

Bella Vista Station Precinct

Finalisation Report

November 2017



Planning &
Environment

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Department of Planning and Environment

Printed November 2017

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Glossary

Act	Environmental Planning and Assessment Act
CBD	Central Business District
DCP	Development Control Plan
Department	Department of Planning and Environment
FSR	floor space ratio
GFA	gross floor area
ha	hectare
LEP	Local Environmental Plan
LGA	local government area
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RL	Relative Level
RMS	Roads and Maritime Services
SIC	Special Infrastructure Contribution
SEPP	State Environmental Planning Policy
TfNSW	Transport for New South Wales

Executive summary

This Finalisation Report provides an overview of the Bella Vista Station Precinct and details the planning amendments that are proposed by *State Environmental Planning Policy Amendment (Bella Vista and Kellyville and Station Precincts) 2017*. The Finalisation Report summarises the public consultation undertaken, and responds to issues raised in the submissions.

The Bella Vista Station Precinct is one of eight station precincts along the Sydney Metro Northwest corridor. The \$20 billion Metro project is Australia's largest transport infrastructure project under construction and a priority rail project for the NSW Government. The *North West Rail Link Corridor Strategy*, which included Structure Plans for each station precinct, was finalised in 2013 to guide and coordinate future planning for the corridor.

The Bella Vista Station Precinct, along with the Kellyville and Showground Station Precincts, were announced as Priority Precincts by the NSW Government in August 2014, following a unanimous decision by The Hills Shire Council to nominate these precincts.

The new Metro will be the catalyst for urban transformation in Sydney's northwest, opening up new connections and economic benefits for the region, and providing opportunities for new attractive and vibrant town centres around the stations. A focus on place-making has underpinned the planning for the Bella Vista Station precinct for the creation of a healthy, safe and sustainable community.

Bella Vista will have an employment focus, leveraging the opportunities available in and adjacent to the Norwest Business Park to provide for a greater range of local business activities. By responding to the needs of new business driven by technological changes, and new ways of working, Sydney will remain competitive and economically sustainable, and more local jobs will be available in the region.

The Final Proposal

The Bella Vista Station Precinct proposal comprises a rezoning plan to establish new planning controls for the precinct. It is proposed that 67.57 hectares of land, or 14.3% of the 472 hectare precinct be rezoned for increased urban development (Figure 1). This includes 50 hectares of NSW Government owned land adjacent to the new Bella Vista Station and Metro line.

The combined Kellyville and Bella Vista precincts will provide up to 8,400 new homes over the next twenty years. This dwelling number, which is capped through a clause in the SEPP to align with the local and state infrastructure that has been planned to support the precincts' growth, is consistent with the level of growth forecast during public exhibition of the draft plans.

Bella Vista will also provide 9,400 new jobs over the next 20 years which will transform the area around Bella Vista Station into a vibrant local centre.

This will be achieved by amending *The Hills Local Environmental Plan 2012* through a State Environmental Planning Policy (SEPP). The SEPP will establish the statutory controls for the precinct,

including land use zones, maximum building heights, maximum floor space ratios, minimum lot sizes, and other related controls to support the rezoning of the precinct.

A development control plan will also be made following the rezoning to provide more detailed planning and design controls to guide future development in the precinct.

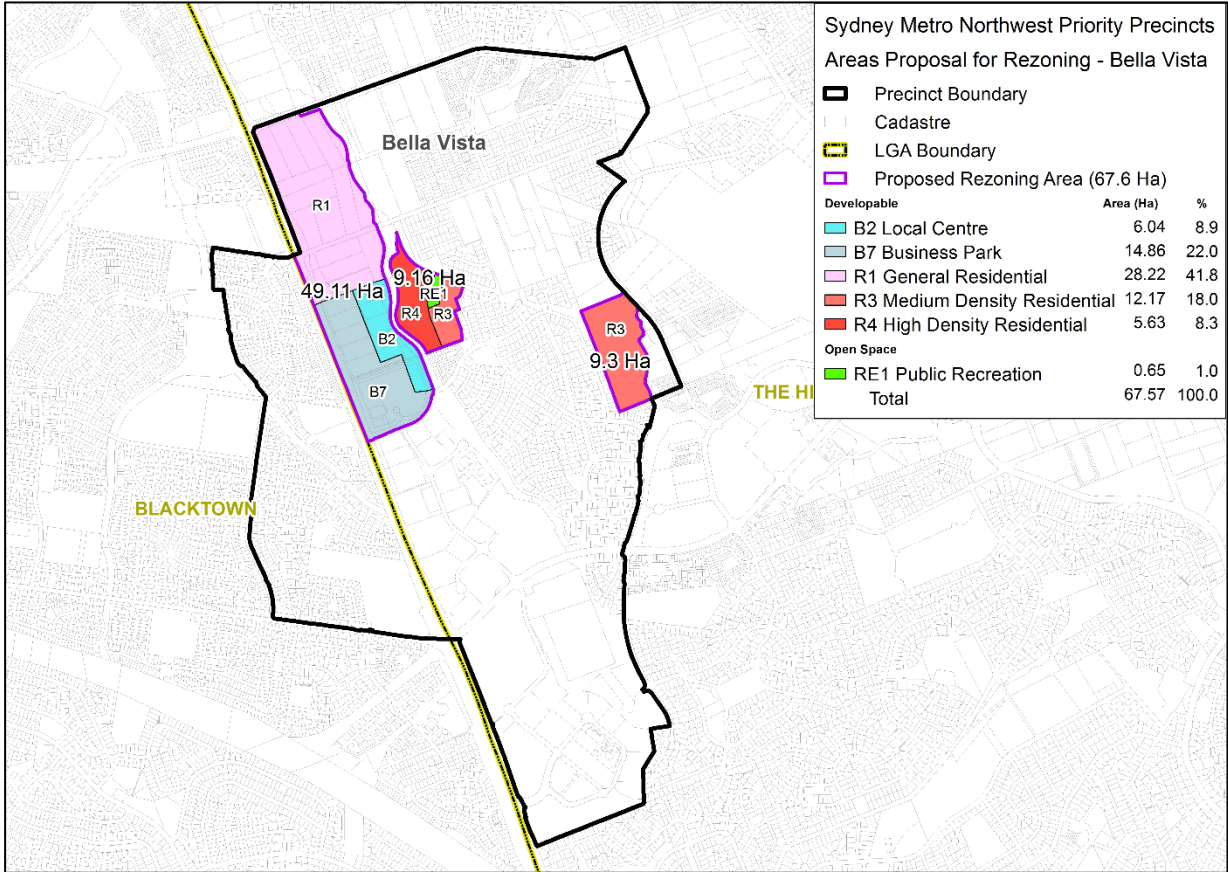


Figure 1 Area proposed to be rezoned in the Bella Vista Station Precinct

A comprehensive infrastructure schedule identifying the local and regional infrastructure to support the growth in the precinct has been prepared to support the proposal (see Section 7).

The Hills Shire Council will also have access to up to \$10 million of Precinct Support Scheme funding to be shared across the Bella Vista and Kellyville Station Precincts to enhance the amenity of the area. \$5 million of funding will also be allocated to the Showground precinct subject to rezoning. This funding will be used to accelerate the delivery of local infrastructure improvements for the precincts.

Public Exhibition

The draft plans for the precinct were informed by extensive consultation. The community, The Hills Shire Council, Blacktown City Council and other stakeholders were consulted throughout 2014, 2015 and early 2016. The draft plans were exhibited from 7 December 2015 to 28 February 2016. Community and stakeholder engagement activities that were undertaken during the exhibition period for the Bella Vista Station Precinct included:

- notification letters sent to 4,655 property owners. The Hills Shire Council, Blacktown City Council and 10 NSW Government agencies were also notified.
- an advertisement was placed in The Hills Shire Times.

- a precinct newsletter was hand delivered to 2,600 properties in February 2016.
- two community drop in sessions were held on Saturday 30 January 2016 and Thursday 11 February 2016 at the Novatel Sydney Norwest for both the Kellyville and Bella Vista Station Precincts.
- a stakeholder briefing session was held on 2 February 2016 for community and business representatives.
- an online survey was made available to obtain community feedback about local improvements that could be funded by the Precinct Support Scheme.

Submissions

A total of 44 public, council and agency submissions were received during the exhibition period. The key issues raised in submissions were:

- requests to change zones and development controls for a number of sites, in both residential and employment areas;
- concerns about traffic and/or parking;
- support or mostly support for the draft plans;
- quantity and/or quality of open space;
- community facilities; and
- retail uses in the town centre.

Online Survey

As part of the exhibition of the draft plans for the Bella Vista, Kellyville and Showground Station Precincts, an online survey was available on the precinct websites to obtain feedback from the community about how the \$15 million in Precinct Support Scheme Funding, available across the precincts, should be spent.

There were 121 respondents to the survey, with 80% living in one of the three precincts. The most popular options selected by the respondents for the allocation of funding in the Bella Vista Station Precinct were walking and cycling paths along existing streets and through Bella Vista Farm Park connecting residents to the Circa Shopping Centre.

The Department will continue to work with The Hills Shire Council following the rezoning to identify the works to be funded by the precinct support scheme in the Kellyville Station Precinct.

Key Changes to the plans

Following the review of submissions, several recommended changes have been made to the draft plans:

- a new provision has been introduced that ensures that no more than 8,400 new dwellings can be delivered on the Government owned lands in the Bella Vista and Kellyville Station Precincts
- the land east of Elizabeth Macarthur Creek that was proposed to be rezoned R4 High Density Residential, and RE1 Public Open Space, has been expanded and reconfigured to be a mix of R4 High Density Residential, R3 Medium Density Residential, and the RE1 Public Open Space.
- minor changes to the extent of SP2 zoned land within Elizabeth Macarthur Creek, and associated changes to zones on adjoining land;

- approximately 8,000m² of land in the Bella Vista town centre exhibited as B7 Business Park has been changed to B2 Local Centre and an equivalent area within the B2 Local Centre has been changed B7 Business Park, with height and FSR controls also swapped;
- new local provisions including, transfer of floor space ratio, minimum front setbacks, and active street frontages;
- changes to minimum allotment sizes including a minimum allotments size of 1,500m² for apartments 21m in height or less, and 3,600m² for all other apartment buildings;
- a design excellence clause to be introduced for parts of the precinct, which includes the provision for a design review panel to review proposed developments over 21m in height, or 6 storeys (or both) to ensure a high standard of architecture and urban design is achieved; and
- additional permitted uses for the B7 Business Park, and SP2 Infrastructure zones.

The Department's assessment of the issues raised in submissions, and recommended changes to the exhibited maps and controls for the precinct, are detailed in this Finalisation Report.

Next Steps

If the rezoning of the Bella Vista Station Precinct is approved by the Minister, the Department will finalise the draft development control plan for the precinct. This will enable development consent to be granted for proposed development on land that has been rezoned.

The Department will also complete its review of the Western Sydney Growth Area Special Infrastructure Contributions (SIC) Plan to determine whether funds collected within the Precinct could be used to fund part of the additional regional infrastructure required to support the planned growth. An extension to the SIC area to cover additional land being rezoned is also being considered.

The Department will also work with infrastructure agencies and stakeholders to refine the key infrastructure items that could be partly funded by the SIC, the estimated cost and timing for delivery of this infrastructure and whether any changes to the existing SIC rate will be required. This will also involve working with Council to implement a local infrastructure contributions plan for the rezoned land.

Upon rezoning, up to \$5million would become available to Council for public domain and community infrastructure works associated with the Bella Vista Station Precinct. The Department would advance the discussions with Council for projects that may be suitable for this Precinct Support Scheme funding.

The Department will also continue to work with Transport for NSW (TfNSW), Landcom, Council and other stakeholders to ensure the orderly development of government lands in the Bella Vista Station Precinct through the state significant development process, which meets NSW Government objectives, achieves best practice transit oriented development outcomes and provides certainty of development.

1 Introduction

1.1 The Sydney Metro Northwest and Corridor Strategy

The \$20 billion Sydney Metro Northwest (formerly known as the North West Rail Link) is Australia’s largest public transport infrastructure project currently under construction and a priority rail project for the NSW Government. The Sydney Metro Northwest will be transformative for The Hills. When the Metro opens in the first half of 2019, this part of Sydney will for the first time be directly connected by high frequency trains to the major employment, retail and education centres in the region. These include Rouse Hill and Castle Hill retail centres, Norwest Business Park, Macquarie University, Macquarie Park and Chatswood.

The second stage Sydney Metro City and Southwest, scheduled to open in 2024, will extend the Metro line from Chatswood to Bankstown, including a new crossing beneath Sydney Harbour, new stations in the lower North Shore and CBD, and the upgrade and conversion of the line between Sydenham and Bankstown.

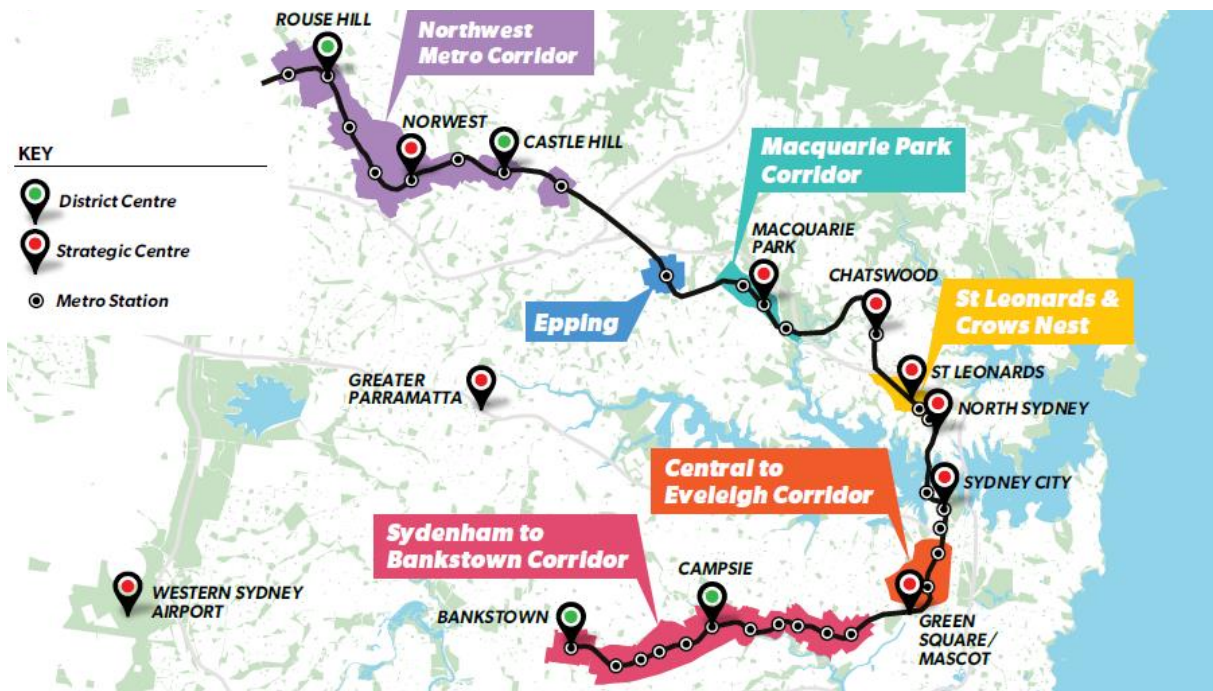


Figure 2 Sydney Metro Map

The Department of Planning and Environment and TfNSW, in consultation with relevant local councils, State government agencies and the community, finalised the *North Rail Link Corridor Strategy* in September 2013. The Corridor Strategy, which included Structure Plans for the eight new station precincts, was prepared to integrate land use and transport planning to meet current and emerging challenges associated with future growth in the North West region.

The Corridor Strategy identified the potential for around 28,000 new homes and 40,000 new jobs within the Sydney Metro Northwest corridor, and:

- identified future visions for the precincts surrounding the new stations;

- projected housing and jobs growth for each precinct and the corridor as a whole; and
- established a framework for managing future land use change.

The Corridor Strategy identified that the Bella Vista Station Precinct will have an important function in the Metro corridor as a business and commercial ‘destination’ station, while also providing increased residential development opportunities. Existing employment lands will be retained and enhanced, and accommodate higher density development in the future. There will also be the opportunity to integrate expanded retailing, community uses, cultural facilities and open space to cater for the increased number of workers, residents and visitors.

1.2 The Priority Precincts program

The Priority Precincts program is a NSW Government program which aims to:

- provide for new housing and jobs in centres with good existing or planned transport services;
- coordinate the delivery of infrastructure to support the growth; and
- make these centres attractive places to live, work and play.

Following the finalisation of the Corridor Strategy, The Hills Shire Council unanimously voted to nominate the Bella Vista Station Precinct, along with the Kellyville Station and Showground Station Precincts, as Priority Precincts. These precincts were announced by the NSW Government in August 2014 as a means of implementing the Corridor Strategy. The decision to endorse these precincts as Priority Precincts was based on a number of factors, including that the precincts:

- would maximise the use of the Sydney Metro Northwest and other public transport infrastructure;
- would provide more jobs closer to home and promote public transport to employment areas, reducing the need for private vehicle trips;
- respond to strong current demand, and projected future demand for additional jobs and housing; and
- incorporate significant government landholdings with potential for master planning and coordinated redevelopment potential.

