

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-766 275/2026/JPZ
PROPOSAL	Embellishment and landscaping of open space areas (Items OSE9, OSE10 and OSE12) within the Bella Vista Station Precinct
ADDRESS	13-23 Mawson Avenue and Lot 6 DP 1244850 Balmoral Road, Bella Vista (Lot 100 DP 1252968, Lot 8 DP 1244850, Lot 9 DP 1244850 & Lot 10 DP 1244850)
APPLICANT	Landcom
OWNER	Sydney Metro (Lot 100 DP 1252968) Planning Ministerial Corporation (Lot 8 DP 1244850, Lot 9 DP 1244850 & Lot 10 DP 1244850)
DA LODGEMENT DATE	28 August 2025
APPLICATION TYPE	Development Application – Crown
REGIONALLY SIGNIFICANT CRITERIA	Clause 4 Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: EDC > \$5 million – Crown Development
ESTIMATED DEVELOPMENT COST	\$6,105,325.00
CLAUSE 4.6 REQUESTS	No Clause 4.6 variations proposed
KEY SEPP/ LEP	• State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of land • State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water catchments • State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 Infrastructure • The Hills Local Environmental 2019 • State Significant Development Consent No. SSD-10344 – Bella Vista Station Precinct

	– Bella Vista Station Precinct Design Guidelines – Bella Vista Station Precinct SSDA – Urban Design Report – Kellyville and Bella Vista Station Precinct – Landscape Master Plan and Open Space Strategy • The Hills Development Control Plan 2012 – Part C Section 3 – Landscaping – Part C Section 6 – Flood Controlled Land
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Two submissions received. Issues raised in submissions: The submissions were generally supportive but queried pedestrian access over Elizabeth Macarthur Creek and whether a grass running track would be provided within one of the local parks.
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects prepared by Colliers (formerly Ethos Urban) Landscaping Plans prepared by Land and Form Landscape Design Report prepared by Land and Form Civil Engineering Plans prepared by Stantec Biodiversity Development Assessment Report prepared Biosis Arboricultural Impact Assessment Report prepared by Creative Planning Solutions Design Excellence Strategy prepared by Landcom Crime Prevention Through Environmental Design Report prepared by Urbis Universal Access Design Review by Morris Golding Access Consulting Aboriginal Heritage Assessment prepared by Kelleher Nightingale Detailed Site Investigation Report prepared by Stantec Flood Impact Assessment Report prepared Stantec Bushfire Assessment Report prepared by Peterson Bushfire Construction Environmental Management Plan prepared by Stantec Utility Management Plan prepared by Stantec Cost Summary Report prepared by Land and Form
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	The land is subject to the payment of a Special Infrastructure Contribution under Section 7.24 of the Environmental Planning and Assessment Act 1979
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes

SCHEDULED MEETING DATE	25 June 2026
PLAN VERSION	Landscaping Plans – 22 April 2026 (Rev '2') Civil Engineering Plans – 12 May 2026 (Rev 'L')
PREPARED BY	Andrew Johnston
DATE OF REPORT	19 June 2026

EXECUTIVE SUMMARY

Development Application No. 275/2026/JPZ (PPSSCC-766) seeks consent for the embellishment and landscaping of open space areas at 13-23 Mawson Avenue and Lot 6 DP 1244850 Balmoral Road, Bella Vista. The proposal involves the creation and embellishment of three open space areas identified as Local Park BV2, Local Park BV3 and Riparian Open Space BV5 within the Bella Vista Metro Station Precinct.

Landcom (the Applicant) is a listed Statutory State-Owned Corporation and the proposed development has an Estimated Development Cost (EDC) of \$6,105,325.00. Accordingly, the proposed development is identified as 'regionally significant development' as the development is carried out or on behalf of the Crown and has a EDC of more than \$5 million. The application has been submitted as 'Crown development'.

The Bella Vista Station Precinct is subject to a concept approval issued under State Significant Development Consent No. SSD-10344 (as amended) for subdivision, the construction of mixed-use developments and the delivery of open space within the precinct. The application has been submitted by Landcom to undertake embellishment and landscaping works on the open space lots that are to be created under Development Application No. 341/2026/JPZ (PPSSCC-768). The subject proposal is reliant on this preceding subdivision application for tree removal, earthworks, the construction of the surrounding road network and the creation of open space lots.

The principal planning controls relevant to the proposal are The Hills Local Environmental Plan (LEP) 2019, The Hills Development Control Plan (DCP) 2012 and State Significant Development Consent No. SSD-10344 (as amended) and The State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP). Clause 4.24(2) of the EP&A Act 1979 outlines that while any approved concept development application for a site remains in force, the determination of any further development applications on the site must be consistent with the concept approval.

The embellishment and landscaping works proposed under this application are limited to areas that are zoned RE1 Public Recreation. The proposed development is permissible as a 'recreation area' within the RE1 Public Recreation zone. The application is also required to be considered against the Biodiversity Conservation Act 2016 as the site contains threatened ecological communities including Cumberland Plain Woodland.

Two submissions were received that were generally supportive of the proposal but queried pedestrian connectivity and whether a grass running track would be provided within a park. The matters raised in the submissions have been considered and do not warrant the refusal of the application.

Following a detailed assessment and review of the matters for consideration under Section 4.15(1) of the EP&A Act 1979, the proposed development is considered to be generally consistent with the relevant environmental planning instruments and State Significant Development Consent No. SSD-10344 (as amended). The proposal is permissible and the proposed open space areas are generally consistent with approved plans and Design Guidelines issued under the concept approval. The land is considered suitable for the proposed development and the embellishment and landscaping works are not expected to unreasonably impact upon the natural and built environments.

The approval of Development Application No. 275/2026/JPZ (PPSSCC-766) is recommended under Section 4.16(1)(a) of the EP&A Act 1979 subject to the conditions of consent contained in Attachment A of this report.

1. THE SITE AND LOCALITY

1.1. The Site

The land subject to this application comprises of four parcels of land that are legally identified as Lot 100 DP 1252968, Lot 8 DP 1244850, Lot 9 DP 1244850 and Lot 10 DP 1244850. The site is bound by Balmoral Road to the north, Mawson Road to the west, Unaipon Avenue to the south and Celebration Drive to the east. The subject parcels have a combined area of approximately 8.416Ha.

The site is located north of the Bella Vista Metro Station and generally consists of cleared exotic grassland and some pockets of planted and remnant native vegetation. The land immediately adjoining Elizabeth Macarthur Creek contains remnant native vegetation. The land owned by Sydney Metro and the Planning Ministerial Corporation is currently fenced to prevent public access.

An aerial photograph highlighting the approximate location of the development site is provided with Figure 1:



Figure 1: Aerial Map Extract from Statement of Environmental Effects

1.2. The Locality

The suburb of Bella Vista is located approximately 33km northwest of Sydney's Central Business District.

The site is located within the Bella Vista Metro Station Precinct. The Structure Plan for Kellyville and Bella Vista identifies the area within the vicinity of the Bella Vista Metro Station as a future local centre, with a northern area of the precinct designated for high density residential development.

The Bella Vista Metro Station is located off Mawson Avenue, between Celebration Drive and Unaipon Avenue. The commuter car park for the station is located north of Unaipon Avenue, with access provided from Byles Place. A sub-surface section of the Metro rail line runs between Old Windsor Road and Mawson Avenue before going underground north of Lexington Drive. The local street network from Balmoral Road, Celebration Drive, Lexington Drive and Brighton Drive provides access to the Bella Vista Metro Station and the wider precinct.

Elizabeth McArthur Creek runs along the eastern side of the subject land and its surrounds contain native vegetation identified as Cumberland Plain Woodland, River-flat Eucalypt Forest and Freshwater Wetlands. This section of Elizabeth Macarthur Creek is located over Sydney Water land.

The development site is located east of Old Windsor Road and north of the Norwest Business Park. To the east of Elizabeth Macarthur Creek are a number of existing land holdings that are undeveloped but are zoned for high density residential development. Further east are established residential areas primarily consisting of detached single dwelling houses.

2. THE PROPOSAL AND BACKGROUND

2.1. The Proposal

The subject application is for the creation, embellishment and landscaping of open space areas within the Bella Vista Metro Station Precinct.

The submitted application is identified by the Applicant as Stage 4 within the Bella Vista Metro Station Precinct and seeks approval for the embellishment of future lots to be created under Development Application No. 341/2026/JPZ. The proposal specifically involves:

- Embellishment and landscaping works to create a riparian open space area across Proposed Lots 208 and 209. This area is identified as Item No. OSE12 in VPA No. 1/2025/VPA and is to adjoin Elizabeth Macarthur Creek and Celebration Drive. The submitted plans refer to this area as Riparian Open Space BV5. The area is to comprise of:
 - Riparian lawn spaces;
 - Landscaping and mass planting (trees and plants, including retention of existing trees);
 - Retention of ecological zones and revegetation of ecological zones;
 - Pedestrian and shared paths; and
 - Associated open space facilities such as fitness stations, bicycle racks, drinking fountains, seating and wayfinding signage.

- Embellishment and landscaping works to create a local park within Proposed Lot 202. This park is identified as Item No. OSE9 in VPA No. 1/2025/VPA and is to be located between Celebration Drive, Mawson Avenue, Road 05 and Road 06. The submitted plans refer to this area as Local Park BV3. This local urban park is to comprise of:
 - Recreational green lawn space;
 - Paved amphitheatre and retaining walls;
 - Urban play areas, play structures and equipment;
 - Shelters and seating;
 - Tree planting and mounded landscaping; and
 - Pathways.
- Embellishment and landscaping works to create a local park within Proposed Lot 206. This park is identified as Item No. OSE10 in VPA No. 1/2025/VPA and is to be located between Celebration Drive, Mawson Avenue, Road 02 and Road 03. The submitted plans refer to this area as Local Park BV2. This local urban park is to comprise of:
 - Recreational green lawn space;
 - Paved forecourt and retaining walls;
 - Urban play areas, play structures and equipment;
 - Barbecue facilities, picnic shelters and seating;
 - Tree planting and mounded landscaping; and
 - Pathways.

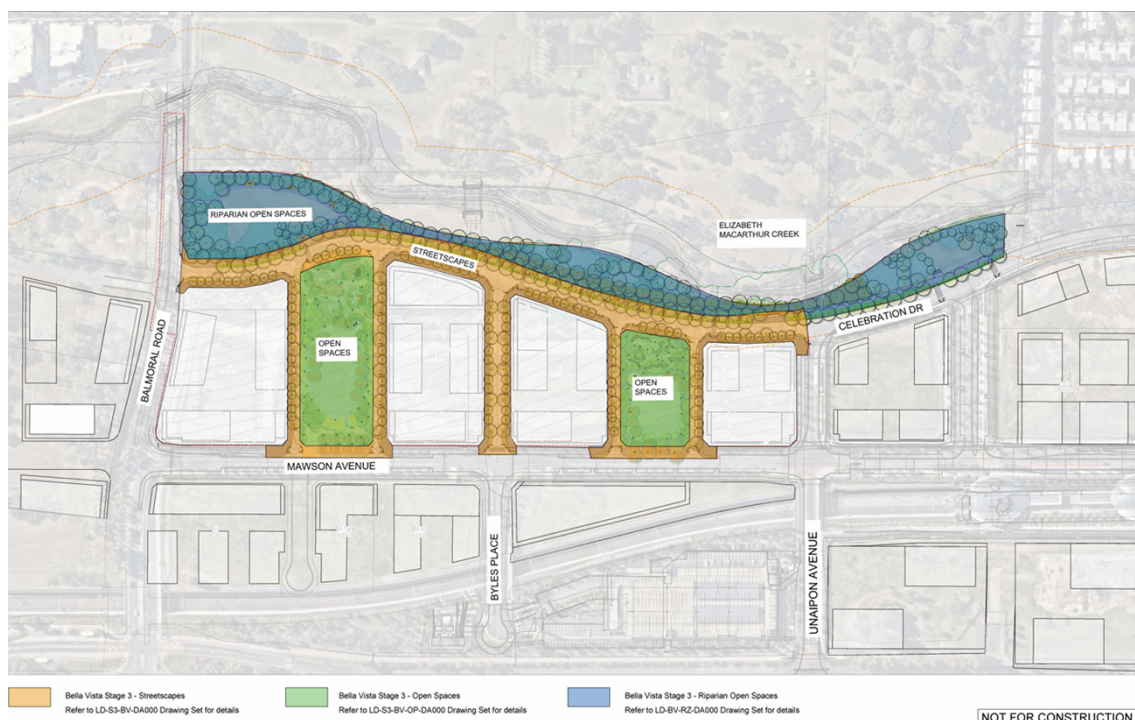


Figure 2: Plan Extract Detailing Landscaping Works

An EDC of \$6,105,325.00 has been nominated for the open space works.

Landscaping and Concept Engineering Plans for the development are provided as Attachments B and C.

The key development data and standards that are applicable to the proposal are summarised in Table 1 below:

Table 1: Key Development Data

Control	Proposal
Site area	8.416Ha
Zoning	RE1 Public Recreation, E1 Local Centre, R1 General Residential, R4 High Density Residential and SP2 Infrastructure – Stormwater Management System
Lot Size	Not applicable – Subdivision is proposed under Development Application No. 341/2026/JPZ, with a minimum lot size of 1,800m ² applying to the land (Area U3)
Building Height	Not applicable – No height controls apply to the RE1 Public Recreation zone
Floor Space Ratio	Not applicable – Floor space ratios will apply to future development lots only
Clause 4.6 Requests	Not applicable

The proposal is categorised as regionally significant development under Schedule 6 of the Planning Systems SEPP as it is a Crown development with an estimated development cost of more than \$5 million. Subject to the savings and transitional provisions under the EP&A Amendment (Planning System Reforms) Act 2025, the Sydney Central City Planning Panel is the consent authority for regionally significant development.

