



Bella Vista Station Precinct Concept Proposal

State Significant Development Application

SSD 10344

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	The Hills Shire Council
Crown Lands	Crown Lands, DPIE
Department	Department of Planning and Environment
DPI	Department of Primary Industries, DPIE
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
RMS	Roads and Maritime Services (now TfNSW)
RtS	Response to Submissions
SDRP	State Design Review Panel
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy

SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSI	State Significant Infrastructure
TfNSW	Transport for NSW (incorporating RMS)
THLEP	The Hills Local Environment Plan 2012
VPA	Voluntary Planning Agreement

Executive Summary

This report provides an assessment of the State Significant Development (SSD) application seeking approval for the Bella Vista Station Precinct Concept (SSD-10344), within The Hills local government area (LGA).

The proposal forms part of the Sydney Metro Northwest Priority Urban Renewal Corridor which aims to create new centres around the Sydney Metro Northwest stations.

The proposal seeks approval for a mixed-use development comprising a new town centre providing a range of business and retail uses, a mix of housing types for up to 3804 dwellings (including 5% affordable housing), a new community centre and a new primary school for up to 1000 students. The proposal would also provide over five hectares of open space, including local parks and connections to Elizabeth Macarthur Creek.

No building or construction works are proposed to be undertaken as part of the concept proposal. All future development would be subject to separate applications.

The proposal has a Capital Investment Value (CIV) of \$2.2 billion and would generate 9,840 construction jobs and 7,510 operational jobs. The Concept Development Application has been lodged by Landcom (the Applicant) on behalf of Sydney Metro and the Office of Strategic Lands.

Engagement

The Department publicly exhibited the application between 29 October and 26 November 2019 and received:

- 12 submissions from the public (6 objecting, 4 in support and 2 providing comments)
- 1 submission from The Hills Shire Council (Council) providing comments
- 12 submissions from public authorities providing advice or comments.

Council did not object to the proposal but requested further consideration of issues including the funding and delivery of infrastructure and the provision of a high school (in addition to the proposed primary school). Council also requested that the urban design guidelines be further resolved to secure detailed design outcomes including clarification of creek crossings, connectivity of the existing and proposed road network (within and outside the precinct) and water management. Council also recommended that the proposal comply with its car parking requirements.

The key issues raised in public submissions included increased traffic and the need for sufficient infrastructure and open space to support the proposal. Submissions also requested additional pedestrian links over Old Windsor Road to the Metro station to improve pedestrian connectivity.

Public submissions also raised concern about the proposed building setbacks being insufficient to support landscaping and street planting and the potential for increased privacy, noise and construction impacts.

Public submissions also raised concerns that the proposal did not provide sufficient car parking for future residents and more commuter car parking spaces should be provided as car ownership would still be high regardless of the site adjoining the Metro station.

In response to the issues raised in submissions, the Applicant amended the minimum and maximum residential and non-residential gross floor area (GFA) to improve the land use strategy with increased retail GFA; revised and updated the Urban Design Guidelines and Design Excellence Strategy; incorporated deep soil specifications into the street tree planting strategy; enhanced certification and ratings for ESD measures; and provided associated supporting documents (refer to **Section 5**).

After reviewing the RtS government agencies provided further comments, which informed the Department's recommended conditions in **Appendix E**.

Assessment

The Department has assessed the proposal in accordance with section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) and carefully considered the issues raised in submissions and the Applicant's response to those submissions.

The Department considers the proposal is acceptable for the following reasons:

- it is consistent with the North West Rail Link Corridor Strategy and Bella Vista Station Precinct Plan which seek to deliver additional housing and employment opportunities to take advantage of the transport capacity of the North West Metro Line
- it complies with the THLEP building height, the overall floor space ratio for the precinct and dwelling cap development standards, with the proposed density and dwelling numbers being comfortably below the maximum requirements, ensuring the existing and planned supporting infrastructure will meet the demand generated by the proposed housing and population growth
- it can achieve Design Excellence, subject to the submitted Design Excellence Strategy and Urban Design Guidelines which provide parameters to achieve:
 - high quality residential amenity and urban design outcomes
 - high quality open space, landscaping and a target of 40% tree canopy cover.
- it would have acceptable traffic impacts subject to a suite of road upgrades including:
 - widening key sections of Old Windsor Road, Norwest Boulevard, Balmoral Road, Sunnyholt Road, Stanhope Parkway, and Samantha Riley Drive to provide additional through capacity and turning lanes
 - constructing a new link and intersection connecting Balmoral Road to Elizabeth Macarthur Creek

- constructing a new link from Free Settlers Drive to the Bella Vista Station Precinct
 - signalisation of the Celebration Drive and Brighton Avenue intersection, and
 - signalisation of the Mawson Avenue and Unaipon Avenue intersection.
- it provides appropriate car parking rates for residential and non-residential uses while encouraging the use of public transport
 - it would deliver significant public benefits including the provision of at least 5% of proposed dwellings as affordable housing, activation of the Bella Vista Metro Station, 166,000 m² of commercial floor space with the potential to create 7,510 jobs, over 5 hectares of new public open space, and a new primary school for up to 1000 students
 - it would deliver a suite of infrastructure works to support future developments consistent with the recently adopted local contribution plan for the precinct
 - future development would be designed in accordance with ESD principles.

For the reasons outlined above, the Department is satisfied the proposal is in the public interest and recommends that the application be approved subject to conditions.

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1 Introduction

This report provides an assessment of a Concept Development Application for State Significant Development (SSD) for the Bella Vista Station Precinct (SSD 10343) for a mixed-use precinct located adjacent to the Bella Vista Metro Station, within The Hills Shire Local Government Area.

The application seeks approval for:

- indicative principal subdivision to create public domain areas
- building heights for 20 development blocks up to 68 m in height
- an indicative maximum gross floor area (GFA) for residential and non-residential uses
- primary school, community facility and public open spaces
- street hierarchy and layout
- urban design guidelines to govern future development
- minimum and maximum car parking rates.

The application has been lodged by Landcom (Applicant), on behalf of Sydney Metro and the Office of Strategic Lands.

If the Concept Development Application is approved, detailed development applications will be submitted for the design and construction of the proposal.

1.1 Bella Vista Station Precinct

The site is located in Sydney's northwest suburb of Bella Vista, approximately 33 km northwest from Sydney CBD and 9 km from the Blacktown Commercial Business District. The site forms part of the Bella Vista Station Precinct.

The Bella Vista Station Precinct was identified for State Significant Development under State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). It was rezoned in December 2017 to permit additional commercial and high-density residential development, include maximum building heights and floor space ratios, and provide for improved public open space, connections for pedestrians and cyclists, and community facilities to take advantage of the new transport capacity of the Sydney Metro North West (SMNW) line.

Bella Vista Metro Station lies west of the precinct and is the third last station on the SMNW line (**Figure 1**).



Figure 1 | The site and surrounds (Source: Applicant's EIS and DPE)

Sydney Metro Northwest Priority Urban Renewal Corridor

The Bella Vista Station Precinct is part of the Sydney Metro Northwest Priority Urban Renewal Corridor which aims to create new centres around the Sydney Metro Northwest stations.

The Bella Vista and Kellyville Station Precinct Plans forecasted the delivery of up to 8,400 new dwellings and 2,300 jobs over the next 20 years, transforming the area around the Bella Vista Metro Station and contributing to Bella Vista and Kellyville as a strategic centre.

The zoning of the site provides for employment and mixed uses within the B7 Business Park zone and B2 Local Centre zone located to the south of the site opposite the Metro station, and medium to high density residential uses within the R1 General Residential zone to the north of the site (**Figure 2**).

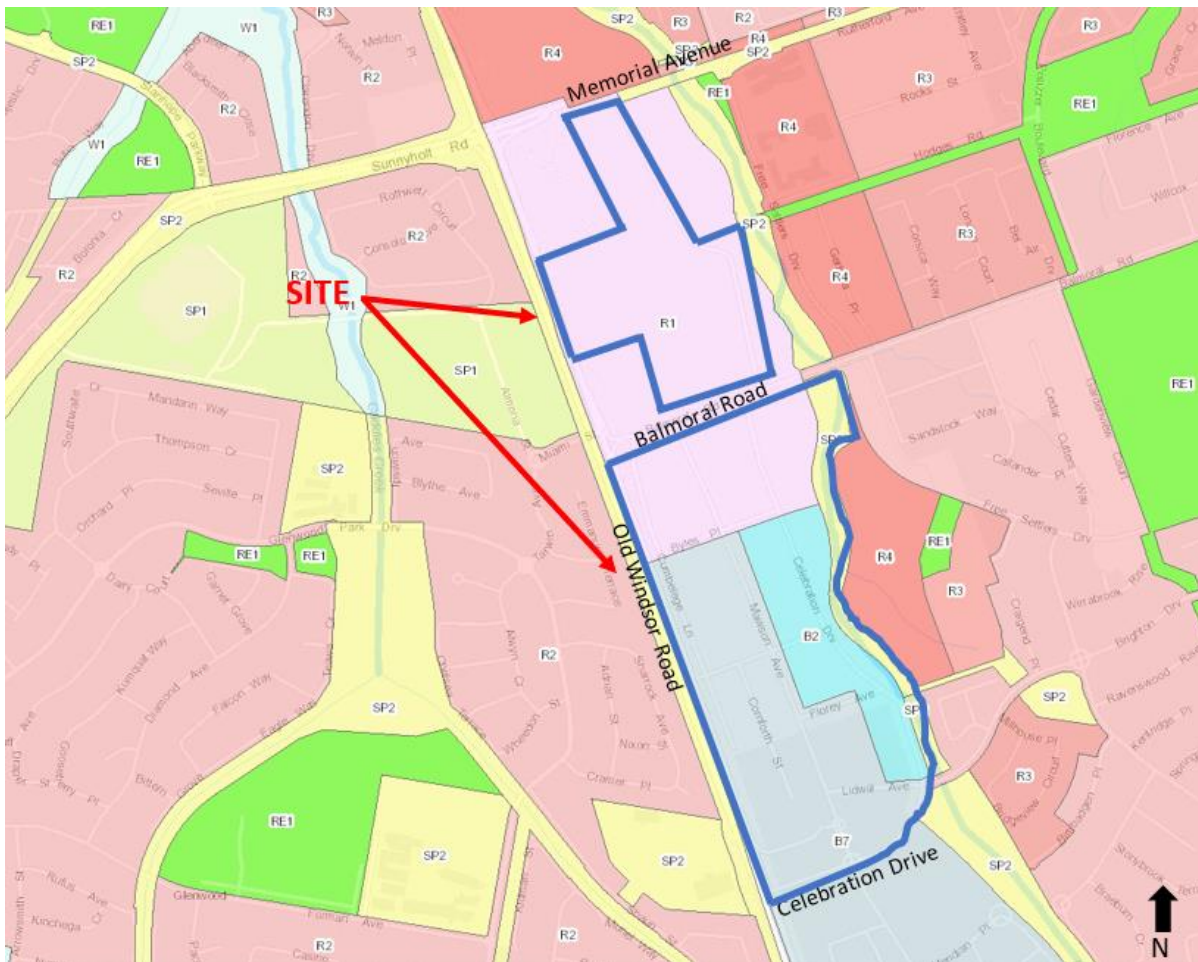


Figure 2 | Zoning map of the site and surrounds (Source: DPE)

1.2 The Site

The site is located between Old Windsor Road, Memorial Avenue, and Celebration Drive. Elizabeth Macarthur Creek is located to the east of the site. The site comprises 26 allotments and has a total area of approximately 33.5 ha. The site is relatively flat with no significant changes in topography.

