swimming Centre. The site is situated along a major regional throughfare in Norwest Boulevard, connecting to Old Windsor Road to the west.

The conclusions of this HAR are as follows:

- The site is located in the vicinity of *"Bella Vista"* (SHR No. 00754), *"Windsor Road from Baulkham Hills to Box Hill"* (Item No. 128), *"Avenue of trees leading to Castle Hill Country Club"* (Item No. 125), *"St Joseph's Novitiate"* (Item No. 17) and the HCA C2 *"Bella Vista Homestead Complex"*.
- The proposal is not located within the curtilage of a heritage item or HCA and, therefore, would not have a direct impact on the heritage significance of any nearby heritage items or HCA.
- There is potential for a minor impact on views from the outer farmyard at Bella Vista Farm Park generally north and to related distant views to the former Seventh Day Adventist Church view corridor in relation to 'Part B, Section 6 Business' and Appendix A of 'Part D, Section 22 Circa Commercial Precinct' of the *The Hills Development Control Plan 2012* (the DCP). It is noted the former church has since been replaced by a residential flat building. The panoramic extent of these views mitigates the scale of the proposal and is therefore considered only a minor component of the view.
- In summary, given the distance between the site and nearby heritage items, it is considered that the bulk, scale, form and height of the proposal would not significantly detract from, or dominate, views which may contribute to the heritage significance of *"Bella Vista"*, *"Bella Vista Homestead Complex"*, *"Windsor Road from Baulkham Hills to Box Hill"* or the *"St Joseph's Novitiate"*.

Therefore, it is considered that on heritage grounds, the proposal can be supported.

Acronyms and Abbreviations

Acronym/abbreviation	Definition
CMP	Conservation Management Plan
Council	The Hills Shire Council
DCP	<i>The Hills Development Control Plan 2012</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
HAR	Heritage Assessment Report
HCA	Heritage Conservation Area
Heritage Act	<i>Heritage Act 1977</i>
LGA	Local Government Area
RNE	Register of the National Estate
S170 Register	Section 170 Heritage and Conservation Register
THLEP 2019	<i>The Hills Local Environmental Plan 2019</i>

1 Introduction

1.1 Brief

Advisian Pty Ltd (Advisian) has been engaged by Norwest City Trust (Mulpha Norwest) to prepare a Heritage Assessment Report (HAR) to support the submission and assessment of the Norwest City Marketown Planning Proposal (the Planning Proposal). The proposal seeks to amend *The Hills Local Environmental Plan 2019* (THLEP 2019) to insert revised planning controls for land situated at 4-6 Century Circuit, Norwest (the site) adjacent to the Norwest Metro Station and within the Norwest Strategic Centre.

The Planning Proposal aims to facilitate the long-planned transformation of 46,455 square metres (m²) of strategically important land presently containing the Norwest Marketown Shopping Centre and adjoining lands comprising the Carlile Swimming Centre. The site is situated along a major regional throughfare in Norwest Boulevard, connecting to Old Windsor Road to the west.

The Planning Proposal will facilitate the appropriate planning controls to facilitate the site's future redevelopment for a contemporary transit-oriented and truly mixed-use precinct. The site has a capacity to deliver a range of employment generating uses in support of the surrounding Norwest Business Park, through commercial, retail, office, entertainment and tourist/visitor accommodation and community floorspace. These uses are further enhanced through the proposal's introduction of residential uses and the potential for a diversity of future emerging housing typologies. Mulpha's vision for sustainable development practices are at the heart of the concept for the site and a range of environmental sustainability initiatives and aspirations are sought, including renewable energy and building efficiencies.

Development planned for the site will be supported by a range of facilities that will benefit occupants of the site and the broader region, together with infrastructure improvements and upgrades and the delivery of generous plazas, public squares and open space, facilitating access to an enhanced Norwest Lake foreshore. Education and collaboration facilities are a primary focus of community life for Norwest Marketown.

Preliminary feedback from The Hills Shire Council (the Council) dated 5 August 2022 identifies that a HAR would be required to form part of the Planning Proposal lodgment package. As such, the purpose of this HAR is to assess the impact(s), if any, of the proposal on any conservation values that may constitute the heritage significance of the heritage items and heritage conservation area (HCA) in the vicinity as well as any potential historical and Aboriginal archaeological impacts.

1.2 Methodology

In preparing this HAR, the following methodology has been followed:

- Inspection of the site, its context, setting and surrounds on 29 November 2022.
- Review of heritage databases and relevant statutory and non-statutory planning controls.
- Review of relevant guidelines, including:
 - *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS, 2013).
 - The NSW Heritage Office's Heritage Manual, including *Statements of Heritage Impact* (2002) and *Assessing Heritage Significance* (2001) guidelines.

- Review of the Preliminary Advice and Scoping Requirements Letter dated 5 August 2022, supplied by the Council.
- Review of supporting Planning Proposal documentation supplied by Norwest City Trust.

1.3 The Site, its Context and Setting

The site is located within The Hills Shire Local Government Area (LGA). Norwest is approximately 12 kilometres (km) north of the Parramatta Central Business District (CBD), and 35km northwest of the Sydney CBD. The site is strategically located within the north eastern portion of the Norwest Business Park. The Park accommodates an extensive amount of employment land such as office and business premises and contains a range of facilities and amenities, including childcare centres, medical facilities, supermarkets, and a range of smaller retail tenants. It also incorporates recreational areas as well as pedestrian and bicycle linkages.

The site is also directly adjacent to the Norwest Metro railway station. Following its opening in 2019, surrounding each Metro station is an identified precinct that contributes to the Sydney Norwest Urban Renewal Corridor. In the context of this corridor, the site is situated within the Norwest Precinct.

The worker population within Norwest Business Park includes around 30,000 workers, being one of Greater Sydney's major employment areas. The workforce includes a large portion of professionals and clerical/service workers. Health care and social assistance, retail trade, professional, scientific, and technical services are the largest employing industries in the locality.

The site is situated on the northern side of Norwest Boulevard, between Brookhollow Avenue and Century Circuit. It comprises two allotments which are legally described as Lot 2 in DP 1213272 (4 Century Circuit) and Lot 5080 in DP1008602 (6 Century Circuit). Both allotments are owned by Mulpha. The site has a frontage of approximately 185 metres (m) to Norwest Boulevard and incorporates Century Circuit which extends eastward within the southern portion of the site. This site was formerly part of the North Sydney Brick and Tile Company's Brick Works Holding and as noted previously now forms part of the Norwest Business Park. An aerial view of the site, the relevant allotments and the immediate locality is provided in Figure 1-1 below.