1.3 Planning for the Bella Vista Station Precinct

Following the NSW Government’s Priority Precinct announcement, detailed planning for the Bella Vista Station Precinct commenced. Specialist studies were prepared to inform the draft rezoning plans, covering urban design, traffic and transport, economic feasibility, flooding, ecology, heritage, open space and community facilities.

The vision for the Bella Vista Precinct by 2036 is “a 21st Century Living and Business Precinct” which is guided by the following principles:

- provision of a range of housing, employment and retail services close to transport connections and high quality open space;
- creation of an attractive, convenient and walkable local centre around the station, providing shops, cafes, restaurants, a village square and jobs;
- provision of a high quality, pleasant network of public, green open space areas including new local parks, riparian corridors and the existing Bella Vista Farm Park;

- expansion of employment and business opportunities through the revitalisation of the existing Norwest Business Park, and the creation of new business locations adjoining the station;
- delivery of more homes close to the station to meet growing demand, and increase housing choice to reflect changing household sizes and lifestyles;
- improving access and connections to the new station and throughout the precinct through new local roads, improved bus services, pedestrian and bicycle paths, and crossings over creek corridors; and
- managing impacts on the natural environment including protection of remnant ecological communities in the creek corridors running through the precinct.

The draft plans were exhibited from 7 December 2015 to 28 February 2016, and proposed:

- zoning for a mixed use centre around the station to facilitate a compact, walkable centre; providing a variety of shops, services and apartments;
- areas designated as parks and open space, as well as heritage;
- employment zones around the station and in the southern part of the precinct, enhancing the role of the Norwest Business Park;
- building heights to transition down from the town centre to stand-alone housing areas beyond, providing for a range of housing types to meet demand for greater housing choice; and
- recommended precinct specific controls for inclusion in a Development Control Plan (DCP), including environmental management and building design controls to provide high levels of amenity for residents and for people using the surrounding public domain and open space areas.

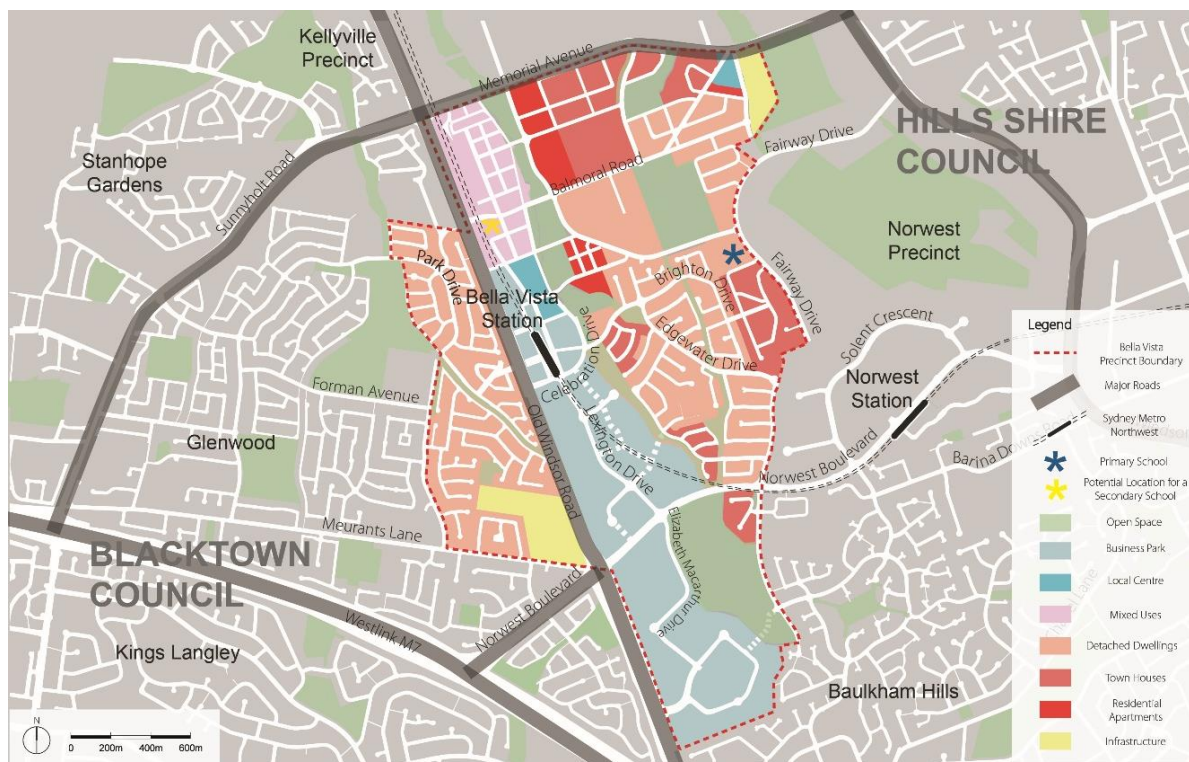


Figure 3 Draft Bella Vista Station Precinct plan as exhibited

2 Community Consultation

The Department engaged in an extensive program of consultation for the Bella Vista, Kellyville and Showground Station Priority Precincts, as summarised below.



500

Telephone survey participants



2,600

Newsletters delivered to Bella Vista Precinct properties



2

Ads in local paper



5

Information stalls at community events



280

Community values survey respondents



5

Media releases



4,643

Exhibition notification letters to Bella Vista Precinct landowners



~400

People attended two drop in sessions for Kellyville and Bella Vista Precincts



3

Stakeholder briefing sessions



44

Written submissions about the Bella Vista Precinct



121

Precinct Support Scheme Survey respondents

2.1 Preliminary community consultation

The community consultation undertaken following the announcement of the Bella Vista Station as a Priority Precinct in August 2014 included:

- information stalls at five community events;
- an online community values survey covering the Kellyville, Bella Vista and Showground Precincts, with 280 respondents;
- a newsletter delivered to approximately 6,250 residents in the three precincts; and
- a series of stakeholder briefing sessions for community and business representatives across the three precincts.

Further details about this preliminary consultation are provided in the Bella Vista Station Precinct Planning Report that was prepared as part of the exhibition material.

2.2 Public exhibition of the draft plans

The draft plans for the Bella Vista, Kellyville and Showground Station Precincts were exhibited for 12 weeks from 7 December 2015 to 28 February 2016. The websites for each precinct were updated with all the exhibition material available to download. Hard copies of the exhibition material could also be viewed at The Department's Bridge Street office, The Hills Shire and Blacktown City Council's offices, and at the Castle Hill and Vinegar Hill Memorial libraries. An advertisement notifying the community about the exhibition was also placed in The Hills Shire Times.

Letters to Property Owners

A total of 3,351 letters were sent to property owners in, and adjoining The Hills Shire Council portion of the Bella Vista Station Precinct, and 1,292 letters were sent to property owners in and adjoining the Blacktown City Council portion of the precinct (combined with the Kellyville precinct), notifying them of the exhibition.

Community Drop in Sessions

Two community drop in sessions were held for the Bella Vista and Kellyville Station Precincts at the Novatel Norwest. These were held on:

- Saturday 30 January 2016, 10am to 1pm; and
- Thursday 11 February 2016, 4:30pm to 8:00pm.

These sessions allowed members of the community to view the exhibition material, and to talk to Department staff who were available to answer questions about the proposal. Approximately 200 people attended each session.

Newsletter

A Bella Vista Station Precinct newsletter was hand delivered to approximately 2,600 properties in the precinct in early February 2016 and available at the community drop in sessions, to keep the community informed about the exhibition and community consultation activities.

Stakeholder Briefing Session

A stakeholder briefing session was held on Tuesday 2 February 2016 for community and business representatives. This was a combined session for all three Sydney Metro Northwest Priority Precincts.

The session provided an overview of the Department's draft plans on exhibition, and sought to obtain feedback on the draft plans. Issues relating to the Bella Vista Station Precinct included traffic through the precinct, the future of bus services, open space provision and car parking at the station.

Online survey – Precinct Support Scheme

An online survey was available from 7 December 2015 until 15 May 2016 on the precinct website, and publicised on all communications material during the exhibition period. The survey sought feedback from the community about what sort of local infrastructure projects could be funded with the \$15 million in Precinct Support Scheme funding available across the three precincts, upon rezoning.

A total of 121 respondents completed the survey, with 12% of respondents living in the Bella Vista Station precinct. A copy of the survey report is appended to this report.

2.3 Public submissions

A total of 38 submissions were received by the Department from the community in response to the exhibition of the Bella Vista Station Precinct proposal. Multiple submissions made by the one person have been counted as a single submission. The most common issues raised in the submissions were:

- requests to change proposed zonings and development controls:
 - rezone certain sites zoned R2 Low Density Residential or R3 Medium Density Residential to R4 High Density Residential;
 - rezone certain sites with split zonings to be entirely R4 High Density Residential; and
 - rezone certain sites zoned B7 Business Park to B4 Mixed Use.
- traffic and parking:
 - concerns with the adequacy of the Transport Plan prepared to support the precinct proposal;
 - concerns about impacts on major roads including Old Windsor Road and Norwest Boulevard;
 - requests to consider upgrades to certain intersections; and
 - adequacy of the customer car park at Bella Vista Station.
- support for the draft plans;
- quantity and quality of open space;
- community facilities; and
- queries about the types of retail uses in the town centre.

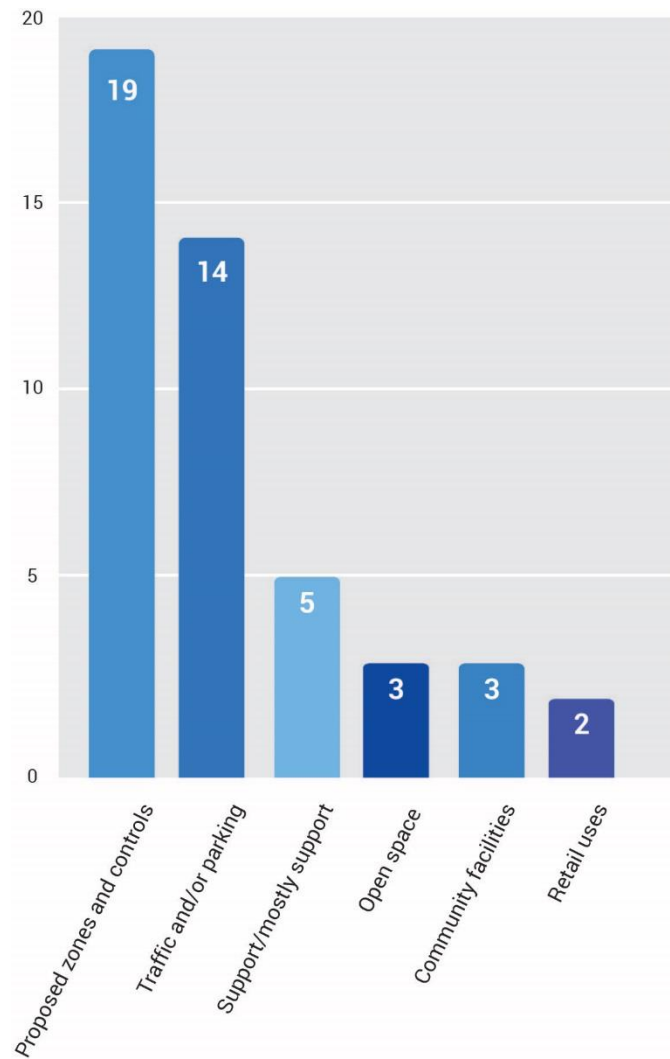


Figure 4 Most common issues raised in public submissions

2.4 Council and Agency submissions

Submissions were received from The Hills Shire Council and five State Government agencies. Key issues raised included:

The Hills Shire Council

- Governance framework for the NSW Government owned land;
- The relationship of the draft controls to The Hills Shire planning framework;
- Dwelling yields and floor space ratio controls;
- Transfer of floor space ratio;
- Concerns about proposed lot sizes and setback controls;
- Need for design excellence provisions;
- Concerns about traffic and transport impacts;
- Open space; and
- Community facilities.

Office of Environment and Heritage

- Raised issues including potential impacts on threatened species, ecology, climate change, flood risk management and Aboriginal cultural heritage.

Sydney Water

- Advised that an integrated water and wastewater servicing strategy was being prepared for the Elizabeth Macarthur Creek corridor, and provided advice on stormwater controls.

Department of Education and Communities

- Advised that the possibility of locating a high school in the corridor was being considered, including the option of co-locating a facility with public open space and/or community facilities to benefit the community.

NSW Rural Fire Service

- Advised that Planning for Bushfire Protection and Asset Protection Zones should be considered, as well as the design of roads for safe access for firefighting activities.

Endeavour Energy

- Advised that future developers would need to apply to Endeavour Energy to finalise connections.

A discussion and response to these issues is provided in Sections 4 and 5 of this report.

3 Issues raised in public submissions

3.1 Requests for changes to zoning and development controls – residential zones

Requests for changes to proposed zones came from four main groups of properties, which are discussed below.

32, 38 and 40 Balmoral Road, Kellyville

Submissions were received from the owners of these three properties, which adjoin each other and are part of an area on the eastern side of Elizabeth Macarthur Creek proposed to be rezoned from R2 Low Density Residential to R4 High Density Residential. The submissions requested the following changes to the draft plans:

- each property to have a single, R4 High Density Residential zoning;
- reconsideration of the location of Free Settlers Drive through 32 and 38 Balmoral Road;
- increase the proposed maximum building height from 21m (approximately 6 storeys) to allow for buildings 12-15 storeys in height; and
- increase the proposed maximum floor space ratio (FSR) from 1:1 to 2:1.

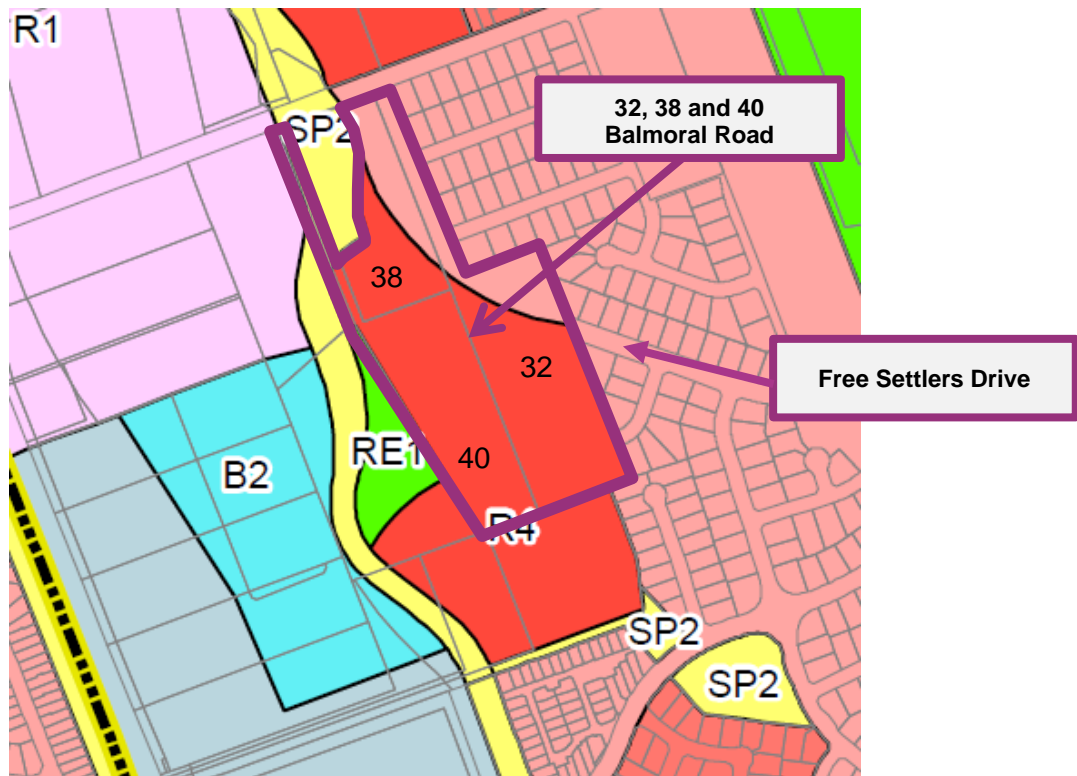


Figure 5 32, 38 and 40 Balmoral Road, Kellyville and the exhibited draft plans

Comment

The boundary of the proposed R4 High Density Residential zone in the area east of Elizabeth Macarthur Creek was informed by the existing and planned road network, the extent of the Elizabeth Macarthur Creek corridor and other drainage corridors, and the existing residential development pattern.

Free Settlers Drive has been planned by The Hills Shire Council as part of the Balmoral Road Release Area, with over 200m of the road east of 32 Balmoral Road already built. The road is planned to continue through 32 and 38 Balmoral Road in a curved alignment, connecting to Balmoral Road to the north of these properties. The Department supports the retention of this road corridor due to the existing extent of the road, existing residential development pattern, and that it provides key access into this part of the precinct. The road will also provide a physical separation between the proposed R4 High Density Residential zone and the R2 Low Density Residential zone further east.

Land on the northern side of Balmoral Road, east of the creek, is already zoned R4 High Density Residential allowing apartments approximately 5 storeys in height. The recommended controls for the 3 subject lots also provide a transition in height from the town centre down to the low density development further east of these sites.

As a result of concerns raised by both Council and adjoining land owners about the impact of a high density residential zone in this area adjoining low density, detached homes, a portion of this part of the precinct is now recommended to be zoned R3 Medium Density Residential, to allow attached homes and town houses 2 to 3 storeys in height. A road is proposed to separate the R4 and R3 zone, to be confirmed in the precinct DCP.