The site does not contain any known artefacts or other evidence of Aboriginal archaeological sites. No local or State Heritage items are located within the site.

The site contains no significant indications of gross and/or widespread contamination. Due to its proximity to Elizabeth Macarthur Creek, a small portion of the site adjoining the creek has been identified as being potentially flood affected.

The site contains Cumberland Plain Woodland located to the northeast of the site and River-flat Eucalypt forest located along the riparian corridor of Elizabeth Macarthur Creek.

Existing Development

The site is currently vacant land which was associated with the construction and delivery of SMNW. Located within the boundaries of the site, but not part of the Concept Proposal is the Bella Vista Metro

Station and ancillary station infrastructure and public domain, a multi-level commuter car park for 800 vehicles and a new local street network and associated road and intersection upgrades along the site's Celebration Drive and Balmoral Road frontages. The existing local street network will be extended by the Bella Vista Station Precinct Concept Proposal to the northern edge of the site at Memorial Avenue (**Figures 3 - 6**).

Surrounding development

The area surrounding the site is predominantly low-density residential development within the suburbs of Bella Vista and Glenwood. The closest residential areas are along Waterstone Crescent approximately 40 m to the east of Elizabeth Macarthur Creek and to the west on the opposite side of Old Windsor Road in Glenwood.

To the east of the site is a commercial development and to the south are retail and commercial uses and the Norwest Business Park (**Figure 3**). Open space reserves and recreation uses are located to the west and further south of the site.

Heritage items in the vicinity of the site include the locally significant archaeological remains of the 'Original section of road and culvert' of Old Windsor Road, Bella Vista Homestead Complex which is a Heritage Conservation Area of State significance, and a house ("Isabella") which is listed on the *Blacktown Local Environmental Plan 2013*.



Figure 3 | Aerial view of Bella Vista Metro Station and surrounding uses (Source: Applicant's EIS)



Figure 4 | Bella Vista Metro Station (Source: DPE)



Figure 5 | Looking north to the Bella Vista Station Precinct site from the commuter car park (Source: DPE)



Figure 6 | Looking south to the Bella Vista Station Precinct site from the commuter car park (Source: DPE)

1.3 Related Applications and Previous Approvals

Sydney Metro North West

On 8 May 2013, the Minister for Planning and Infrastructure approved a CSSI application (SSI 5414) for the construction and operation of the SMNW (previously called the North West Rail Link) railway, stations, wider precincts, and associated rail, systems and stabling facilities (the CSSI approval). Construction of the SMNW including works associated with the Bella Vista Metro Station has been completed (**Figure 7**).



Figure 7 | Sydney Metro North West (Source: Landcom)

2 Project

The proposal seeks approval for a mixed-use development comprising a new town centre providing a range of business and retail uses, a mix of housing types for up to 3804 dwellings (including 5% affordable housing), a new community centre and a new primary school for up to 1000 students. The proposal would also provide over five hectares of open space, including local parks and connections to Elizabeth Macarthur Creek.

The key components of the Concept Proposal are provided in Error! Reference source not found. and shown in **Figures 8 - 10**.

Table 1 | Main Components of the Project

Aspect	Description
Subdivision	Principal subdivision to create public domain areas
Built form	20 development blocks with height ranging between 7 m and 68 m
Gross floor area (GFA)	<ul style="list-style-type: none">between 204,675 m² and 304,770 m² of residential GFAbetween 129,930 m² and 166,000 m² of retail and commercial GFA
Uses	<ul style="list-style-type: none">between 2,559 and 3,804 dwellings (including 5% affordable housing)retail and commercial floor areaprimary school and community facilities
Access	Street hierarchy and layout
Car parking	Minimum and maximum car parking rates for residents, visitors, car share, and non-residential uses
Bicycle parking	Rates nominated in accordance with The Hills Development Control Plan 2012
Public domain and landscaping	Public open space including public domain areas and parks
Jobs	9,840 construction jobs and 7,510 operational jobs
CIV	\$2.2 billion

2.1 Physical layout and design

The Concept Proposal proposes a master plan and urban design framework for the Bella Vista Station Precinct which will establish the structure and layout for 20 future development blocks.

The Precinct is made up of three key areas known as the ‘town centre’, ‘residential core’, and ‘local hub’. The three areas are separated by local parks with connecting roads and pedestrian links (**Figures 8 and 9**). Several open space areas in the form of neighbourhood parks, an oval, and green corridor adjoining Elizabeth Macarthur Creek are interspersed throughout the precinct.

Town Centre

The ‘town centre’ is located in the southern portion of the site. It adjoins Celebration Drive and Old Windsor Road with the Bella Vista Metro station located in the middle of the site. This part of the site is zoned B7 Business Park and is envisaged to contain high density mixed use buildings of 7 m to 68 m in height, with commercial, retail, and community uses, and one block of residential dwellings (B4.0) The highest buildings of 68 m and are located on the periphery of the site on Celebration Drive and Old Windsor Road.

Residential Core

The middle portion of the site, the ‘residential core’, is zoned part B7 Business Park, B2 Local Centre and R1 General Residential and is envisaged to contain primarily medium to high density residential development, a retail and commercial area (B2.0) and open space areas. The height of these blocks is between 16 m and 28 m.

Local Hub

The north portion of the site, the ‘local hub’, is zoned R1 General Residential and would contain residential development of mixed typologies including apartments and terrace housing between 16 m and 21 m in height. A primary school with an adjoining district park (oval) is also proposed.



Figure 8 | Masterplan layout of concept proposal (Source: Applicant's EIS)



Figure 9 | Indicative building heights for the precinct (Source: Applicant's EIS)

2.2 Uses and activities

The Concept Proposal identifies the proposed allocation, quantum and location of land uses across the site (**Figure 10**). The exact uses within each of the 20 development blocks will be provided in future detailed design applications based on market analysis and demand.

The indicative dwelling yields are based on dwellings within apartment buildings or terrace style housing to allow for a variety of building typologies with a maximum of 3804 dwellings.

It is anticipated that non-residential floor area will include office, retail, and community uses.

A primary school is proposed for the precinct to the west of the site which would accommodate 1000 students.



Figure 10 | Layout of indicative land uses (Source: Applicant's EIS)

2.3 Timing and staging

The indicative staging plan maximises the amount of public domain delivered in the first stages of development. Stages are sequenced to avoid isolated developments and to ensure that necessary infrastructure such as road improvements are made at the relevant stages. Commercial and residential stages may be run independently or simultaneously depending on market demand (**Figure 11**).

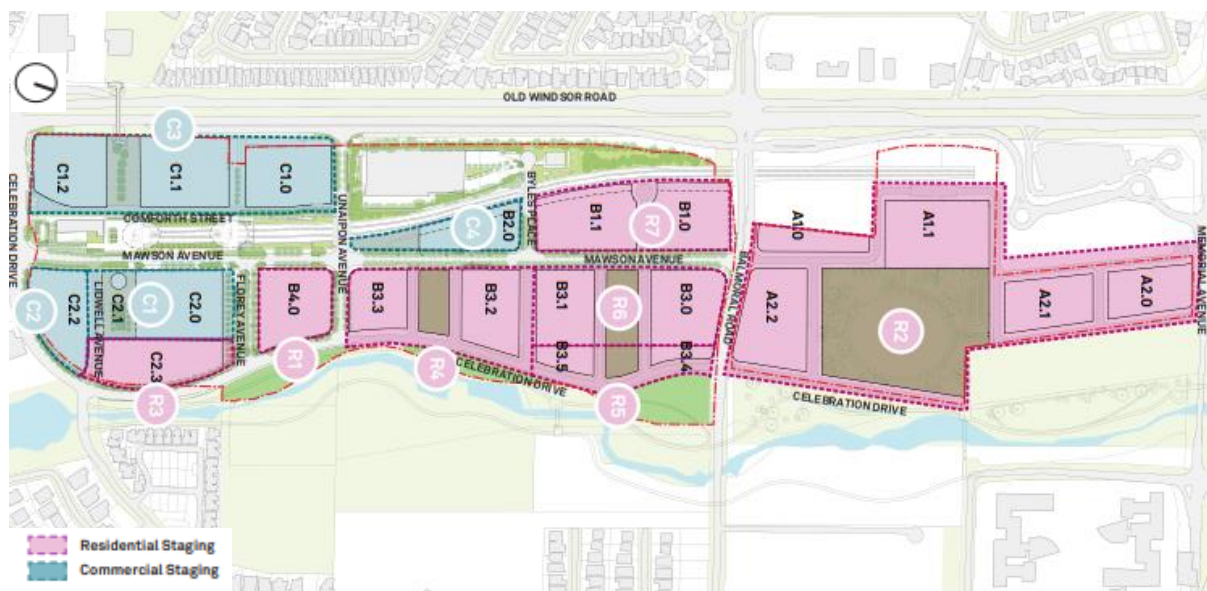


Figure 11 | Indicative staging plan (Source: Applicant's EIS)

Stage 1 of development is proposed to be the principal subdivision of key open space areas and one super lot zoned B2 Local Centre (**Figure 12**). The open space areas will comprise two neighbourhood park lots connecting Elizabeth Macarthur Creek and Mawson Ave (**01** and **02**) and a district park lot located adjacent to the proposed future primary school (**04**). The establishment of these lots will assist in the expedited delivery of new public domain and open space areas that will support future residents, workers and visitors, activation of the Precinct, and their subsequent dedication to the relevant authority.

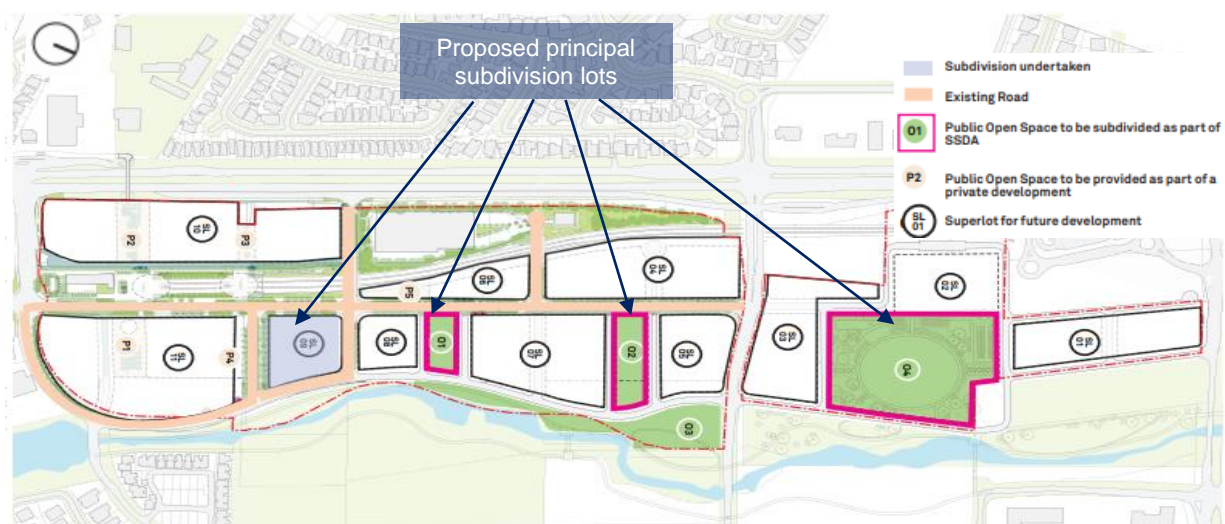


Figure 12 | Proposed principal subdivision lots (Source: Applicant's EIS)

3 Strategic context

3.1 Greater Sydney Regional Plan and Central City District Plan

The Greater Sydney Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans.