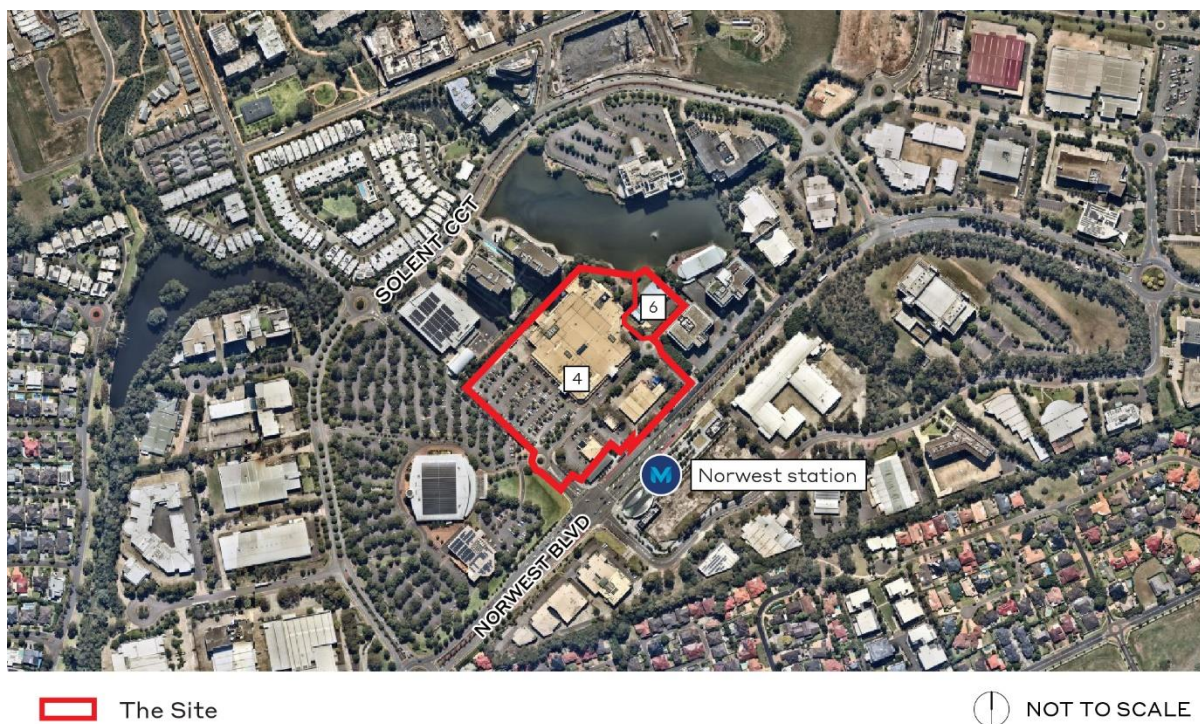


Figure 1-1 Site aerial photograph, showing extent of the site (Source: Nearmap, edits by Ethos Urban, 2023)

1.4 Photographs

An inspection of the site and surrounds was undertaken by Advisian on 29 November 2022 and are supplied below.



Figure 1-2 View of Bella Vista Homestead Complex, looking north



Figure 1-3 View of Bunya Pines located at Bella Vista Farm, looking north-west



Figure 1-4 View from Bella Vista Farm, looking north-east



Figure 1-5 View of Norwest Markettown, looking north-east



Figure 1-6 View of former location of Seventh Day Adventist Church site, now a residential flat building, facing west

2 History of the Site and Surrounds

The following information has been summarised from Tasire (2016), Department of Public Works & Services and Otto Cserhalmi + Partners Pty Ltd and WorleyParsons (2012).

Land at and in the vicinity of the site is historically linked to the exploration of the Cumberland Plain in 1788 to identify suitable land routes to Rouse Hill as well as areas for grazing and agriculture. The Cumberland Plain had been occupied by the Aboriginal Dharug language group.

Land grants in the region were made to various settlers, including the officers of the NSW Corp, ranging from 30 to nearly 1,000 acres. In 1795, Matthew Pearce was granted c.160 acres: King's Langley (adjoining 'Bella Vista') to the south. In 1799, 980 acres were granted to Major Joseph Foveaux Esquire. Foveaux acquired adjacent properties in total amounted to 1,770 acres known as Stock Farm. It is considered that Stock Farm would have been located north of the site. It is thought that Stock Farm was used to acquire graze stock rather than for cultivation. Stock Farm was located on the edge of the European settlement and encroached on traditional hunting grounds and resulted in conflict with the local Aboriginal community. From 1799, conflicts between European settlers and Aboriginal peoples were reported at such locations.

Stock Farm was then owned by John and Elizabeth Macarthur and known as their Seven Hills Estate. Elizabeth is significant for her contribution to the development of the colonial pastoral and agricultural industries. The Seven Hills Estate was used for grazing stock, possibly the sheep purchased from Foveaux. John Hiddle, under a lease of some kind, was based at the Seven Hills Estate and may have used the farm for grazing cattle. Other farms in the vicinity of the Seven Hills Estate were used for both agriculture and pasture.

The line of a new road to Windsor was surveyed in 1804; however, construction work did not occur until after 1810 when Governor Macquarie implemented an extensive program of road building and improvements of existing roads such as the Old Windsor Road. The cutting that survives today near the entrance to the Norwest Business Park was undertaken using convict labour circa 1810.

In 1821, the Seven Hills Estate was surrendered and the Government granted the Seven Hills Estate in allotments ranging between 500 and 700 acres. It is considered that the site is linked, in part, to 500 acres granted to George Acres in 1823 and named 'Heywood', and 500 acres granted to Susannah Matilda Ward in 1831 and named 'Wardington Grove' (Figure 2-1). Adjoining to the west was James Robertson grant of 500 acres, on which 'Bella Vista' developed.

Once at Heywood, Acres engaged in felling of timber, burning and clearing of the land, wheat reaping and cattle grazing. A house was built in 1828 near the Castle Hill Country Club where remnants surface at times. It was demolished in the early 1880s following construction of a new house in 1875. There is evidence of orcharding at Heywood from 1870 when commercial sales led to the export of oranges from 1880-81. Prior to orcharding at Heywood, the activity was known at the allotments of Andrew McDougall and George Suttor senior, located south of Wardington Grove.

Ward had taken possession of her grant by at least 1830 when 100 acres was conveyed to George Banks Suttor junior. Ward had settled in the Paterson River District by 1832 and it is likely that she did not live at Wardington Grove, nor build on it or develop the land.

George Suttor senior was granted 186 acres in 1802 and established an orchard at Suttor Farm. He settled and began clearing land near that of Andrew McDougall. Suttor Farm was used to plant oranges and lemons. In 1804, he was selling a variety of young fruit trees from Suttor Farm. In 1807, he took oranges to the Sydney Markets selling them to Pitt Street fruit dealers. Suttor senior also raised

livestock at the farm. Suttor senior's success as a nurseryman encouraged his neighbours including the McDougall's to plant orchards and the district gradually built a reputation for its orcharding although it also supported other crops and pasture.

As stated previously, George Banks Suttor junior purchased 100 acres of Wardington Grove in 1829. It is not known how the land was developed and it is possible that it was leased.