Council also raised concerns about the proposed location for a public park, in particular access and risk of flooding from the creek. As a result, the proposed park has been moved to front the extension of Free Settlers Drive:

In summary, the recommended zones and controls for this part of the precinct are as follows:

- The proposed park, to be zoned RE1 Public Open Space has been moved away from the creek, and adjoining Free Settlers Drive for greater access;
- The area proposed to be zoned R4 has been reduced in size, so that apartment buildings will be closer to the creek and new town centre;
- The controls for the R4 zone are recommended to be an FSR of 1:1 and maximum height of 21m (6 storeys)
- An area proposed to be R3 Medium Density Residential, to permit attached homes and terrace style housing, has been located to transition down from the high density development to low density development further east, with internal roads to separate the R4 and R3 zone. It has been expanded to include 4 properties to the east so that more of this zone is bounded by a road;
- The R3 zone is recommended to have a maximum height of 10 (3 storeys). No FSR is recommended, with the building form to be determined by the controls in the DCP.

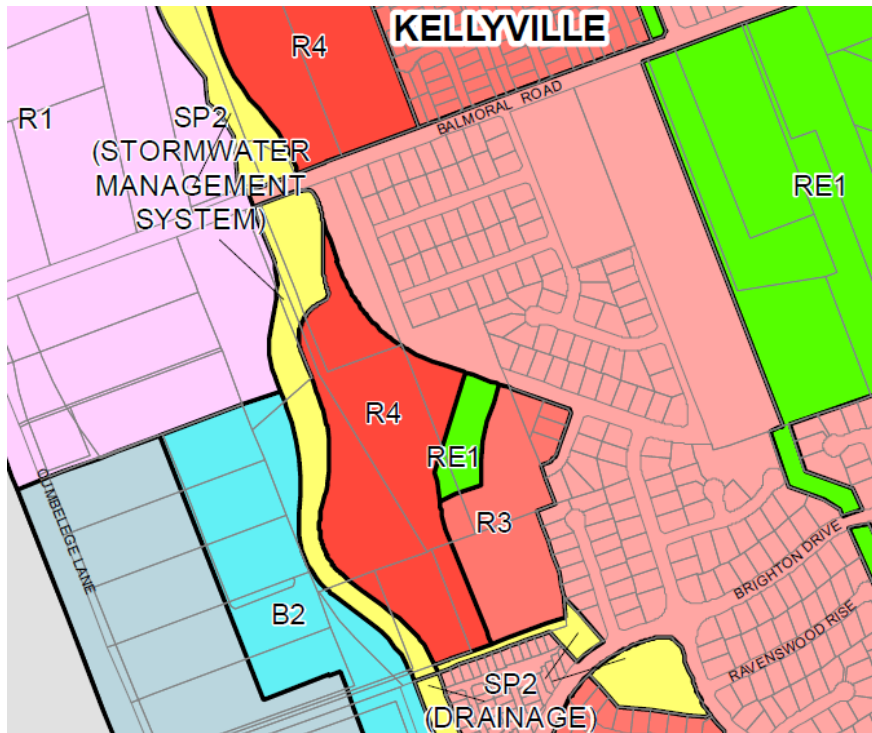


Figure 6 Recommended rezoning on land east of Elizabeth Macarthur Creek

Group of sites fronting Free Settlers Drive, Waddell Road and Edgewater Drive

This site comprises 27 properties, which includes 18 sites owned by Mulpha Norwest, and 9 sites by individual landholders.

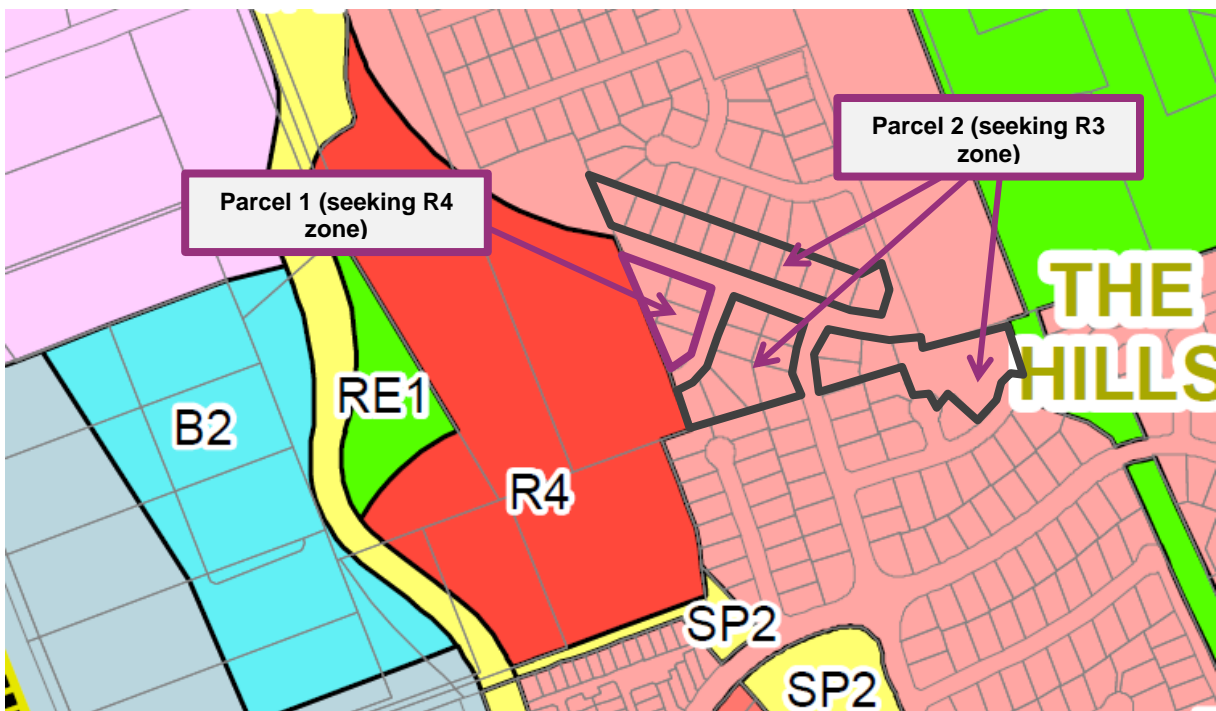


Figure 7 Parcel of sites fronting Free Settlers Drive, Waddell Road and Edgewater Drive, and the exhibited draft plans

The submission requested two sets of changes to the sites:

- Parcel 1

This is a triangular group of 4 lots bounded by Free Settlers Drive, Waddell Road, and 32 Balmoral Road, approximately 3,350m². It is currently zoned R2 Low Density Residential, with the draft plans recommending to retain this zone. This was on the basis that this land had been subdivided into 4 lots, and construction of the first dwelling had commenced. The submission requested that this parcel of lots be rezoned to R4 High Density Residential, with a maximum building height of 21m (6 storeys), and an FSR of 1.2:1. Two of the lots are owned by Mulpha Norwest, the others by private individuals.

- Parcel 2

This parcel consists of 23 lots on either side of Free Settlers Drive as far as Cedar Cutters Way, and is zoned R2 Low Density Residential. Most of these lots are vacant. One lot (Lot 157 DP 1186653) was shown on the map attached to the submission as being part of this parcel although it was not listed in the submission itself. It was requested that this parcel of lots be rezoned to R3 Medium Density Residential, with a maximum building height of 12m (3 storeys) and an FSR of 1:1.

Comment

Parcel 1 has been recommended to be zoned from R2 Low Density Residential to R3 Medium Density residential, adjoining the area proposed to be rezoned R3 to the west. Refer to Figure 6 above for the recommended extension of the R4 zone.

Parcel 2 does is physically separated by a road from parcel 1, and the immediately adjoining land has, or is being developed for low density, detached homes on lots generally at least 700m². The medium density zone was also not supported by The Hills Shire Council. Therefore changing the zone of this parcel of lots is not supported as part of this rezoning.

Waterstone Estate

The Waterstone Estate is a residential estate which is part of the Bella Vista Waters development, on the northern side of Brighton Drive. It comprises 48 town house style homes under a community title scheme. The submission requested that the site be rezoned from R2 Low Density Residential to R4 High Density Residential.

The reasons set out in the submissions for the change included:

- the estate is located 200m from the new station; and
- there were concerns about the impacts of high rise development to the north and west of this parcel, especially impacts from overshadowing.

Comment:

The Waterstone Estate ranges from around 225m to 400m to the nearest entrance to Bella Vista Station, measured in a straight line. This estate was developed for housing around 10 years ago. The 2013 Bella Vista Station Structure Plan identified this site as a long term opportunity site, as the 2013 Corridor Strategy notes that the average life cycle of a building is 30-40 years. The estate is also under a community title scheme.

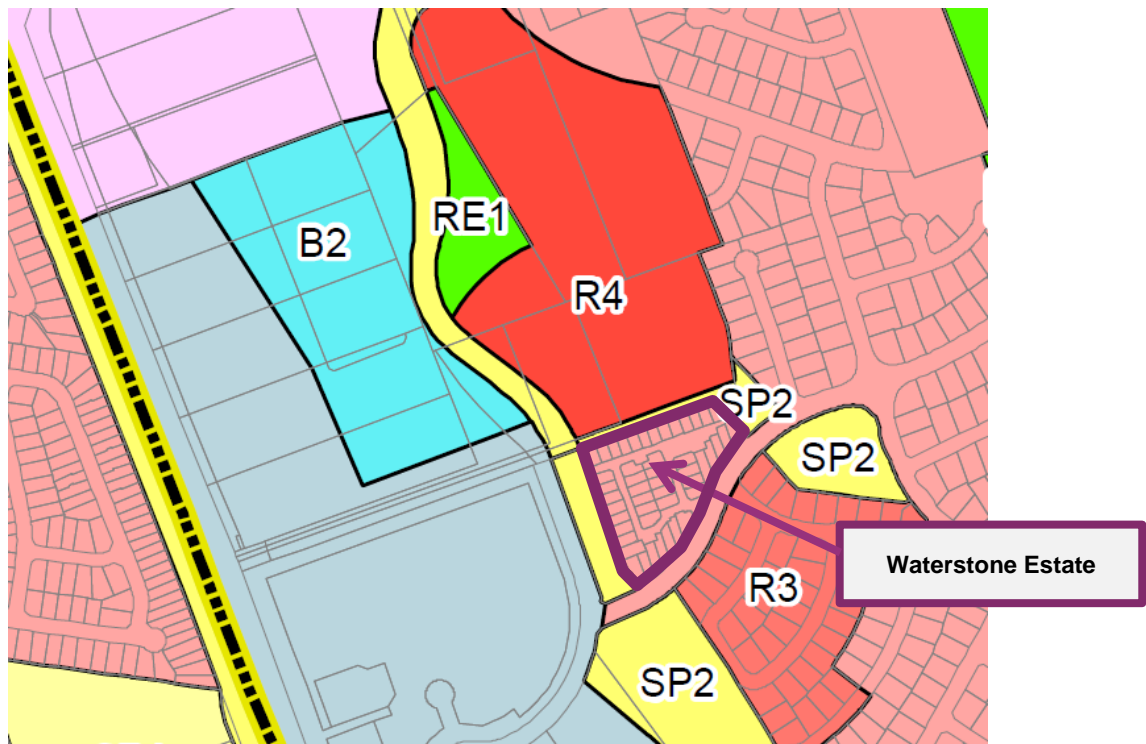


Figure 8 Waterstone Estate and the exhibited draft plans

Although the NSW Government land around the station is relatively unencumbered, it is still expected to take around 20 years for the forecast apartment and commercial developments to be completed. Fragmented land that has already been developed for housing outside this area, including sites within the Bella Vista Waters release area, and especially those under community title, would be expected to develop relatively slower.

The land proposed to be rezoned R4 High Density Residential north of the estate is separated from the estate by a vegetated drainage corridor approximately 10 wide. A road is also proposed on the northern side of this drainage corridor under the Balmoral Road Release Area plan, and is intended to be included in the precinct Development Control Plan. This will provide an additional physical separation of any apartment development on the R4 zoned land. Even if this road is not constructed, any future development application for apartments would need to address the overshadowing and privacy requirements of *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* and the *Apartment Design Guide*.

The extent of land recommended to be zoned R4 has also been reduced to approximately half the length of the northern boundary of the Waterstone Estate, with the recommended R3 zoned land to have a maximum building height of 10m, the same as the maximum height in the Waterstone Estate. This reduce the impacts of future development even further.

As a result of these considerations, it is recommended that the rezoning proposal not include the Waterstone Estate for additional growth in the short term. However, an annual review of the precinct will be undertaken by the Department to monitor development activity. As the area around the station develops over time, further strategic planning investigations will be undertaken to consider whether other areas of the precinct are suitable for renewal.

In the interim, planning proposals could still be lodged with The Hills Shire Council. Additional infrastructure may be required to support further growth and planning proposals would need to demonstrate how proposed developments would contribute to the provision of that infrastructure.

1-17 Craigend Place

This submission related to a parcel of 17 properties in Craigend Place, on the northern side of Brighton Drive. The submission was on behalf of 15 of the 17 property owners. This area contains two storey, detached dwellings, and is part of the Bella Vista Waters development.

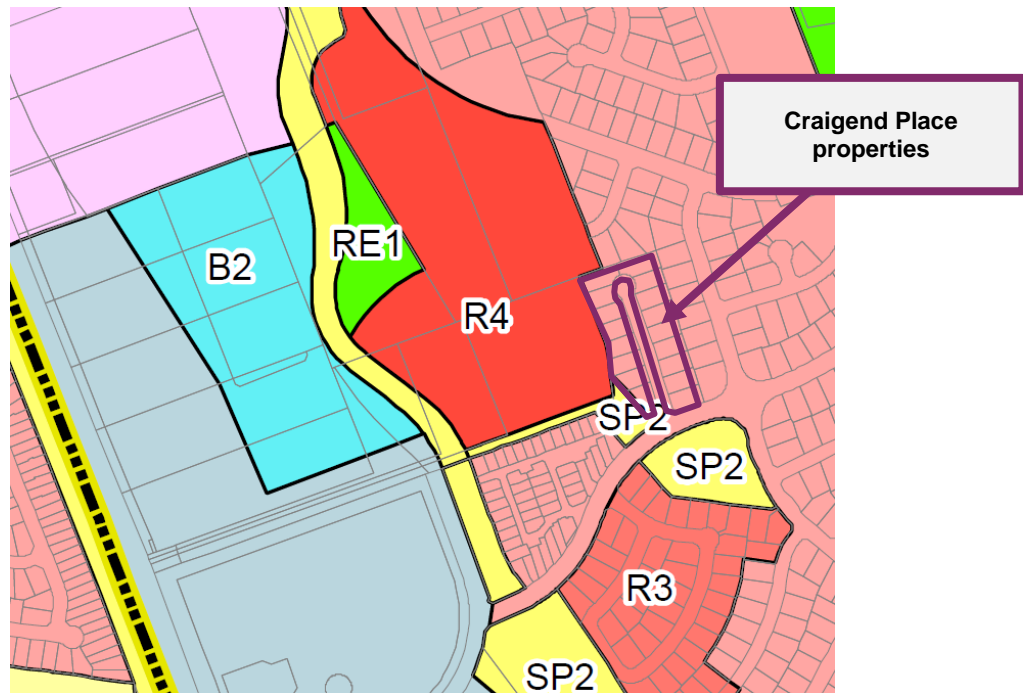


Figure 9 1-17 Craigend Place and the exhibited draft plans

The submission requested that the site be rezoned from R2 Low Density Residential to R4 High Density Residential, with a maximum building height of 21, and FSR of 3:1 for the following reasons:

- the site is within 500m of the new station;
- it would improve the patronage of the metro and reducing private motor vehicle dependency; and
- it would provide a transition from higher density to low density development further away from the station, especially as it adjoins an area proposed to be rezoned to R4 High Density Residential.

Comment

The site is around 500m from the closest Bella Vista Station entrance measured in a straight line. Land in this site has been developed for new, detached housing over the last 10 years. The 2013 Bella Vista Station Structure Plan identified about half of these properties as long term opportunity sites, although did not identify it as an area that could provide for medium or density homes. The 2013 Corridor Strategy notes that the average life cycle of a building is 30-40 years.

The proposed FSR of 3:1 would also be significantly higher than the FSR recommended for the adjoining land, which is recommended to be 1:1.

The land to the west of the properties in Craigend Place is now recommended to be zoned R3 Medium Density Residential, and the same maximum height as the properties in Craigend Place.

For the same reasons set out in the previous sections about the Waterstone Estate, and Millhouse Place and Bridgeview Circuit, it is recommended that this area is not included for rezoning in the short term.

As the properties on the western side of Craigend Place directly adjoin land proposed to be rezoned R4 High Density Residential, the proposed maximum height in the R4 land adjoining these properties has been reduced to 10m for a depth of approximately 35 metres, to reduce the potential impacts of new development on the properties in Craigend Place.

Sites adjoining Millhouse Place and Bridgeview Circuit, and Bimbadgen Place

A submission was received on behalf of 35 properties in Millhouse Place and Bridgeview Circuit, on the southern side of Brighton Drive. A submission was also received on behalf of 5 properties in Bimbadgen Place adjoining this parcel. This area contains two storey, detached dwellings, and is part of the Bella Vista Waters development.