Bella Vista is located within the Central City District. The Central City District Plan sets a 20-year vision for the Parramatta, Blacktown, Cumberland, and The Hills local government areas to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of the Plan.

Bella Vista Station Precinct is identified as being within an area that can promote transit-oriented development with opportunities to also achieve the following objectives of the Plan:

- deliver transit-oriented development and co-locate facilities and social infrastructure
- provide, increase, or improve local infrastructure and open space
- improve walking, cycling and public transport connections, including through the Greater Sydney Green Grid
- protect or expand retail and/or commercial floor space
- protect or expand employment opportunities
- provide parking that is adaptable to future uses and takes into account access to public transport, walking and cycling connections.

The proposal is consistent with the relevant key priorities of the Central City District Plan as it:

- will provide new development supported by infrastructure
- increases the supply and choice of housing in the area by proposing built form for medium to high density mixed-use development
- promotes opportunities for new green open space and connections to Elizabeth Macarthur Creek
- provides non-residential space for employment.

3.2 Future Transport Strategy 2056

The Future Transport Strategy 2056 is an update of the NSW Long Term Transport Master Plan 2012 and outlines a planned and coordinated set of actions to address challenges faced by the NSW transport system to support the State's economic and social performance over the next 40 years. The aim is to achieve greater capacity, improved accessibility to housing, jobs and services and continued innovation.

The proposal is consistent with the relevant State-wide outcomes of the Future Transport Strategy 2056 as it:

- provides a good mix of uses; including retail, commercial, community and residential uses (Outcome 1: Successful Places)

- provides direct pedestrian links between the proposal and the metro station, and through the site (Outcome 5: Accessible services)
- encourages the use of public transport by providing residential uses in close proximity to a transport node (Outcome 6: Sustainability).

3.3 Sydney Metro North West Corridor Strategy

Landcom and Sydney Metro are working together on the long-term planning and development of government owned land surrounding the new Sydney Metro Northwest stations. The program, called Sydney Metro Northwest Places, focuses on creating diverse, well-designed places for current and future communities. The program will provide:

- a range of housing choices
- spaces for businesses, workplaces and community facilities
- walkable places with great access to great transport
- sustainable places for current and future communities.

This Concept Proposal for Bella Vista Station Precinct forms part of the Sydney Metro Northwest Places program. The proposal is consistent with the program as it would:

- provide a range of housing options, employment and retail services close to transport and open space
- provide a new walkable town centre around the metro station with access to retail and commercial uses, community facilities, plazas, and parks
- improve access and connections to the metro station and throughout the precinct through new local roads and pedestrian and bicycle paths
- promote sustainable development through future buildings designed in accordance with ESD principles and opportunities for new green open space and connections to Elizabeth Macarthur Creek.

4 Statutory Context

4.1 State significant Development

The proposal is SSD under Section 4.36 of the Environmental Planning and Assessment Act (EP&A Act) as the development has a CIV in excess of \$30 million (\$2.2 billion) and is for the purpose of principal subdivision to create roads and public domain areas, and residential accommodation and commercial premises associated with railway infrastructure under clause 19(2)(a) of the SRD SEPP.

In accordance with section 4.5 of the EP&A Act and clause 8A of the SRD SEPP, and in accordance with the Minister's delegation, the Director, Key Sites Assessments may determine the application as:

- Council do not object to the application
- there are less than 15 public submissions by way of objection
- a political disclosure has not been made.

4.2 Permissibility

The site is located within the B7 Business Park, B2 Local Centre, R1 General Residential, and SP2 Infrastructure zones under The Hills Local Environmental Plan 2012. The proposed residential and non-residential uses of the proposal are permissible with consent. See **Appendix D** for the detailed assessment.

4.3 Mandatory Matters for Consideration

Section 4.15(1) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as:

- the provisions of any environmental planning instruments (including draft instruments), development control plans, planning agreements, the Environmental Planning and Assessment Regulation 2000
- the likely environmental, social, and economic impacts of the development
- the suitability of the site for the development
- any submissions
- the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD).

The Department has considered these matters in its assessment of the proposal, as well as the Applicant's consideration in its EIS and RtS, as summarised in **Section 6** and **Appendix D** of this report.

Since submission of the EIS, all NSW State Environmental Planning Policies have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. As such, the Department has considered the proposal against the relevant provisions of the consolidated SEPPs.

4.4 Planning Secretary's Environmental Assessment Requirements

The Department is satisfied that the EIS and RtS adequately address the Planning Secretary's Environmental Assessment Requirements (SEARs) to enable the assessment and determination of the concept proposal application.

4.5 Biodiversity Conservation Act 2016

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all applications for SSD “*to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values*”.

The Applicant has submitted a BDAR under the NSW Biodiversity Assessment Method established under the BC Act. The BDAR was referred to the Department's Environment, Energy and Science (EES) Group who requested additional justification regarding the proposed loss of critically endangered ecological community being Cumberland Plain Woodland, and to resolve minor inconsistencies within the BDAR. The Applicant provided an amended BDAR. The EES Group advised that it had no further comment on biodiversity as the revised BDAR addresses the issues previously raised.

The Department is satisfied the development is not likely to have any significant impact on biodiversity values and that the BDAR satisfies the requirements of the BC Act.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 to the EP&A Act the Department exhibited the application from 29 October 2019 until 26 November 2019 (29 days):

- on the Department's website
- at Service NSW Centres
- at The Hills Shire Council office
- at Blacktown City Council office
- in writing to adjoining landholders.

The Department placed a public exhibition notice in The Hills Times on 29 October 2019 and in the Rouse Hills Times on 30 October 2019. The application was also referred to relevant State agencies.

The Department inspected the site and its surrounds on 26 November 2019 and 5 August 2020. The Department also met with Council and the Applicant during the RtS period (on 14 February 2020) to better understand Council's concerns and to facilitate resolution. The Department also consulted with The Hills Shire Council and facilitated workshops with the Applicant and the GA NSW on the content of the Urban Design Guidelines.

5.2 Summary of submissions

The application received:

- 12 submissions from the public (6 objecting, 4 in support, and 2 providing comments)
- 1 submission from The Hills Shire Council providing comments
- 12 submissions from public authorities providing advice or comments.

Blacktown City Council advised that it had no comment on the concept proposal.

A link to all submissions is provided at **Appendix A**.

5.3 Key Issues – Government Agencies

A summary of the Government agencies submissions is provided at **Table 2**:

Table 2 | Summary of Government agencies submissions

Sydney Water	
EIS	Sydney Water provided comments to assist in planning the service needs of the development in relation to the provision of water, recycled water, wastewater, and stormwater. Detailed requirements including any potential extensions, amplifications and/or

adjustments will be provided when future development applications are referred to Sydney Water.

Government Architect NSW

The proposal has been presented to the State Design Review Panel (SDRP) on several occasions throughout the design development process.

The SDRP supported the intention to connect to Elizabeth Macarthur Creek, the clear design intent, the approach to housing diversity, and solar access considerations.

The SDRP recommended improvements to the following aspects of the proposal:

- | | |
|------------|---|
| EIS | <ul style="list-style-type: none">• provide a clear and meaningful approach to Indigenous and European cultural heritage• provide strong connections between the precinct and Norwest• provide a strong response to The Hills and its character• ensure primary public open space areas respond to the metro station and retail uses• clarify the hierarchy of spaces and connections from the metro station, public areas, and residential uses• ensure the public domain and open space support government targets and priorities and achieve appropriate tree canopy targets• explore green infrastructure opportunities to strengthen the role of Elizabeth Macarthur Creek as a key public open space area for the proposal, existing neighbourhoods, and the Kellyville Station Precinct, and clarify details for the ongoing management of the creek corridor and public open spaces• ensure streets, landscaping, interfaces with ground floor uses, access points and connections create a hierarchy of movement through the precinct• provide a retail strategy that identifies the staging of ground floor retail uses and incorporates neighbourhood shops in residential areas north of the precinct• provide greater detail and clarification of building envelope massing to ensure an appropriate architectural response in future design applications• clarify sustainability targets• provide a staging, divestment, and implementation strategy• provide Urban Design Guidelines that support the concept Master Plan. |
|------------|---|

RtS	Provided endorsement of the Design Excellence Strategy, subject to recommended amendments.
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DPIE – Water and NRRR

EIS	Requested that the proposal be adjusted to ensure the vegetated riparian zone complies with the <i>Guidelines for Controlled Activities on Waterfront Land (NRAR 2018)</i> .
Sydney Metro Corridor Protection	
EIS	<p>Advised that the concurrence requirements in Clause 86 of the ISEPP do not apply to SSD applications and requested the following condition be included to any consent granted:</p> <p><i>As part of the lodgement of any future development applications, the Applicant shall prepare and submit documentation compliant with the Sydney Metro Underground Corridor Protection Technical Guidelines and Sydney Metro at Grade and Elevated Sections Corridor Protection Guidelines (available from www.sydneymetro.info).</i></p>
RtS	Reiterated comments made at EIS stage that concurrence from Sydney Metro is not required and advised that the requirements of the Sydney Metro protection guidelines can be addressed and reviewed during detailed design development.
TfNSW (including former RMS)	
EIS	<p>TfNSW identified the following issues:</p> <p><u>Parking Rates:</u> Identified reduced residential parking rates to be considered for the proposal as the proposed residential rates are too generous and do not encourage greater public and active transport usage for development located along the SMNW Corridor</p> <p><u>Public Transport Services:</u> Recommends that the applicant liaise with TfNSW to address its comments in relation to public transport services and access by pedestrians and vehicles</p> <p><u>Active Transport:</u> Requires clarification and resolution of existing and future walking and cycle routes, connections with land use activities, design of local streets and site links to provide connectivity and permeability within the local neighbourhood</p> <p><u>Traffic Modelling:</u> Requires further traffic modelling of the surrounding intersections, including current and future traffic impacts and road improvements</p> <p><u>Bus Priority Infrastructure Project (BPIP):</u> Consideration of the implications of the BPIP on the subject site</p> <p><u>General Comments:</u> Requested clarification and further information on traffic generation within the proposal, on the local and arterial road network, and any necessary future upgrades.</p>
RtS	<p>TfNSW identified the following issues that should be addressed:</p> <ul style="list-style-type: none"> consultation with the relevant project team on the proposed second right turn lane from Free Settlers Drive to Memorial Avenue

- review of the minimum length of any additional through traffic lane at intersections
- strategic design plans to clarify how the proposed works can be achieved within the existing road reserve and constraints.

Endeavour Energy

Endeavour Energy provided the following comments:

- EIS**
- pad-mount substations to be incorporated into the medium and high-density residential developments. This should be considered at the design phase to encourage opportunities for landscaping or screening, and adoption of prudent avoidance principles
 - the Applicant is to engage with an electrical consultant prior to submitting plans for future development applications to allow required electricity infrastructure to be appropriately assessed and incorporated
 - the consideration and utilisation of indoor substations should be considered to respond to the quality urban design outcomes envisaged for the Precinct.

Environmental Protection Authority

- EIS**
- EPA had no specific comments other than to advise that the concept proposal and subdivision does not require an Environment Protection License (EPL) under the POEO Act. It noted that future development will be in proximity to the operational rail network and should be consistent with the EPA's *Rail Infrastructure Noise Guideline (EPA, 2013)* and *Assessing Vibration: A Technical Guideline (DECC, 2006)*.

Heritage NSW

- EIS**
- Heritage NSW advised that it had no objection to the proposal as there are no heritage items identified within the Bella Vista Station Precinct and identified impacts on distant heritage items would be nil to minor. It provided recommendations related to the interpretation of heritage aspects within the concept proposal to be addressed in future development applications.