Edward Acres, son of George Acres, purchased 35 acres from George Banks Suttor junior in 1875. It is reported that the Bunya Pines along Spurway Drive are attributed to Edward Acres in 1875. Acres began exporting oranges that he had grown in 1881 to England. In 1886, Acres mortgaged the 35 acres and it is not known how it was used at this time. Acres continued to export citrus fruit in the early 1890s including oranges and lemons.

In the early 1900s, Acres' 35 acres was transferred to multiple landowners including Edward Henry (E.H.) Pearce of Bella Vista to the west of Heywood. Bella Vista was previously known as Robertson's Farm and orchards were established on this property from the 1880s. The land was used for pastureland (with scattered trees) according to Figure 2-2 and Figure 2-3. A large number of orchardists and fruit growers were recorded in the locality in the 20th century, although poultry and egg production were the main industry.

The Pearce family arranged for the sale of 'Bella Vista' between 1949 and 1950 with the sale on 18 October 1950 to the North Sydney Brick and Tile Company. E.H. Pearce subsequently left the Farm in December 1950. In 1952 the property was leased by the North Sydney Brick and Tile Company to Vera Jones and her family used the land as a dairy and later partly as a poultry farm. The Jones family left the property Bella Vista in 1979 and all agricultural activities ceased.

Heywood estate was retained as pastureland until purchase by the Castle Hill Country Club in 1965 with the homestead demolished in the 1970s. The site remained as pastureland during the 20th Century until subdivision as part of the development of the Norwest Business Park from 1983. Mulpha Australia Limited purchased the North Sydney Brick and Tile Company Limited in the early 1990s including the Norwest Business Park and traded as Norwest Land. The Norwest Marketown initially commenced with the construction of a Coles supermarket, with further redevelopments occurring over the years since at this site and in surrounding areas of the Norwest Business Park for commercial, residential and other mixed use developments.



Figure 2-1 Extract of the Parish of Castle Hill Parish map of 1924 showing the formalisation of the land grants made in the 1830s (Source: NSW Land Registry Services, 2020)



Figure 2-2 Aerial view of the northern half of Bella Vista in 1930 with many of the fruit trees having been removed but the pattern of the orchards was visible (Source: 2000 Bella Vista Farm CMP by Heritage Design Services, Department of Public Works & Services and Otto Cserhalmi + Partners Pty Ltd)

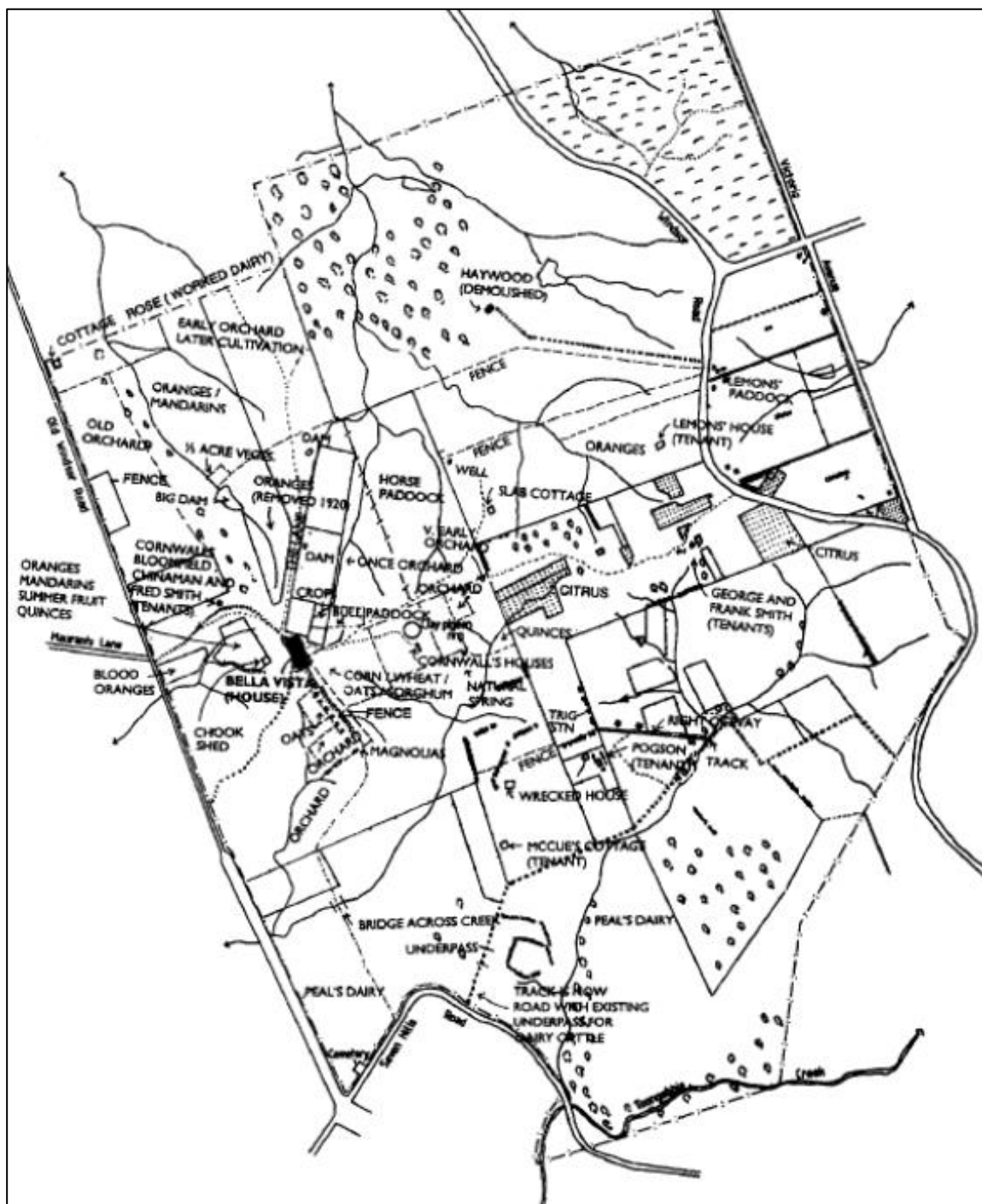


Figure 2-3 Detailed Map of Bella Vista Farm, c.1940 (showing the larger farm footprint), based on earlier maps prepared by E.H. Pearce and his recollections from his early years at the property (Source: 2000 Bella Vista Farm CMP by Heritage Design Services, Department of Public Works & Services and Otto Cserhalmi + Partners Pty Ltd)

3 Heritage Items and Heritage Conservation Areas in the Vicinity of the Site

3.1 Heritage listings

There are no heritage items located on the site. However, Table 3-1 identifies heritage items and heritage conservation areas (HCA) located in the vicinity of the site. In addition, Figure 3-1 provides an overlay of heritage items relative to the site.