The application was formally lodged with Council on 28 August 2025 and has been under assessment for approximately 285 days. The proposal was presented to Council's Design Advisory Panel on 8 April 2026 in accordance with the approved Design Excellence Strategy for the Kellyville and Bella Vista Precincts.

2.2. Background

State Significant Development Consent – Concept Development Application

State Significant Development Consent No's SSD-10343 and SSD-10344 were issued by the Department of Planning and Environment on 1 December 2022 for subdivision, construction of mixed-use developments and delivery of open space within the Kellyville and Bella Vista Station Precincts. These consents were issued as Concept Development Application approvals, with works and subsequent stages of these developments being subject to further development applications that must be submitted to Council for determination (with the exception of development with a Capital Investment Value of \$30 million or more).

The development description for State Significant Development Consent No. SSD-10344 outlines this consent approved:

Concept development application for a mixed-use precinct known as Bella Vista Station Precinct including:

- *principal subdivision to create public domain areas*
- *building heights for 20 development blocks ranging from 7 m to maximum 68m*
- *an indicative maximum GFA of 470,770m² for residential and non-residential uses*
- *between 2,559 and 3,804 dwellings (including 5% affordable housing)*

and Major Open Space' Section of the endorsed Design Excellence Strategy outlines that development applications for major open space and public domain works are to be reviewed by Council's Design Advisory Panel as part of the detailed design. The major open space and public domain works that will be subject to a design excellence review include a district park in Bella Vista, a local park in Kellyville, playing courts in Kellyville and open space and recreation works along Elizabeth Macarthur Creek.

The riparian open space area (Item No. OSE12) proposed under the subject application was subject to review by Council's Design Advisory Panel under the approved Design Excellence Strategy.

Transport Oriented Development Precincts

The site is also identified as being located within the Sydney Metro Northwest Urban Renewal Corridor, with both Kellyville and Bella Vista identified as Transport Oriented Development Precincts as shown in the Final Structure Plan below:

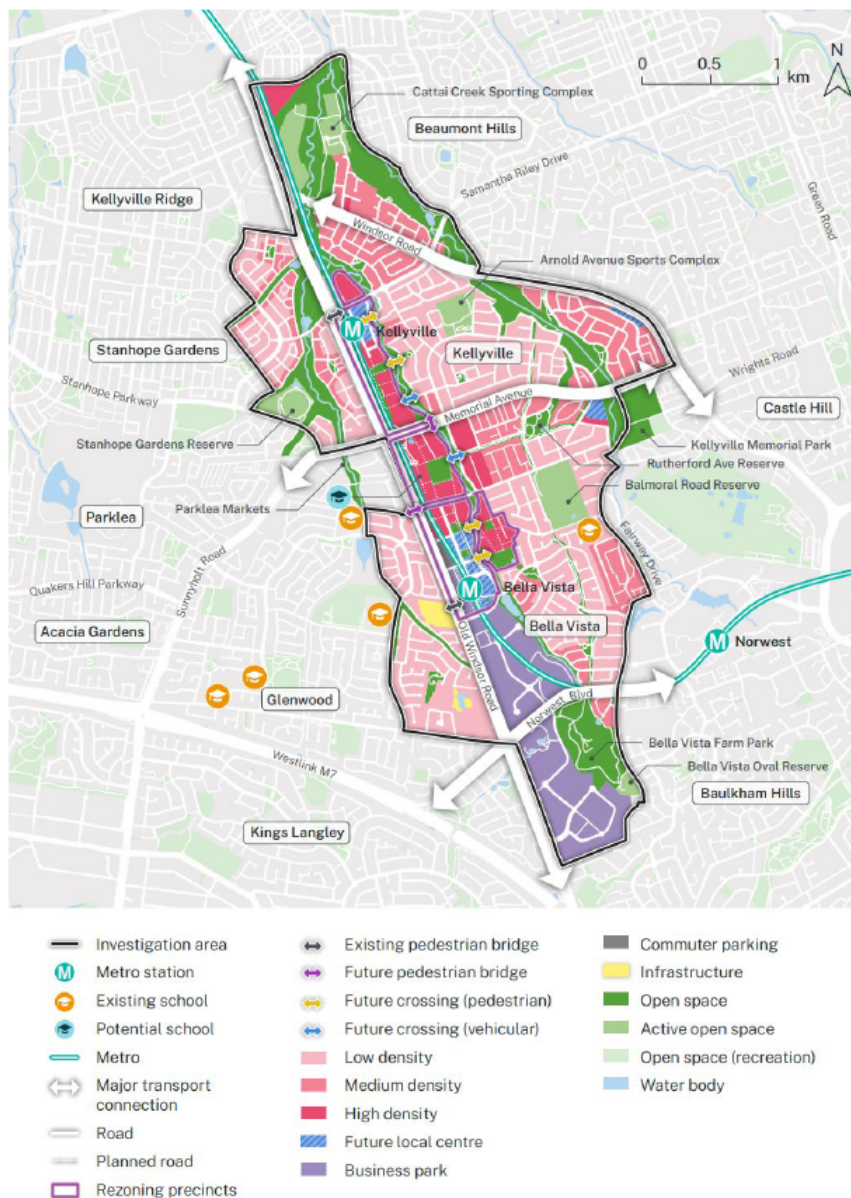


Figure 3: Kellyville and Bella Vista Transport Oriented Development Precincts – Final Structure Plan

A copy of the Kellyville and Bella Vista Transport Oriented Development Precincts – Final Structure Plan is provided as Attachment D. It is noted that whilst the Precinct boundary under the Structure Plan is outlined in black, the areas subject to the revised planning provisions under the Transport Oriented Development Program are limited to land within The Hills Shire Council and along the rail corridor as shown in purple.

The Transport Oriented Development provisions have been incorporated into The Hills LEP 2019 and expand upon the controls established by the State Significant Development Consents issued for Kellyville and Bella Vista Station Precincts. The updated controls remove the 8,400 dwelling cap which was applicable to the Station Precincts (of which 5,714 dwellings were to be provided under State Significant Development Consent No's SSD-10343 and SSD-10344 (as amended) and require the delivery of 3-10% affordable housing (approximately 5-10% delivery for key sites).

The Transport Oriented Development provisions will apply to built form applications only.

Development and Application History

The subject application is identified as Stage 4 within the Bella Vista Station Precinct and involves the embellishment and landscaping of lots to be created under Development Application No. 341/2026/JPZ. This preceding application for subdivision is identified as Stage 3 within the Bella Vista Precinct and involves the creation of six development lots, four open space lots and three residue lots for future development. This application has also been reported to the Panel for determination.

Stages 1 and 2 of the Bella Vista Precinct were approved by Council with Development Consent No's 12/2025/ZA and 16/2025/JPZ. Development Consent No. 12/2025/ZA (Stage 1) was issued under delegated authority on 6 November 2025 and approved tree removal, earthworks, the construction of a road, and a subdivision creating three residential development lots at 10-16 Mawson Avenue. Development Consent No. 16/2025/ZA (Stage 2) was issued under delegated authority on 12 November 2025 and approved tree removal, earthworks, the construction of a road, and a subdivision creating two business development lots, one community development lot and one open space development lot at 1-7 Mawson Avenue.

Section 138 Applications associated with the Stage 1 and 2 approvals have been lodged with Council for the works within Council's road reserve.

A brief chronology for the assessment of the subject application is provided in the following table:

Table 2: Chronology of the Application

Date	Event
28 August 2025	Application lodged.
8 September 2025	Notification of the application and advertisement on Council's website. Application referred to external agencies.
16 October 2025	Additional information letter issued relating to matters raised by Council's Ecology, Parks and Recreation and Forward Planning Sections
6 November 2025	Written response provided by the Applicant to address Council's additional information letter. No plans or reports were provided to address the requested information.
7 November 2025	Updated Flood Impact and Risk Assessment Report and TUFLOW Model uploaded to the Planning Portal.
21 November 2025	Updated TUFLOW Model uploaded to the Planning Portal.
19 January 2026	A further TUFLOW Model was provided following amendments as part of Development Application No. 394/2026/JPZ.
29 January 2026	Additional information requested by Council in relation to ecology matters.
10 February 2026	The Applicant requested that the application be referred to the Sydney Central City Planning Panel for determination subject to Clause 4.33(2)(b) of the EP&A Act 1979.
5 March 2026	Briefing meeting held with Sydney Central City Planning Panel.
19 February 2026	Additional information requested by Council's Waterways Section in relation to flooding and the submitted TUFLOW Model.
9 March 2026	Response letters submitted by Applicant to the Planning Portal.
10 March 2026	Meeting held with Applicant to discuss outstanding ecology issues.
16 March 2026	Briefing meeting held with Applicant and Sydney Central Planning Panel.
30 March 2026	Sketches for the riparian corridor works provided by the Applicant following the briefing report. An updated Flood Impact and Risk Assessment Report and TUFLOW Model were also provided to Council.
8 April 2026	Proposal presented to Council's Design Advisory Panel in accordance with the approved Design Excellence Strategy.
13 April 2026	Comments provided to the Applicant with respect to the riparian corridor sketches and ecology.
7 May 2026	Amended plans and reports submitted by Applicant to the Planning Portal.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the EP&A Act 1979:

- a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c) *the suitability of the site for the development,*
- d) *any submissions made in accordance with this Act or the regulations,*
- e) *the public interest.*

The proposal is also subject to the requirements of State Significant Development Consent No. SSD-10344 (as amended), which was issued as Concept Development Application. Clause 4.24(2) of the EP&A Act 1979 outlines that where a concept approval applies, development applications “*cannot be inconsistent with the consent for the concept proposals for the development of the site*”.

An assessment of the proposal against the relevant matters of consideration and the concept approval is provided in this section of the report.

The proposal is subject to the Crown development provisions under Division 4.6 of the EP&A Act 1979. Landcom is a listed Statutory State Owned Corporation under Schedule 5 of the State Owned Corporations Act 1989 and is therefore deemed a public authority. As a public authority, any application made by or on behalf of Landcom is categorised as a Crown development application under Section 4.32(2)(a) of the EP&A Act 1979.

Integrated development under the EP&A Act 1979 does not apply to Crown development applications (other than development that requires a heritage approval). Where applicable, separate approvals will still need to be obtained under the relevant Acts. In this instance the land is not a State heritage item or identified as bushfire prone land and accordingly no separate approvals are required under the Heritage Act 1977 or Rural Fires Act 1997. Works are proposed within 40m of Elizabeth Macarthur Creek so whilst the proposal is not categorised as integrated development, the obtainment of a Controlled Activity Approval may be required under Section 91 of Water Management Act 2000. Landcom is not exempt from the need to obtain a Controlled Activity Approval subject to Clause 64(2) of the Water Management (General) Regulation 2025.

The obtainment of a Construction Certificate and the appointment of a Principal Certifier is not required for Crown development applications under Section 6.28 of the EP&A Act 1979. However, the Applicant has advised that a Certifier will be appointed and a ‘Crown Certificate’ will be obtained for the embellishment works.

3.1. Section 4.15(1)(a)(i) – Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- Planning Systems SEPP
- Resilience and Hazards SEPP
 - Chapter 4 Remediation of land
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
 - Chapter 6 Water catchments
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
 - Chapter 2 Infrastructure
- The Hills LEP 2019

A summary of the key matters for consideration arising from these planning instruments is outlined in Table 3 and considered in more detail below:

Table 3: Summary of Applicable Environmental Planning Instruments

Environmental Planning Instruments	Matters for Consideration	Comply (Y/N)
Planning Systems SEPP	• Clause 2.19(1) and Schedule 6 – Regionally Significant Development The proposal is categorised as regionally significant development.	Y
Resilience and Hazards SEPP	• Section 4.6 – Contamination and Remediation Contamination and the suitability of the land has been considered under Development Application No. 341/2026/JPZ and the subject application. Council's review of the Detailed Site Investigation Report has found the land to be suitable for a recreational use subject to the imposition of conditions.	Y
Biodiversity and Conservation SEPP	• Chapter 6 – Water Catchments The impacts of the proposed development on the environment of the Hawkesbury-Nepean River has been considered. The civil design incorporates water quality infrastructure and erosion and sediment control measures are to be implemented during construction to manage and minimise impacts to the health of the river catchment.	Y
Transport and Infrastructure SEPP	• Clause 2.98 – Development Adjacent to Rail Corridors	Y

	The works are located approximately 50m from the rail corridor and Sydney Metro have advised their concurrence is not required.	
The Hills LEP 2019	• Land Use Table – The proposal is permissible as a recreation area. • Clause 4.3 – Height of Buildings – No height limit applies to the RE1 Public Recreation zone. • Clause 5.10 – Heritage Conservation – The land is not heritage-listed. • Clause 5.21 – Flood Planning – The open space lots accommodating the local parks, Proposed Lots 202 and 206, will be located above the Flood Planning Level. The riparian open space areas within Proposed Lots 208 and 209 will be impacted by flooding however these areas immediately adjoin Elizabeth Macarthur Creek, contain limited structures and will incorporate the use of flood compatible materials. • Clause 6.3(1) – Urban Release Areas – A Utility Management Plan has been prepared to detail servicing arrangements. • Clause 7.2 – Earthworks – Earthworks consisting of cut and fill has been nominated to grade and level the open space areas. The roads, development lots and majority of open space lots are located above the Flood Planning Level.	Y

State Environmental Planning Policy (Planning Systems) 2021

The Planning Systems SEPP aims to identify and establish planning pathways for regionally significant development, State significant development and State significant infrastructure.