DPIE Environment, Energy and Science – Greater Sydney Branch

EES advised that:

- EIS**
- any conditions recommended by the Aboriginal Cultural Heritage Assessment Report are to be included as conditions of consent
 - a flood impact assessment is to be undertaken to adequately address flood plain risk management
 - review of the Biodiversity Development Assessment Report (BDAR) found that the proposal will lead to a loss of the critically endangered ecological community

(CEEC), Cumberland Plain Woodland. The BDAR has not provided justification as to why the footprint cannot be reduced to avoid clearing of the CEEC. Inconsistencies in the credit requirements are to be rectified.

EES advised that:

- | | |
|------------|---|
| RtS | <ul style="list-style-type: none"> • it had no further comment on Aboriginal Cultural Heritage • the revised BDAR adequately addresses the issues previously raised • revised flood impact assessment is required to adequately address flood impact and risk assessments. |
|------------|---|

5.4 Key Issues - Council

A summary of Council's submission is provided at **Table 3**:

Table 3 | Summary of Council's submission

The Hills Shire Council (Council)

- | | |
|------------|--|
| EIS | <p>Council did not object to the proposal, but provided the following comments:</p> <ul style="list-style-type: none"> • future development applications, except principal subdivision and roads creation, should not be considered SSD and be determined by The Hills Shire Council regardless of CIV • a mechanism to secure the funding and delivery of future infrastructure should be established, with the Applicant responsible for the cost of new infrastructure such as the Caddies Creek Reserve and new creek crossings • clarification on the responsibility for establishment and ongoing maintenance obligations of the proposed plaza/s that are to remain in private ownership • consideration of a new high school within the Kellyville and Bella Vista Precincts • variation of the minimum setback standard in THLEP is not supported as the requirements were established as a result of detailed precinct planning and incorporated changes to setbacks for apartment buildings • clarification of the proposed location, size and delivery of the Bella Vista Community Facility and proposed primary school • provision of a riparian assessment and detailed overshadowing analysis • clarification and resolution of the stormwater drainage network and flood levels • clarification and resolution of the connectivity of the existing and proposed road network within and outside the precinct • consideration be given to exploring options to retain additional Cumberland Plain Woodland or mitigating the loss of Cumberland Plain Woodland via offsets in the Blacktown or Hills Shire LGA and demonstrated in the BDAR • the Urban Design Guidelines to clarify and include: |
|------------|--|

- GFA, yield ranges and minimum percentage of terrace housing for each lot
- street profiles to be specified and be consistent with existing streets to provide consistency in pedestrian and cycle movements
- retail laneways to be activated to avoid dormant and unsafe spaces
- wind controls for buildings 8 or more storeys, consistent with DCP controls for other station precincts
- increase provision of large canopy street trees to support the 'garden shire' character and minimise environmental heat impacts
- car parking rates to be consistent with Council's housing diversity provision and DCP
- Council specifications and Australian Standards to be adopted to ensure appropriate road design for waste collection.

RtS	<p>Council reiterated its previous comments relating to stormwater and flood management, and the Urban Design Guidelines, and provided the following additional comments:</p> <ul style="list-style-type: none"> • requested clarification of the role of Council's Design Review Panel as part of the assessment of future development applications • noted that Landcom is negotiating with Council on local infrastructure and requested that no approval be given prior to a mechanism being established between Landcom and Council • the concept plan should identify road upgrades and road reservation widths and be designed to cater for these upgrades.
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5.5 Public Submissions

The Department received a total of 12 public submissions comprising 6 objections, 4 in support, and 2 providing comments. A summary of the key issues raised in the submissions is provided in **Table 4**:

Table 4 | Summary of public submissions

Issue	% of submissions & number of times issue raised in ()
Increased traffic from additional residents, retail and commercial uses	58.3% (7)
Inadequate infrastructure to support additional density	41.7% (5)
Insufficient car spaces, more commuter spaces for Metro users to be provided as commuter car park is at capacity	25% (3)
Create additional pedestrian links and access bridges over Old Windsor Rd	25% (3)

Will create more job opportunities and apartments around stations which is supported	16.7% (2)
Environment and social impacts (noise, privacy, overshadowing, visual, crime)	8.3% (1)
Increase public areas, parks, and landscaping opportunities	8.3% (1)
Reduced building setbacks will reduce opportunities for landscaping and are not consistent with the surrounding area	8.3% (1)
Construction impacts (noise, vibration, dust)	8.3% (1)

5.6 Response to submissions and further information requested

Following the exhibition of the concept proposal the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in submissions.

The Applicant provided a Response to Submissions (RtS) report on 30 July 2020 and additional information for the Department's assessment in a report dated 16 November 2022 (**Appendix A**).

The RtS was made publicly available on the Department's website and was referred to relevant public authorities and Council. In reply, three submissions were received from public authorities and one from Council. A summary of issues raised in submissions to the RtS is provided at **Tables 2 and 3** and copies of the submissions may be viewed at **Appendix A**.

Following the RtS period, one Request for Information (RFI) letter was issued on 27 August 2020 to address agency advice and resolve ongoing issues. In response, the Applicant submitted additional information for the Department's assessment and resolution of issues including:

- increasing the minimum residential GFA from 151,000 m² to 204,675 m²
- reducing the maximum residential GFA from 305,770 m² to 304,770 m²
- reducing the potential residential dwelling yields to between 2,559 and 3,804 dwellings
- reducing the commercial GFA to between 116,815 m² and 151,000 m²
- increasing the retail GFA to between 13,115 m² and 15,000 m²
- amending the Urban Design Guidelines and Design Excellence Strategy and associated supporting documents to provide revised and enhanced requirements for setbacks, car parking rates, dwelling types, and vehicle and pedestrian connections within and outside the precinct
- submitting a formal Letter of Offer (Voluntary Planning Agreement) to The Hills Shire Council in relation to infrastructure works.

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in the assessment of the proposal.

The Department considers the key issues associated with the proposal are:

- density
- built form
- residential amenity
- design excellence
- open space and public domain
- flood management
- traffic and parking

All other issues associated with the proposal have been considered in **Section 6.7**.

6.1 Density

The proposal seeks approval for a maximum GFA of 470,770m² and 3,804 dwellings, comprising up to 304,770 m² of residential and 166,000 m² of non-residential floor space.

Five public submissions raised concern that the density is too high and will impact on existing public infrastructure. Two public submissions supported the density due to the creation of additional job opportunities and residential accommodation close to the metro station.

Council did not object to the proposed density.

The Department notes that the maximum density for the site is controlled by requirements for lot sizes, heights, floor space ratios, and a dwelling cap as specified in the THLEP. The Department has undertaken a detailed assessment of the proposal and considers the proposal to be consistent with these requirements as further discussed in **Sections 6.1.1 – 6.1.3** and provided in **Appendix D**.

6.1.1 Minimum Lot Size

The proposal involves the creation of 20 'super lots' which may be further subdivided in subsequent applications (**Figure 13**).



Figure 13 | Proposed Bella Vista Station Precinct structure plan and super lots (Source: Applicant's RtS)

Clause 8.2 of THLEP sets out minimum site areas for developments involving residential flat buildings and shop top housing within the R1 Residential and B2 Local Centre zones, requiring a minimum of 1,500 m² for buildings less than 21 m high and 3,600 m² for buildings greater than 21 m high. The proposed indicative lot sizes are detailed in **Table 5**.

Table 5 | Comparison of proposed lot size, height and use against lot size requirements

Lot	Lot area (m ²)	Proposed maximum height	Use	Minimum lot size under THLEP	Compliance
A1.0	3,425 m ²	28 m	Residential/Retail	3,600 m ²	No*
A1.1	10,300 m ²	16 m	Primary school	N/A (non-residential use)	Yes
A2.0	5,520 m ²	21 m	Residential	3,600 m ²	Yes
A2.1	6,300 m ²	28 m	Residential	3,600 m ²	Yes
A2.2	9,375 m ²	28 m	Residential	3,600 m ²	Yes
B1.0	6,780 m ²	28 m	Residential	3,600 m ²	Yes
B1.1	7,840 m ²	28 m	Residential	3,600 m ²	Yes
B2.0	4,100 m ²	21 m	Retail/Commercial	N/A (B7 Business Park)	Yes
B3.0/3.4	9,070 m ²	28/16 m	Residential	3,600 m ²	Yes
B3.1/3.5	8,455 m ²	28/16 m	Residential	3,600 m ²	Yes
B3.2	6,670 m ²	28 m	Residential	3,600 m ²	Yes
B3.3	5,045 m ²	68 m	Residential	3,600 m ²	Yes

B4.0	7,750 m ²	68 m	Residential	3,600 m ²	Yes
C1.0	7,450 m ²	68 m	Retail/Commercial	N/A (B7 Business Park)	Yes
C1.1	9,000 m ²	68 m	Retail/Commercial	N/A (B7 Business Park)	Yes
C1.2	7,350 m ²	68 m	Retail/Commercial	N/A (B7 Business Park)	Yes
C2.0	8,155 m ²	68 m	Retail/Commercial	N/A (B7 Business Park)	Yes
C2.1	3,575 m ²	16 m	Plaza/Community Space	N/A (B7 Business Park)	Yes
C2.2	7,375 m ²	68 m	Retail/Commercial	N/A (B7 Business Park)	Yes
C2.3	7,740 m ²	68 m	Residential	3,600 m ²	Yes

*Indicative lot area and height only

The Department notes that all proposed super lots are capable of meeting the minimum lot sizes standard in Clause 8.2 of the THLEP, except for lot A1.0.

Lot A1.0 is a narrow lot that adjoins land located next to the Sydney Metro corridor owned by The Hills Council. The Department considers lot A1.0 is acceptable because:

- the lot size represents a minor variation of less than 5% of the required 3,600 m²
- the submitted reference scheme demonstrates that any further subdivision of the super lots is capable of complying with the lot size requirements of the THLEP and accommodating development of good design and amenity with varied built forms and character (**Figure 14**).

The Department therefore concludes that the proposed lots are consistent with the lot size requirements and will provide for future detailed designs that reflect the envisaged density for the site and enable design excellence to be achieved.



Figure 14 | Reference scheme for concept proposal masterplan built form (Source: Applicant's RtS)

6.1.2 Floor Space Ratio (FSR)

The THLEP establishes four FSR controls across the site which align with the underlying land use zones of the B7 Business Park, B2 Local Centre, and R1 General Residential areas (**Figures 15 and 16**).

The FSR controls provide increased density within the town centre transitioning down to low density residential areas. The land use zones maintain employment land adjacent to the existing business park and metro station and provide increased housing away from the employment land within the residential zone. The B2 zone located towards the centre of the site acts as a transition zone between the B7 and R1 zones and allows residential uses to form part of the town centre to enable a mixed use and activated precinct throughout the day and night.