Table 3-1 Heritage items and HCA located in the vicinity of the site

Item name	Address	Listing(s)	Significance	Approximate Distance from the Site
<i>"Avenue of trees leading to Castle Hill Country Club"</i>	7 and 9 Spurway Drive and Castle Hill Country Club, Spurway Drive	THLEP 2019 (Item No. 125)	Local	600m north
<i>"Windsor Road from Baulkham Hills to Box Hill"</i>	Windsor Road from Baulkham Hills to Box Hill	THLEP 2019 (Item No. 128)	Local	600m east
<i>"Bella Vista Homestead Complex"</i>	Old Windsor Road, Baulkham Hills	THLEP 2019 (Heritage Conservation Area "C2")	State	1.5km south-west
<i>"Bella Vista"</i>	Elizabeth Macarthur Drive, Bella Vista	State Heritage Register (SHR No. 00754)	State	1.5km south-west
<i>"St Joseph's Novitiate"</i>	Mackillop Drive	THLEP 2019 (Item No. 17)	Local	600m south-east

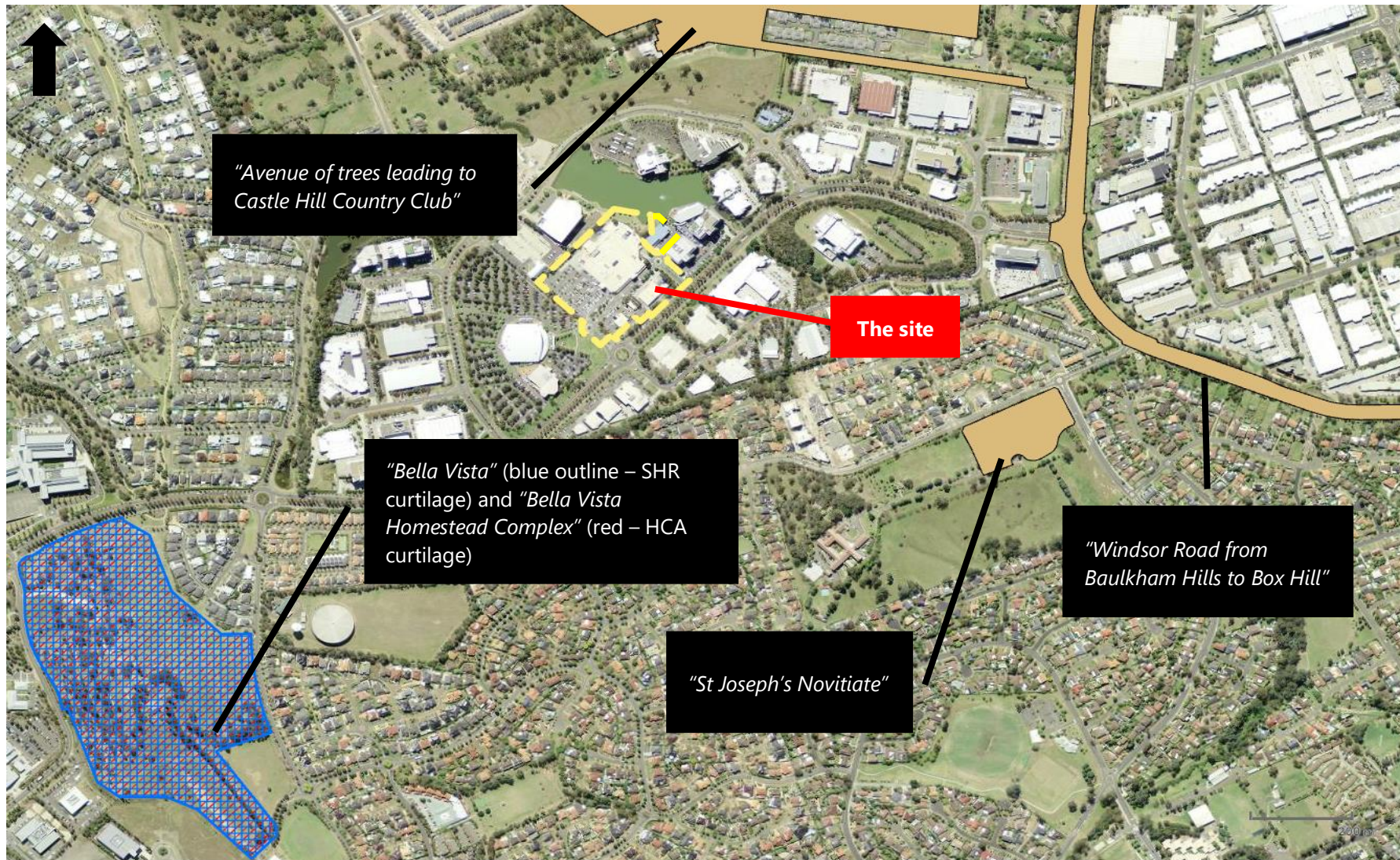


Figure 3-1 Environmental heritage in the vicinity of the site (Source: NSW Planning Portal, 2022)

3.2 Statement of Significance

3.2.1 ***“Avenue of trees leading to Castle Hill Country Club”***

The THLEP 2019 entry for the item on the State Heritage Inventory is incomplete and does not describe the heritage significance of the item.

The mature Bunya Pines (*Araucaria bidwilli*) and Hoop Pines (*Araucaria cunninghamii*) are located along the verge of Spurway Drive, approximately 600m north of the site.

The mature trees are of historical and aesthetic significance as introduced remnant plantings, dating from the late 19th century rural landscape and its former pastoral land uses. They have also been described as a local landmark feature. The owners of large 19th century estates often planted tall trees around the home to orient themselves from the surrounding area (Tasire, 2016).

It is noted that other significant Bunya Pines are located at the Bella Vista Farm Park approximately 1km to the south-west of the site.

3.2.2 ***“Windsor Road from Baulkham Hills to Box Hill”***

The THLEP 2019 entry for the item on the State Heritage Inventory is incomplete and does not describe the heritage significance of the item.

The curtilage of the heritage item is located approximately 600m east of the site and is one of the major roads located in the area, with mature Bunya Pines located at the intersection of Windsor Road and Spurway Drive.

Windsor Road is of historical significance as the second example of a major public road in Greater Sydney. Along with Old Windsor Road (curtilage of this archaeological site (Item No. A2) is located around 1.5km to the west), it played an important role in the historic development of the Hawkesbury region, enabling transport from the colony to settlements at Parramatta, and beyond to early land grants. Farms were established along the alignments as further land was granted to early settlers. The farms, supported by the supply and distribution channels of the roads, became organised and well-cultivated, and supported agriculture in the region.

The Statement of Significance for the Roads and Maritime Services Section 170 Heritage and Conservation Register (S170 Register) entry of the *“Old Windsor Road and Windsor Road Heritage Precincts”* is considered to be an appropriate description of the overall heritage significance of Windsor Road, including the section from Baulkham Hills to Box Hill (noting the section through Baulkham Hills is not within the curtilage of the S170 Register listing). It is noted that the Windsor Road and Old Windsor Road CMP was prepared in 2005 by Clive Lucas, Stapleton & Partners for the NSW Roads and Traffic Authority.