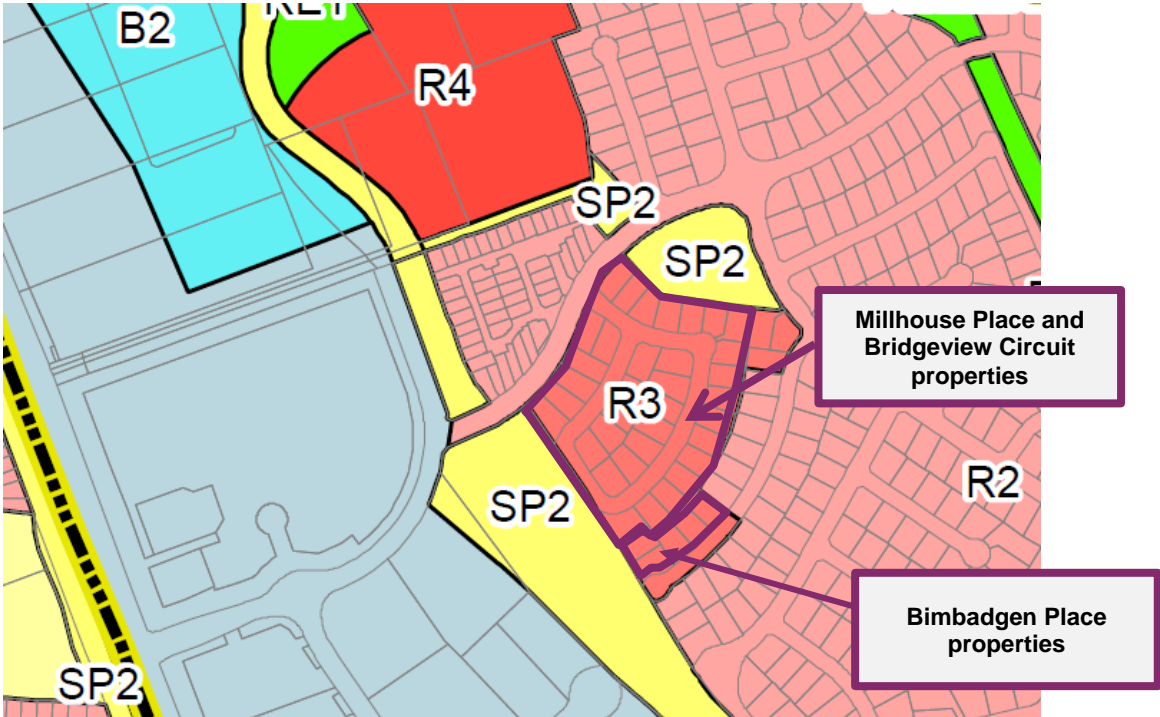


Figure 10 Millhouse Place and Bridgeview Circuit Properties, and the exhibited draft plan

The submission requested that these sites be rezoned from R3 Medium Density to R4 High Density Residential for the following reasons:

- the sites are within 400m of the new station;
- it would improve the patronage of the metro and reducing private motor vehicle dependency; and
- it would provide a transition from higher density to low density development further away from the station.

Comment

The sites ranges from around 230m to 450m of the closest Bella Vista Station entrance measured in a straight line. Land in these sites has been developed for new, detached housing over the last 10 years. The 2013 Bella Vista Station Structure Plan identified about half of these properties as long term opportunity sites, but for low density detached housing. The 2013 Corridor Strategy notes that the average life cycle of a building is 30-40 years.

The proposed FSR of 3:1 would also be significantly higher than the FSR of adjoining low density development to the east and south of this site, and higher than the FSR of 1:1 recommended for the proposed R4 High Density Residential are further north.

For the same reasons set out in the previous section about the Waterstone Estate, it is recommended that this area is not included for rezoning in the short term.

Other requests for rezoning in the Bella Vista Waters Estate

A number of submissions were also received from groups of properties in the Bella Vista Waters Estate, most after the end of the exhibition period. These groups represent the following properties:

- parcel of 15 properties in Ravenswood Rise, which is south of Brighton Drive.
- a parcel of 11 properties in Brighton Drive and Edgewater Drive
- a parcel of 7 properties in Brighton Drive, Edgewater Drive and Wirrabrook Rise

This area predominantly contains two storey, detached dwellings.

Each submission requested that the sites be rezoned from R2 Low Density Residential to R4 High Density Residential, with a maximum building height of 21m, and FSR of 3:1 for reasons including:

- the site is within 800m of the new station;
- it would improve the patronage of the metro and reducing private motor vehicle dependency; and
- it would provide a transition from higher density to low density development further away from the station, especially as it adjoins an area proposed to be rezoned to R4 High Density Residential.

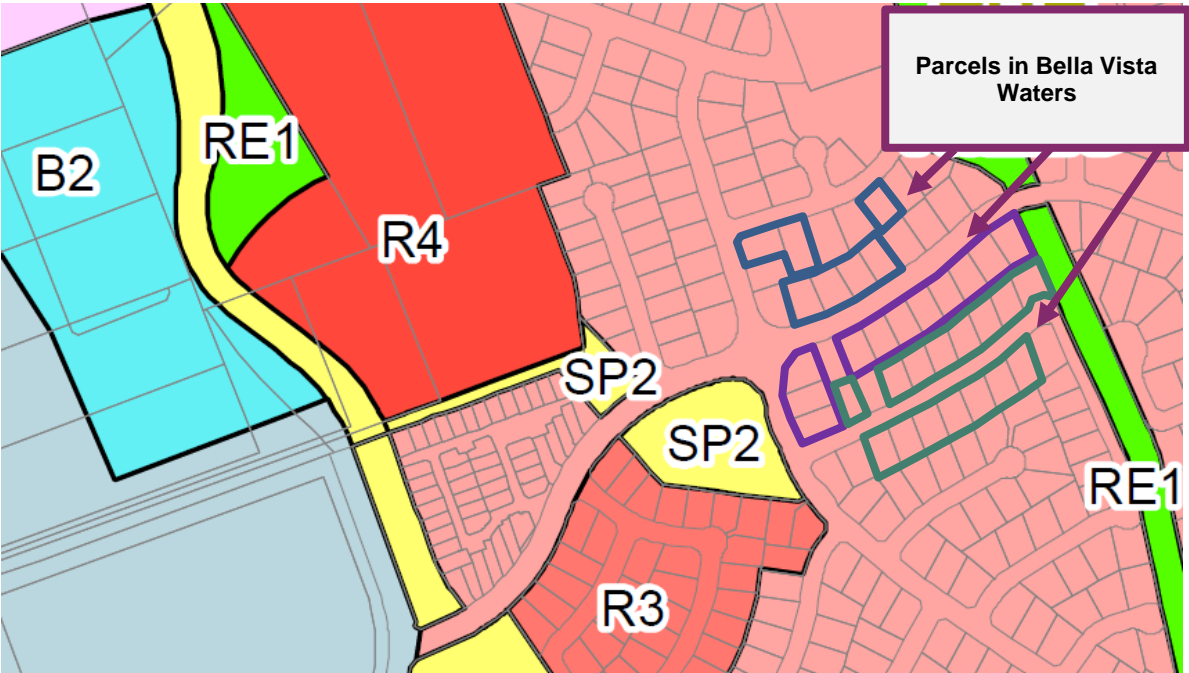


Figure 11 Parcel of 15 properties in Ravenswood Rise, and the exhibited draft plans

Comment

These parcels are at least 500m from the closest Bella Vista Station entrance measured in a straight line. Land in these sites has been developed for new, detached housing over the last 10-15 years. The 2013 Bella Vista Station Structure Plan identified about half of these properties as long term opportunity sites, but for low density detached housing. The 2013 Corridor Strategy notes that the average life cycle of a building is 30-40 years.

The proposed FSR of 3:1 would also be significantly higher than the FSR of adjoining low density development around this site.

For the same reasons set out in the previous sections about the Waterstone Estate, and Millhouse Place and Bridgeview Circuit, it is recommended that this area is not included for rezoning in the short term.

30 and 32 Memorial Road

This site comprises two properties on the southern side of Memorial Road. They are vacant properties currently zoned R3 Medium Density Residential. The submission requested that the site be rezoned to R4 High Density Residential to provide for apartments, with a maximum height of 20m to provide for buildings up to 6 storeys in height. The reasons provided to support this request included:

- it is a large landholding of undeveloped land
- it has good access to an existing bus service along Memorial Drive (619) linking to Rouse Hill; and Macquarie Park, within 800m of the T-way and 1.2km from the new Bella Vista Station.

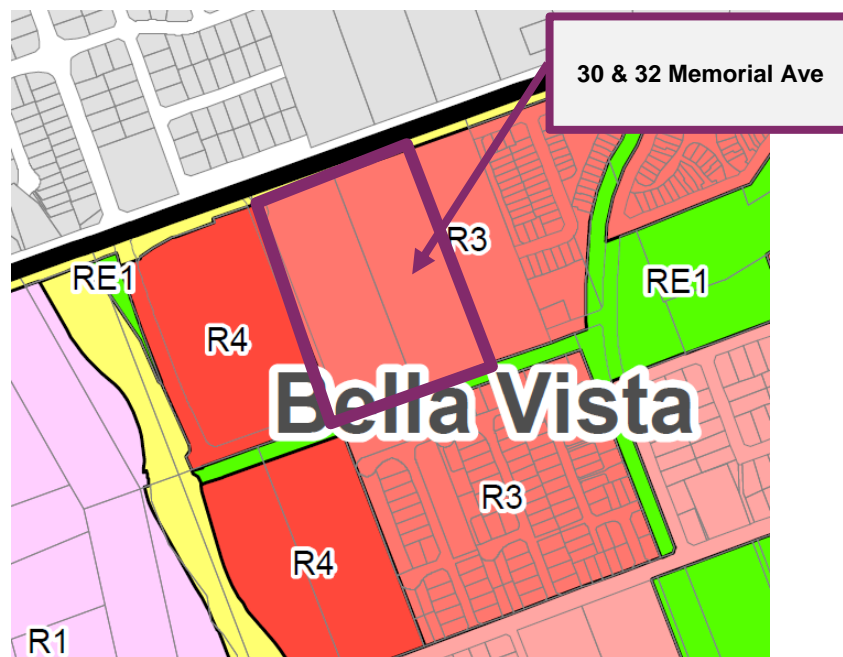


Figure 12 30 and 32 Memorial Avenue

Comment

The site is located approximately 1 km from the nearest entry of the new Bella Vista Station, and a similar distance from the new Kellyville Station, measured in a straight line.

The 2013 Bella Vista Station Structure Plan identified this site as a short term opportunity site, however did not identify this area for apartments, rather as low/medium density town house dwellings to provide a transition between the lower density residential areas, and the higher density development around the station. Medium density development at this location would also be consistent with the character of recent development to the east and south of this site.

For these reasons, the Department does not support a change to the existing R3 Medium Density Residential zone.

3.2 Requests for changes to zoning and development controls – employment zones

Requests for changes were received from two sites in the existing B7 Business Park zone, which are discussed below.

1 Celebration Drive

This property is located on the corner of Celebration Drive and Old Windsor Road. It is a strata titled property within the existing Norwest Business Park, with an area around 1.5 hectares. The site currently contains a commercial building with office and warehouse space.

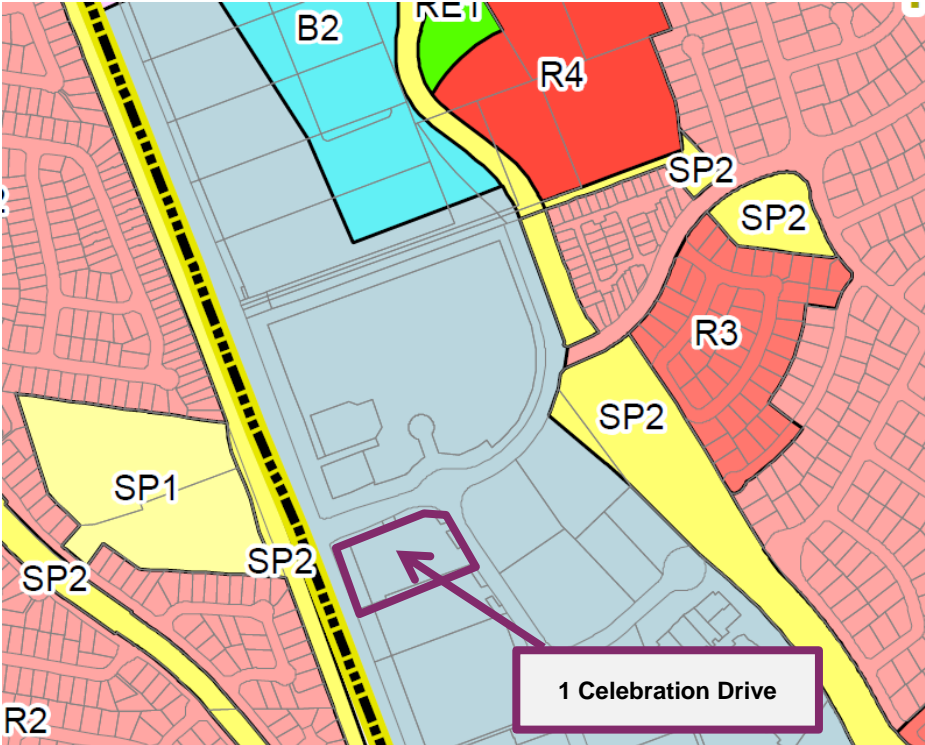


Figure 13 1 Celebration Drive

The submission requested the following changes:

- change the existing B7 Business Park zone to B4 Mixed Use;
- increase the proposed maximum building height from RL 128 to a height to permit 22 storeys, which would be at least RL 144, or an additional 16m;

- increase the floor space ratio from the proposed 2.0:1 to 2.5:1; and
- include an incentive to redevelop the site with a bonus for master planning or design excellence, such as a bonus 0.5:1 FSR, as the incentive to redevelop under the proposed controls is poor due to the strata title subdivision.

Comment

The site, within the Norwest Business Park, was identified as an employment area in both the 2013 Corridor Strategy and *A Plan for Growing Sydney*. Norwest Business Park is also part of the Global Economic Corridor and a strategic centre due to it being an important hub for business and employment, and one of Sydney's 10 major office markets. *A Plan for Growing Sydney* seeks to concentrate office development in strategic centres with good transport connections. It also states:

“commercial cores can support more business activity, and therefore jobs, and need to be protected against residential encroachment...commercial core zoning is particularly important in centres with good or planned public transport to ease pressure on congested road networks”

The town centre around the station, north of Celebration Drive, is intended to be the focus for mixed use activity in the Bella Vista precinct. There is also substantial, unencumbered land proposed to be rezoned R1 General Residential to provide new housing in the precinct close to the station, and not to conflict with the role of the business park. Celebration Drive, classified as a 'collector road' is 4 lanes wide, and up to 6 lanes subject to upgrades, which provides a physical separation between the mixed use town centre and the business park.

The subject site is within part of the existing Norwest Business Park where the Department is recommending that the maximum floor space ratio be increased from 1:1 to 2:1 to encourage the turn-over of existing sites and development of vacant sites for increased employment opportunities. Council raised concerns about also increasing the height from RL 116 to RL 128, and as a result further testing was undertaken to demonstrate that the additional floor space could be achieved within the existing height plane. Therefore it is recommended that the existing maximum height of RL 116 be applied.

The impacts of the proposed height and floor space controls on the views from Bella Vista Farm Park, which is a State heritage item, also informed these controls.

Therefore the requested change to the zone and development controls for this site are not supported.

13-23 Lexington Drive and 1-3 Meridian Place

This site consists of four properties with a total area of 3.94ha. These sites feature commercial buildings two storeys in height. The lot at 21-23 Lexington Drive is vacant.

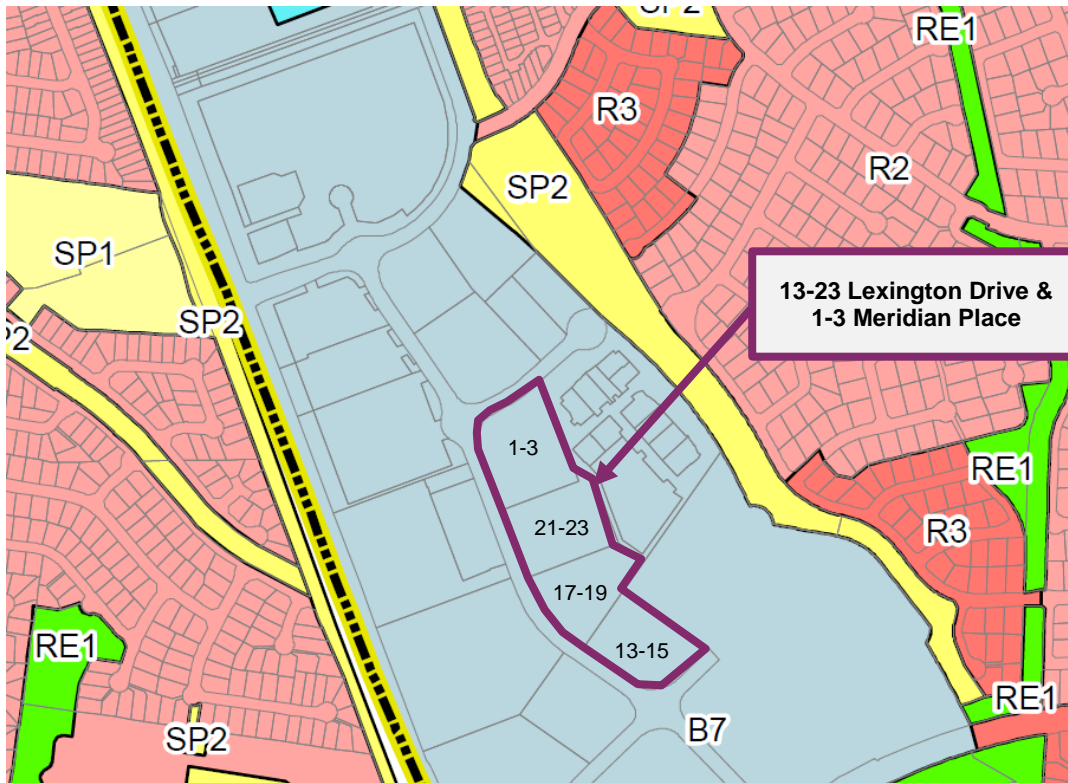


Figure 14 13 – 23 Lexington Drive and 1-3 Meridian Place

The submission requests the following changes:

- change the zone from the existing B7 Business Park to B4 Mixed Use;
- increase the building height from the proposed RL 128 to permit buildings up to 23 storeys; and
- increase the FSR from the proposed 2:1 to 3:1, with commercial uses up to 1:1, and residential up to 2:1.