Schedule 2 Section 13 of the Planning Systems SEPP outlines that development on land within the Bella Vista Station Precinct is 'State significant development' *"if the development is for the purposes of:*

- (a) *a principal subdivision establishing major lots or public domain areas; or*
- (b) *the creation of new roadways and associated works".*

State Significant Development Consent No. SSD-10344 (as amended) was subsequently issued by the Department of Planning and Environment as a Concept Development Application approval to guide the development of the Bella Vista Station Precinct. The concept approval for the precinct outlines that *"pursuant to Section 4.37 of the (EP&A) Act 1979, any subsequent stage of the development:*

- (i) *with a capital investment value of less than \$30 million, or*
- (ii) *which is development solely for the purposes of the creation of new roads, subdivision and recreation areas*

is to be determined by the relevant consent authority and that stage of the development ceases to be State Significant Development".

On this basis the subject proposal does not comprise State significant development. The application is instead identified as regionally significant development under Clause 4 of Schedule 6 of Planning Systems SEPP as the development is to be carried out by or on behalf of the Crown and has an EDC of more than \$5 million. Subject to the savings and transitional provisions under the EP&A Amendment (Planning System Reforms) Act 2025, the Sydney Central City Planning Panel is the consent authority for regionally significant development.

Condition A6 of State Significant Development Consent No. SSD-10344 (as amended) outlines that the “*determination of future development applications cannot be inconsistent with the terms of this development consent (SSD 10344) as described in Schedule 1 and subject to the conditions in Schedule 2*”. As detailed in Section 3.10 of this report, the open space areas and landscaping works are generally consistent with the plans and documentation approved under the concept approval.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the Resilience and Hazards SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment. Section 4.6 of the Policy states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless –*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

Condition C30 of State Significant Development Consent No. SSD-10344 (as amended) outlines that applications are to be accompanied by a contamination assessment. A Detailed Site Investigation Report has subsequently been prepared in support of Development Application No. 341/2026/JPZ and the subject application. This report refers to the subdivision as Stage 3 and the open space embellishment works as Stage 4.

The Detailed Site Investigation Report identified the presence of asbestos, Total Recoverable Hydrocarbons (TRH) and Polycyclic Aromatic Hydrocarbons (PAH). The identified asbestos is associated with the filling of a former dam and requires remediation and management to make this area suitable. Whilst the TRH and PAH concentrations exceed adopted Tier 1 Ecological criteria, this report outlines that this contamination is not considered to present an unacceptable risk noting that these areas will be further developed and the preparation of further contamination reports is required under State Significant Development Consent No. SSD-10344 (as amended).

Council's Senior Environmental Health Officer has reviewed the Detailed Site Investigation Report and is supportive of its findings and recommendations. Conditions of consent have been recommended to require compliance with the Detailed Site Investigation Report, detail remediation requirements, monitor the relocation of contaminated soil, prepare an unexpected finds protocol and validate the remediation works.

Subject to the recommendations of Detailed Site Investigation Report and the imposition of conditions, the land is considered suitable having regard to the provisions of Resilience and Hazards SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 of the Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The civil design incorporates Water Sensitive Urban Design (WSUD) measures (such as Gross Pollutant Traps [GPTs], tree pits and raingardens) and erosion and sediment control measures are proposed during construction to manage and minimise impacts to the health of the Hawkesbury-Nepean River catchment.

The effectiveness of the ongoing stormwater treatment train has been evaluated using MUSIC modelling whilst the capacity of the stormwater system has been analysed using a DRAINS Model. Conditions of consent have also been imposed requiring erosion and sediment control measures to be implemented during the works.

The proposed development is considered satisfactory with respect to the Biodiversity and Conservation SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 of the Transport and Infrastructure SEPP aims to “*facilitate the effective delivery of infrastructure across the State*”. Section 2.98 of the Policy applies to development on land that is in or adjacent to a rail corridor “*if the development:*

- (a) *is likely to have an adverse effect on rail safety, or*
- (b) *involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) *involves the use of a crane in air space above any rail corridor, or*
- (d) *is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities”.*

The proposed development involves works within the general vicinity of the northwest rail corridor and the application was referred to Sydney Metro under Section 2.98 of the Transport and Infrastructure SEPP. However, the local park identified as Item No. OSE10 is located approximately 50m from the railway line and Sydney Metro have advised that their concurrence under the Transport and Infrastructure SEPP is not required.

State Environmental Planning Policy (Housing) 2021

The provisions of State Environmental Planning Policy (Housing) 2021 (Housing SEPP) do not apply to the subject application. The site is located within the Sydney Metro Northwest Urban Renewal Corridor, and Kellyville and Bella Vista were each identified as Accelerated Precincts under the Transport Oriented Development Program, however Clause 152(1) excludes The Hills Shire Council from the specific provisions under Chapter 5 of the Housing SEPP.

Following a State-led rezoning, Transport Oriented Development provisions are instead included within The Hills LEP 2019. These provisions will apply to future built form applications for residential development.

The Hills Local Environmental Plan 2019

Aims of Plan

The aims of The Hills LEP 2019 are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,*
- (b) to provide strategic direction and urban and rural land use management for the benefit of the community,*
- (c) to provide for the development of communities that are healthy, connected and inclusive and that have services and facilities that meet their needs,*
- (d) to provide for well planned and liveable neighbourhoods through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,*
- (e) to preserve and protect the natural surroundings of The Hills and to identify environmentally significant land for the benefit of future generations,*
- (f) to contribute to the development of a prosperous local economy through the identification and management of land to promote employment opportunities, rural productivity and tourism.*

The proposal is consistent with the concept approval issued under State Significant Development Consent No. SSD-10344 (as amended). The development will facilitate the delivery of recreational facilities, infrastructure and open space to support increased populations within the Bella Vista Station Precinct. The proposed development is therefore seen to be satisfactory with respect to the aims of The Hills LEP 2019.

Permissibility and Zoning

The existing parcels of land that are to accommodate the proposed open space areas and Proposed Lots 202, 206, 208 and 209 are zoned RE1 Public Recreation, E1 Local Centre, R1 General Residential, R4 High Density Residential and SP2 Infrastructure – Stormwater Management System under The Hills LEP 2019. The land subject to the proposed open space embellishment and landscaping works is zoned RE1 Public Recreation. A map extract highlighting the zoning and the subject land in red is provided with Figure 4.

The Dictionary of The Hills LEP 2019 provides the following definition for a recreation area:

recreation area means a place used for outdoor recreation that is normally open to the public, and includes –

- (a) a children's playground, or
 - (b) an area used for community sporting activities, or
 - (c) a public park, reserve or garden or the like,
- and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

The proposed development involves the creation, embellishment and landscaping of parks and open space areas that will ultimately be dedicated to Council for public use. The embellishment works, buildings, structures, facilities and landscaping are associated with the use of the land for recreational purposes and the proposal is therefore categorised as a recreation area.

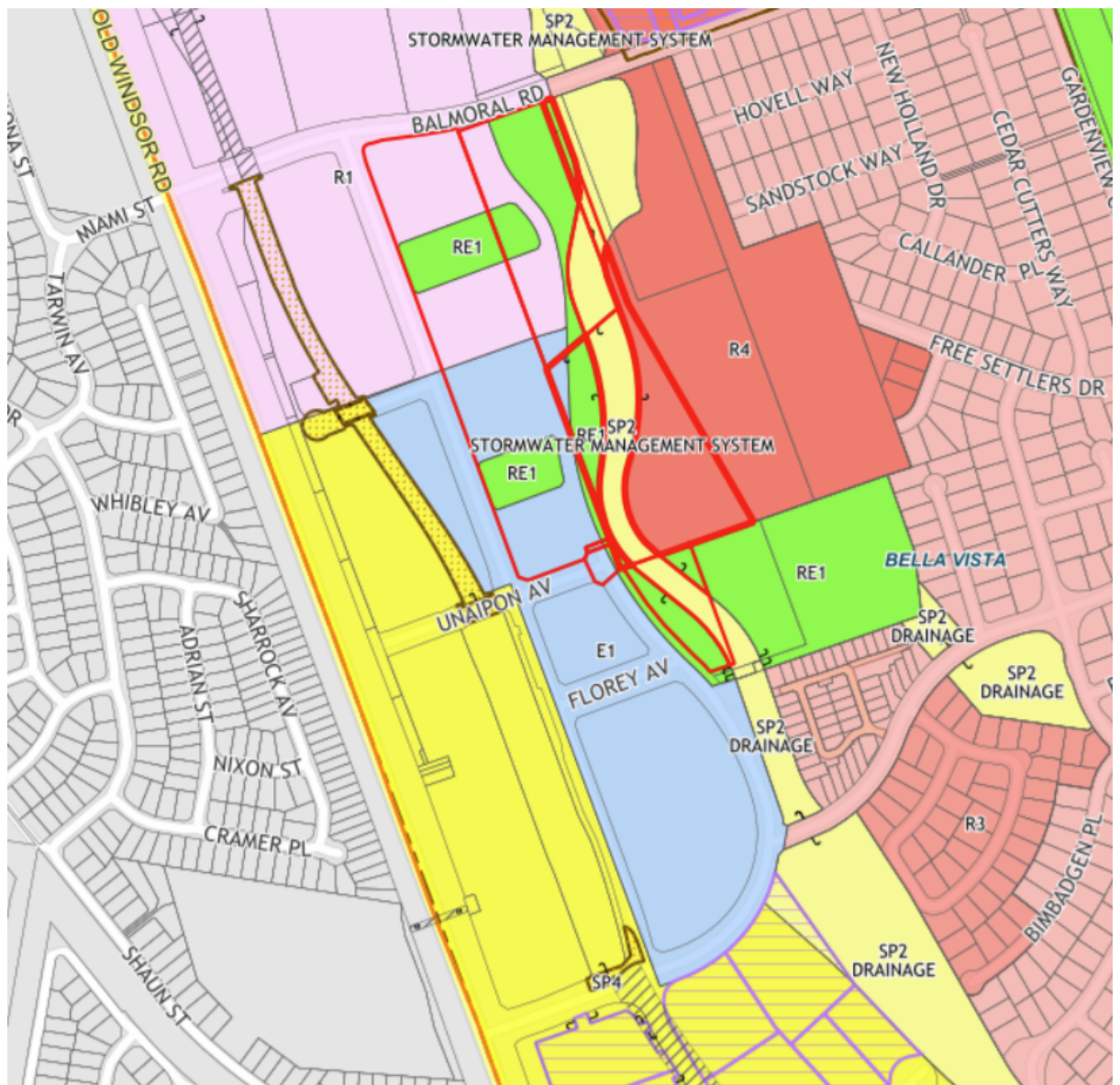


Figure 4: Zoning Map – The Hills Local Environmental Plan 2019

Recreation areas are a permissible form of development within the RE1 Public Recreation zone.

Zone Objectives

Whilst the overall site is zoned R1 General Residential, R4 High Density Residential, RE1 Public Recreation and SP2 Infrastructure – Stormwater Management System, the work under this application is limited to land zoned RE1 Public Recreation. The Hills LEP 2019 provides the following objectives for the RE1 Public Recreation zone:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The layout of the open space areas is consistent with the RE1 Public Recreation zoning within the precinct.

The proposed development will facilitate development and the delivery of open space and recreational facilities within the Bella Vista Metro Station Precinct to provide for the social, recreation and infrastructure needs of the community. The proposed open space areas will support the functioning of the precinct and provide facilities to meet the day-to-day needs of future and existing residents. The creation of local parks and the protection of the riparian corridor will also contribute to the natural environment of the area.

The proposed works are consistent with the concept approval and landscaping strategies approved under State Significant Development Consent No. SSD-10344 (as amended). The proposal is therefore seen to be consistent with the objectives of the RE1 Public Recreation zone.

Development Standards and Controls

The Hills LEP 2019 provides development standards, miscellaneous provisions and site-specific provisions. The controls relevant to the proposal and the Bella Vista Precinct are considered in Table 4 below:

Table 4: Consideration of The Hills Local Environmental Plan 2019 Controls

Control	Requirement	Proposal	Comply
Clause 4.1 – Minimum subdivision lot size	1800m ²	The subdivision of the land is proposed with Development Application No. 341/2026/JPZ. The open space lots are to have areas ranging from 3,827m ² to 7,361m ² .	Not applicable
Clause 4.3 – Height of buildings	No height limit applies	No height limits are established for the RE1 Public Recreation zone. The proposed play equipment and shelters are seen to be acceptable and are to have heights of less than 5m.	Not applicable