The Statement of Significance is as follows:

“The Windsor and Old Windsor roads, as first laid out in 1794 and realigned in 1812-1813 are of state and national significance. They incorporate the second road to be laid out in the colony and played an important role in the settlement of the Hawkesbury region and the development of the colony of NSW.

The Windsor and Old Windsor Roads retain characteristics evocative of the historic, rural character of the Cumberland Plain, both within the current road reserve and in redundant

sections outside the reserve. Together they are vital in understanding the cultural landscapes of the colony of NSW.

Remaining historic road fabric, both inside and outside the current road reserve demonstrates the methods of road construction and maintenance over two centuries."

3.2.3 "Bella Vista"

"Bella Vista" is an 18.5 hectare (ha) cultural landscape on the Cumberland Plain. An extract¹ of the Statement of Significance for "Bella Vista" from its State Heritage Register (SHR) entry is as follows:

"...As a rare example of an intact rural cultural landscape on the Cumberland Plain, continuously used for grazing since the 1790s: evidence of patterns of agricultural use of the farm over the last 200 years survive including field patterns, post and rail fences, vernacular slab farm buildings and evidence of the alignment of its traditional transport route, Old Windsor Road, as well as cultural plantings and remnant woodland trees..."

Furthermore, it has remained virtually untouched with only minimal maintenance for the last 100 years with three generations of Pearce family owning the property before state powers became responsible for its maintenance.

It is noted that a CMP (Otto Cserhalmi + Partners Pty Ltd, 2000) has been prepared for "Bella Vista" which includes conservation policies and actions. A Review and Upgrade of the 2000 CMP by WorleyParsons in 2012 was adopted by the Council.

'Part B Section 6 Business' and 'Part D, Section 22 Circa Commercial Precinct' of *The Hills Development Control Plan 2012* (the DCP) identifies objectives and controls to ensure views and vistas to Bella Vista Farm Park are maintained, such as views of the homestead and prominent ridgeline.

3.2.4 "Bella Vista Homestead Complex"

It is noted that the THLEP 2019 entry for the item on the State Heritage Inventory is not complete.

The Heritage Conservation Area (HCA) shares the same curtilage as "Bella Vista" and is also not visible from the site. The curtilage of the HCA allows for the retention of a remnant of what was a much larger historic farm setting. This enables an appreciation of the rural setting which includes the homestead, outbuildings remnant mature native vegetation, cultural plantings, paddocks, driveways, fencing as well as potential archaeology.

3.2.5 "St Joseph's Novitiate"

It is noted that the THLEP 2019 entry for the item on the State Heritage Inventory is not complete.

St Joseph's Novitiate is located approximately 600m south-east from the site and is not visible from the site. The heritage item contains a brick and stone interwar period California bungalow situated within a larger property that has been subdivided in recent years (Eco Logical Australia, 2020).

3.3 Potential Historical Archaeology

There are no statutory-listed archaeological sites located on the site.

¹ For the complete Statement of Significance, refer to the SHR entry on the State Heritage Inventory.

Based on historical aerial photography, there does not appear to have been previous buildings or structures located on the site. Furthermore, based on an understanding of the history of the site and its surrounding context, it is considered that the land was primarily used for agriculture and pasture activities, and not further developed with buildings or structures. Therefore, there is not considered to be the potential for evidence of historical archaeology in the form of significant relics at the site. There is also further unlikelihood of finding historically significant archaeology at the site considering the extensive excavation, prior development and current use of the site as an existing shopping centre.

3.4 Potential Aboriginal Archaeology

Transport for NSW commissioned an Aboriginal Assessment Addendum Report (dated January 2020) for the Norwest Boulevard, Lexington Drive / Elizabeth Macarthur Drive area which found there were no Aboriginal archaeological objects, sites or areas of potential archaeological deposits (PAD) identified in the recent survey.

Additionally, an Aboriginal Heritage Information Management System (AHIMS) Basic search was undertaken by Advisian on 1 December 2022 that identified nil (0) sites recorded in or within 50m of the site.

Given previous disturbance at the site, the potential for Aboriginal archaeology is considered to be low. Therefore, it is considered unlikely to be any potential Aboriginal Archaeological evidence present at the site.

4 The Proposal

4.1 Norwest City – Indicative Reference Scheme

Mulpha's vision for the site is a revitalised and vibrant mixed-use precinct that increases the productivity of employment generating land, provides essential services and increases the provision of housing close to transport. The precinct will provide essential services and a range of new community facilities and open space areas that will benefit the broader community. This will enable the creation of a vibrant and rejuvenated centre that fosters an attractive place to live, work and play.

The Norwest Marketown Indicative Reference Scheme, as prepared by FJC Studio, represents an optimised and refined reference scheme, to guide best practice design and the preparation of detailed planning controls to achieve an attractive transit-oriented development precinct with high amenity (Figure 4-1 and Figure 4-2).

Key features of the Norwest Marketown Indicative Reference Scheme are:

- A masterplanned urban design of new building blocks, public streets, squares and open spaces.
- A total development density of up to 232,375m² Gross Floor Area (GFA) comprising a Floor Space Ratio of 5.0:1. This includes the following components:
 - 117,330m² of employment generating floorspace comprising commercial, retail and hotel accommodation;
 - 102,523m² of residential floorspace comprising approximately 854 apartments; and
 - 12,523m² of community, indoor recreation, civic, entertainment and education floorspace.
- Building heights above ground ranging from 5 storeys to 36 storeys.
- A Lower Ground level providing a direct connection to Norwest Metro through to Norwest Lake at grade with retail and food and beverage opportunities.
- Basement parking, loading and servicing across 5 subterranean levels, with spaces for some 2,600 cars, which are intended to be allocated by way of a parking management system.
- Substantial open space provisions including:
 - Lake Avenue – pedestrian linkage connecting Norwest Boulevard to Norwest Lake
 - Garden Terrace – cascading open space, providing an enhanced Norwest Lake Foreshore
 - Norwest Public Square – local passive open space and alfresco dining.
- Community and civic buildings such as the Glass House.
- Significant enhancements to the existing Century Circuit, including intersections with Norwest Boulevard, the provision of internalised local streets within a pedestrian priority environment and opportunity for a future connection to Fairway Drive.
- Complementary on and off-site infrastructure to be delivered by way of a future Planning Agreement.