Comment

This site is within the Norwest Business Park, and as discussed for the submissions relating to 1 Celebration Drive above, the Norwest Business Park, was identified as an employment area in both the 2013 Corridor Strategy and *A Plan for Growing Sydney*. As the town centre north of Celebration Drive is the focus for the mixed use town centre, the Department does not support a change to the zone for this site.

For the same reasons discussed for 1 Celebration Drive above, the increase to height and floor space ratio are also not supported for this site.

3.3 Mulpha Norwest Planning Proposal for Circa

Mulpha Norwest requested that the site known as “Circa”, on the southern side of Norwest Boulevard in the Bella Vista Station Precinct, be included as part of the rezoning of the Bella Vista Precinct.

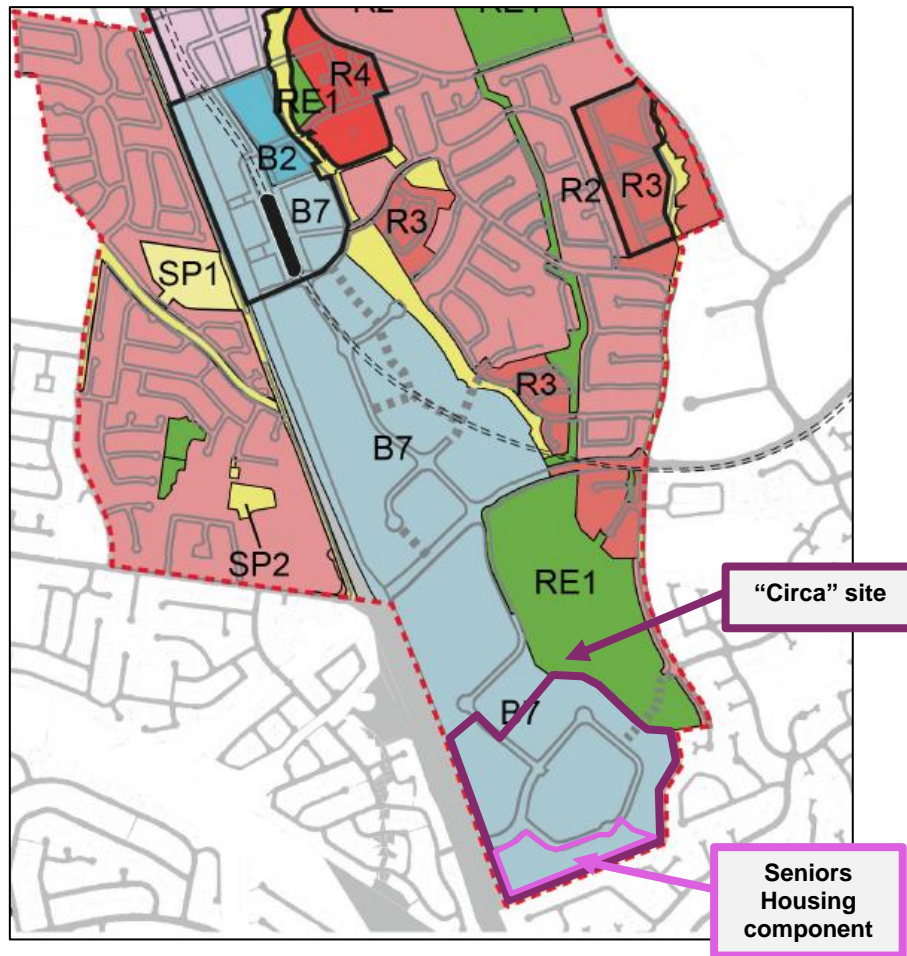


Figure 15 “Circa” site, Bella Vista

Comment

Mulpha Norwest has lodged two separate planning proposals with The Hills Shire Council for land at in Circa area, as discussed below.

Seniors Housing

This site is also known as 26, 28 and 30 Norbrick Avenue, Bella Vista, and is approximately 5.9 hectares. The site is located at the very south of the Circa precinct and is currently undeveloped.

The site is zoned B7 Business Park. A planning proposal was lodged with The Hills Shire Council to include Seniors Housing as an additional permitted use for this site to provide for residents in serviced apartments, aged care and retirement facilities. Buildings heights up to 8 storeys were proposed.

The planning proposal was lodged in April 2015 and forwarded by Council to the Department in August 2015 for a Gateway Determination. The determination was issued on 19 November 2015, to enable this proposal to be publicly exhibited. On 10 February 2017, The Hills LEP 2012 was amended to permit seniors housing on this site.

Circa Commercial Precinct

A second planning proposal was lodged by Mulpha Norwest with The Hills Shire Council for the Circa Commercial precinct, which is the remaining area of the Circa precinct, excluding the Seniors Living area.

The proposal is seeking to increase maximum building heights and floor space ratio controls to facilitate development of 450,000m² of commercial floor space comprising commercial office, café and restaurant developments to provide up to 25,000 jobs. The specific changes to the controls are:

- increase the maximum building height from RL 108 and RL 116, to RL 116 and RL 140, to allow for buildings between 8 and 17 storeys in height;
- increase the maximum floor space ratio in specific locations from 1:1, to 1.2:1 and 2:1 to 3:1.

At a Council meeting of 26 April 2016, Council resolved to forward the Planning Proposal to the Department for a Gateway Determination. Council also resolved to enter into negotiation with Mulpha Norwest in respect to infrastructure provision, in particular to address potential traffic impacts.

On 8 September 2016, the Gateway Determination was issued by the Department to proceed to exhibition subject to conditions.

Comment

As The Hills LEP 2012 has been amended to include seniors housing in part of the Circa precinct, there is no longer the need to consider this request.

As these Circa Commercial Precinct Planning Proposal was lodged by Mulpha Norwest with Council, and is being progressed separately through the statutory plan making process, it is not considered necessary to expand the intended rezoning area to include the Circa proposal.

3.4 Traffic and parking impacts

The Department received 8 submissions raising concerns that the proposed increases in density in the precinct would increase traffic congestion and/or increase on-street parking.

Comment

Transport for NSW prepared a Transport Plan that was publicly exhibited, to describe the transport network that is recommended to support the Bella Vista Station Precinct proposal. The Transport Plan recognises that the Sydney Metro Northwest will be a transformative project, and along with other transport improvements, will achieve a significant shift in the way residents, workers and visitors travel to, from and within the precinct.

High density development is being focussed around the station so that new residents will be in walking distance of the station and adjoining shops, businesses and open space areas. Journey to work data collected by the NSW Transport Performance and Analytics unit demonstrate higher use of public transport, walking and cycling to get to work in centres around rail stations. This approach to transit oriented development seeks to improve the productivity and efficiency of the city by providing more people with alternative transport options.

TfNSW is anticipating a modal shift in the centres around the new Metro stations as rail travel becomes an option for the first time in this part of Sydney, which has some of the highest car ownership levels per household in Australia. Table 1 shows transport modes used to travel to work in The Hills Local Government Area (LGA) compared to centres serviced by rail.

Table 1 Journey to Work Modes

Centre	Public Transport, Walking and Cycling	Car (Driver or Passenger)	Other/Not stated
The Hills LGA	18%	80%	2%
Hornsby	47%	52%	1%
Waverton	56%	40%	4%
Artarmon	54%	43%	3%
Rhodes	48%	50%	2%
Waitara	50%	49%	1%
St Leonards	69%	29%	2%
Wolli Creek	60%	38%	2%

Source: NSW Transport Performance and Analytics unit

By planning for more buses to service the station, this would also make it easier for people in areas greater than 10 minute walk to access the stations without having to drive. Along with the improved bicycle and pedestrian infrastructure planned, this should reduce the need to travel so much by car, reducing pressure on the road network.

Parking - Residential

One of the benefits of living near rail stations, especially those that also have mixed use town centres, is that residents are not as reliant on cars to get to work, do the shopping, drop children at child care, visit a park, or go out for coffee or dinner. It also makes not owning a car a viable and attractive option. Owning fewer cars per household, or even foregoing a car altogether can save households many thousands of dollars per year.

Evidence from other transit oriented centres around rail stations shows that car ownership falls as owning a car, or more than one car is not necessary or desirable. Table 2 provide examples of car ownership in centres around stations, compared to the suburb of Bella Vista:

Table 2 Households with one or no vehicle

Centre/Suburb	1 vehicle	No vehicles	Total
Kellyville	17%	1%	18%
Hornsby	51%	16%	67%
Artarmon	55%	15%	70%
Rhodes	58%	15%	73%
Waitara	60%	19%	79%
St Leonards	54%	30%	84%

Source: 2011 Census

The *Apartment Design Guide* sets out requirements for car parking on sites within 800m of a railway station in the Sydney Metropolitan Area, with the rate prescribed by the RMS Guide to Traffic Generating Development, or rate prescribed by the relevant Council, whichever is less. For land outside this distance the parking rates will be covered by the precinct DCP. This rate would apply to rezoned land within 800m of Kellyville Station. For land outside this distance, the parking rates will be covered by the precinct specific development control plan.

Car share schemes should also be considered for the Bella Vista Station Precinct, which further reduce the need for individual ownership of cars. Two car share vehicles are already available in Bella Vista, with much greater numbers in areas around rail station and transport nodes at St Leonards (at least 7), Rhodes (at least 7) and Manly (at least 13). In the City of Sydney council area, almost 26,000 residents and businesses have joined one of the 2 car share schemes that operate. The City of Sydney reports that a single car share vehicle can replace up to 12 private vehicles that would otherwise compete for local parking spaces.

In addition to the new transport interchange at the station, improved pedestrian and cycle connection and improved bus network, a customer car park is being provided adjacent to the station to provide 800 parking spaces.

With regard to concerns about on street parking by commuters or apartment residents in surrounding areas, the DCP to be prepared for the precinct may include a requirement for a parking management strategy to be prepared for the area of the precinct to be rezoned. The strategy would coordinate on-street parking in the precinct and include measures to address potential spillover into surrounding areas.

Development applications for apartment developments may also be required to be accompanied by a further traffic and transport assessment that demonstrates how the development proposes to accommodate car share schemes and reduce private car use.

The Hills Shire Council also has the option of adopting parking restrictions in streets surrounding stations if on-street parking becomes a significant issue. Examples of restrictions that could be applied include restrictions for parking in the morning (preventing all-day commuters from parking in the morning, but leaving these spaces available for the rest of the day), and resident exempt parking schemes. On-street parking restrictions are found in centres throughout metropolitan Sydney which are serviced by rail, including Gordon, Waverton, and Lindfield.

As part of the Sydney Metro project a new pedestrian bridge over Old Windsor Road will be constructed to provide access for residents in Glenwood to the Bella Vista rail station.

Parking - Commercial

The following car parking rates were proposed for employment uses in the Bella Vista Precinct

Table 3 Proposed car parking rates - employment uses

Land Use	Within 400m of Station	Outside 400m of Station
Industrial	1 space per 100m ² GFA	
General Retail	1 space per 50m ² GFA	1 per 30m ² GFA
Commercial	1 space per 80m ² GFA	1 space per 40m ² GFA
Supermarket	1 space per 30m ² GFA	1 space per 20m ² GFA
Bulky good retail	1 space per 60m ² GFA	1 space per 50m ² GFA

The rates have been considered in light of the construction of the Sydney Metro Northwest. The *Retail and Commercial Markets Strategy* prepared by AEC Group for the Bella Vista Station Precinct that was exhibited as part of the precinct proposal, noted that the opening of stations in the employment centre of Macquarie Park (Macquarie University and Macquarie Park) spurred private investment in the business park, with significant development activity ongoing. Parking ratios in Macquarie Park are maximums, ranging from 1:80m² GFA within 400m of the stations, to 1:46m² GFA further from the train stations.

These parking rates would only apply to new development and consistent with other employment areas around train stations and would be finalised and incorporated in the precinct specific development control plan.

3.5 Support for the draft plans

The Department received 5 submissions which expressed support for the draft plans, or key aspects of the draft plans for reasons which included:

- support for planned higher densities around the station
- the proposed development will provide much needed infrastructure
- the draft plans balance commercial, residential and green spaces.

Comment

The responses are noted, and demonstrate the importance of incorporating high quality urban design, accessible and attractive public domain and greater housing choice as part of the rezoning proposal.

3.6 Quantity and/or quality of open space

The Department received 3 submissions which raised issues about open space including:

- need for more parks and green space, with a water playground being suggested; and
- query the design of the town square, as it should provide for performances and public display of artworks.

Comment

A range of quality and accessible public open space areas are proposed as part of the proposal to meet the needs of the existing and new population. These open space areas include:

- a new park is proposed to be rezoned RE1 Public Recreation on the eastern side Elizabeth Macarthur Creek, replacing a proposed smaller park that is currently zoned RE1 nearby;
 - a number of new open space areas, for small local parks and a larger neighbourhood park north of the station, were included in the draft proposal. The location of the new open space areas will be identified through the master planning process for the government owned land, to be coordinated by Landcom following the rezoning;
- a proposed new urban plaza is planned adjacent to Bella Vista Station in the town centre, to provide high amenity public space for the community which could include features such as seating, planting, and grassed areas. The delivery of the plaza will be coordinated by Landcom as part of the master planning process;

- Sydney Water is proposing to upgrade the Elizabeth Macarthur drainage corridor to improve the environmental quality of this corridor. There are opportunities for new and upgraded pedestrian and walking paths to both increase access through the precinct and provide for more recreation activities;
- around 8 hectares is proposed to be rezoned RE1 Public Recreation in the Kellyville Station Precinct to the north to expand the Caddies Creek sports fields planned by The Hills Shire Council, which will serve as a district sporting facility.
- Around 1.3ha of land near or underneath the rail viaduct will also be developed for small sports courts. Landcom will be responsible for undertaking these embellishment works and to provide Council with the ongoing management rights of that area.

The new parks are planned to incorporate a range of facilities such as children’s play equipment, seating, barbeque areas and other facilities to make these places enjoyable for all generations and fitness levels. The future design of open spaces will be subject to separate development applications to allow for community input.

Apartment sites will also be required by the *Apartment Design Guide* to provide landscaped setback areas and shared private open space for residents of these buildings.

Open space issues for the precinct are also discussed in Section 4.11 of this report, in response to The Hills Shire Council’s concerns about this issue.

3.7 Community facilities

Three submissions raised issues about community facilities including:

- there should be space available for a child care centre;
- a new, substantial community centre should be built; and
- there should be a new library at Bella Vista or Norwest stations, which would provide a variety of community functions.

The Hills Shire Council provides a range of community services such as libraries and community facilities. Child care is provided by private providers, and child care centres will be permissible with consent in all the areas proposed to be rezoned.

The draft plans recommended one community facility in either the Kellyville or Bella Vista Precinct. However, following discussions with The Hills Shire Council (see Section 4.12), the Department recommends that the Development Control Plans require a new community facility in both precincts. The size of each facility would be subject to further discussion with Landcom and the Council to determine the exact location, size and functions that should be provided in each community centre.

3.8 Retail uses in the town centre

Two submissions sought clarification on the type and quantity of retail uses proposed for the Bella Vista Precinct town centre, and whether there is sufficient demand for the forecast jobs in the precinct.

Comment

The mixed use town centre adjacent to the station is intended to evolve into a local centre to meet the needs of the local population, including workers and residents, and to make the area around the station activated through the day and evening, and on weekends.

Economic analysis undertaken to inform the draft plans found that the demand for all retail floor space arising from the projected increase in population would be around 60,000m² to 2036. Not all this retail space would be located in the precinct as the demand includes bulky good retail, homewares etc which are not proposed within the precinct. These types of retail uses are located elsewhere in the region such as at Castle Hill. However, around 10,000m² of retail floor space for retail uses within the precinct is proposed, to accommodate a smaller scale supermarket, specialised and associated service commercial centres to serve the daily needs of the precinct.

The Department is recommending that markets, and shops with a gross floor area of 2,500m² be included as additional permitted uses in the B7 Business Park zone north of Celebration Drive as this area is very close to the station and can function in a way which is complementary to the town centre. The size of shops are to be limited to 2,500m² to ensure full line supermarkets and large floorplate retail uses are located in other areas, where they are more appropriate.

The Department is not proposing to cap the total area of retail floor space, as it is considered necessary for the market to respond to local demand for goods and services.