Figure 15| Maximum permitted FSR under THLEP (Source: Applicant's RtS)

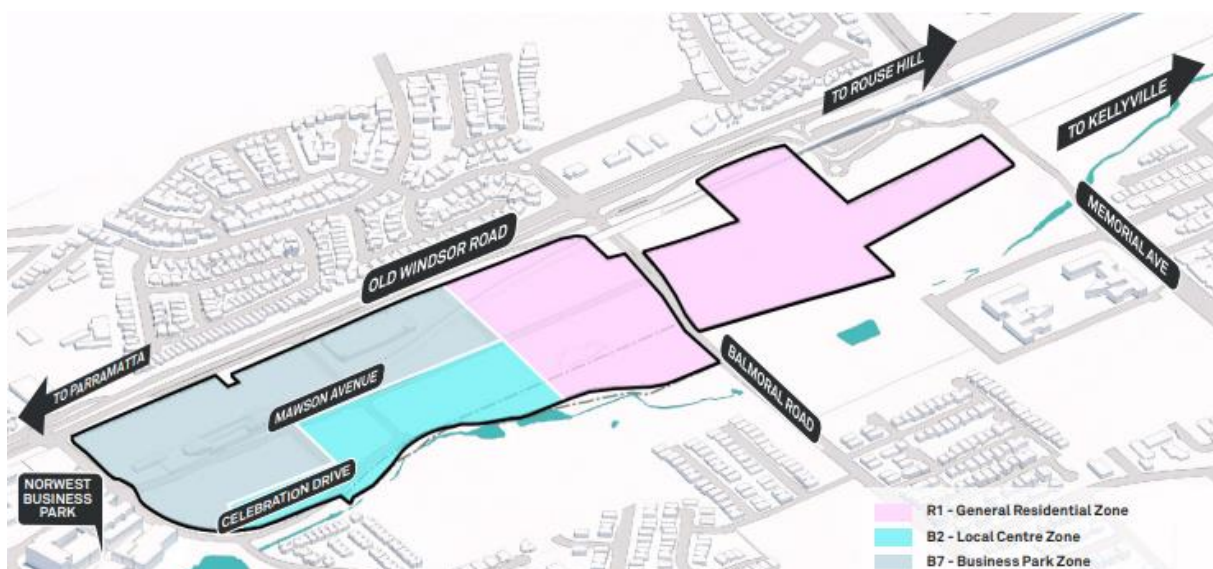


Figure 16 | Land use zones under THLEP (Source: Applicant's RtS)

The Applicant advises that the Concept Plan will be progressively developed over a 20 to 25 year period and the proposal needs to accommodate changes in market conditions that occur over time and demand for a mix of housing typologies. The Applicant therefore proposes a minimum and maximum FSR as shown in **Table 6** to accommodate different development scenarios.

Table 6 | Proposed FSR per lot

Area	Lot area (m ²)	Proposed min GFA/FSR	Proposed max GFA/FSR	Max GFA/FSR under THLEP	Compliance
Area 1	92,168 m ²	50,420 m ² /0.55:1	92,175 m ² /1:1	92,168 m ² /1:1	Yes
Area 2	58,339 m ²	70,756 m ² /1.21:1	83,350 m ² /1.43:1	87,509 m ² /1.5:1	Yes
Area 3	46,906 m ²	107,300 m ² /2.29:1	157,495 m ² /3.36:1	140,718 m ² /3:1	No for max GFA/FSR
Area 4	118,705 m ²	121,130 m ² /1.02:1	152,750 m ² /1.29:1	474,820 m ² /4:1	Yes
Totals	316,118 m ²	349,606 m ² /1.11:1	485,770 m ² /1.54:1	795,215 m ² /2.52:1	Yes

Council did not object to the proposed FSR as allocated across the precinct.

The minimum and maximum FSR in all areas complies with the THLEP except for the maximum FSR for Area 3.

The Department considers the proposed FSR of Area 3 is acceptable because:

- it represents a 12% variation above the control which is considered to be relatively minor
- it is a transition area with a range of heights and densities to reflect the adjoining higher commercial built forms of Area 4 and lower residential built forms of Area 2

- it does not compromise the amenity of the precinct with lower height and density proposed adjoining the residential zone and open space areas along Elizabeth Macarthur Creek
- the increased FSR in Area 3 is offset by lower FSRs in Areas 2 and 4 of the precinct
- the overall maximum FSR across the site of 1.54:1 is significantly lower than the maximum 2.52:1 permitted across the site under the THLEP.

While the proposal results in a minor variation to the underlying FSR control in Area 3, the Department is satisfied the proposal overall density across the site is acceptable as it only utilises 44% to 61.1 % of the maximum permissible FSR and would support better amenity and urban design outcomes for the precinct. The Department also supports the proposed minimum and maximum FSR for each lot, which would encourage a mix of building and housing typologies over time.

6.1.3 Dwelling Cap

Clause 8.9 of THLEP limits the number of dwellings within the whole of the Bella Vista and Kellyville Station Precincts to 8,400 dwellings. The dwelling cap was adopted as part of the rezoning of the precincts to ensure existing and planned supporting infrastructure meets the demand generated by the planned housing and population growth.

The precincts include the land for the subject Concept Proposal, the land subject to the Kellyville Station Precinct Concept Proposal (SSD 10343 under separate assessment) with a total site area of 523,000 m² and the remaining land of approximately 491,200 m² that is not included in the two Concept Proposals.

The Bella Vista and Kellyville concept proposals represent the majority of land that can be developed under Clause 8.9, with the dwelling cap proportionate to the remaining land.

The Department notes the maximum number of dwellings proposed in the Bella Vista Station Precinct (3,804) together with the maximum number of dwellings proposed in the Kellyville Station Precinct (1,910) would result in 5,714 dwellings, which represents 68% of dwellings permitted under the dwelling cap of THLEP.

The Department therefore concludes the proposed maximum number of dwellings, when compared to the overall total number of dwellings permitted under THLEP is appropriate, because it would:

- not exceed the maximum number of dwellings within the precincts as permitted under THLEP
- ensure infrastructure demand arising from the proposal would not exceed that envisaged under the strategic plan
- ensure sufficient allowance within the dwelling cap for redevelopment of remaining lands within the precincts.

Conclusion

The Department's assessment therefore concludes the proposed density is appropriate because:

- the proposed FSR across the site is significantly lower than the maximum permissible under THLEP

- it is consistent with the strategic objectives and rezoning of the Bella Vista Station Precinct providing a precinct that exemplifies transit-oriented development that would accommodate a mix of land uses within the B7 Business Park, B2 Local Centre, and R1 General Residential zones. It would provide additional jobs, housing, and a new local centre activating the area around the new Bella Vista metro station with uses and services for commuters and future residents (see **Section 3.1**)
- the proposal would not result in unreasonable amenity impacts on the surrounding locality in terms of solar access, outlook, views and privacy (see **Section 6.3**) and the local and regional road network (see **Section 6.6**)
- the proposal includes the provision of new open spaces and infrastructure including a new public school to support the demand generated by the planned housing, population growth, and commercial uses (see **Section 6.7**).

6.2 Built form

The proposal does not seek approval for specific building envelopes or built forms on the proposed lots.

The proposal instead, seeks approval of the submitted Urban Design Guidelines which set out design objectives and controls for built form of future developments within the precinct.

The Department considers the key issues associated with the proposed built form are height, bulk and scale, and setbacks.

6.2.1 Height

The proposal adopts the height of buildings development standard contained in THLEP which provides for maximum building heights of 21 m, 28 m, and 68 m (**Figure 17**).

The proposed building heights reflect the character statements in the Urban Design Guidelines which identify the desired future character for three areas known as the “Town Centre”, “Residential Core”, and “Local Hub” as discussed below (**Figure 18**).



Figure 17 | Proposed heights for future development (Source: Applicant's RtS)

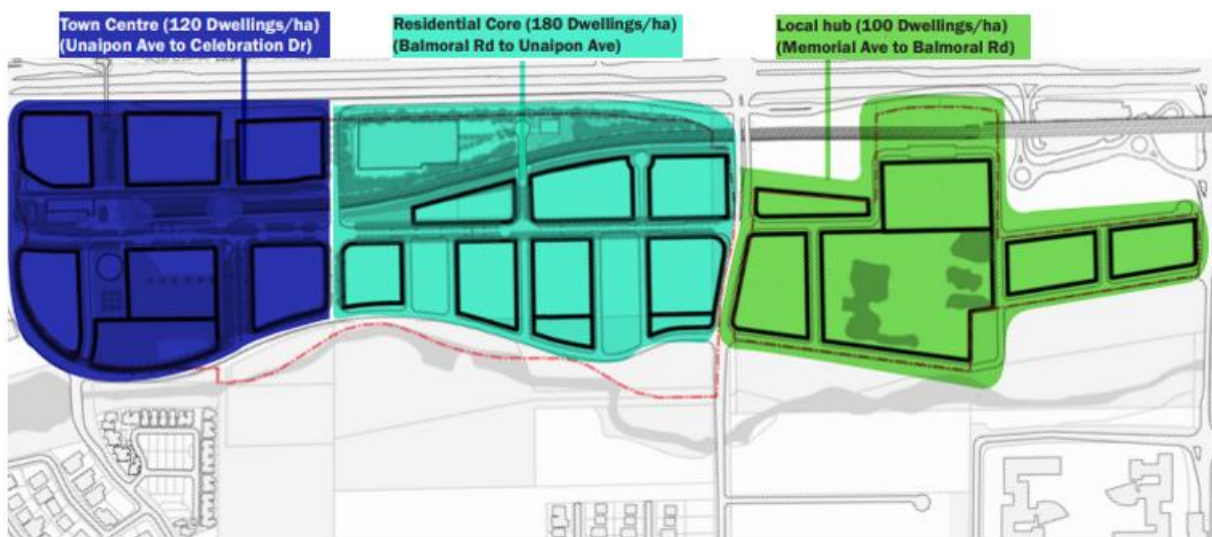


Figure 18 | Identification of character areas in the Urban Design Guidelines (Source: Applicant's RtS)

Town Centre

The Town Centre primarily contains the B7 Business Park zone and is proposed to be the southern gateway to the site and the centre of employment with retail and medium to high density residential uses located around a community hub and town square.

The Department considers the proposed taller buildings of up to 68 m in the Town Centre are appropriate to establish the emerging urban character for the Bella Vista Station Precinct and to provide a town centre around the metro station envisaged by the Strategic Plan.

The Department also accepts the submitted Urban Design Guidelines are appropriate in managing the distribution of building heights across the Town Centre by requiring:

- varied building heights between 24 m and 68 m to provide a variety of building forms, architectural styles, and visual interest and maximum height of 7 m adjoining key open spaces to provide a human scale and maximise solar access (**Figures 19 – 21**)
- a transition in building heights with the taller buildings adjacent to Old Windsor Road and Norwest Business Park, with lower building heights along the rail corridor to improve the amenity of future uses.