Figure 4-1 Northwest Markettown, Indicative Landscape Masterplan (Source: Realm, 2023)



Figure 4-2 Northwest Markettown, Indicative Built Form Vision (Source: FJC Studio, 2023)

4.2 Proposed Planning Controls

The Planning Proposal Justification Report, as prepared by Ethos Urban, details the intention to insert new planning provisions covering Norwest City Marketown, through the amendment of the THLEP 2019. Specifically, the Planning Proposal will:

- Seek a rezoning of the site from E1 Local Centre to MU1 Mixed Use.
- Seek an increase in overall height within the site from RL116 to RL216.
- Seek an increase to Floor Space Ratio from 1.49:1 to 5.0:1, comprising a minimum 'commercial premises' and 'entertainment facility' FSR of 2.5:1 and a maximum 'residential flat buildings', 'shop top housing' and 'boarding houses' FSR of 2.21:1 and 854 dwellings.
- Dwelling size and mix requirements consistent with THLEP 2019 and Council's strategic goals for housing.
- Car parking provisions in relation to dwellings, dwelling visitors, retail and commercial uses.
- Additional Permitted Uses (Schedule 1) to allow for the land uses of: recreation area, retail premises, recreation facility (outdoor), water recreation structure, waterbody (artificial) and wharf/boating facilities, within the land zoned SP2 Infrastructure within the site.
- Corresponding site-specific DCP which will address provisions such as:
 - Relationship to other Hills Shire DCP provisions
 - Urban Context
 - Desired Future Character and Principles
 - Public Domain and Open Space
 - Built Form
 - Active Frontages
 - Solar Access and Overshadowing
 - Vehicular Access and Connectivity
 - Landscape
 - Design Excellence
 - Sustainability
 - Wind
 - Staging and Implementation.

The proposal is in response to the Draft Norwest Precinct Plan which was on exhibition from 2 May 2023 until 31 July 2023. According to the Draft Plan, Norwest Marketown is identified within 'Focus Area 2' was earmarked as being subject to 'market driven' change and that changes to the planning framework would be driven by landowner-initiated planning proposals, along with associated amendments to the DCP, Public Domain Plan and appropriate infrastructure contribution mechanisms.

5 Legislative and Statutory Planning Controls

5.1 Environment Protection and Biodiversity Conservation Act 1999

Bella Vista Farm is not identified on the National Heritage List. However, the following places in the vicinity of the site are listed on the non-statutory Register of the National Estate (RNE) including:

- Bella Vista Complex (Place ID: 2971).
- Old Windsor Road Section (Place ID: 2963).

In 2007, the RNE was closed, and it is no longer a statutory list. Listings on the RNE do not create any legislative or statutory obligations. All references to the RNE were removed from the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 19 February 2012. However, appropriate consideration is still given to any information about items on the RNE.

5.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the principal environmental planning legislation for NSW. It sets out the regime for environmental planning instruments and the assessment of development with or without consent.

The proposal is to be prepared in accordance with Section 3.33 of the EP&A Act.

5.3 Heritage Act 1977

The *Heritage Act 1977* (the Heritage Act) contains the provisions for listing sites or places on the SHR and the protection of relics. There are no sites or places listed on the SHR or covered by an Interim Heritage Order that are located on the site.

The Heritage Act defines a "relic" as follows:

"relic means any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance."

There are no known relics that have been identified as having State or local heritage significance either on the site or in the vicinity of the site that would be directly impacted by the proposal. For further detail, refer to Section 3.3.

No approvals or permits under the Heritage Act are expected to be required.

5.4 The Hills Local Environmental Plan 2019

The THLEP 2019 is the primary environmental planning instrument for the LGA. Under the provisions of the THLEP 2019, the site is zoned part *B2 Local Centre* and part *SP2 Infrastructure*. The objectives of the respective zonings are as follows:

B2 Local Centre:

- *"To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling."*

SP2 Infrastructure:

- *"To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure."*

The relevant provisions of the THLEP 2019 are considered in Section 6.1.

5.5 The Hills Development Control Plan 2012

The 'Part B, Section 6 Business' of the DCP applies to all business zoned land and land where commercial land uses are permissible under the THLEP 2019. The part B2 zoning of the site permits 'commercial premises'. Section 2.6 includes objectives to ensure views and vistas to and from Bella Vista Farm Park are retained such as distant views to the former Castle Hill Seventh Day Adventist Church site.

Additionally, 'Part C, Section 4 Heritage' identifies controls relating to heritage matters, including items located within visual catchments.

'Part D Section 22 Circa Commercial Precinct' details objectives and controls of land within the Circa Commercial Precinct located on the southern section of the Norwest Business Park. Sections 4.1 and 4.6 identifies controls to ensure view cones to and from "*Bella Vista Homestead Complex*" and "*Bella Vista*", Bunya Pine Trees and Pearce Family Cemetery.

Relevant provisions of the DCP are considered in Section 6.2.

6 Assessment

This assessment has been undertaken with consideration to the following:

- Clause 5.10 of the THLEP 2019;
- 'Part B, Section 6 Business' and 'Part C, Section 4 Heritage' of the DCP;
- NSW Heritage Office's *Statements of Heritage Impact* guideline; and
- The relevant Articles of *The Burra Charter*.

6.1 The Hills Local Environmental Plan 2019

For the purposes of assessing the impacts, if any, on the heritage significance of heritage items and HCAs, consideration has been given to Clause 5.10 of the THLEP 2019 as shown in Table 6-1.

Table 6-1 Clause 5.10 of the THLEP 2019 considerations

Provision	Compliance Comment
<p>Clause 5.10 Heritage conservation</p> <p>(1) Objectives</p> <p>The objectives of this clause are as follows:</p> <p>(a) to conserve the environmental heritage of The Hills,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>Complies: It is considered that Objectives (a) and (b) of Clause 5.10 are satisfied as there would be no direct heritage impacts to any nearby heritage items. The proposal would retain an appropriate setting that would allow Norwest Marketown to be transformed to Norwest City as the Town Centre for the suburb of Norwest. In addition, the proposal would only have minor impacts on views which may contribute to the heritage significance of nearby heritage items, including to and from "<i>Bella Vista</i>" / "<i>Bella Vista Homestead Complex</i>" and the "<i>Avenue of trees leading to Castle Hill Country Club</i>". There is expected to be only negligible visual impacts to view corridors and vistas from "<i>Windsor Road from Baulkham Hills to Box Hill</i>" or "<i>St Joseph's Novitiate</i>". These findings are supported by the View Impact Assessment, including photomontages prepared by AE Design Partnership (2023).</p> <p>In accordance with Objectives (c) and (d), there are no known Aboriginal objects or places and archaeological sites that are anticipated to be impacted by the proposal. The site has been previously disturbed and the potential for Aboriginal archaeology is low. Refer to Section 3.3 and 3.4 for further discussion.</p>
<p>Clause 5.10 Heritage conservation</p> <p>(5) Heritage assessment</p>	<p>Complies: This HAR has identified the scope of the proposal and assessed the potential impacts on the heritage significance of the heritage</p>

Provision	Compliance Comment
<p>The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>items and HCA in the vicinity of the site, in accordance with (c).</p> <p>For further detail, refer to Sections 6.3 and 6.4.</p>

6.2 The Hills Development Control Plan 2012

6.2.1 'Part B, Section 6 Business'

6.2.1.1 Building Height [2.6]

The key considerations informing the relationship between bulk, scale, form and height in relation to the proposal are listed below in Table 6-2 from Objective 4: *To retain significant views to and from the Bella Vista Farm conservation area, in particular the following:*