The existing Norwest Business Park south of Celebration Drive will continue to function primarily as an employment area, as this is identified as a strategic employment centre in *A Plan for Growing Sydney*, and has the potential to be a significant employment centre in Sydney and provide more jobs in the region. The proposal also increases the floor space ratio and building height controls within the Norwest Business Park to facilitate the renewal and intensification of office based employment uses.

3.9 Other issues raised less frequently

Other issues raised less frequently include:

- opposition to the precinct proposal;
- opposition to requests made in submissions for changes to zones and controls; and
- impacts of aircraft noise.

Opposition to the precinct proposal

The Sydney Metro Northwest will be transformative for The Hills, which will be served by the most frequent rail service in Australia. The areas recommended for higher density development to benefit from this new connection will be focused in a small area, closest to the station, representing only 14.3% of the precinct.

One of the key goals for the precinct is for new development and the public domain to have high standards of urban design. A design excellence clause is recommended to be included as a statutory control for the precinct, to ensure high quality design for future buildings (refer to Section 4.9 of this report).

Data from the 2016 Census shows that only 5.5% of all private dwellings in The Hills were apartments, well below the NSW average of 18.8%. This shows a low level of housing diversity in The Hills, whereas the rezoning proposal is seeking to provide greater housing choice in a way which encourages high quality urban design outcomes.

As stated in the Draft Greater Sydney Region Plan *Our Greater Sydney 2056: A Metropolis of three cities- connecting people* (page 6), which is the NSW Government's vision for Sydney:

“Residents will have quick and easy access to jobs and essential services, housing will be more affordable and the environment and precious resources will be protected. Importantly,

infrastructure will be sequenced to support growth and delivered concurrently with new homes and jobs.”

The strategy recognises the inevitability of change that comes with major catalyst transport infrastructure and therefore seeks to manage the change in an orderly way, with appropriate upgrades to local and regional infrastructure to compliment the new homes and jobs to be provided.

The draft plans are seeking to make it safe for pedestrians and children to live and move around in the precinct, providing more pedestrian and cycle paths, providing safer streets, and more accessible and connected green spaces for families to use.

Opposition to requests made in submissions for changes to zones and controls

Two submissions were received following the conclusion of the exhibition period raising concerns with requests for changes to zones and controls for parcels of land east of Elizabeth Macarthur Creek, preferring the existing controls to remain.

The Department is not recommending changes to these parcels as part of this rezoning of the Bella Vista Station Precinct.

Aircraft noise

One submissions raised concern about the impact of the proposed Western Sydney Airport on the amenity of the Norwest Hospital and new development in the Norwest and Bella Vista areas. The proposed Western Sydney Airport is proposed to be located at Badgerys Creek to open in the mid-2020s. The Stage 1 runway is proposed to be located about 22 kilometres from the existing Norwest Hospital. This is well outside of the Australian Noise Exposure Concept (ANEC) contours prepared to estimate significant noise events as detailed in the airport Environmental Impact Statement.

The distance of Norwest Hospital from the end of the proposed runway is about the same distance as the suburb of Pymble from the main north-south runway at Sydney Airport. Therefore there is no planning grounds that would prevent increased development from occurring in Bella Vista, and no significant amenity impacts predicted as a result.

4 Issues raised by The Hills Shire Council

The Hills Shire Council raised a number of issues in their response to the draft plans, which are discussed in this section. The Department has met with Council staff on several occasions following the exhibition period to work through their concerns.

4.1 Governance framework for government owned land

Council recommended a joint venture model be applied to the NSW Government owned land in the precinct, consistent with the framework used for the development of the Rouse Hill Regional Centre. Council is seeking the replication of this model to inform appropriate maximum building heights, floor space ratios and minimum lot sizes for the NSW Government owned land, rather than adopting the draft statutory development controls for this land.

Comment

The Rouse Hill Town Centre was delivered by a joint venture between Lend Lease and The GPT Group, in partnership with Landcom and the NSW Department of Planning.

Transport for NSW, as owner of the government land, has not indicated its support for the Rouse Hill model.

Landcom will oversee the detailed masterplanning and staged divestment of the government lands in a planned and co-ordinated manner that is anticipated to extend to 2027. This will include the delivery of key enabling infrastructure including new local roads, local parks, public plaza(s) and other key public domain upgrades within the precinct.

It is recommended the Minister for Planning be the consent authority for state significant development application(s) on the government owned lands that will establish this master planning framework.

Development application(s) for principle subdivisions, including major lots and public domain areas, the distribution of development yields, the creation of new roadways and associated works on government owned land would be listed as State Significant Development under *State Environmental Planning Policy (State and Regional Development) 2011*.

This government led process will ensure orderly development in the Bella Vista Station Precinct, which meets NSW Government objectives, achieves best practice transit oriented development outcomes and provides certainty of development.

This approach has been informed by the governance framework that has been used for the North Ryde Station Precinct rezoned in 2013, including the successful master planning and staged delivery model has been used for the North Ryde Station Priority Precinct (Lachlan's Line).

4.2 The Hills Shire planning framework

Council raised the following concerns about this issue:

- the draft plans incorporate inappropriate State policies into Council's Local Environmental Plan (LEP) (i.e. *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65), *The Apartment Design Guide* and *State Environmental Planning Policy (Sydney Regional Growth Centres)* 2006), which is not supported by Council; and

- Council has particular concern with proposed lot size controls, communal open space, setbacks and landscaped open space for the precinct.

Comment

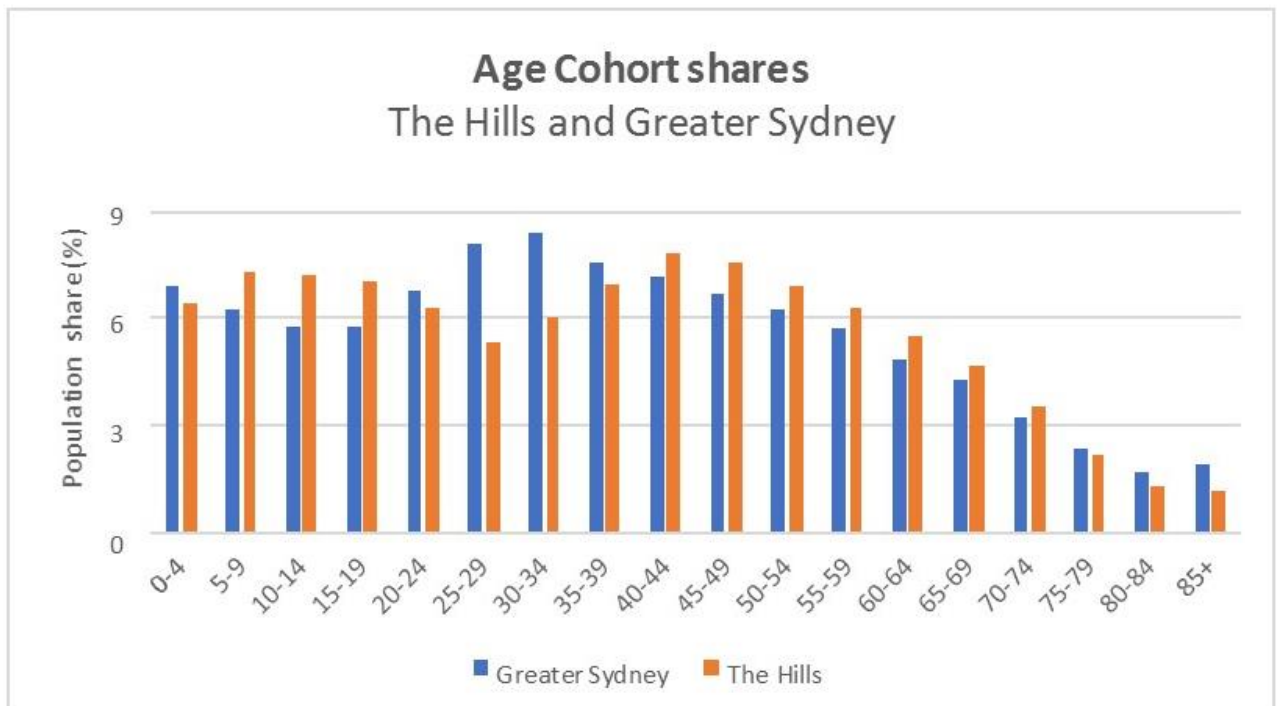
SEPP 65 applies across New South Wales. Under the *Environmental Planning and Assessment Act 1979*, where there is an inconsistency between a SEPP and a council's LEP, the SEPP takes precedence.

Following more than a decade of operation, a review of SEPP 65 and the *Residential Flat Design Code* took place. The review included extensive community and stakeholder consultation and resulted in a number of changes to the policy, including the overhaul of the *Residential Flat Design Code* into the *Apartment Design Guide* to support further improvements in apartment design, and to help improve housing affordability and supply.

The *Apartment Design Guide* came into effect on 17 July 2015 and provides consistent planning and design standards across NSW. This includes standards relating to minimum sizes of apartments, building separation, communal open space areas and minimum landscaped areas. Developers can still provide apartments that exceed the minimum requirements if there is enough demand for this type of product.

Based on data from the 2016 Census, only 5.5% of all private dwellings in The Hills LGA are apartments, compared to approximately 28% for Sydney as a whole. One bedroom and studio apartments represent approximately 1% of all dwellings in The Hills, with 4 or more bedrooms representing 68% of all dwellings.

The level of housing diversity in The Hills may be a reason why the proportion of residents aged 20-39 in The Hills is lower than the Greater Sydney average (refer to Figure 16). Providing greater housing choice, especially for younger singles and couples in the 20-39 age bracket, could deliver a number of benefits to the local area, including encouraging families to stay closer together no matter what their life stage, and fostering more younger entrepreneurs and business owners to live and run their business in the local area.



Source: ABS

Figure 16 Population distribution in The Hills LGA (orange) and Greater Sydney (blue), 2016

To encourage high quality design of apartment buildings, the Department has recommended that the SEPP includes a design excellence clause to apply to buildings proposed on most of the land to be rezoned in the precinct, and this is discussed in Section 4.9 of this report.

4.3 Dwelling yields/floor space ratio controls

Council requested that the floor space ratio maps be amended so that the total yield available does not exceed the dwelling forecasts in the *North West Rail Link Corridor Strategy*.

Comment

The dwelling forecasts in the *North West Rail Link Corridor Strategy* were forecasts based on assumptions of available sites likely to be redeveloped over a 20 year period. These forecasts were developed to inform service delivery authorities, such as NSW Government infrastructure providers, and utility providers to help in the planning for growth in the corridor over a 20 year period. Actual growth rates are always subject to a variety of influences and this always needs to be factored into infrastructure planning. The strategy forecast 4,400 additional dwellings in the precinct to 2036.

The exhibited plans provided for 4,200 dwellings for the Bella Vista precinct. To ensure this yield is not exceeded the Department has recommended that a clause be introduced into the Hills Council LEP to cap the yield to 8,400 dwellings across the Kellyville and Bella Vista precincts. An annual review process is to be established by the Department to monitor growth in the precinct over time, including dwelling construction rates, to coordinate infrastructure delivery and to assist Council in meeting the needs of the new population.

4.4 Transfer of floor space ratio clause

Council raised concerns about the proposal to transfer the floor space ratio (FSR) allowance for roads and open space to developable sites. It was requested the phrase 'at no cost' be included in the local provision to clarify that any dedication to Council would be made gratis, and to ensure landowners do not also seek offsets for local infrastructure contributions.

Comment

The recommended clause seeks to encourage the provision of new roads, public open space and drainage works dedicated to Council, by allowing the transfer of FSR for the land to be dedicated for these works.

The clause has been proposed because the location and areas of the roads, open space and drainage works have not yet been finalised, and therefore a degree of flexibility with the distribution of maximum gross floor area to future development lots across the precinct is required.

This approach is consistent with the North Ryde Station precinct that was also characterised by unencumbered government owned land, and where a similar local clause was adopted.

The inclusion of the term 'at no cost' in the local provision would be beyond power, as the clause would not satisfy the local infrastructure contributions requirements of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979* (the Planning Act) (*Fitch v Shoalhaven City Council (1987) 67 LGRA 165*).

Section 94(6) of the Planning Act requires a consent authority, when proposing to include a condition to a development consent under section 94 of the Act, to take into consideration any land, money or other material benefit that the proponent has elsewhere dedicated or provided free of cost within the area. This includes any adjoining area of land or funding previously paid to the consent authority. Therefore a proponent who has already received additional floor space because it has, or will be dedicated part of its land to Council, would not be able to require the Council to offset the value of this land or work from developer contributions.

Section 94B(1) of the Planning Act precludes a council from imposing a condition under section 94 unless the condition is allowed by, and determined in accordance with, a contributions plan or a direction of the Minister.

Detailed analysis of the operation of similar provisions in other local environmental plans, including within the City of Sydney, confirmed that consent authorities require landowners to dedicate open space, roads or other public infrastructure 'at no cost' as a matter of course, where bonus floor space is awarded.

In certain circumstances, a consent authority who is not a council (such as the Minister for Planning) can impose a condition requiring the dedication of land or a public benefit 'free of cost', even though the condition is not authorised by, and has not been determined in accordance with, a contributions plan.

A condition to this effect was imposed as part of the Minister for Planning's State Significant Development Consent to Landcom for the Lachlan's Line site, as part of the North Ryde Station Priority Precinct. Condition D 19 of SSD Consent 5093, dated 5 March 2015, requires Landcom to dedicate all relevant public domain assets, including all public roads and associated infrastructure, to Council free of cost, prior to the issue of subdivision certificates.

This approach provides a precedent that may be considered as part of the Minister's determination of State Significant Development application(s) within the precinct, following rezoning.

4.5 Lot sizes

Council prefers that the minimum lot size for developments are consistent with the controls in The Hills LEP 2012. These include:

- a minimum lot size of 1,800m² for multi-unit dwellings and 4,000m² for apartments (although revised down to 3,600m²); and
- a minimum lot size of 700m² for development in the R3 Medium Density Residential zone, although lots can be as small as 240m² if dwelling and subdivision proposals are subject to the one development application.

Comment

For NSW Government land adjoining the Bella Vista station and Metro line, there is a significant opportunity to provide a new urban centre with high quality place making principles.

The Department recommends that the minimum lot size for apartments in the government owned land that are up to 6 storeys in height (21m) is 1,500m² to provide for a range of apartment buildings, including small boutique blocks. It is noted that this is a minimum, and compliance with the controls in SEPP 65 and the *Apartment Design Guide* will still be required, and this may require larger lots for development as a result. For buildings 21m or higher, the minimum lot size will be 3,600m².

As the NSW Government owned land is a contiguous large, unencumbered site in single ownership, the opportunity to achieve master planned outcomes can be achieved without mandating larger minimum lot size controls at this stage.

4.6 Setbacks

Council requested that setbacks for apartments in the R4 High Density Residential be as follows:

- 10m front setback;
- 8m rear setback; and
- 6m side setback.

Council also requested that setbacks in the B7 Business Park zone should be as follows

- 20m front setback; and
- 10 side and rear setback.

Comment

The proposed setback controls reflect the urban town centre characteristics consistent with the Metro station location, and are also intended to create more active and safer streets with less vacant spaces and more passive surveillance, which is particularly beneficial after dark.

Following discussions with Council, a statutory control has been included specifying the minimum front setbacks for certain development in the precinct. For land being rezoned in the Bella Vista Station Precinct, it is recommended that the setback controls should be:

- Buildings in Zone R1 General Residential or Zone R4 High Density Residential – 5 metres
- Residential apartment buildings in Zone B2 Local Centre – 5 metres

- Buildings in Zone B7 Business Park with a street frontage to Old Windsor Road north of Celebration Drive – 10 metres from Old Windsor Road, measured from the building to the eastern edge of the Old Windsor Road reserve.

For remaining areas of the precinct that are not proposed to be rezoned R4 High Density Residential, Council's existing DCP controls will continue to apply.

4.7 Development controls for medium density development

Council requested that land proposed to be zoned R3 Medium Density Residential should be subject to the same development controls as medium density development elsewhere in the Balmoral Road Release Area, rather than the controls proposed by the Department.

Comment

The land in Fairway Drive is a very large area of undeveloped land with significant opportunities to provide for a range of different types of medium density homes (including detached, attached and semi-attached).

The exhibited plans proposed smaller lot sizes of 240m² in this part of the precinct to encourage greater housing diversity in the precinct. Due to concerns raised by Council, it is recommended that Council's existing controls apply to the proposed R3 zones. Dwelling on lots as small as 240m² can still be achieved in this zone under Council's controls and requires a single development application to be approved by the Council for the erection of dwellings and subdivision of land into 3 or more lots.

4.8 Building heights – B7 Business Park zone

Council does not support increasing the maximum building height in the existing B7 Business Park zoned land from RL 116 to RL 128, an increase of 12 metres. Concerns were raised that this would result in buildings 13 storeys high. The FSR increase from 1:1 to 2:1 was supported by Council.

Comment

Land in the existing Norwest Business Park between Celebration Drive and Norwest Boulevard currently has a maximum height of RL 116. Most of this land has an existing ground level ranging from around RL 75 to RL 90, resulting in buildings up to 41m. The floor space ratio for this land is 1:1.

The draft plans for the precinct sought to revitalise the business park to provide for more businesses, and more jobs in this location given its proximity to the new metro station. The proposed controls are seeking to encourage the turnover of older buildings and promote the take up of vacant sites.