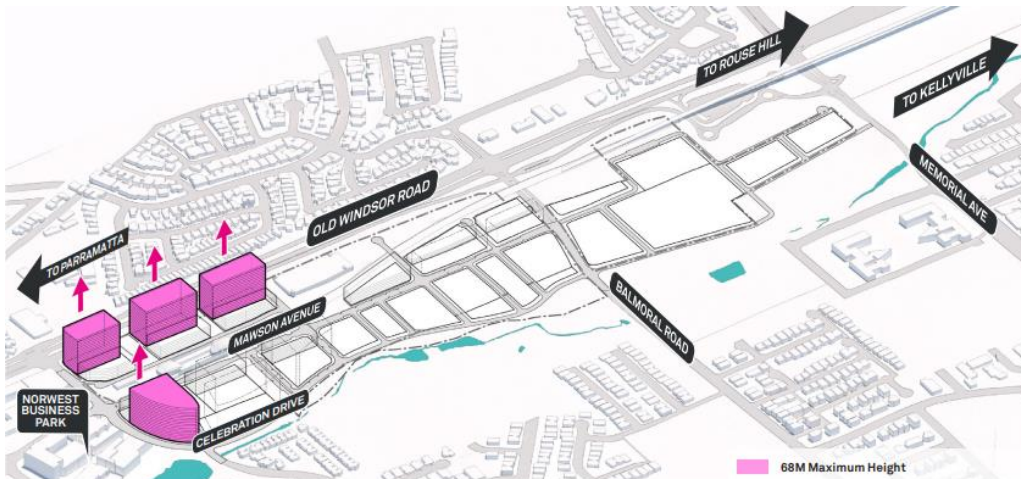


Figure 19 | Employment density maximised within 68 m towers to integrate with Norwest Business Park

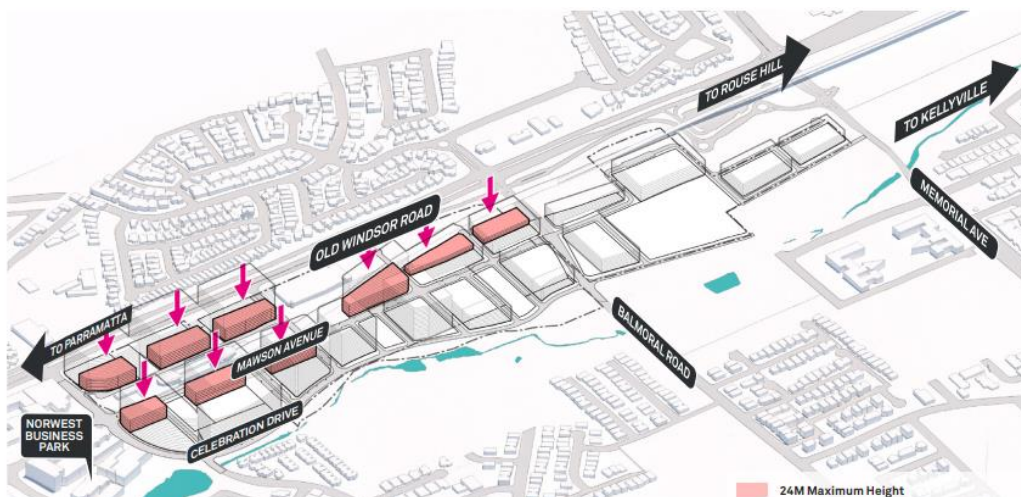


Figure 20 | Sensitive zones along the rail corridor have 24 m maximum height to improve the amenity of future uses



Figure 21 | Height adjoining key public space restricted to lower scale of 7 m maximum height

Residential Core

The Residential Core includes building heights of 16 m to 68 m and is proposed as the transition area between the Town Centre and Local Hub with taller mid-high rise apartment buildings at the southern end adjoining the Town Centre (**Figures 23 and 24**).

The Department accepts the submitted Urban Design Guidelines are appropriate in managing the distribution of building heights across the Residential Core by requiring:

- local open spaces distributed throughout the Residential Core adjoining key routes that provide access to the town centre, with sun access planes determining the varying height of buildings adjoining these open spaces to maximise solar access (**Figure 22**)
- residential dwellings supported by non-residential uses to enable a mixed use and activated precinct throughout the day and night
- enhanced riparian corridor for passive recreation and connectivity.

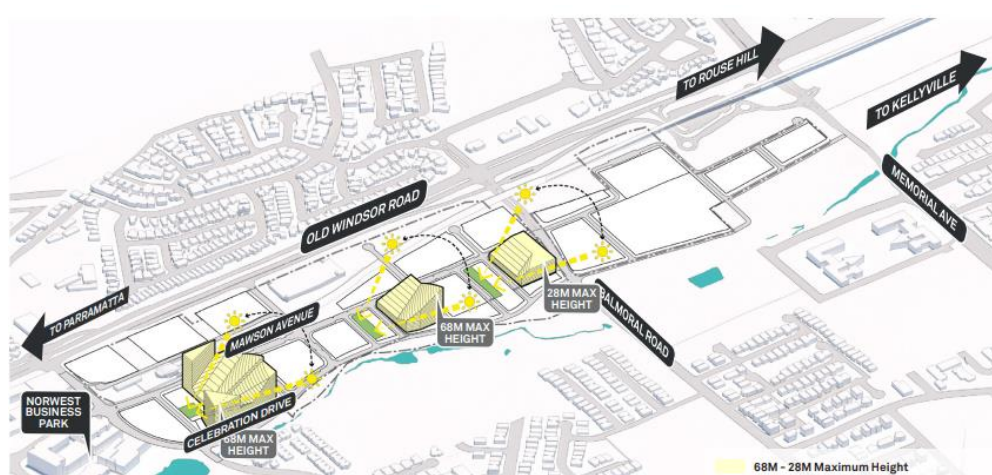


Figure 22 | Varying building heights determined by sun access planes adjoining key open spaces to maximise solar access

Local Hub

The Local Hub includes building heights ranging from 16 m to 26 m providing increased provision of terrace housing and medium density housing supported by local shops adjacent to the district park and school, and enhanced riparian corridor for passive recreation and connectivity.

The Department considers the position of the taller buildings along Mawson Road and lower buildings fronting the riparian corridor along Elizabeth Macarthur Creek is appropriate in providing a transition of building heights between the Local Hub and Residential Core. It also supports better amenity and views along the riparian corridor (**Figures 23 and 24**).

The Department also notes the lower building height of 16 m is appropriate to accommodate other building typologies such as terrace housing or townhouses to support housing diversity across the precinct.

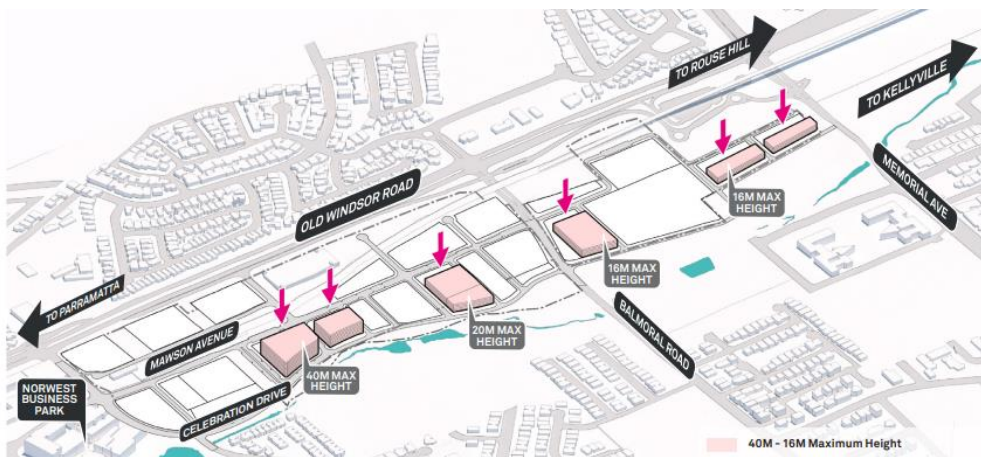


Figure 23 | Height along riparian corridor varies from 16 m – 40 m to allow views

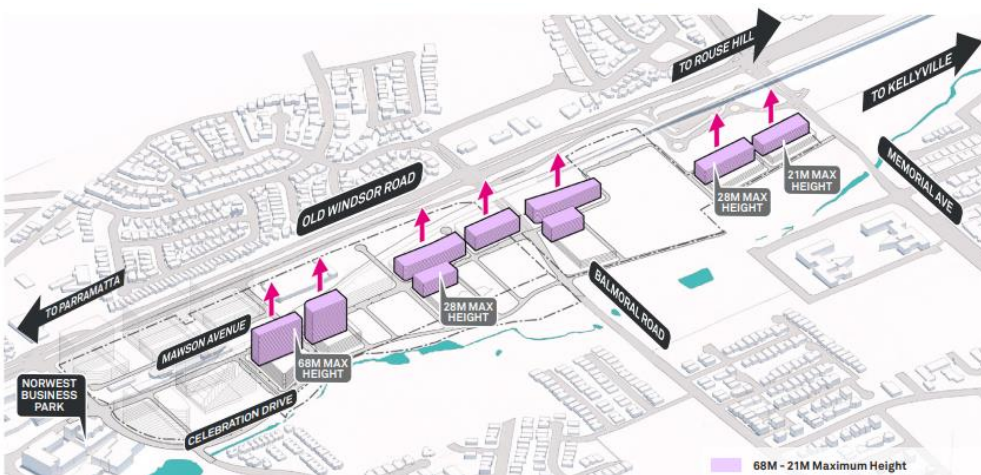


Figure 24 | Height along Mawson Ave maintained at maximum LEP height to maximise views to riparian corridor

Overall, the Department considers the proposed building heights are acceptable because:

- the building heights comply with the maximum permissible heights established by THLEP
- the proposal is consistent with, and contributes to, the envisaged character of the Bella Vista Station Precinct as established by the strategic objectives for the precinct and the rezoning of the Bella Vista Station Precinct, by locating taller buildings near the Bella Vista metro station and adjacent to established employment zones such as Norwest Business Park and lower buildings fronting the riparian corridor along Elizabeth Macarthur Creek
- the submitted Urban Design Guidelines provide appropriate built form controls to support the design outcomes envisaged, in particular the transition and variation of building heights across the proposed character areas
- the proposed heights would not result in unreasonable amenity impacts on the surrounding locality in terms of solar access, outlook, views and privacy (see **Section 6.3**).

6.2.2 Bulk and Scale

The proposed Urban Design Guidelines are modelled on five different block types to enable each block to be developed with its own character and to respond to the different land uses within the Precinct (**Figures 25 and 26**).

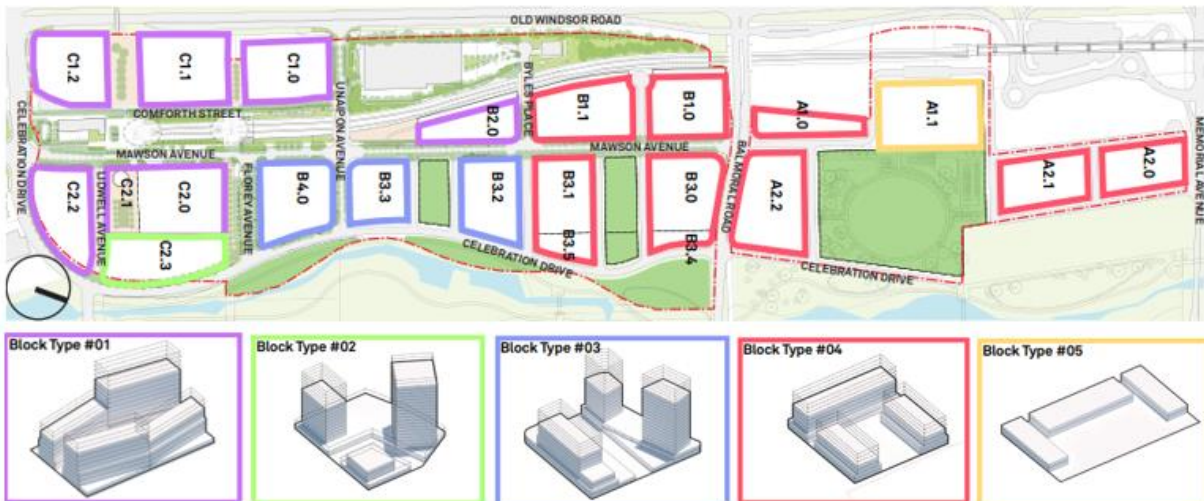


Figure 25 | Location plan of block typologies used to develop the Urban Design Guidelines (Source: Applicant's RtS)



Figure 26 | Indicative built form massing (Source: Applicant's RtS)

The State DRP advised that any building envelopes must be configured to enable innovative design and a high-quality public domain by establishing the maximum building envelope to GFA ratios. The State DRP recommended the Applicant review the form and orientation of the proposed towers as they did not have to follow the street geometry and could be more varied.

Council requested clarification of GFA, yield ranges and minimum percentage of terrace housing for each lot.