Table 6-2 Relevant Provisions from DCP Part B, Section 6

Objective	Compliance Comment
<i>Vistas from the Homestead generally south.</i>	Complies: The proposal is north of the Homestead and has no impact on the views generally south.
<i>Vistas from the outer farmyard generally north.</i>	Complies: There is potential minor impact to views generally north and north-east from " <i>Bella Vista</i> " by the proposal. However, existing developments are already partially disrupting the view from the outer farmyard generally north and north-east. The general amenity of the view is therefore not significantly impacted as the panoramic extent of the view mitigates the scale of the proposal and is therefore considered only a minor component of the view as found in the View Impact Assessment (AE Design Partnership, 2023).
<i>Views into the site from the former alignment of Old Windsor Road.</i>	Complies: The proposal is located north-east of " <i>Bella Vista</i> " and therefore does not impact northward views from Old Windsor Road which is located south-east from " <i>Bella Vista</i> ".
<i>Views into the site from Norwest Boulevard.</i>	Complies: Norwest Boulevard is located along and south-eastern edge of the site. Therefore, the site does not impact the views to and from Norwest Boulevard.

Objective	Compliance Comment
	Generally, views from “Bella Vista” are equally important as views to “Bella Vista” in providing visual connectivity between Bella Vista Farm Park and Norwest Boulevard.
<i>Distant views to the site from the Castle Hill Seventh Day Adventist Church site and Pearce Family Cemetery.</i>	<p>Complies: The proposal does not impact views to or from “Pearce Family Cemetery” as it is located south of “Bella Vista” and does not intercept the viewing vista.</p> <p>However, there is potential for a minor impact on views from the outer farmyard (generally north) as a result of the proposed height, scale and bulk of the proposal. This may include views to the hilltop at the former Seventh Day Adventist Church site along Spurway Drive. However, it is understood that the former church site surrounds have been redeveloped for residential flat buildings (Figure 1-6) which, together with sporadic mature trees and vegetation, currently screen and obstruct views in this general direction to “Bella Vista”, with only minor glimpses of the land and some mature trees visible. Further, the approved Norwest Quarter (formerly The Greens) once completed at 40 Solent Circuit, Norwest is expected to partially obstruct these views (Advisian, 2021). As the Castle Hill Seventh Day Adventist Church site no longer exists in its former location, it is considered that the proposal would only have a potential minor impact on this view corridor.</p>

6.2.1.2 Heritage [2.24]

This HAR has addressed the relevant conservation planning controls as well as the requirements of the NSW Heritage Office’s *Statement of Heritage Impact* guideline (Section 6.3) and the relevant provisions of Clause 5.10 of the THLEP 2019 (Section 6.1).

This HAR has not had specific regard to the objectives and conservation policies of the 2000 CMP and the subsequent 2012 CMP Review and Update as the proposal is not located on land adjoining the HCA. In addition, given the distance between the proposal and “Bella Vista” and the HCA, it is considered that there would not be a significant impact on views which may contribute to heritage significance.

6.2.2 ‘Part C, Section 4 Heritage’

6.2.2.1 Development in the vicinity of a heritage site [3.5]

This control requires the consideration of matters such as character and bulk on the significance of the place, its context and setting, and views to and from the place.

The proposal is located in the visual catchment area of local and state heritage items and HCA. However, there would not be a significant impact on views to and from the heritage items or HCA, including “Bella Vista” and no detracting from the significance of place or setting.

This HAR also addressed the requirements of this control by considering features such as:

- the character bulk, height and external appearance of the development;

- *the visual relationship between the proposal and the heritage site; and*
- *the impact the proposed use would have on the amenity of the heritage site.*

For further detail refer to Section 6.3.

6.2.3 'Part D, Section 22 Circa Commercial Precinct'

6.2.3.1 Heritage [4.6]

According to the DCP, all development within the Circa Commercial Precinct should comply with the plans and images in Appendix A in relation to:

- *Building Height Restrictions;*
- *View Corridor B Setbacks;*
- *View Corridor Diagram; and*
- *Reference Photographs and Future Intent Montages.*

The proposal is not located within Circa Commercial Precinct and will not directly impact on identified View Cones 1 to 6. However, Figure 1 of Appendix A includes a label "*Views to Farm from hilltop adjacent to Seventh Day Adventist Church site & Roundabout at Intersection of Norwest Boulevard & Westwood Way*" (Figure 6-1). The site intercepts this view corridor with distant views to the former Seventh Day Adventist Church site (formerly located on Spurway Drive) – which has since been replaced by a residential flat building – when viewed from Bella Vista Farm Park. As such, there is potential for a minor impact on this view corridor to the former Seven Day Adventist Church site.