A review of the exhibited built form controls was undertaken in response to Council's concerns. It found that it is possible to accommodate the increase in FSR can be accommodated in the existing height control, although this is likely to result in more uniformity of built form. Therefore the existing heights will be retained

The Development Control Plan that will apply to the precinct will provide more clarity about built form outcomes in this part of the precinct.

4.9 Design excellence

Council requested a clause for design excellence for buildings more than 25m in height be included in the SEPP.

Comment

Design excellence seeks to deliver the highest standard of architectural and urban design. It not only considers how a building looks, but also how a building relates to its surrounding environment, the internal amenity for residents, and its level of sustainability. A design excellence clause is already included in The Hills LEP 2012, but only applies to a specific area in the LGA, and requires a design competition where the building is higher than 45m or 13 storeys (or both, and the value of the work is more than \$5 million.

Following discussions with The Hills Shire Council and a detailed review of Council's existing and proposed design excellence clause by the NSW Government Architect, an amended design excellence a clause has been recommended to be included in the SEPP.

The clause is to apply to the government owned lands in the Kellyville and Bella Vista Station Precincts, although Council could consider applying this clause to the entire LGA. The clause requires design excellence to be considered for all buildings subject to a development application or staged development application. The clause also requires a design competition for buildings higher than 66 metres, or 20 storeys (or both) unless the NSW Government Architect certifies that the development does not require a competition.

The clause includes the provision for applications for buildings of 21m, or 6 storeys or more in the precinct to be reviewed by an independent design review panel.

4.10 Traffic and transport

Council submitted that the precinct rezoning should not occur until a traffic and transport model has been completed by TfNSW to demonstrate that projected yields and traffic volumes will not have an unacceptable impact on road networks.

Council also requested that further details of proposed intersection upgrades be prepared to enable these to be included in a Section 94 local contributions plan where possible.

Comment

As discussed at section 3.4, TfNSW prepared a transport plan to describe the transport network that is required to support the draft plans for the Bella Vista Station Precinct. The transport plan recognises that the Sydney Metro Northwest will be a transformative project, and along with other transport improvements, will achieve a significant shift in the way residents, workers and visitors travel to, from and within the precinct.

The transport plan notes that NSW Government funds are limited, and that transport planning for the precinct must seek to maximise the benefits (social, economic, and others) of investments such as the Sydney Metro project.

The transport plan states that currently the majority of trips to and from the precinct are made by private vehicles, and that a mode share goal of 53% for public and active transport for trips made both to and from the precinct over time is a realistic goal. In addition to the new metro line, ways to achieve this goal include:

- all Sydney Metro stations have been planned with bus interchange facilities according to anticipated future service levels;
- improvements to the rapid bus and suburban bus network;
- significantly improving walking connectivity and amenity in the precinct;
- providing improved cycling links and facilities;
- focused investment in the road network including:
 - upgrade of Memorial Ave from a two lane road to a four lane divided carriageway between Old Windsor Road and Windsor Road; and
 - upgrade of Norwest Boulevard including the signalisation of the intersection with Lexington Drive , and intersection upgrades at Old Windsor Road and Winsor Road.

Funding for the regional transport network improvements would be provided by the State government via TfNSW or the RMS.

The transport plan states that monitoring transport system performance will occur over time as detailed development applications are prepared and development proceeds. Ongoing collaboration with Council and TfNSW will also be undertaken to ensure urban renewal objectives are achieved and transport needs are accommodated. These measures are considered by the Department to be appropriate to address concerns about transport in the precinct.

The Department will also continue to work with Council and TfNSW to identify costs of upgrades and new transport infrastructure to inform a new Section 94 development contributions plan for the area.

4.11 Open space

The Hills Shire Council requested that all land proposed to be public open space should be zoned RE1 Public Recreation to provide certainty with regard to their location and size. Council does not support public plazas being included as public open space.

Council was also concerned that insufficient areas of land have been proposed for playing fields, and requested that the Department work with Council to investigate whether Rouse Hill Regional Park could be expanded to accommodate this demand.

Concerns were also raised about local parks identified in the Elizabeth Macarthur Creek drainage corridor and whether this would impact on their usability, and whether Sydney Water, as owner of the land, would allow access for the construction of facilities such as bike paths.

Comment

A new park is proposed in the area to be rezoned east of Elizabeth Macarthur Creek, with an area of 6,500m².

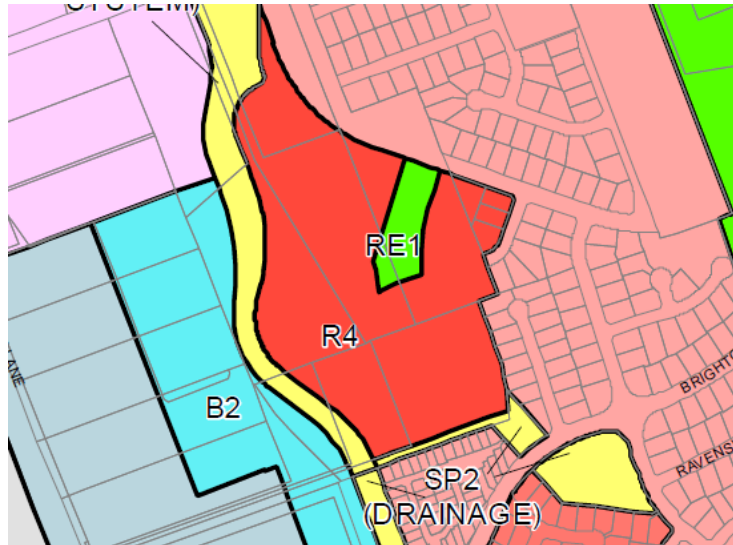


Figure 17 Land recommended to be zoned RE1 Public Recreation east of Elizabeth Macarthur Creek

Other areas of public open space in the precinct identified in the draft plans are not proposed to be rezoned at this stage as their exact location and dimensions will not be finalised until the road layout and subdivision pattern has been established. This will occur following the lodgement of a development application for the super lot subdivision and enabling works on the NSW Government owned land. The preferred location and size of these areas of open space, as well as their functions, were included in the draft DCP for the precinct. Once these open space areas have been confirmed, they could then be zoned RE1 Public Recreation to be acquired or dedicated to Council. It is noted that Public plazas are considered to be open space.

The land to be rezoned around the station will become a new transit oriented, urban town centre with a different built form to the largely low density suburban built form elsewhere in The Hills. This will influence the likely population structure in this area, as well as the available opportunities for open space where competition for land uses around the station, and resultant land costs, will be high. Open space planning therefore needs to respond to these circumstances, with more innovative and efficient approaches to provision of public open space.

Sydney Water is planning to upgrade the drainage function and environmental quality of Elizabeth Macarthur Creek, and this could include opportunities to provide for pedestrian and cycling paths and publicly accessible open space alongside the creek to benefit the local community. The Department has recommended that environmental facilities and recreation areas be permitted as additional permitted uses for this creek corridor as far south as Celebration Drive

The benefits of new and upgraded walking and cycling paths through the precinct reflect the findings in The Baulkham Hills Shire Council Recreation Strategy, which was published in 2007 found that the most popular recreational activities for adults across Australia were walking (37.3% of all respondents, and the fastest growing activity since 2001), aerobic/fitness, swimming, cycling, tennis and running. Walking is also the most popular choice of physical activity in The Hills.

Shortages of playing fields is a common issue across Sydney, not just for The Hills. This has been documented in the *NSW Legislative Assembly Standing Committee on Public Works – Inquiry into Sportsground Management in NSW* (2006).

To address the shortages of land for playing fields, councils across Sydney have been installing synthetic fields, and in some cases also installing lighting. These councils include Warringah, Hornsby and Sutherland Shire Councils, which have high demand for sporting fields from their residents. The benefits that these councils have identified from using synthetic turf include achieving use levels two to three times that of grassed fields, their availability for use in wet weather, and reduced maintenance costs. Examples are listed in Table 5 below:

Table 4 Use of synthetic sports fields in Council areas across Sydney

Council	Sports field	Comment
Hornsby Shire Council	Pennant Hill Park	The Council laid a synthetic field on Oval No 3, and installed floodlighting for a reported \$1.3 million to meet demand for playing fields.
Warringah Council	Forestville War Memorial and Melwood Playing Fields	Opened in August 2015, and provides two synthetic fields, one full sized natural field and three mini fields. A range of sports are provided for including soccer, Rugby Union, AFL and cricket.
	Cromer Park	Includes a synthetic pitch (Cromer No.1) and competition grade lighting.
Sutherland Shire Council	Kareela Oval	Two synthetic fields and floodlights were opened in 2015.
	Greenhills Parklands, and Lilli Pilli Oval.	The Council is also planning for another two synthetic fields at Greenhills Parklands, and Lilli Pilli Oval.
Ku-ring-gai Council	Charles Bean Sports field	Opened in 2013, a new synthetic field was installed.
Ryde City Council	Christie Park	Two full size synthetic fields are being planned to begin construction in 2017.

The Department is recommending that a parcel of NSW Government owned land around 8ha in size in the Kellyville Station Precinct, to the north of the Bella Vista Station Precinct, be rezoned to RE1 Public Recreation. This land would be acquired by Council to expand the planned Caddies Creek sporting fields to a district recreational facility.

The Department understands that Council are considering a range of options to address the need for more sports fields in the local government area. This may include forming an agreement with Department of Education and Communities to share school facilities and the conversion of fields to synthetic turf. The Department is supportive of this approach.

The Rouse Hill Regional Park is a significant regional asset nearby that could also provide for additional sporting fields in the future if even more land is need for sports fields. The Department will progress discussions with the Office and Environment and Heritage about this issue.

4.12 Community facilities

Council requested that a new multi-purpose community facility be provided in either the Kellyville or Bella Vista Station Precinct, with an area of around 3,335m². This should be ground floor accessible,

with reasonable parking provided, close to open space, but preferably not within retail developments.

Comment

The new town centres will be the heart of these precincts, where most activities will occur. Most homes are also within walking distance of the stations and surrounding centres, so locating a community centre to support these residents within a walkable distance would have benefits for both access and reducing traffic and parking impacts. If a new community centre is located near the station, people elsewhere in the rail corridor could also access the centre by public transport. There are areas of planned open space that these could be near.

The exhibited draft plans only recommended one community facility in either the Kellyville or Bella Vista Precinct. The Department has considered Council's submission and recommends an additional control be included in the DCP to require a new community facility in both precincts.

The size of each facility should be subject to further discussion with Landcom and the Council to determine the exact location, size and functions that should be provided in the community centres.

4.13 Local Incentive Clause

Following the close of the exhibition period, Council and the Department have been in negotiations regarding the potential application of a 'local incentive clause' proposed by Council that would require a mandated mix of larger apartment sizes and types, in exchange for 'bonus' floor space.

In October 2016, the NSW Government Chief Planner wrote to Council advising of the agreed approach to densities and yields for planning proposals for residential development within the North West Rail Link Corridor precincts, with the exception of land within the Showground, Bella Vista and Kellyville Station Precincts.

The Department has carefully analysed the potential application of a 'local incentive clause' for the area proposed to be rezoned in the Bella Vista Station Precinct, including consultation with key government stakeholders of TfNSW and Landcom.

While the Department has not recommended the inclusion of a local incentive clause for the Kellyville and Bella Vista precincts, the Department recognises a range of dwelling types and sizes will be needed into the future. The Department recommends that a new Development Control Plan objective be included to require future development applications to address the need for a mix of dwelling types and size.

It is also recommended Landcom consider working with Council, by offering some early development sites to the market based on an anticipated dwelling mix that matches Council's preference.

This would enable Landcom to evaluate the true costs or risks associated with delivering a larger apartment mix and to consider whether to continue to apply the policy over the 15-20 year development period of the Government lands.

The Department notes the above recommendation does not need to be legislated, and can be addressed through negotiations between Landcom and Council following rezoning.

The Department is confident the State Significant development approval pathway will establish a comprehensive master planning framework to inform the subsequent development of a broad mix of housing types throughout the precinct.

5 Issues raised by State Government agencies

A number of submissions were received from State Government agencies, which are discussed below.

Office of Environment and Heritage

Section 34A of the Act requires that before an environmental planning instrument is made, the relevant authority must consult with the Office of Environment and Heritage (OEH) if threatened species or their habitats will or may be adversely affected by the proposed instrument.

The Department consulted with OEH as the redevelopment of the precinct may impact on the Critically Endangered Cumberland Plain Woodland Ecological Community.

OEH advised the following:

- OEH supports the use of the E2 Environmental Conservation zone for areas of high ecological constraint that are to be retained, and the requirement that offsets will need to be found outside the precinct for any impacts that cannot be suitably offset within the precinct;
- Water sensitive urban design principles should be applied to help protect downstream environments and riparian corridors should be restored and maintained by applying identified design and maintenance principles;
- A flood management strategy should be prepared for flood affected land; and
- Specific flood emergency measures may be required to be incorporated into the design of the precinct to mitigate impacts on extreme flood events.

Comment

The Department notes that most of the precinct's mapped ecological communities and where previous sightings of threatened species have occurred are located in riparian corridors that will retain their existing RE1 Public Recreation or SP2 Infrastructure classifications.

The lands containing *Cumberland Plain Woodland* are predominately owned by the State Government, and it will be a matter for either Landcom, as the Government's development body, or TfNSW, as the landowner, to secure any required offsets strategy prior to development.

Potential impacts on the precinct's *Cumberland Plain Woodland* will also need to be minimised. More detailed environmental assessments will be undertaken at the development application stage, when the ecological footprint of proposed activities would be quantified. Conditions of consent may also require any potential ecological impacts from proposed developments to be mitigated, where appropriate.

The Department recommends that the DCP for the precinct incorporates a provision to ensure vegetation impacts throughout the precinct are minimised and mitigated. This would require a comprehensive vegetation management plan to be prepared to ensure vegetation areas are adequately protected, rehabilitated and regenerated.

All future development applications within the precinct would also need to comply with any requirements for the preservation of trees, water sensitive urban design and landscaping controls in the relevant DCP.

Sydney Water

Sydney Water advised:

- An integrated water and wastewater servicing strategy for the Sydney Metro Northwest corridor is being undertaken. This is due for completion in Mid-2017, and will be used for the servicing of future development within the corridor; and
- Trunk drainage and stormwater management is being considered, with significant investment identified for the Elizabeth Macarthur Creek corridor for the provision of trunk drainage services to facilitate development within the Bella Vista and Kellyville Station Precincts.

Comment

Sydney Water is undertaking strategic investigations onto an integrated servicing strategy for the Sydney Metro Northwest corridor.

The Elizabeth Macarthur Creek Corridor is proposed to be restored and enhanced as a drainage facility but also to improve its environmental values and benefits to the community. Sydney Water has been working with the Department, TfNSW, Landcom and The Hills Shire Council to determine the best planning outcome as part of the rezoning proposals for both the Bella Vista and Kellyville Station Precincts.

Land required for the drainage corridor is to be zoned SP2 Infrastructure. Bridge crossings, flood design and water sensitive urban design (WSUD) options have been progressed through ongoing discussions with these stakeholders. The precinct DCP will be updated accordingly to incorporate any required design issues.

Department of Education

Issues raised in the submission include:

- A new high school should be considered when considering the three Priority Precincts to determine the most suitable location;
- Consideration should be given to increase the sharing of facilities such sports fields and halls with the community, to both to increase the efficient use of these facilities, and foster improved community relations; and
- Voluntary Planning Agreements could be entered into to have land dedications where necessary for new school sites.

Comment

The Department has been consulting with Department of Education (DOE), as well as TfNSW, Landcom (who will be responsible for the delivery of development on government owned lands) and Council to investigate options for schools planning in the area.

The proposed rezoning of the Kellyville, Bella Vista and Showground Station Precincts do not preclude any new schools being established in these precincts. Under *State Environmental Planning Policy (Infrastructure) 2007*, schools are permissible on a range of zones, including B2 Local Centre, B7 Business Park, R4 High Density Residential and R3 Medium Density Residential.

Kellyville Primary School will open in 2019 and accommodate 500 students. An additional 500 students will be added in 2020. The new Bella Vista Primary School will also open in 2019 and accommodate 1,000 students. A new high school may be needed in the metro corridor, however DEC will need to determine the best site for this as the precincts develop. The potential for a new high school adjacent to the new district park is part of this consideration. The North West Priority Growth Area SIC is being revised and will include contribution towards primary and secondary schools

Schools planning in the precincts will be an ongoing task for the Department of Education, with negotiations with NSW Government agencies and councils expected to continue as the need for schools evolves.

NSW Rural Fire Service

The NSW Rural Fire Service advised that Asset Protection Zones (APZs) may need to be provided to protect property from bushfire risk from vegetation in open space areas. This could be achieved by limiting the size of the open space corridor, through the design of the road network and/or provision of formal maintained parklands as buffers around the edges of natural areas of open space.

Comment

Council's Bushfire Prone Land Maps may need to be updated following the rezoning of the precinct, however the areas proposed to be rezoned in the Precinct are generally not identified as Bushfire Prone Land, with the exception of a small part of the area in the northernmost part of the precinct proposed to be rezoned R4 High Density Residential. Planning for bushfire risk will be considered at the development application stage, as the risk will be dependent on what is planned to be built on the site.

New roads are planned through the precinct, including a number of roads along the Elizabeth Macathur Creek corridor which could act as APZs and provide emergency access for fire fighters should bushfires occur in this corridor.