In response to Council's concerns and State DRP advice, the Applicant amended the Urban Design Guidelines to:

- ensure building envelopes have been designed to enable innovated design with an average overall ratio of 2.46:1 envelope area to allocated GFA
- provide clear requirements for the configuration of open space which must be provided at a minimum of 25% of the site area to ensure that high quality design outcomes are achieved

- widen the higher building envelopes of lots A2.0, A2.1, B1.0, B1.1 and B3.3 to 35 m to provide flexibility in design and to accommodate a mix of housing typologies (**Figure 27**)
- include minimum 5% terrace housing in the Local Hub area and provision for two-storey residential typologies on east west street frontages of apartment buildings
- provide greater flexibility for the orientation of any tower designs above the street walls to encourage architects to consider different approaches to achieving optimal solar access, privacy, and design excellence in the design of future developments.

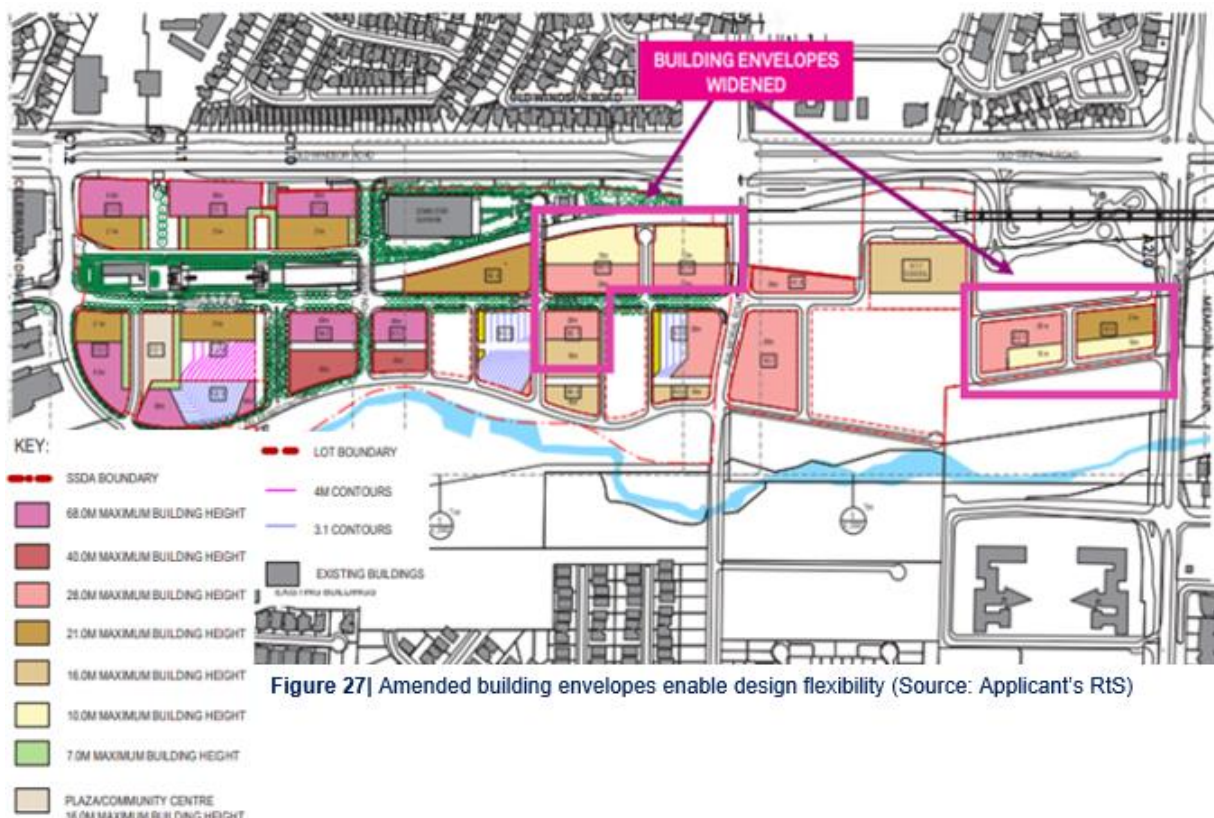


Figure 27 Amended building envelopes enable design flexibility (Source: Applicant's RfS)

The Department acknowledges the State DRP's concern on the need to clarify whether the proposal would support innovative design and a high-quality public domain. The Department notes however, that the proposal is not seeking approval for building envelopes, and therefore cannot confirm the maximum building envelope to GFA ratios for each lot.

The Department also notes that the building envelopes and GFA permitted under the THLEP can accommodate a development that is 39% larger than the current concept proposal. This is demonstrated in a reference scheme which compares permissible building envelopes and GFA against the controls of the submitted Urban Design Guidelines.

The Department is therefore satisfied the submitted reference scheme demonstrates the proposed GFA can be accommodated on the proposed lots with appropriate scope for design flexibility and improved built form and amenity outcomes, to be considered further as a part of future applications.

As discussed in **Section 6.1** of this report, the Department notes that the proposed density would not reach the maximum permissible FSR for the site and would only provide 68% of the maximum dwellings

permitted under Clause 8.9 of THLEP. The proposed density, which is lower than envisaged under the THLEP controls, would also support greater flexibility in the siting and design of future built form on each of the proposed lots.

The Department also considers the amended Urban Design Guidelines are appropriate and would be effective in moderating the bulk and scale of future built forms, because they include provisions to:

- reduce height along the rail corridor where views into the corridor and noise emerging from it could negatively impact amenity
- limit street wall heights to 24 m along Mawson Rd, 1 - 2 storey podiums to commercial buildings fronting public plazas, and 2 - 4 storey lower levels to buildings on residential streets
- require facade expression or modulation to break up long building edges
- increase opportunities for view sharing to Elizabeth Macarthur Creek
- provide flexibility of form and orientation between Mawson Drive and Celebration Drive to maximise views to parks and the riparian corridor
- support flexible siting and orientation for higher building envelopes for residential blocks to maximise solar access to private communal open space.

The Department is therefore satisfied that the amended Urban Design Guidelines include sufficient measures to manage the bulk and scale of future built form.

6.2.3 Setbacks

The THLEP has a minimum 5 m setback requirement which applies to:

- a building in Zone R1 General Residential
- a residential flat building in Zone B2 Local Centre

The Applicant proposes setbacks as shown in **Table 7** and **Figure 28** below.

Table 7 | Proposed setbacks

Zone	Setback required under THLEP	Setback proposed	Compliance
R1 General Residential	5 m (for any building)	2 m ground floor 5 m upper levels	No for the ground floor
B2 Local centre	5 m (for residential flat buildings)	<u>Non- residential uses:</u> 0 m for ground floor uses 3m upper floors (podium)	Yes, for commercial uses
		<u>Residential flat building:</u> 2 m for ground floor 3 m upper floors to Mawson Ave 5 m upper floors all other streets	No for residential uses
B7 Business Park	0 m	0 m	Yes

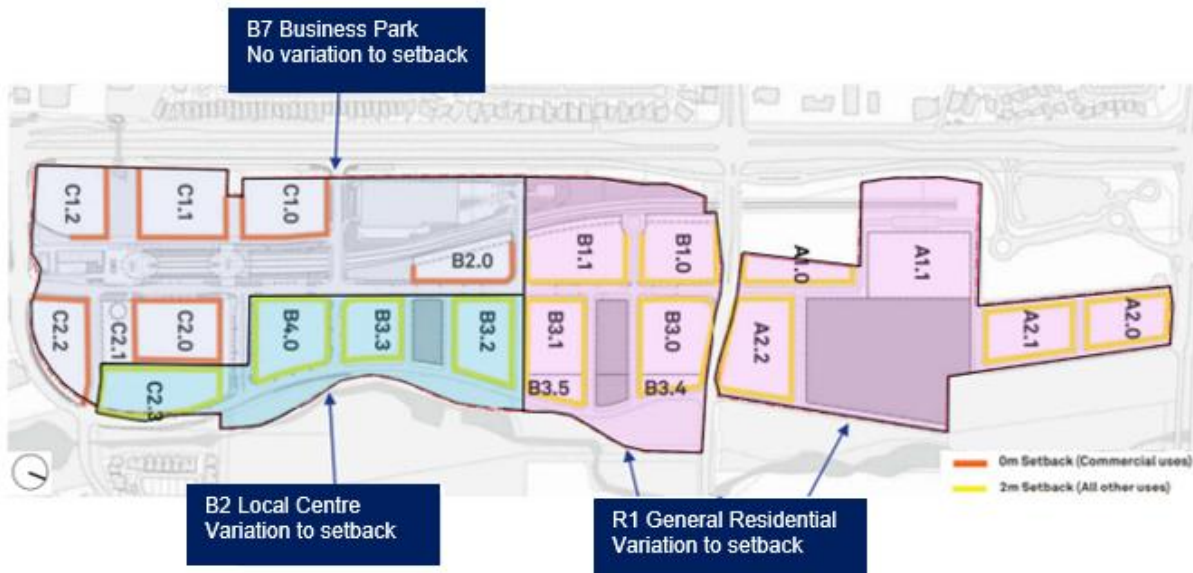


Figure 28 | Proposed variation to setbacks (Source: Applicant's Clause 4.6 submission)

Council did not support the proposed variation to the 5 m setback standard as part of the concept proposal because:

- the 5 m setback development standard already includes a reduced setback when compared to Council's typical setback requirement of 10 m which applies to its other areas
- the 5 m setback would reflect the desired urban character of the site while allowing space for landscaping and tree planting to improve streetscape and residential amenity
- it would support a 3 m setback for terrace style dwellings similar to Council's DCP controls for the Hills Showground and Castle Hill North Precincts.

Council also considered that individual building designs are needed to be assessed to support and justify any reduced setback.

One public submission raised concern that the reduced building setbacks are not consistent with the surrounding area and will reduce opportunities for landscaping.

The State DRP advised that the proposed setbacks of 2 m in residential areas and 0 m in commercial areas (with 3 m podium setback) could be supported, where the benefit to the public domain and/or increased private communal open space can be demonstrated.

In response to Council's concerns and State DRP advice, the Applicant amended the Urban Design Guidelines to:

- increase the setback to the single block east/ west streets to a minimum of 2 m to reinforce the progressive increase in landscape character approaching Elizabeth Macarthur Creek
- require 0 m street setback for non-residential ground floor uses only, with all residential uses to have a ground floor setback of 2 m (**Figure 29**).



Figure 29 | Proposed setbacks (Source: Applicant's RtS)

The Applicant has submitted a request under Clause 4.6 of the THLEP to justify the variation to the setback standard. In summary, the Applicant argues that the proposed variation is acceptable because:

- the site's strong connection and alignment with Elizabeth Macarthur Creek and proposed road hierarchy provides significant levels of open space, landscaping opportunities and pedestrian and cyclist connectivity to offset the reduced building setbacks
- it will provide for vibrant and active street frontages adjacent to Bella Vista metro station, consistent with the scale of development envisaged for the site, being a high-density, transit-oriented mixed-use precinct
- the reduced building setbacks will not result in adverse amenity impacts.

The Department notes the objective of the setback standard is not explicitly stated in the THLEP. The Department acknowledges the advice of Council and the State DRP that better outcomes for streetscape, public domain, tree planting and residential amenity are the key considerations.