Clause 4.4 – Floor space ratio	No height limit applies	No floor space ratios are established for the RE1 Public Recreation zone.	Not applicable
Clause 5.1 – Acquisition authority –	Not applicable	Not applicable as no land is identified for acquisition.	Not applicable
Clause 5.10 – Heritage Conservation –	The consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.	The subject parcels of land are not identified as heritage items under Schedule 5 of the Hills LEP 2019. Furthermore, the open space areas are not shown to contain archaeological or heritage sites under Figure 4.1.3.1 of the Bella Vista Station Precinct Design Guidelines. Conditions may be imposed for any unexpected finds.	Yes
Clause 5.21 – Flood Planning	Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures	The open space lots accommodating the local park, Proposed Lots 202 and 206, are located above the Flood Planning Level. The riparian open space areas within Proposed Lots 208 and 209 will be impacted by flooding however these areas immediately adjoin Elizabeth Macarthur Creek, contain limited structures and will incorporate the use of flood compatible materials. Council's Waterways Section have reviewed the Flood Impact Assessment Report and TUFLOW Model and are supportive of the development.	Yes

	to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.		
Clause 6.3(1) – Public utility infrastructure	Any public utility infrastructure that is essential for the proposed development must be available or adequate arrangements must be in place to make that infrastructure available	A Utility Management Plan has been prepared to detail servicing arrangements.	Yes
Clause 7.2 – Earthworks –	Earthworks must not have a detrimental impact on environmental functions, neighbouring sites, cultural or heritage items, or surrounding land.	Earthworks consisting of cut and fill has been nominated to grade and level the open space areas. The roads, development lots and majority of open space lots are located above the Flood Planning Level.	Yes
Clause 7.4 – Terrestrial Biodiversity	The objective of this clause is to maintain terrestrial biodiversity.	Not applicable as the land is not impacted by the terrestrial biodiversity mapping layer.	Not applicable
Clause 7.11 – Sydney Metro Northwest Urban Renewal Corridor	This clause establishes floor space ratio bonuses to provide housing choice and ensure the provision of a mix of dwelling types in residential flat buildings.	These provisions will apply to built form applications for residential development.	Not applicable
Clause 7.27 – Bella Vista and Kellyville Transport Oriented Development Precincts	Applications must consider the Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide.	The proposal is consistent with Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide.	Yes
Clause 8.2 – Minimum lot sizes	Residential flat building with a building height of 21 metres or more	These provisions will apply to built form applications for residential development.	Not applicable

for residential developments	within the R1, E1 and R4 zones – 3600m² Residential flat building with a building height of less than 21 metres within the R1 and R4 zones – 1500m² Shop top housing with a building height of 21 metres or more within the R1, E1 and R4 zones – 3600m² Shop top housing with a building height of 21 metres or more within the R1, E1 and R4 zones – 3600m²		
Clause 8.3 – Site area of proposed development includes dedicated land	For the purpose of applying a floor space ratio, the land is taken to include land that is to be dedicated to Council or a public authority	Not applicable to the RE1 Public Recreation zone. These provisions will apply to built form applications for residential development.	Not applicable
Clause 8.4 – Minimum building setbacks	Buildings must be provided with 5m or 10m setbacks depending on the zoning.	Not applicable to the RE1 Public Recreation zone. These provisions will apply to built form applications for residential development.	Not applicable
Clause 8.5 – Development requiring the preparation of a development control plan	Before determination of an application, a development control plan must be prepared to guide development within the precinct.	These provisions will apply to built form applications for residential development. A series of Design Guidelines, plans and landscaping strategies were approved as part of the State Significant Development Consents to guide the delivery of open space within the Kellyville and Bella Vista Precincts.	Not applicable
Clause 8.6 – Design Excellence	Development consent must not be granted to which this clause applies unless the consent authority considers that the	These provisions will apply to built form applications for residential development. The Design Excellence Strategy approved under State Significant	Not applicable

	development exhibits design excellence.	Development Consent No. SSD-10343 (as amended) applies in this instance.	
Clause 8.7 - Active street frontages in Zones E1 and SP4	Development consent must not be granted to the erection of a building, or the change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage.	These provisions will apply to built form applications for residential development.	Not applicable
Clause 8.8 – Ground floor business premises and retail premises in Zones E1 and SP4	Development consent must not be granted to the erection of a building, or the change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building will be used only for the purpose of business premises or retail premises.	These provisions will apply to built form applications for residential development.	Not applicable

As detailed in the above table, the proposal is compliant with the controls of The Hills LEP 2019. No variations to the development standards contained with the Plan are nominated.

The layout of the open space areas is consistent with the RE1 Public Recreation zoning and the proposed embellishment and landscaping works satisfy the requirements of the applicable Design Guidelines, plans and landscaping strategies. The proposal is permissible under and satisfies the provisions of The Hills LEP 2019.

3.2. Section 4.15 (1)(a)(ii) – Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the EP&A Act 1979 that are relevant to the proposal.

3.3. Section 4.15(1)(a)(iii) – Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

The Hills Development Control Plan 2012 – Part C Section 3 – Landscaping

The proposed development is generally compliant with the relevant controls outlined within Part C Section 3 of The Hills DCP 2012. Council's Tree and Landscape Management Section are supportive of the proposal subject to the imposition of conditions.

The Hills Development Control Plan 2012 – Part C Section 6 – Flood Controlled Land

The riparian open space areas within Proposed Lots 208 and 209 will be impacted by flooding however these areas immediately adjoin Elizabeth Macarthur Creek, contain limited structures and will incorporate the use of flood compatible materials.

Council's Waterways Section have reviewed the Flood Impact Assessment Report and TUFLOW Model and are supportive of the development.

3.4. Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the Act

The land is subject to Contributions Plan No. 18 – Bella Vista and Kellyville Station Precincts. The payment of Section 7.11 Contributions is not required for subdivision or open space applications, with Contributions Plan No. 18 typically requiring the payment of contributions with the future development of residential accommodation.

A Planning Agreement identified as VPA No. 1/2025/VPA has been executed between The Hills Shire Council, Sydney Metro and Planning Ministerial Corporation. The VPA comprises of an Umbrella Agreement that applies to the entirety of the land subject to the concept approvals and 21 supporting Superlot Agreements.

VPA No's 1/2025/VPA/4, 1/2025/VPA/5 and 1/2025/VPA/6 specifically apply to the subject land identified as Precincts BVD, BVE and BVF and require the following:

- Schedule 3 of VPA No. 1/2025/VPA/4 (Precinct BVD) will require the embellishment and dedication of a local park with an approximate area of 3,815m² (Item No. OSE10) before the release of an Occupation Certificate for any future building developed on Lot BVD (4-8 Mawson Avenue/ Lot B2.0).
- Schedule 3 of VPA No. 1/2025/VPA/5 (Precinct BVE) will require the payment of a monetary contribution towards the community facility (Item No. CF1), embellishment and dedication of riparian open space with an approximate area of 10,931m² (Item No. OSE12), the construction of a path along the creek (Item No. RT13) and the installation of a GPT (Item No. DR3) before the release of an Occupation Certificate for any future building developed on Lot BVE (Proposed Lot 201/ Lot B3.0).
- Schedule 3 of VPA No. 1/2025/VPA/6 (Precinct BVF) will require the payment of a monetary contribution of \$567,580 towards the community facility (Item No. CF1), and the embellishment and dedication of a local park with an approximate area of 6,650m² (Item No. OSE9) before the release of an Occupation Certificate for any future building developed on Lot BVF (Proposed Lot 205/ Lot B3.1).

VPA No. 1/2025/VPA will facilitate the delivery of the identified infrastructure items (work, land and monetary contributions) in lieu of the payment of contributions under Contributions Plan No. 18. The submitted application will deliver open space embellishment and landscaping works that are generally consistent with the Open Space Reference Design and Specifications detailed within Schedule 5 of VPA No. 1/2025/VPA. The imposition of a condition requiring compliance with the Planning Agreement is recommended.

The land is also subject to the EP&A Amendment (Western Sydney Growth Areas Special Contributions Area) Order 2011. Condition AN4 of State Significant Development Consent No. SSD-10344 (as amended) refers to the payment of a Special Infrastructure Contribution (SIC):

SPECIAL INFRASTRUCTURE CONTRIBUTIONS

AN4. Any special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

More information: Information about the special Infrastructure contribution can be found on the Department of Planning and Environment's website at <https://pp.planningportal.nsw.gov.au/development-assessment/contributions/sic-online-service>. Please contact the Department regarding arrangements for the making of a payment.

Figure 5: Condition extract from State Significant Development Consent No. SSD-10344

A condition requiring payment of the SIC has therefore been imposed based on Condition AN4 of State Significant Development Consent No. SSD-10344. The SIC within the Western Sydney Growth Areas will be transitioned to a Housing and Productivity Contribution from 1 July 2026.

3.5. Section 4.15(1)(a)(iv) – Provisions of Regulations

These matters have been considered in the assessment of this application.

The plans and documentation supporting the application is generally consistent with Section 24 of the EP&A Regulation 2021.

3.6. Section 4.15(1)(b) – Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered against the relevant planning controls and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The Finalisation Report for the Transport Oriented Development Precincts indicates that *“Bella Vista will become The Hills’ premier living and business district, fulfilling its role as a place of innovation within the Norwest strategic centre”*. The location, layout and areas of the open space is consistent with the Structure Plans established for the Bella Vista Station Precinct. The proposed open space areas and facilities are also consistent with the desired future character of the locality and the Design Guidelines and landscaping strategies approved under State Significant Development Consent No. SSD-10344 (as amended).
- Access and traffic – The extension of the local road network is subject to Development Application No. 394/2026/JPZ.

Street parking will be provided within the road reserves. The proposed local parks will not be provided with off-street parking, which is consistent with the approved Landscape Master Plan and Open Space Strategy as well as the Planning Agreement.

- Public Domain – Public domain works such as street tree planting is proposed as part of Development Application 341/2026/JPZ and will improve the existing public domain of the Precinct. Consequently, the proposed development is unlikely to generate any negative impacts on the existing public domain.

- Utilities – Conditions of consent have been imposed requiring adequate servicing arrangements to be available to proposed development. The conditions of consent stipulate that water, electrical and telecommunication services will need to have satisfactory arrangements for the provision of these services.
- Flora and fauna impacts – The proposed development triggers entry into the Biodiversity Offsets Scheme under the Biodiversity Conservation Act 2016. Ecology impacts are discussed in the Key Issues section of this report.
- Natural environment – The proposed development requires extensive earthworks to ensure it matches the levels set by the surrounding road network and to ensure that the development lots will allow further residential development. The proposed earthworks/ changes to contours are deemed necessary in order to match the intended future levels of the area.

Steeper batters with stabilisation have also been accepted within the riparian corridor to reduce vegetation removal.

- Noise and vibration – The works may be noise-generating sources due to the equipment, vehicles and machinery generally required for such activities. A condition of consent has been imposed requiring all works to be restricted to between the hours of 7:00am and 5:00pm Monday to Saturday in order to mitigate noise impacts for surrounding properties/ dwellings. The condition further specifies that the hours may be reduced if traffic impacts arise.

The ongoing management of the open space areas will be subject to a future Plan of Management.

- Social impact – The proposed development includes the creation of open space lots that are intended to be available for public use. The parks will provide communal open space to service future and existing residents within the precinct and surrounding area. The embellishment of the parks will contribute to the physical and mental well-being of residents, workers and visitors to the area.
- Economic impact – The proposed development is considered to generate positive economic impacts through the generation of employment opportunities within the construction and landscaping industries.
- Site design and internal design – The proposed development is considered to be a site responsive design as it is consistent with the existing and future character of the Bella Vista Station Precinct, and ties into the levels set by the surrounding road network. The levels set by the development are unlikely to create impacts for adjoining developments.

Council's Design Advisory Panel is satisfied that the proposal demonstrates design excellence.

- Cumulative impacts – The proposed development does not include any built product and is therefore not considered to generate any on-going impacts in its current form. Further development of the lots created that include the built product may create additional impacts, however any such impacts will need to be assessed and considered as part of any future applications (i.e. solar impacts on dwellings, waste impacts, etc).

Accordingly, it is considered that the proposal will not result in any significant impacts in the locality as outlined above.

3.7. Section 4.15(1)(c) – Suitability of the site

The proposed development is generally consistent with the Bella Vista Station Precinct Structure Plan and the intended future character of the site. A Detailed Site Investigation Report has been prepared and reviewed to demonstrate the suitability of the land having regard to contamination.

The open space lots that are to accommodate the local parks are located above the adopted Flood Planning Level. Whilst the riparian open space areas may be impacted by flooding on account of their proximity to Elizabeth Macarthur Creek, these areas are to contain limited structures and will incorporate the use of flood compatible materials. Council's Waterways Section are supportive of the development.

The site is not considered to have any significant constraints that would otherwise restrict the development and use of the open space areas.

3.8. Section 4.15(1)(d) – Public Submissions

The application was notified between 12 September and 13 October 2025 in accordance with Section 3.1 of Part A of The Hills DCP 2012 and Clause 56(2)(a) of the EP&A Regulation 2021.

Two submissions from residents were received in response to the notification of the application. The submissions are generally supportive of the proposal however queried the provision of pedestrian access over Elizabeth Macarthur Creek and whether a grass running track was to be provided within one of the local parks.

Figures 4.2.1.1 and 4.2.1.2 of the Bella Vista Station Precinct Design Guidelines identify a number of potential locations for future connections over the Elizabeth Macarthur Creek, with the Sydney Water plans indicating that a pedestrian bridge may be provided opposite Road 04. However, the land to the east of Elizabeth Macarthur Creek is undeveloped and currently there is no pedestrian or road network to connect to. The construction of any future crossings will be subject to separate applications.

The design of the local parks is to be consistent with the design brief and preliminary plans contained within VPA No. 1/2025/VPA. Grass running tracks are not identified as a required feature for Local Parks BV2 or BV3.

3.9. Section 4.15(1)(e) – Public interest

The approval of the proposed development is seen to be in the public interest as it is consistent with State Significant Development Consent No. SSD-10344 (as amended) and the Bella Vista Station Precinct Design Guidelines.

3.10. Division 4.4 – Concept Development Applications

State Significant Development Consent No. SSD-10344

The site is located within the Bella Vista Station Precinct and the proposal is subject to the requirements of State Significant Development Consent No. SSD-10344 (as amended). Condition A6 of the consent states that the *“determination of future development applications cannot be inconsistent with the terms of this development consent (SSD 10344) as described in Schedule 1 and subject to the conditions in Schedule 2”*. Clause 4.24(2) of the EP&A Act 1979 further outlines that where a concept approval applies, development applications *“cannot be inconsistent with the consent for the concept proposals for the development of the site”*.