Endeavour Energy

Endeavour Energy is a NSW Government owned electricity distributor, responsible for delivery of electricity to properties in the region. Endeavour Energy advised that future developers of land will need to apply to Endeavour Energy for connections. This would also include addressing supply through distribution network assets.

Comment

This issues are noted, and will be addressed at the Development Application stage, where developers will need to apply to Endeavour Energy, as the local electricity supplier, to confirm connections are available.

6 Recommended changes

The rezoning of the Bella Vista Station Precinct will be achieved by amending *The Hills Local Environmental Plan 2012* through a State Environmental Planning Policy (SEPP). The SEPP will establish the statutory controls for the precinct, including land use zones, maximum building heights, maximum floor space ratios, minimum allotments sizes, and other statutory controls including non-discretionary clauses to support the rezoning of the precinct.

A Development Control Plan will also be made following the rezoning of the precinct and provide supplementary development controls. The DCP will be informed by the draft DCP that was exhibited with the rezoning proposal.

Changes to the draft plans and statutory controls for the precinct have been recommended in response to the review of community, council and agency submissions. These changes are summarised in Table 6 below.

Table 5 Summary of recommended changes to the Bella Vista Station Precinct

Recommended change	Comment
Yield	
The exhibited plans provided for 4,200 dwellings for the Bella Vista precinct.	To ensure this yield is not exceeded the Department has recommended that a clause be introduced into the Hills Council LEP to cap the yield to 8,400 dwellings across the Kellyville and Bella Vista precincts
Land use zones and development standards	
<p>Change and extend the proposed rezoning, height limits and floor space ratio controls for part of the precinct on the eastern side of Elizabeth Macarthur Creek.</p> <p>The changes include</p> <ul style="list-style-type: none"> • Reduced area of land proposed to be zoned R4 High Density Residential; • Inclusion of land proposed to be zoned R3 Medium Density Residential Zone, including adding four more lots to the area to be rezoned; and • Relocate, and expand the proposed RE1 Public Open Space zone for a new park. 	<p>The changes are in response to the submissions including concerns raised from The Hills Shire Council such as impact on the existing development and road layout in the Balmoral Road Release Area, and flood risk to public open space.</p> <p>The change to the draft controls will result in additional transition in density down from the Bella Vista town centre, result in less impacts for existing properties, and improved access to the proposed new park.</p>
Swap approximately 8,000m ² of land proposed to be B2 Local Centre and B7 Business Park in the new town centre, and amend the floor space ratio controls to reflect this change.	The swap is to ensure that land is appropriately activated around the Bella Vista station, focusing retail and commercial activities around the station and key access roads, with residential development focussed along lower

Recommended change	Comment
	<p>order streets and open space areas in the town centre.</p> <p>Following ongoing interagency discussions with Transport for NSW and Landcom, which included revised details for the road network around the station.</p>
<p>Minor changes to the extent of SP2 zone along Elizabeth Macathur Creek.</p>	<p>Sydney Water is proposing to restore and enhance the creek as a drainage facility and improve its environmental values and benefits to the community. The changes to the SP2 zone reflect the extent of this corridor required by Sydney Water.</p>
<p>Change the floor space ratio control in the area to be rezoned R1 General Residential north of the local centre from 1.49:1 to 1.5:1.</p>	<p>Since the exhibition of the precinct proposal, The Hills LEP 2012 has been amended to include a floor space ratio control of 1.5:1, which is considered to be more practical than 1.49:1, without resulting in any significant increase to available floor space.</p>
<p>Reduce the proposed height in part of the precinct zoned B7 Business Park from RL 128 to the existing maximum height of RL 116</p>	<p>Council was concerned that the existing height was sufficient to accommodate the additional built form and should not be increased. Following testing from the Department, this was found to be the case and the existing height is recommended to be retained.</p>
<p>Additional Local Provisions</p>	
<p>Include a design excellence clause to apply to Government owned land</p>	<p>The proposed clause has been informed by discussions with Council and the NSW Government Architect. The control has been recommended to ensure a high design standard is achieved for new development.</p>
<p>Include a statutory control for transfer of floor space ratio control.</p>	<p>This control has been recommended for the government owned land where new roads, open space and drainage infrastructure are to be provided, and dedicated to Council.</p> <p>The clause enables FSR on land to be dedicated to Council to the remainder of the development site.</p>
<p>Include statutory controls minimum front setbacks.</p>	<p>This has been recommended to provide certainty for the setbacks of buildings in key parts of the precinct.</p>

Recommended change	Comment
<p>Include an active frontage control based on clause 6.5 of the Area 20 Precinct Plan in the Growth Centres SEPP.</p>	<p>This has been recommended to ensure that active frontages are achieved in key locations within the Bella Vista Station town centre.</p>
<p>Minimum lot sizes have been included for different dwelling types.</p>	<p>For apartment buildings, including shop top housing 21m (6 storeys) or higher, a minimum lot size of 3,600m² is required. For apartment and shop top buildings less than 21m, minimum lot sizes of 1,500m² are required to provide for a range of housing products.</p>
<p>Allow temporary uses on the NSW Government owned land, for a maximum of 3 years.</p>	<p>This has been recommended so that opportunities for early precinct activation around the station are maximised given that it may take up to 10 years for the employment land to be developed.</p>
<p>Include additional permitted uses for the proposed B7 Business Park zoned land north of Celebration Drive, around the new station, to permit markets and shops that have a maximum gross floor area of 2,500m².</p>	<p>This has been recommended to allow uses complement to the new town centre. The size of shops is limited to ensure full line supermarkets and large retail premises are located in other areas where they are more appropriate.</p>
<p>Additional permitted uses in certain land zoned SP2 Infrastructure and certain land zoned R1 and R4.</p>	<p>This has been recommended to allow environmental facilities and recreation areas within the Elizabeth Macarthur Creek corridor, and on certain land identified for road widening, and to permit exhibition villages and recreation facilities in land zoned R1 General Residential and R4 High Density Residential on land to be rezoned near the station.</p>

7 Infrastructure Schedule

Upgrades to regional infrastructure identified include upgrades to the regional road network, bus network and potentially increasing capacity of local schools. In light of the growth anticipated in the precincts and other priority growth areas, the State government is investigating the application of a Special Infrastructure Contribution (SIC) to assist in funding regional upgrades.

The SIC is a levy that developers will be required to pay to contribute to the cost of providing regional infrastructure upgrades. The infrastructure schedule below (Table 7) identifies regional items that could be funded by the SIC.

The Department is currently reviewing the Balmoral Road portion of the existing Western Sydney Growth Areas Special Infrastructure Contributions (SIC) Plan, which applies to most of the area recommended to be rezoned, and will investigate whether funds collected within the Kellyville and Bella Vista Station Precincts could be used to fund part of the additional regional infrastructure required to support the growth in these precincts. An extension to the SIC area to cover additional land being rezoned is also being considered.

The Department will work with infrastructure agencies and stakeholders to refine the key infrastructure items that could be partly funded by the SIC and the estimated cost and timing for delivery of this infrastructure. Any changes to the existing SIC rate will be determined through an analysis of the precincts' growth patterns, infrastructure needs and costs, and development feasibility to ensure any change does not impact on the development feasibility. The infrastructure list and SIC rate will be publicly exhibited prior to being established. In the event that the SIC is not in place prior to development occurring, approval for development will require satisfactory arrangements to be in place for the provision of required regional infrastructure.

Table 6 Infrastructure Schedule for the Bella Vista Precinct

Item	Measure	Who	Process
Regional & strategic transport planning measures			
1.	Construction of the Sydney Metro Northwest including: <ul style="list-style-type: none"> • New Metro Station, station plaza and public domain • Bus, taxi, cycle and kiss and ride interchange facilities • Customer car park with 800 spaces 	TfNSW	Sydney Metro Northwest and associated works to be completed in 2019
2.	Windsor Road widening, between Memorial Ave and Showground Road, including intersection upgrades	RMS	To be investigated as precinct develops
3.	Memorial Avenue upgrade between Old Windsor Road and Windsor Road including improved pedestrian and cycle access across Memorial Ave and intersection upgrades	RMS	Contribution to be included in revised SIC
4.	Upgrade of Norwest Boulevard including the signalisation of the intersection with Lexington Drive and intersection upgrades at: <ul style="list-style-type: none"> • Old Windsor Road; and • Windsor Road 	TfNSW	Ongoing
5.	Bus network: <ul style="list-style-type: none"> • Improvements to the rapid bus and suburban bus network to create a more connected system that complements the Sydney Metro Northwest 	TfNSW/ relevant road authority / developer	To be investigated as precinct develops

Item	Measure	Who	Process
	<ul style="list-style-type: none"> • Bus lanes on Norwest Boulevard as part of future upgrade • Continued review of local bus services, including to service new development areas • Bus priority improvements: <ul style="list-style-type: none"> • New bus only access street linking North West T-way and Bella Vista station precinct (delivered as part of Sydney Metro Northwest) • Bus/taxi only section on Lexington Drive adjacent to Bella Vista Metro station (delivered as part of Sydney Metro Northwest) • Investigate bus priority measures on Lexington Drive and Elizabeth Macarthur Drive on the approach to intersection with Norwest Boulevard. 		
Local transport measures – potential road upgrades			
6.	<p>New and upgraded intersections, including:</p> <ul style="list-style-type: none"> • New signalised intersection - Lexington Ave and Celebration Drive (to replace the existing roundabout) • Upgraded (realigned) intersection of Balmoral Road, Miami Street and Old Windsor Road, to provide direct access to Bella Vista precinct from Glenwood • Signalisation of the intersection of Memorial Ave, Free Settlers Drive and Arnold Ave. • New upgraded intersection with potential signals on Memorial Avenue at New access road between Old Windsor Road and Free Settlers Drive. 	<p>TfNSW</p> <p>TfNSW</p> <p>TfNSW</p>	<p>Sydney Metro Northwest and associated works to be completed in 2019</p> <p>To be confirmed as precinct develops</p> <p>To be confirmed as precinct develops</p>
7.	<p>New and upgraded Station Precinct access streets, including:</p> <ul style="list-style-type: none"> • Extension of Lexington Drive from Celebration Drive to Balmoral Road • New station precinct access streets • Three road bridges over Sydney Metro Northwest rail corridor (Balmoral Road and two new streets) • Upgrade of Balmoral Road between Old Windsor Road and new station precinct access street 	TfNSW	Sydney Metro Northwest and associated works to be completed in 2019
8.	New streets as development occurs	Relevant road authority	To be confirmed as precinct develops
9.	New local road bridge(s) across Elizabeth Macarthur Creek, with pedestrian and cycle paths	Relevant road authority	Delivery as part of a Section 94 Plan and potential other funding sources
10.	Extension of Brighton Drive to Bella Vista Station and new signalised intersection with Celebration Drive	Relevant road authority	Delivery as part of a Section 94 Plan and potential other funding sources
11.	Streetscape improvements to Lexington Drive	Relevant road authority	Delivery as part of a Section 94 Plan and potential other funding sources.

Item	Measure	Who	Process
Local transport measures - Pedestrian and Bicycle Network			
12.	<p>Pedestrian network:</p> <ul style="list-style-type: none"> • Footpaths on both sides of all new streets in the precinct and both sides of all streets within the Norwest business park • Installation of new pedestrian crossings on new and existing streets where required to accommodate increased pedestrian activity. • Provide for or extend footpaths on both sides of Memorial Ave, Celebration Drive, Edgewater Drive, Northridge Ave, Ravenswood Rise and Springdale Rise. • Pedestrian crossing phases provided on all legs at new signalled intersections • Widen footpaths on both sides of Lexington Drive between Norwest Boulevard and Celebration Drive 	Relevant road authority / developer	Delivery as part of a Section 94 Plan and potential other funding sources
13.	<p>Shared footpaths and cycleways:</p> <ul style="list-style-type: none"> • New pedestrian / cycle bridge over Old Windsor Road adjacent to Bella Vista station • Investigate potential for a pedestrian and cycle connection between Glenwood and the proposed pedestrian / cycle bridge over Old Windsor Road <p>Shared footpaths and cycleways:</p> <ul style="list-style-type: none"> • Along Norwest Boulevard, between Windsor Road and Old Windsor Road • Along Elizabeth Macarthur Creek from Memorial Drive to Celebration Drive • Along Balmoral Road, between Old Windsor Road and Free Settlers Drive • Along Free Settlers Drive and proposed new local street from Balmoral Drive to Fairway Drive • Along Old Windsor Road from Memorial Drive to Celebration Drive • Along Celebration Drive from Old Windsor Road to Elizabeth Macarthur Drive • Along proposed new local street between Old Windsor Road and Free Settlers Drive • Along Lexington Drive from Norwest Boulevard to Celebration Drive • Along Fairway Drive, from Old Windsor Road to Solent Crescent • Along Shaun Drive or parallel street to the Bella Vista Metro Station • Pedestrian and cycle connections between the existing paths within Bella Vista Farm Park and the off-road cycle path on Bella Vista Drive 	<p>TfNSW</p> <p>Relevant road authority / developer</p>	<p>Sydney Metro Northwest and associated works to be completed in 2019</p> <p>Delivery as part of a Section 94 Plan and potential other funding sources</p>
14.	New pedestrian/cycle bridge over Elizabeth Macarthur Creek	The Hills Council / Sydney Water	Delivery as part of a Section 94 Plan and potential other funding sources

Item	Measure	Who	Process
15.	Pedestrian and cyclist bridge over Memorial Ave, adjacent to Pellizzer Boulevard	Hills Shire Council	To be confirmed as precinct develops
Education			
16.	Investigation for a potential new high school to be provided in either Castle Hill, Showground, Bella Vista or Kellyville Station Precincts	Department of Education and Communities	School Cluster Asset Plan Contribution to be included in revised SIC
17.	Investigation for the provision of a new primary school (and out of school hours facilities where possible)	Department of Education and Communities	School Cluster Asset Plan Contribution to be included in revised SIC
18.	Investigation for expansion of existing primary schools in surrounding area (and out of school hours facilities where possible)	Department of Education and Communities	School Cluster Asset Plan Contribution to be included in revised SIC
Local infrastructure measures			
19.	New Village Plaza, minimum 2,000m ² , located near Bella Vista station and extension of Brighton Drive	The Hills Shire Council/ developer	delivery as part of a Section 94 Plan and potential funding of improvements under the government funded Precinct Support Scheme
20.	Multipurpose community centre at either Kellyville Station or Bella Vista Station Precincts with a minimum floor area of 600m ² , and to include a local library with a minimum floor area of 200m ² .	The Hills Shire Council	delivery as part of a Section 94 Plan
21.	Provision of new local parks, with playgrounds and amenities, with a minimum total area of 20,000m ² .	The Hills Shire Council/ developer	Delivery as part of a Section 94 Plan
22.	Provision of a new neighbourhood park, with active and passive recreation uses, with a minimum total area of 15,000m ² .	The Hills Shire Council/ developer	Delivery as part of a Section 94 Plan
23.	Provision of recreational areas, including playgrounds and amenities, as well as bush regeneration along Elizabeth Creek Corridor.	The Hills Shire Council/ developer	Delivery as part of a Section 94 Plan
24.	Revitalisation of Elizabeth Macarthur Creek Corridor Drainage works	Sydney Water	To be confirmed as precinct develops

Precinct Support Scheme

Through the Precinct Support Scheme, the NSW Government has allocated approximately \$15 million of additional funds for local infrastructure upgrades across the Kellyville, Bella Vista and Showground Station Priority Precincts. The intention of the funding is to enable Council to provide local infrastructure that will directly benefit the community. The funding is additional to development contributions (that is Section 94 development contributions), and could be used by

Council to develop new local parks, upgrade existing open space, improve the local streetscape or provide additional community facilities, amongst other things.

Precinct support scheme projects need to satisfy a number of criteria including the project:

- can be delivered in a short timeframe;
- will provide direct benefits to the community; and
- has not already been funded by other means.

As part of the exhibition of the draft plans for the Kellyville, Bella Vista and Showground Station Precincts, an online survey was available on the precinct websites to obtain feedback from the community about how funding can be spent. The most popular options selected by the respondents for the allocation of funding in the Bella Vista Station Precinct were for new or extended walking and cycling paths along existing streets, and through Bella Vista Farm, connecting to the Circa Shopping Centre.

Following the rezoning of the Bella Vista Station Precinct, The Hills Shire Council and the Department will work together to review the shortlisted projects and reach agreement on the recommended project(s) to receive Precinct Support Scheme funding. The Department and council would then enter into a funding agreement to detail the works to be delivered, the projects costs, project completion milestones and payment arrangements.

8 Monitoring and reporting

To provide a valuable evidence base to inform service and infrastructure delivery as the precinct redevelops the next 20 years, the Department will monitor and report annually on the:

- number of housing approvals, construction commencements and completions for all housing types within the Precinct;
- pipeline for additional housing throughout north west Sydney;
- performance of The Hills and Blacktown Councils' development processing times.

The Department will also monitor population, household and dwelling projections for north-western Sydney, The Hills and Blacktown LGAs.

This will include ensuring that total new housing within the Kellyville and Bella Vista Precincts does not exceed 8,400 dwellings.

Employment Lands

The Department's Employment Lands Development Program will continue to monitor and audit the supply of employment lands throughout the precinct and surrounding area to inform policy development, infrastructure co-ordination and future planning for employment lands.

Infrastructure Delivery

The Department will also work with infrastructure agencies and stakeholders to co-ordinate the infrastructure required to support integrated land use planning throughout the precinct and broader corridor.

Appendix A Precinct Support Scheme on-line survey report