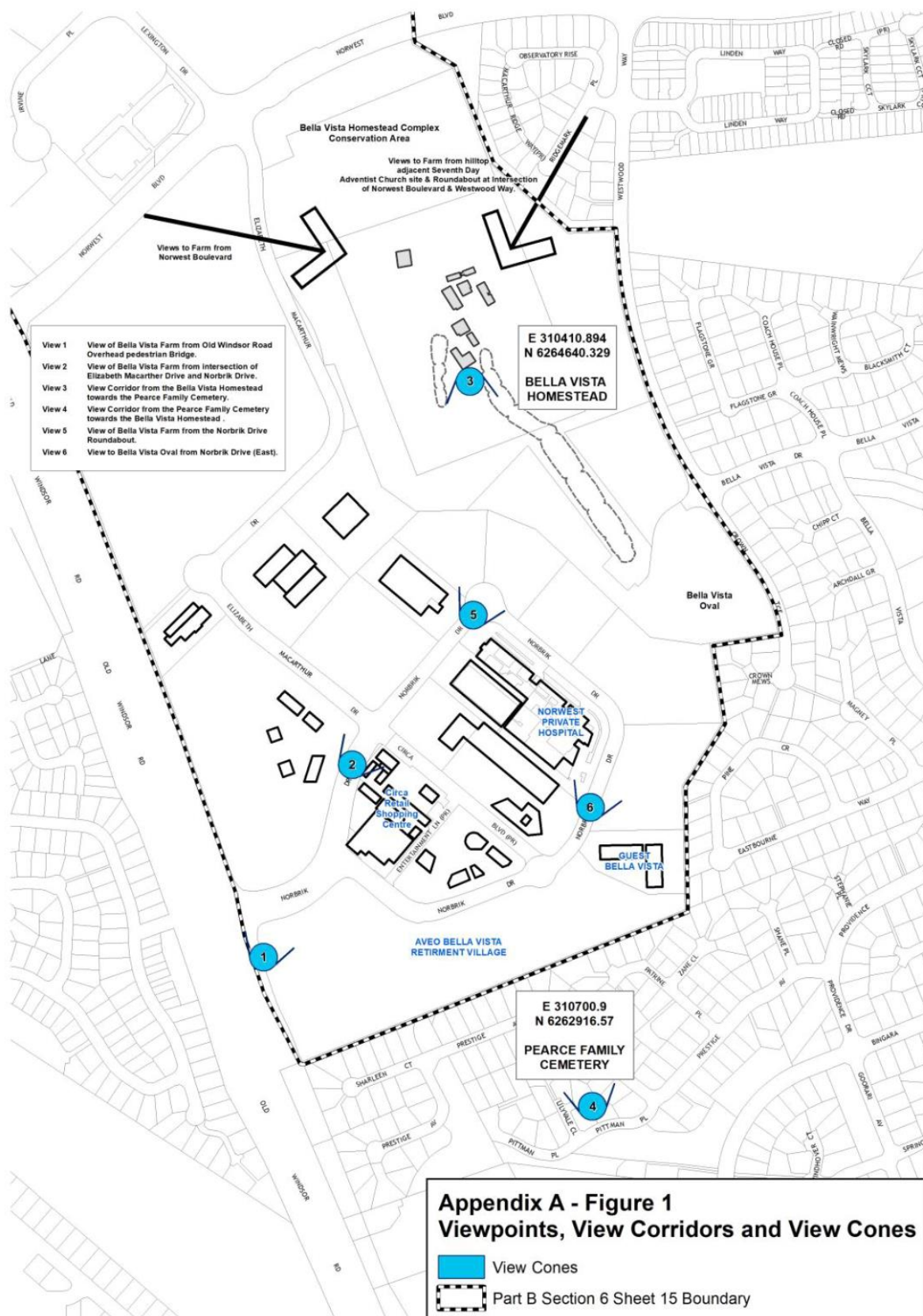


Figure 6-1 Viewpoints, view corridors and view cones (Source: The Hills Shire Council, 2021)

6.3 Heritage Branch Assessment Guidelines

The proposal has been assessed in relation to the relevant questions and considerations outlined in the NSW Heritage Office's *Statements of Heritage Impact* guideline.

The key consideration addressed is "*new development adjacent² to a heritage item*". Below are responses to the following questions:

How is the impact of the new development on the heritage significance of the item or area to be minimised?

The proposal is not located within the curtilage of a heritage item or HCA and, therefore, would not have a direct impact on the heritage significance of any nearby heritage items or HCA.

The proposal would not have a significant impact on the views to and from Bella Vista Farm. The site intercepts the view corridor with distant views to the former Seventh Day Adventist Church site (formerly located on Spurway Drive) – which has since been replaced by a residential flat building – when viewed from Bella Vista Farm Park. As such, there is potential for a minor visual impact on the view corridor to the former Seven Day Adventist Church site. However, the panoramic extent of the views north and north-east from "*Bella Vista*" is mitigated by the scale of the proposal and is therefore considered only a minor component of the view as noted in the View Impact Assessment (AE Design Partnership, 2023).

In summary, given the distance between the site and nearby heritage items, it is considered that the bulk, scale, form and height of the proposal would not significantly detract from, or dominate, views which may contribute to the heritage significance of "*Bella Vista*", "*Bella Vista Homestead Complex*", "*Windsor Road from Baulkham Hills to Box Hill*" or the "*St Joseph's Novitiate*".

How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

As discussed above, the proposal would not have a significant impact on views to and from heritage items and any HCA.

Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

There are no known or potentially significant archaeological deposits at the site.

Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?

As discussed above, it is considered that the bulk, scale, form and height of the proposal, as development in the vicinity, would not have a significant impact on views which may contribute to the heritage significance of the heritage items and HCA.

Will the additions visually dominate the heritage item? How has this been minimised?

The proposal would not significantly detract from, or dominate, views which may contribute to heritage significance of the nearby respective heritage items and HCA based on the proposal's bulk, scale, form, and height.

² For the purposes of this HAR, this includes new development in the vicinity of a heritage item.

Will the public, and users of the item, still be able to view and appreciate its significance?

The public, and users of the heritage items and HCA would still be able appreciate views to and from the site and would not impact the respective heritage significance.

6.4 The Burra Charter Articles

The Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter) provides “guidance for the conservation and management of places of cultural significance”. The proposal is assessed below having regard to the key relevant Articles of *The Burra Charter*.

6.4.1 Article 8. Setting

The proposal would retain an appropriate setting that is compatible with the site and surrounds and respects nearby heritage items and HCA. The setting would include the immediate and extended environment of the place such as the land, and views to and from the place which contribute to cultural significance.

6.4.2 Article 15. Change

There would be no change or direct impact to the significant fabric at nearby respective heritage items and HCA. Changes to the visual setting at the place, as previously described, are considered to allow for the retention of cultural significance of nearby heritage items and HCA.

6.4.3 Article 22. New work

It is considered that the bulk, scale, form and height of the proposal would generally respect the cultural significance of the nearby heritage items and HCA. The public, and users of the heritage items and HCA would still be able to interpret and appreciate the respective contributions and heritage significance.

7 Conclusions

This HAR has addressed the relevant legislative, statutory and non-statutory conservation planning controls as well as the requirements of the NSW Heritage Office's *Statements of Heritage Impact* guideline and the relevant Articles of *The Burra Charter*.

The conclusions of this HAR are as follows:

- The site is located in the vicinity of "*Bella Vista*" (SHR No. 00754), "*Windsor Road from Baulkham Hills to Box Hill*" (Item No. 128), "*Avenue of trees leading to Castle Hill Country Club*" (Item No. 125), "*St Joseph's Novitiate*" (Item No. 17) and the HCA C2 "*Bella Vista Homestead Complex*".
- The proposal is not located within the curtilage of a heritage item or HCA and, therefore, would not have a direct impact on the heritage significance of any nearby heritage items or HCA.
- There is potential for a minor impact on views from the outer farmyard at Bella Vista Farm Park generally north and to related distant views to the former Seventh Day Adventist Church view corridor in relation to 'Part B, Section 6 Business' and Appendix A of 'Part D, Section 22 Circa Commercial Precinct' of the DCP. It is noted the former church has since been replaced by a residential flat building. The panoramic extent of these views mitigates the scale of the proposal and is therefore considered only a minor component of the view.
- In summary, given the distance between the site and nearby heritage items, it is considered that the bulk, scale, form and height of the proposal would not significantly detract from, or dominate, views which may contribute to the heritage significance of "*Bella Vista*", "*Bella Vista Homestead Complex*", "*Windsor Road from Baulkham Hills to Box Hill*" or the "*St Joseph's Novitiate*".

Therefore, it is considered that on heritage grounds, the proposal can be supported.

8 References

- Advisian. (2021). *Statement of Heritage Impact The Greens, Norwest Residential Development*.
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- NSW Heritage Office. (2002), *Statements of Heritage Impact*.
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- NSW Office of Environment and Heritage. (2018), *State Heritage Inventory*, available at: <http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>.
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- The Hills Shire Council (2022), *Preliminary Advice & Scoping Requirements – Norwest City Marketown Site*, ref: FP35.
- Worley Parsons (2012), *Bella Vista Farm Conservation Management Plan Review and Upgrade*.