The plans approved under the concept approval indicate that 'Local Park 01' is to have an area of approximately 3,815m² and 'Local Park 02' is to have an area of approximately 6,650m². A specific area for the riparian open space area (Riparian Open Space BV5) is not nominated on the approved plans. An extract of the approved plan under State Significant Development Consent No. SSD-10344- Mod 4 is provided with Figure 5 below:

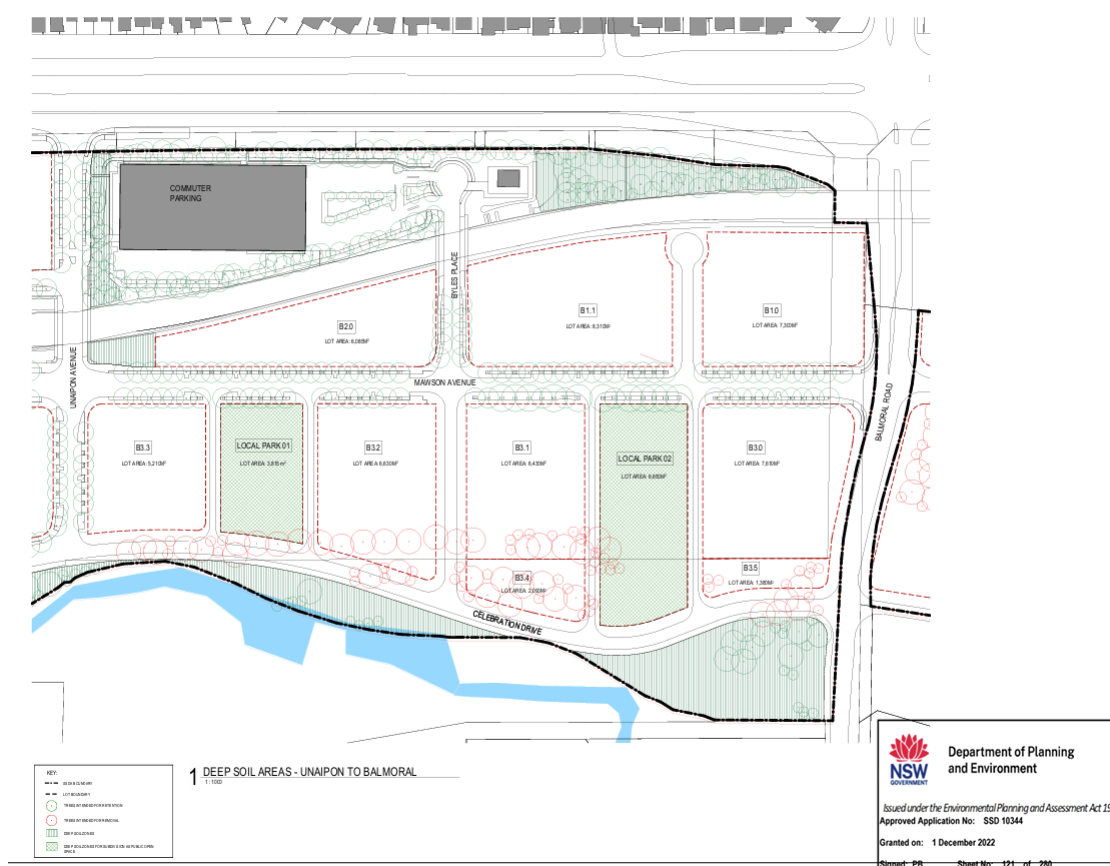


Figure 5: Extract of approved plan under State Significant Development Consent No. SSD-10344-Mod 2

Proposed Lot 202, which is equivalent to Local Park 02 and is to accommodate Local Park BV3/ Item No. OSE9, is to have an area of 6,686m². Proposed Lot 206, which is equivalent to Local Park 01 and is to accommodate Local Park BV2/ Item No. OSE10, is to have an area of 3,827m². These areas are consistent with the areas established under the concept approval, with variations of approximately 5% proposed and each lot being larger than what was nominated under the concept approval.

The riparian open space area (Riparian Open Space BV5/ Item No. OSE12) to be located within Proposed Lots 208 and 209 are to have areas of 6,487m² and 7,361m² respectively. The plans approved under State Significant Development Consent No. SSD-10344- Mod 4 do not nominate areas however the layout and location of the open space areas are consistent with one another. It should also be noted that Schedule 3 of VPA No. 1/2025/VPA/5 (Precinct BVE) refers to the embellishment and dedication of a riparian open space with an approximate area of 10,931m², which is generally consistent with the combined area of the proposed riparian open space areas (Riparian Open Space BV5/ Item No. OSE12).

A Detailed Site Investigation Report, Utility Management Plan and other relevant documentation has been provided to satisfy the conditions of the concept approval.

The open space embellishment and landscaping works are therefore seen to be consistent with the plans and documentation approved under State Significant Development Consent No. SSD-10344 (as amended).

Urban Design Guidelines

The Bella Vista Station Precinct Design Guidelines were approved under Condition A2 of State Significant Development Consent No. SSD-10344 (as amended). Clause 4.4.1.2 of the Design Guidelines states that “*subdivision will be undertaken in a logical manner that ensures the construction of complete streets and open spaces*”.

Figure 3.2.1 of the Bella Vista Station Precinct Design Guidelines indicates that the subject land is located within the ‘Residential Core’ of the precinct. Section 4.2.3 of the Design Guidelines provides the following controls for the open space within this area of the precinct:

- *A Local Park (O1) of a minimum 3,815 sqm must be provided between Lots B3.3 and B3.2 in accordance with the master plan drawings ...*
- *A Local Park (O2) of a minimum 6,650 sqm must be provided between Lots B3.0 and B3.1 in accordance with the master plan drawings ...*
- *The Elizabeth Macarthur Creek Corridor, exclusive of the SP2 zoned land is to be embellished as local open space for public access and use (O3) in accordance with the master plan drawings.*

The proposed open space areas are consistent with the above requirements, with Local Park BV3/ Item No. OSE9 and Local Park BV2/ Item No. OSE10 satisfying the minimum area controls under Clauses 4.2.3.1 and 2 of the Design Guidelines. The area of Riparian Open Space BV5/ Item No. OSE12 is also consistent with the Figure 4.2.3 and will provide a shared path for access as required by Clause 4.2.3.3.

The land is not shown to contain Aboriginal archaeological sites under Figure 4.1.3 of the Design Guidelines.

Future built form applications will be considered against the height, floor area and yield controls established by the Precinct Design Guidelines and concept plans under State Significant Development Consent No. SSD-10344 (as amended).

The proposal is consistent with the Bella Vista Station Precinct Design Guidelines as it will deliver the identified open space areas and support future residential development.

4. REFERRALS AND SUBMISSIONS

4.1. Agency Referrals and Concurrence

The development application has been referred to a number of external agencies for concurrence and comment as outlined in Table 5 below:

Table 5: External Agency Referrals

Agency	Concurrence/ referral trigger	Comments (issue, resolution, conditions)	Resolved
Sydney Metro	Clause 2.98 of Transport and Infrastructure SEPP – Development Adjacent to Rail Corridors	The application was referred to Sydney Metro under Section 2.98 of the Transport and Infrastructure SEPP. However, upon review of the application, Sydney Metro have advised that the works are in excess of 50m from the railway line and that their concurrence under the Transport and Infrastructure SEPP is not required.	N/A
Sydney Water	Clause 78 of Sydney Water Act 1994 – Urban Release Area	The application was referred to Sydney Water as the land is located within an Urban Release Area. The proposed works are not located on Sydney Water land. Sydney Water have raised no objection to the proposal subject to the imposition of conditions. The comments and conditions received from Sydney Water are included Attachment D.	Y

Sydney Water is supportive of the proposal and the concurrence of Sydney Metro is not required in this instance.

It should be noted that the application involves works within 40m of Elizabeth Macarthur Creek. As discussed previously in this report, Clause 4.44(2) of the EP&A Act 1979 outlines that integrated development provisions do not apply to Crown development applications. On this basis the application was not formally referred to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Water Group as integrated development.

The obtainment of a Controlled Activity Approval for any works within 40m of Elizabeth Macarthur Creek will still be required under Section 91 of Water Management Act 2000. Landcom is not exempt from the need to obtain a Controlled Activity Approval subject to Clause 64(2) of the Water Management (General) Regulation 2025. Should the application be approved, the imposition of a condition is recommended to highlight the requirements of the Water Management Act 2000 and the need to obtain a Controlled Activity Approval for any works on waterfront land.

4.2. Council Referrals

The application was referred to relevant Council staff internally for comment as identified in Table 6 below:

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Ecology	The subject site is shown to contain identified vegetation under the Biodiversity Values Map and a Biodiversity Development Assessment Report (BDAR) has been submitted in support of the application. Ecology impacts are discussed in the Key Issues section of this report.	Yes (conditions)
Engineering	No objections subject to the imposition of conditions. The maintenance bays nominated to access and service the GPTs are not required and are to be deleted.	Yes (conditions)
Parks and Reserves	No objections subject to the imposition of conditions. Minor amendments to the plans will be required to confirm material selections, the provision of shelters, seating, bins, water fountains, irrigation, bike racks and wayfinding signage	Yes (conditions)
Waterways	No objections.	Yes
Environmental Health	No objections subject to the imposition of conditions.	Yes (conditions)
Tree and Landscape Management	No objections subject to the imposition of conditions.	Yes (conditions)

The matters raised by Council's Ecology Section are considered in the Key Issues section of this report.

4.3. Community Consultation

As detailed in Section 3.8 of this report, the application was notified between 12 September and 13 October 2025 in accordance with Section 3.1 of Part A of The Hills DCP 2012 and Clause 56(2)(a) of the EP&A Regulation 2021. Two submissions were received and the matters raised in the submissions were considered in the assessment of the application.

The submissions are generally supportive of the proposal but queried pedestrian connectivity and recreational facilities within the parks.

The Bella Vista Station Precinct Design Guidelines identify a number of potential locations for future connections however at this stage there is no corresponding pedestrian or road network to connect to. The construction of any future crossings will be subject to separate applications.

The design of the local parks is to be consistent with the design brief and preliminary plans contained within VPA No. 1/2025/VPA. Formal grass running tracks are not identified as a required feature for Local Parks BV2 or BV3.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Ecology

The land is identified on the Biodiversity Values Map and Condition C29 of State Significant Development Consent No. SSD-10344 (as amended) requires the consideration of biodiversity impacts in accordance with the Biodiversity Conservation Act 2016. The concept approval was accompanied by a BDAR due to the impacts on critically endangered Cumberland Plain Woodland vegetation community, endangered River-flat Eucalypt Forest vegetation community and vulnerable Southern Myotis (*Myotis Macropus*) bat.

The subject development proposes biodiversity impacts that are beyond that which was anticipated by the concept approval and its associated BDAR. An updated BDAR and revised plans were submitted by the Applicant on 7 May 2026. The documentation prepared in support of the submission indicates that the revised design retains 50 additional trees beyond the original proposal and avoids approximately 1.08Ha of native vegetation, including 0.4Ha of the 0.6Ha vegetation originally identified by Council.

The Biodiversity Conservation Act 2016 establishes a hierarchy for dealing with the impact of development on biodiversity values; firstly by way of avoidance of impacts, secondly by minimisation of them and for offsets as the last resort. The primacy of avoidance is well established in case law. Secondly the consent authority, alongside this assessment is to determine whether the development causes a serious and irreversible impact.

The concept BDAR identified the limits of direct impacts associated with the concept plan approval. Whilst the concept BDAR identifies a boundary extent beyond the extent of the direct impacts assessed, it was intended that the areas beyond the direct impacts were to be avoided and any indirect impacts were to be adequately mitigated.

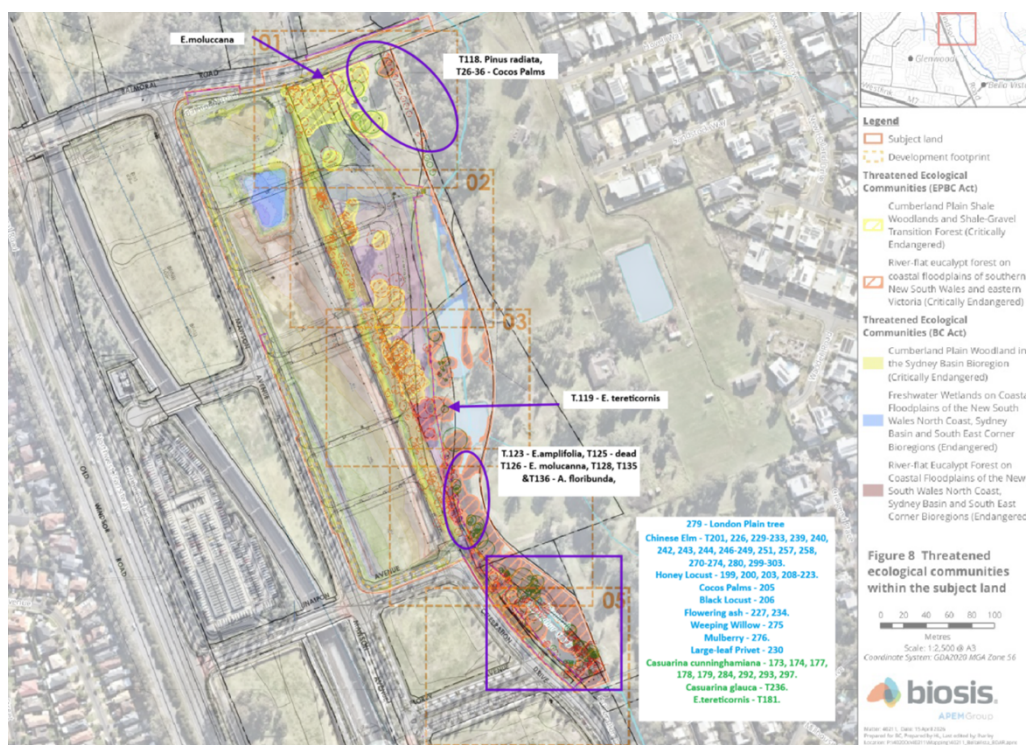


Figure 6: Plan Mark-Up highlighting additional tree removal within Avoided Area

The updated Arboricultural Impact Assessment Report and plans for Development Application No. 341/2026/JPZ and the subject proposal nominate the removal of a number of trees that are located within the 'avoided area' of the BDAR. The additional impacts are highlighted in Figure 6.

The additional trees to be removed within the avoided area primarily consist of exotic species such as Radiata Pine, Cocos Palms, Honey Locusts, Flowering Ash, Mulberry Trees and Chinese Elms. The number of native trees to be removed within the avoided area are minimal, with a Red Gum, Parramatta Wattle and Rough-barked Apple tree to be removed as they are impacted by the development footprint.

Given that the trees are located in the avoided land, Council's Ecology Section have advised that the removal and treatment of these trees should be managed for removal under a Vegetation Management Plan (VMP). The removal of all the nominated trees may cause significant disruption to the environment if removed all at once. Typically, the removal of exotic species along riparian corridors would be scheduled to occur in a 'strategic mosaic manner' and involve specialised techniques to consider erosion and impacts on surrounding native vegetation and waterways, strategic regeneration and revegetation recovery techniques. The details of the selective and strategic management and removal of species over a selected timeframe would need to be detailed in the VMP.

With the imposition of conditions requiring the preparation of a VMP for the removal of vegetation within the avoided area, the proposal is seen to be consistent with the avoidance and minimisation measures under the Biodiversity Conservation Act 2016 and will not result in Serious and Irreversible impacts (SAILs) to threatened ecological communities and species.

5.2 Design Excellence

The Hills Shire Council is committed to achieving design excellence in the built environment and ensuring new developments exhibit the highest standard of architectural, urban and landscape design. The Hills Shire Design Advisory Panel is an Independent Advisory Panel, approved by the NSW Government Architect, that provides an opportunity for Applicants to receive expert design feedback on their developments and provide assistance to Council staff in consideration of the design of development applications.

The application is subject to the requirements of the Design Excellence Strategy for the Kellyville and Bella Station Precincts which was approved under the concept development application. This strategy requires development applications for major open space and public domain works to be reviewed by Council's Design Advisory Panel as part of the detailed design. In the case of the subject application within the Bella Vista Precinct, the review by the Panel is required for the riparian open space area identified as Riparian Open Space BV5 (Item No. OSE12).

The proposed embellishment and landscaping works for the Bella Vista Precinct were presented to Panel on 8 April 2026. Upon review of the Applicant's presentation and documentation, the Design Advisory Panel provided the following concluding comments with respect to design excellence:

The Panel commends the Applicant on a well-prepared and thoughtfully presented proposal, and acknowledges the strong emphasis placed on public domain quality and public interest outcomes. The Panel encourages continued collaboration with Council to ensure that the open space network is adaptable, appropriately serviced and resilient to future increases in population density.

The Panel is satisfied that the proposal demonstrates design excellence.

The Design Advisory Panel's full comments are provided with Attachment F.

The Panel raised some concerns regarding the location and adequacy of public amenities and toilets, particularly in relation to children's play spaces, noting the additional population associated with the Transport Oriented Development Program. These concerns have been discussed with Council's Parks and Reserves Section and it was advised that local parks do not require amenities and toilets. The design and the facilities to be provided within Local Parks BV2 and BV3 (Item No's OSE9 and OSE10) are generally consistent with the design brief, specifications and preliminary plans contained within VPA No. 1/2025/VPA. It is further noted that the regional park proposed within the Bella Vista Precinct (which is not covered by this application) will be required to provide amenities and toilets.

The proposal is therefore considered acceptable having regard to the endorsed Design Excellence Strategy.

6. CONCLUSION

This development application has been assessed in accordance with the requirements of the EP&A Act 1979 and the EP&A Regulation 2021 as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report it is considered that the development application is of merit and can be supported.

The proposed development is generally consistent with The Hills LEP 2019, The Hills DCP 2012 and the concept approval issued for the Bella Vista Station Precinct. The proposed development will deliver public open space and recreational facilities to support the Bella Vista Station Precinct.

The draft conditions of consent will be provided to the Applicant pursuant to Clause 4.33(1)(b) of the EP&A Act 1979.

7. RECOMMENDATION

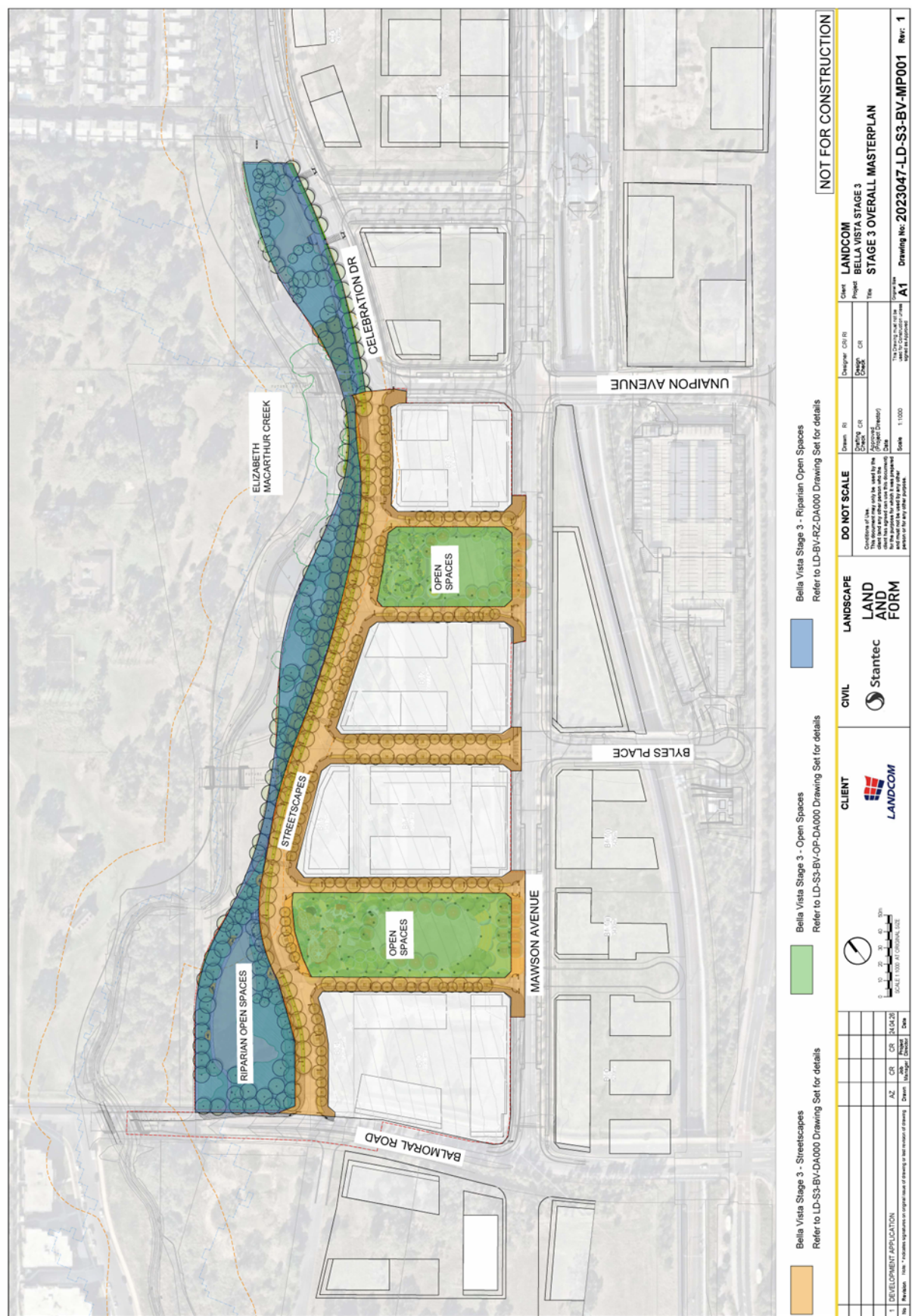
That Development Application No. 275/2026/JPZ (PPSSCC-766) be approved pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent included with this report as Attachment A.

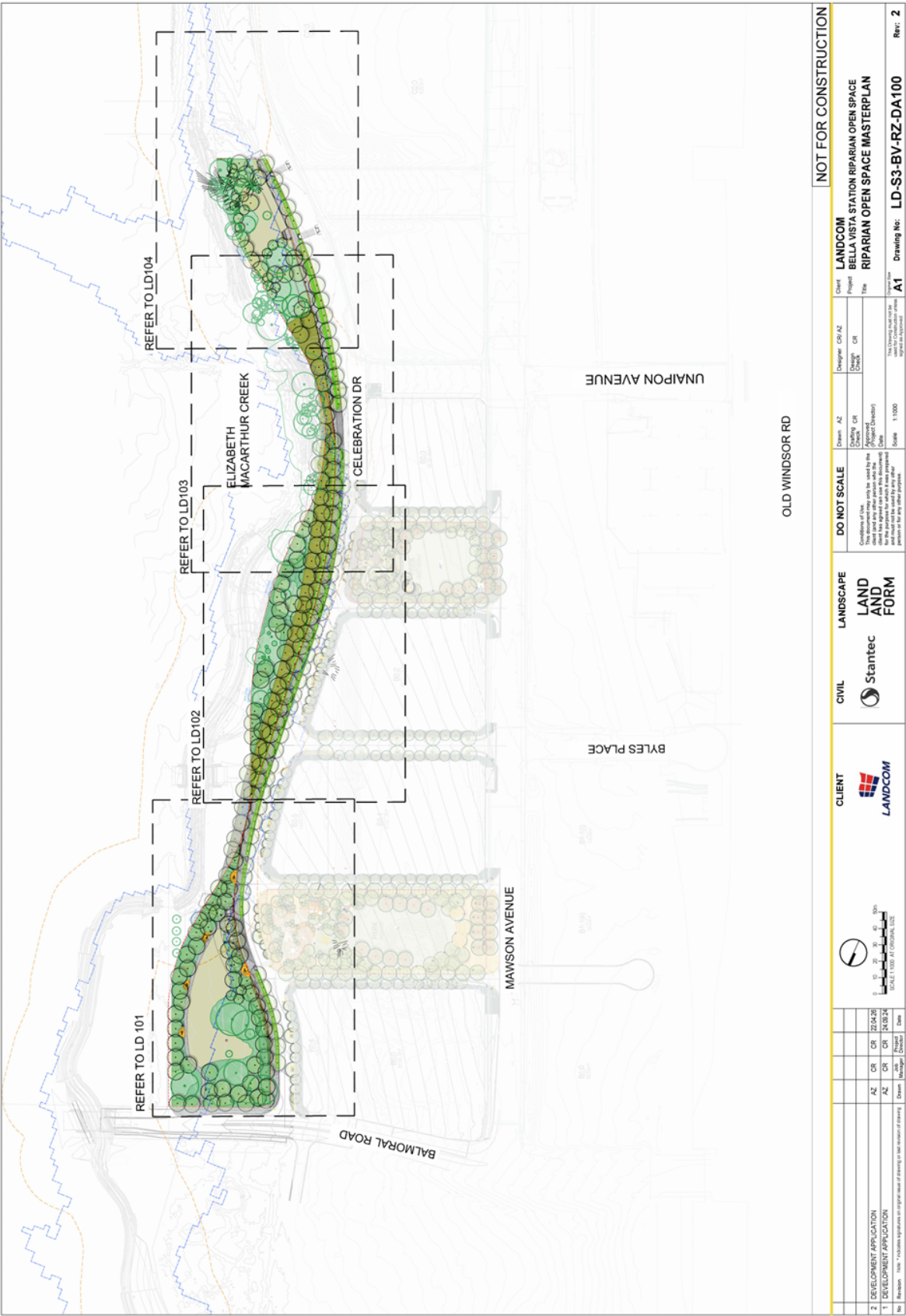
The following attachments are provided:

Attachment A:	Conditions of consent
Attachment B:	Landscaping Plans
Attachment C:	Concept Engineering Plans
Attachment D:	Sydney Water Comments
Attachment E:	Kellyville and Bella Vista Transport Oriented Development Precincts Final Structure Plan
Attachment F:	The Hills Shire Design Advisory Panel Report

ATTACHMENT A: DRAFT CONDITIONS OF CONSENT

ATTACHMENT B: LANDSCAPING PLANS





NOT FOR CONSTRUCTION									
CLIENT		CIVIL		LANDSCAPE		DO NOT SCALE		LANDCOM	
LANDCOM		Stantec		LAND AND FORM		This drawing may only be used by the client for the project indicated. It is not to be used for any other purpose without the written consent of the designer.		Bella Vista Station Riparian Open Space Masterplan	
3 DEVELOPMENT APPLICATION		A2		CR		20/03/20		A1	
1 DEVELOPMENT APPLICATION		A2		CR		24/03/24		LD-S3-BV-RZ-DA100	
Revised		Drawn		Checked		Date		Rev: 2	

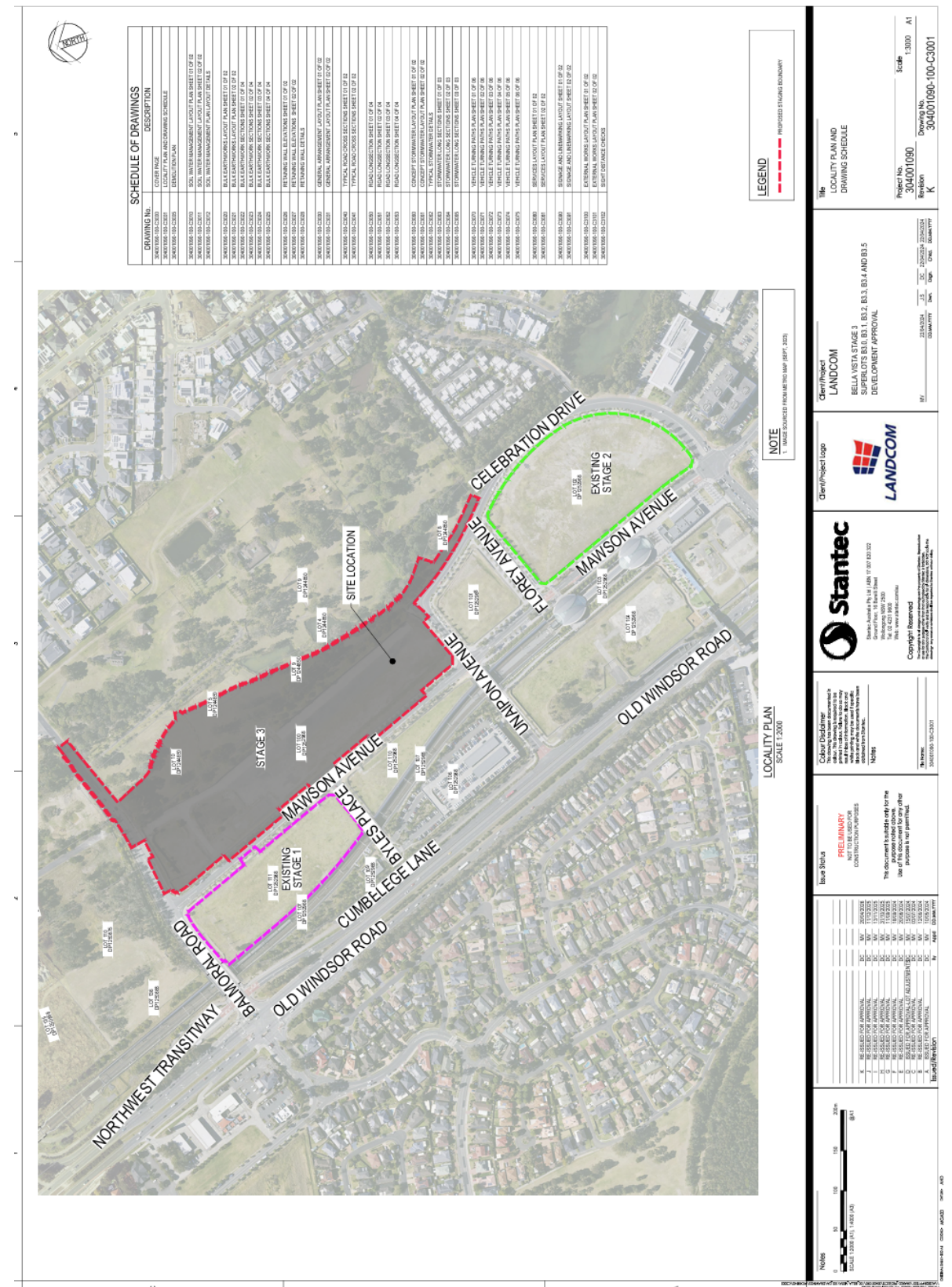


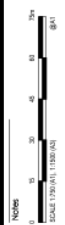
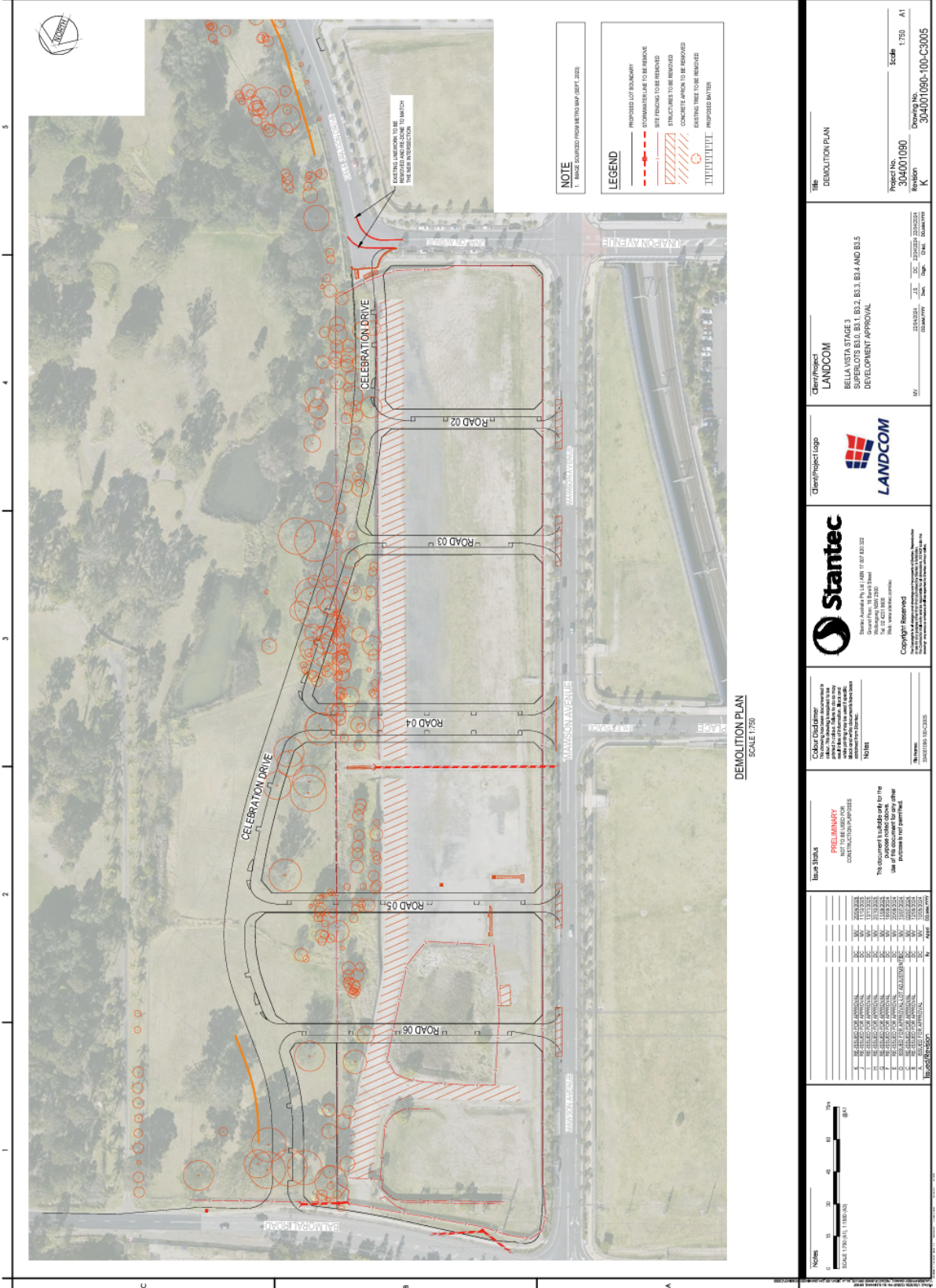
NOT FOR CONSTRUCTION		LANDCOM		Bella Vista Open Space Masterplan		LANDSCAPE OPEN SPACE MASTERPLAN	
DO NOT SCALE		CIVIL		Stantec		A1	
Conditions of this drawing shall be read by the client and any other parties who use the drawing for any purpose for which it was prepared or for any other purpose.		Client		Project		Drawing No:	
Scale: 1:1000		Drawing		Design		LD-S3-BV-OP-DA100	
Scale: 1:1000		Drawing		Design		Rev: 1	
Scale: 1:1000		Drawing		Design		Rev: 1	





ATTACHMENT C: CONCEPT ENGINEERING PLANS





Lot	Area (m²)	Volume (m³)	Weight (kg)	Notes
1	1000	1000	1000	
2	1000	1000	1000	
3	1000	1000	1000	
4	1000	1000	1000	
5	1000	1000	1000	
6	1000	1000	1000	
7	1000	1000	1000	
8	1000	1000	1000	
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96	1000	1000	1000	
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98	1000	1000	1000	
99	1000	1000	1000	
100	1000	1000	1000	

PRELIMINARY
This document is submitted for information only and is not to be used for construction purposes. The design is preliminary and subject to change without notice. The design is not guaranteed.

Client/Owner
The client/owner has been advised that this document is preliminary and subject to change without notice. The design is not guaranteed.

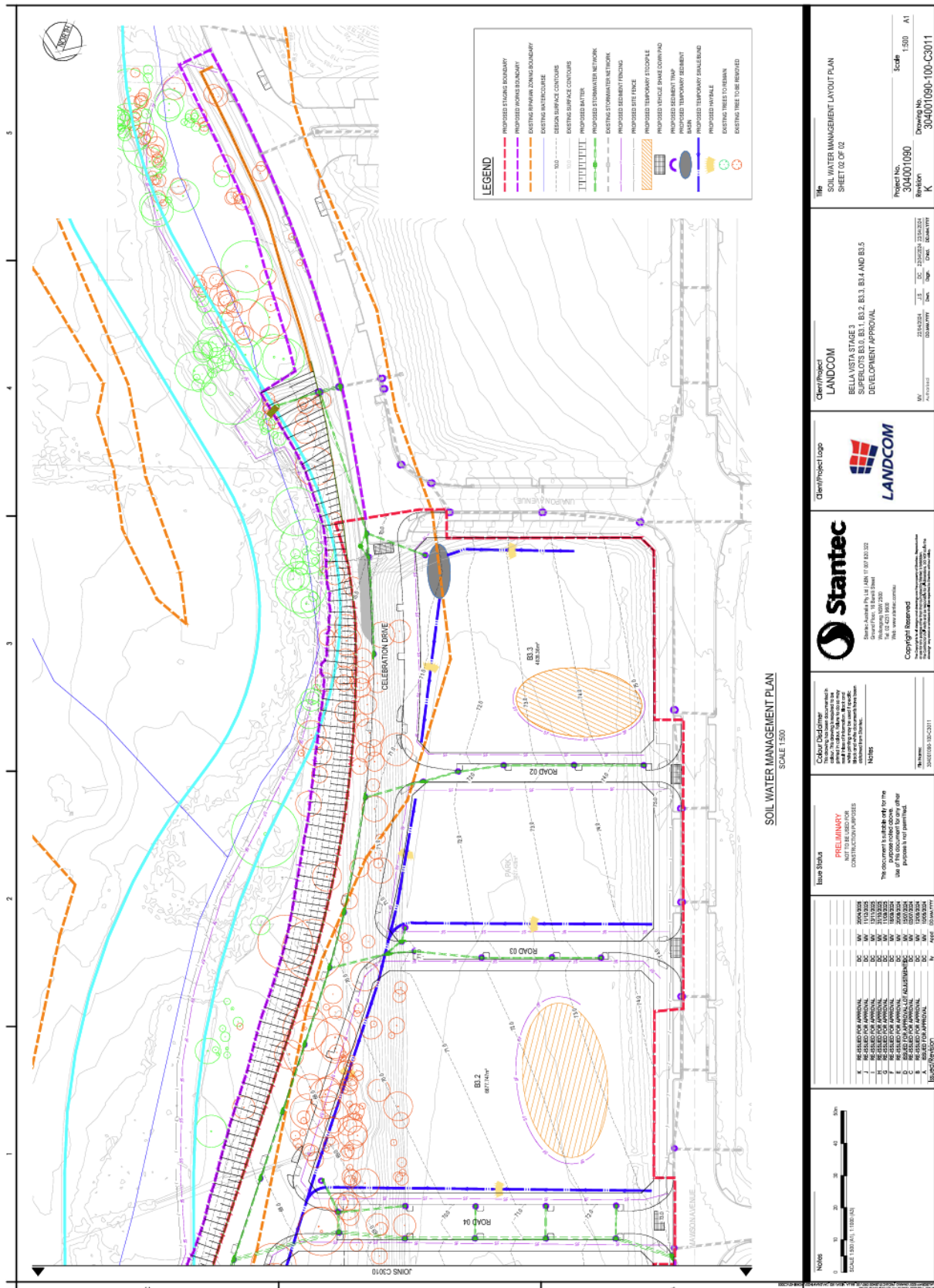
Stantec
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Tel: 03 421 8800
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Client/Project Logo

Client/Project
LANDCOM
BELLA VISTA STAGE 3
SUPERLOTS B1.1, B1.2, B1.3, B1.4 AND B1.5
DEVELOPMENT APPROVAL

Title
DEMOLITION PLAN

Project No.
304001090
Scale
1:750
Drawing No.
304001090-100-C3005
Revision
K
Author
JTS
Check
JTS
Date
22/03/24



ATTACHMENT D: SYDNEY WATER COMMENTS



26 September 2025

Our reference: 223528, 223185

Andrew Johnston
The Hills Shire Council
ajohnston1@thehills.nsw.gov.au

RE: Development Application DA 275/2026/JPZ at 1-7 Mawson Avenue, Bella Vista

Thank you for notifying Sydney Water of DA 275/2026/JPZ at 1-7 Mawson Avenue, Bella Vista which proposes works for the detailed design and embellishment of the open space areas identified within the Bella Vista Station Precinct. These include the detailed delivery and design of:

- A riparian open space (identified as Open Space BV5) along Elizabeth Macarthur Creek, adjacent to Celebration Drive. This will ultimately contribute to the extended open space corridor extending along the creek line and comprising riparian lawn spaces and break-out off leash spaces, mass planting, pedestrian and shared pathing, and associated open space facilities such as fitness stations, bicycle racks, drinking fountains and seating.
- Two new local open spaces (BV2 and BV3) located adjacent to Lot B3.0, B3.1, and B3.2 and B3.3) including large recreational open lawn spaces, new ground finishes, urban play areas and play structures, barbecue and picnic shelters, tree planting and mounded landscaping and pathways.

Sydney Water has reviewed the application based on the information supplied and provides the following Sydney Water requirements to assist in understanding the servicing needs of the proposed development.

Sydney Water understands the proposed works under DA 275/2026/JPZ will be located outside Sydney Water landholdings. Stage 3 works (under a separate DA 341/2026/JPZ) are partially located within Sydney Water landholdings. A Section 73 application will need to be lodged to enable a detailed review of the impact of all the proposed works and further requirements will be provided under Stage 3.

General stormwater comments have been provided below and should be addressed at the Section 73 application stage, if applicable.

- **Gross Pollutant Traps for Stormwater Connection(s)**
 - Any GPT associated with stormwater connection(s) to Elizabeth Macarthur Creek is to be located outside the Sydney Water land. No GPT is to be proposed within Sydney Water land.
- **Landscaping / Road Work**
 - Any filling carried out as part of the development will need to be contained wholly within the boundaries of the proposed lots and roads, and not encroach into the 100 year flood boundary or Sydney Water land. Any fill will need to be stabilised in such a way so as to prevent any collapse or intrusion onto the

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2 Parramatta Square, 1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
Telephone 13 20 92 sydneywater.com.au



trunk drainage lands over time. Details of the work adjacent to the Creek are to be submitted to ensure that these requirements are met.

- **Vegetation Management Plan**
 - All the disturbed area below the 100 year flood limits and within Sydney Water land are to be revegetated according to the current guidelines. A site-specific Vegetation Management Plan is to be prepared according to the Sydney Water [Stormwater connections to waterways in the Rouse Hill Development Area](#) guidelines and submitted to Sydney Water for approval. Toe, Middle and Upper zones are to be identified within the disturbed area and the specific plants that are proposed on each zone and its density are to be tabulated in the Vegetation Management Plan.
 - The restoration work is to be according to the approved Vegetation Management Plan and need to maintain for a minimum period of 12 months. Bond money is required for connection, revegetation and maintenance.
- **Bond Money**
 - Bond money is required for revegetation of the disturbed land and maintaining this revegetation for a period of 12 months. The proponent is required to identify the extent of the land to be disturbed within Sydney Water land or within 100 year flood limit to carry out any stormwater connection or sewer work. Estimated costs for the revegetation and 12 months period of maintenance are to be provided in the Vegetation Management Plan to determine the required bond money.
 - The bond money would be refunded to the proponent only after the satisfactory completion of maintaining the revegetated plants for a period of 12 months.
- **Water Sensitive Urban Design**
 - Stormwater discharge from the site is to be treated to meet the target as specified in the Sydney Water [Stormwater connections to waterways in the Rouse Hill Development Area](#) guidelines.

Next steps

- Should Council decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent.
 - Section 73 Compliance Certificate
 - Building Plan ApprovalFurther details of the conditions can be found in Attachment 1.
- Council is advised to forward the enclosed Sydney Water Development Application Information Sheet (for proponent) to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).

Council can read further advice on requirements for this proposal in Attachment 1. If the proponent has any questions, they should contact their Sydney Water case manager once a

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Section 73 application is lodged. Should Council require further information, please contact Joanne Chan from the Growth Analytics Team at urbangrowth@sydneywater.com.au.

Yours sincerely,



Kristine Leitch

Manager, Growth Analytics and Strategic Partnerships
Growth and Development
Water and Environment Services
Sydney Water, 1 Smith Street, Parramatta NSW 2150

Enclosed:

- Sydney Water Development Application Information Sheet (for proponent)

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Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



Attachment 1 – Recommended Development Conditions

Prior to the issue of an Occupation/Subdivision Certificate:

Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Prior to the issue of a Construction Certificate/Complying Development Certificate:

Building Plan Approval (including Tree Planting Guidelines)

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

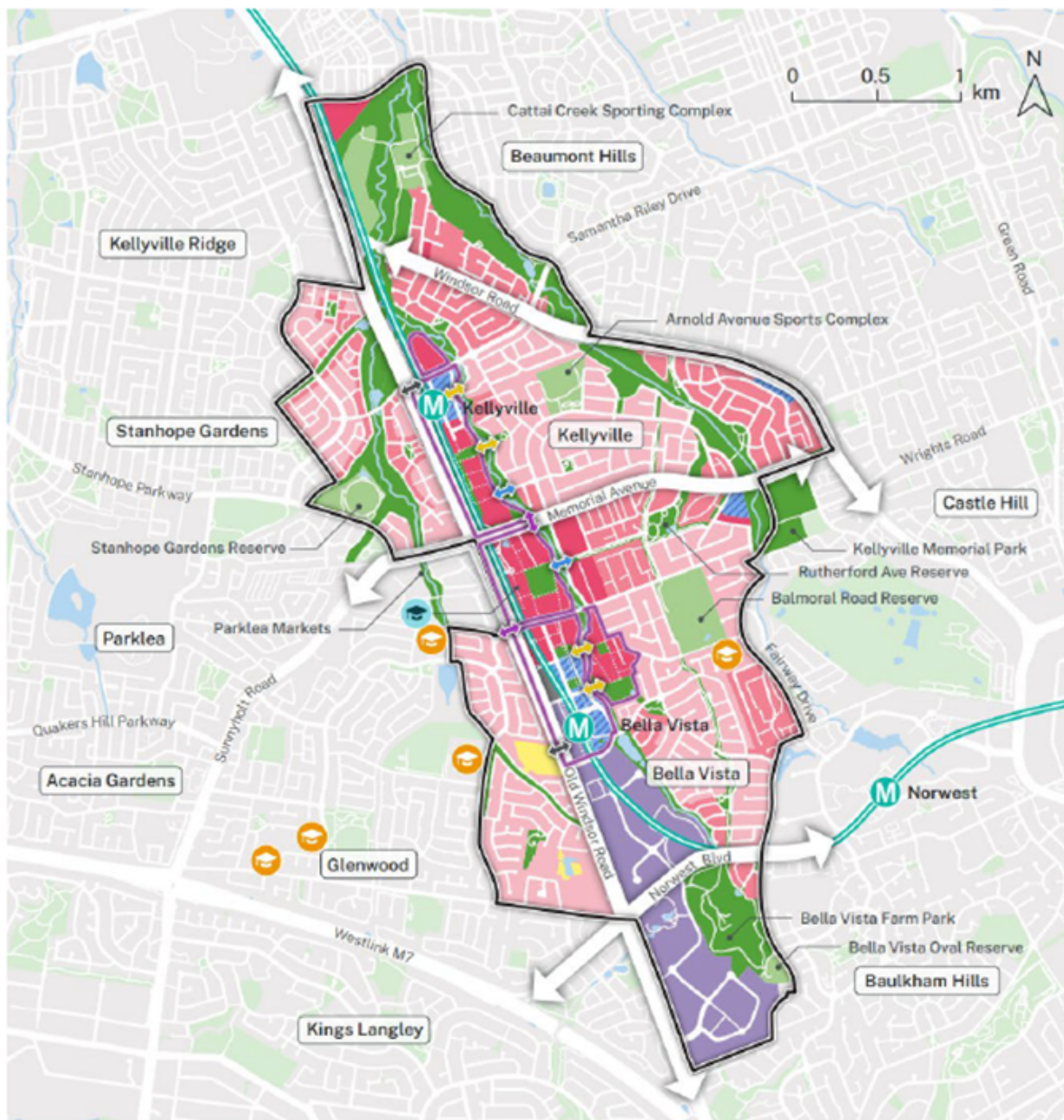
For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's [Technical guidelines – Building over and adjacent to pipe assets](#).

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ATTACHMENT E: KELLYVILLE AND BELLA VISTA TRANSPORT ORIENTED DEVELOPMENT PRECINCTS – FINAL STRUCTURE PLAN



Investigation area	Existing pedestrian bridge	Commuter parking
Metro station	Future pedestrian bridge	Infrastructure
Existing school	Future crossing (pedestrian)	Open space
Potential school	Future crossing (vehicular)	Active open space
Metro	Low density	Open space (recreation)
Major transport connection	Medium density	Water body
Road	High density	
Planned road	Future local centre	
Rezoning precincts	Business park	

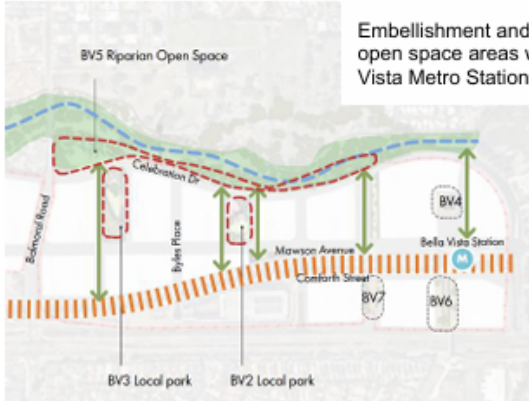
ATTACHMENT F: THE HILLS SHIRE DESIGN ADVISORY PANEL REPORT



DESIGN ADVISORY PANEL

MEETING REPORT

8 APRIL 2026

Item 3.1	9:30am – 10:30am
DA Number	275/2026/JPZ (PPSSCC-766)
DA officer	Andrew Johnston
Applicant	Landcom
Planner	Arcangelo Antoniazzi - Colliers
Property Address	13-23 Mawson Avenue and Lot 6 DP 1244850 Balmoral Road, Bella Vista
Proposal	
Design review	First review of DA. Panel provided pre-DA advice.
Presenters	Charlie Robinson – Land and Form
Panel Location	Online Meeting hosted by the Hills Shire Council
Panel Members	Chairperson – Paul Berkemeier Panel Member –Keith Stead Panel Member – Stephen Pearse
Declaration of Interest	None
Councillors	None present
Council Staff	Andrew Johnston, Savithri Vishnu, Megan Munari, Shaylah Morgan
Other attendees	Matthew Vitucci - Stantec Toby Meredith - Landcom Ella Freire-Yale - Colliers Ro Iyer – Land and Form

INTRODUCTION

The Hills Shire Council is committed to achieving design excellence in the built environment and ensuring new developments exhibit the highest standard of architectural, urban and landscape design. The Hills Shire Design Advisory Panel (The Panel) is an Independent Advisory Panel, approved by the NSW Government Architect, that provides an opportunity for Applicants to receive expert design feedback on their developments and provide assistance to The Hills Shire Council in consideration of the design of development applications.

The application is subject to the requirements of the approved Design Excellence Strategy for the Kellyville and Bella Station Precincts, issued by Landcom in 2023 that mandates development applications for major open space and public domain works are to be reviewed by Council's Design Advisory Panel as part of the detailed design.

Note: The Design Advisory Panel does not determine or endorse applications. The Design Advisory Panel provides independent design advice to applicants and council officers.

DOCUMENTATION

The Design Advisory Panel reviewed the following drawings issued to Council by the Applicant:

- Landscape Design Report, Land and Form
- Open Space Landscape Plans, Bella Vista, Land and Form/Stantec
- Riparian Landscape Plans, Bella Vista, Land and Form/Stantec

PANEL COMMENT

The Panel thanks the Applicant for the presentation of the development application.

1. General Comments

The Panel commends the acknowledgement of Country and the broader landscape response. It was noted, however, that there are inherent constraints relating to ecological outcomes and the interface between batters and retaining walls. The Panel acknowledges the importance of minimising ecological disturbance while not alienating the riparian corridor from the public domain.

The Panel notes that recent and anticipated changes to the planning framework are likely to result in increased residential density across the Bella Vista and wider station precincts. The Panel observed that the provision of open space has not been reassessed in line with these potential increases and emphasised the importance of ensuring that the proposed open space network is sufficiently flexible to accommodate higher future population demand.

The Panel recommends that the parks be designed to provide flexibility in function, scale and programming to respond to increased usage over time.

The Panel acknowledges that Landcom is continuing to work with the Department of Planning, Housing and Infrastructure to address additional density and that supplementary funding opportunities are being explored. The Panel acknowledged that the district park (not part of this application) is proposed to be delivered early and that, within the constraints of the approved concept, lawn areas and play spaces have been expanded where possible. The Panel also noted the extension of the central open space and a broader precinct-wide approach to future-proofing the public domain within a high-density, transit-oriented development context.

The Panel supports the achievement of appropriate canopy cover within the open spaces and streets, and the use of structural soils to provide soil volumes for larger-growing tree species within streets.

2. Amenities

The Panel raised concerns regarding the location and adequacy of public amenities and toilets, particularly in relation to children's play spaces. The Panel is concerned that requiring users to leave

the park to access amenities within nearby mixed-use buildings or the metro station may reduce usability and introduce safety risks, especially for families.

The Applicant advised that ground floor public amenities are proposed within adjacent mixed-use developments and that this approach is intended to support activation of these buildings. The Panel acknowledges this intent and the need for alignment with Council's asset management and maintenance considerations, however the provision of adequate amenities is not necessarily part of the private sector brief for these mixed-use developments. The Panel recommends that further discussion with Council regarding the acceptability and long-term management of the provision of amenities in these spaces, particularly in the context of increased density and higher public use.

3. Public Art

The Panel noted that locations for public art have been identified within the open space network and that detailed public art proposals will be subject to a separate approval process. The Applicant advised that an artist procurement process is underway, with involvement from Landcom, Cultural Capital and Council representatives, to ensure suitable outcomes that reflect the site context and community aspirations.

4. Water Sensitive Urban Design

The Panel reviewed the proposed WSUD treatments within streetscapes, including tree pits and structural soil systems. Clarification was sought regarding the inclusion of filter media and the operation of the systems. The Applicant advised that a series of extruded WSUD pits is proposed, with approvals already granted for two streetscapes, and that both passive irrigation and separate systems are incorporated.

5. Shelters and seating in parks

The Panel notes that the two parks each only contain a single small shelter with seating. The Panel is concerned that this will not be sufficient to meet the anticipated level of use of these spaces, noting the very high density development planned in the locality. The Panel suggests that the inclusion of additional seating and shade structures will increase the usability of the spaces.

PANEL CONCLUSION

The Panel commends the Applicant on a well-prepared and thoughtfully presented proposal, and acknowledges the strong emphasis placed on public domain quality and public interest outcomes. The Panel encourages continued collaboration with Council to ensure that the open space network is adaptable, appropriately serviced and resilient to future increases in population density.

The Panel is satisfied that the proposal demonstrates design excellence.