The Department has undertaken a detailed assessment of the Applicant's Clause 4.6 request to vary the setback standard at **Appendix C**. In summary, the Department considers the proposed setbacks are acceptable because:

- a 2m setback provides better transition from the urbanised character of the B7 Business Park zone to the residential zones and a more coherent streetscape across the site. Perceived bulk and scale impacts are reduced as future built form would be offset by wider footpaths and interface areas along key vehicular and pedestrian connections (**Figure 30**)
- they will support the creation of a high density, transit-oriented community within a compact town centre as envisaged by the strategic planning framework for the Bella Vista Station Precinct
- they allow for the efficient use of space, while providing a transition between private and public space and promotes a walkable, convenient and active street network extending along Mawson Avenue and Elizabeth Macarthur Creek (**Figure 31**)
- they will not impede appropriate building separation being achieved and pedestrian and shared paths being provided throughout the precinct, while still allowing space to develop a strong landscape character for ground level amenity and privacy

- they would not result in unacceptable impacts to the streetscape or public domain as most of the street network around the station was established when the metro station was constructed. The established streetscape already includes street planting and footpath widths of between 1.5 m to 3.5 m.

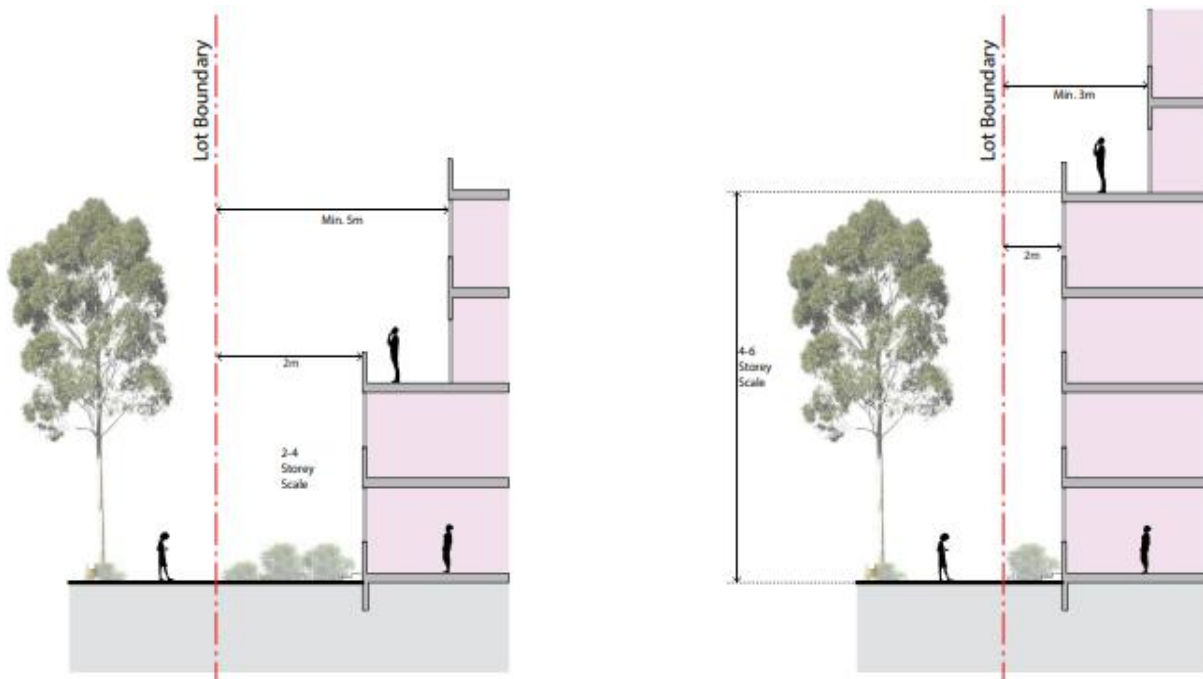


Figure 30 | Setbacks for residential uses along neighbourhood roads (left) and Mawson Avenue south of Balmoral Road and roads south of Byles Place (right) (Source: Applicant's RtS)



Figure 31 | Setbacks for commercial uses along town square and plazas (left) and Mawson Ave and Comforth St (right) (Source: Applicant's RtS)

The Department accepts the varied setbacks across the site, which comprises a business, local centre and residential area are appropriate and consistent with the strategic objectives for the precinct in establishing a vibrant precinct and maintaining good amenity for future workers, residents, and visitors.

Conclusion

In conclusion, the Department considers the proposal is acceptable in terms of height, bulk and scale, and setbacks because:

- the proposal complies with the maximum permissible height of buildings development standard of the THLEP
- the submitted Urban Design Guidelines contain detailed built form controls and guidance which will inform the future built form of the precinct
- the proposed variation to the setback development standard of the THLEP is acceptable because it would provide for vibrant and active street frontages adjacent to Bella Vista metro station, consistent with the scale of development envisaged for the site, being a high-density, transit-oriented mixed-use precinct
- it would not unreasonably overshadow proposed public open spaces or public domain (**Section 6.3.2**).

The Department is therefore satisfied the submitted Urban Design Guidelines set out appropriate design objectives and controls for the design of future built form that would be consistent with the strategic plan for the Bella Vista Station Precinct as a new town centre located directly adjacent to the Bella Vista metro station.

6.3 Residential amenity

6.3.1 Future residential amenity

The proposal will accommodate up to 3,804 dwellings and is supported by the submitted Urban Design Guidelines which set out parameters for the future detailed design of buildings.

Council noted that the Urban Design Guidelines should contain further details on setbacks, solar access, and wind impacts.

The State DRP recommended further work to resolve details on massing and separation of future buildings to provide better outcomes for solar access and amenity for the future residents.

In response to Council's concern and the SDRP's advice, the Applicant amended the Urban Design Guidelines to provide:

- greater clarity regarding setbacks for residential flat buildings including increasing the setback to the single block east/west streets to minimum 2 m
- wind modelling requirements consistent with Council's DCP

- clarity that all future developments can comply with the provisions of the ADG including building separation and privacy between dwellings (**Figures 32 and 33**)
- additional solar access analysis demonstrating that future building envelopes can achieve the required solar access to dwellings and surrounding public domain.

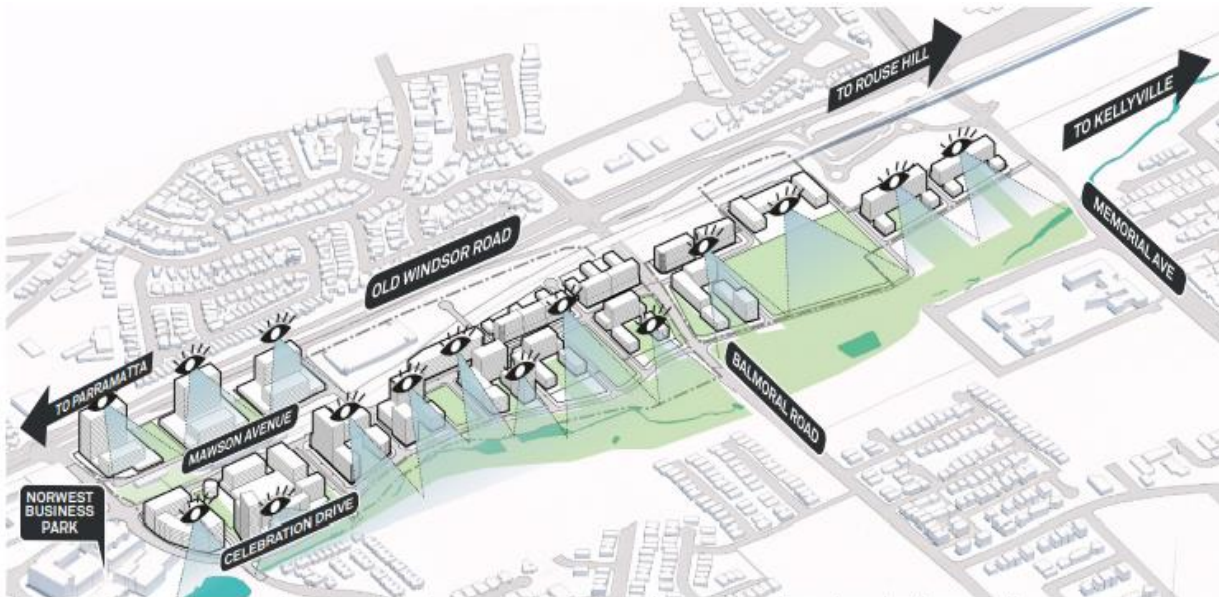


Figure 32 | Proposed built form that minimises views to other dwellings by layering open space from private balconies to communal open space and then to public open space (Source: Applicant's RtS)



Figure 33 | Proposed massing showing built form that complies with the building separation distances of the ADG (Source: Applicant's RtS)

The Department is satisfied the amended Urban Design Guidelines address the SDRP's advice and include additional provisions that require:

- future residential towers above podium to orientate differently to the podium/street wall below to maximise views, ventilation and solar access

- adequate separation distance to maintain view corridors
- residential setbacks as discussed in **Section 6.2.3**.

The Department also notes the amended Urban Design Guidelines include additional objectives and controls for future detailed design of buildings to be consistent with the ADG, including requirements for building separation, private and communal open space, landscaping, solar access, and natural cross-ventilation.

The Department's detailed assessment of the proposal against the requirements of the ADG is provided in **Appendix D**. The Department accepts future developments would be capable of providing a good level of residential amenity because the submitted Urban Design Guidelines reflect the requirements of the ADG, including:

- solar access targets of more than 2 hours of direct sunlight to at least 70% of apartment living rooms and private open spaces between 11am and 2pm on June 21
- solar access targets that achieve more than 4 hours direct sunlight to at least 75% of public open space areas such as the town square and local parks on June 21
- each lot to be provided with public and communal open space minimum 25% of the lot area co-located with deep soil zones
- the provision of deep soil zones of at least 7% to 15% of the site area
- building separation distances to achieve appropriate solar access, ventilation, and internal amenity
- appropriate separation of residential and non-residential uses with separate entry areas, minimal ground level interface, and location of active public areas away from private open space.

The Department is satisfied that the submitted indicative scheme demonstrates that future residential buildings can be accommodated within the proposed lots and meet the requirements of the ADG including sunlight, ventilation, wind, open spaces, and visual and acoustic privacy.

6.3.2 Surrounding residential developments

The closest residential areas to the Bella Vista Station Precinct are the low-density areas along Waterstone Crescent on the eastern bank of Elizabeth Macarthur Creek and to the west on the opposite side of Old Windsor Road in Glenwood.

One public submission raised concerns regarding the proposal's potential amenity impacts such as overshadowing, privacy, and noise impacts to surrounding existing residential areas.

The proposal is accompanied by solar access information based on the indicative built form, which identifies that:

- the proposal will have no impact on the solar access of existing residential dwellings surrounding the site with shadows being mostly contained within the development site
- the proposed development block C2.3 has the potential to overshadow parts of Elizabeth Macarthur Creek but most shadow would fall onto existing commercial buildings to the south

- the greatest area of overshadowing would be from taller buildings along Old Windsor Road that would cast shadows during the winter solstice to the south, but these shadows would be over Old Windsor Road, with negligible shadow on existing properties to the west in Glenwood.

The Department notes the residential properties on Waterstone Crescent are located approximately 40 m to the east of Elizabeth Macarthur Creek and separated from the site by existing dense vegetation along the creek line. Given the distance and natural screening by existing vegetation between the site and these residential properties, the Department considers a reasonable level of residential amenity, in terms of noise and visual privacy would be maintained.

The Department therefore concludes the proposal would have acceptable impacts to surrounding residential properties. The Department also notes further detailed assessment of solar access and other amenity impacts will be undertaken during the assessment of future development applications.

6.4 Design Excellence

Clause 8.6 of THLEP outlines the requirements for design excellence, including instances where a Design Review Panel (DRP) must review the development or when an architectural design competition must be held. To ensure design excellence is achieved, the Applicant has prepared a Design Excellence Strategy (DES) and Urban Design Guidelines to guide the design of future development.

The submitted DES seeks to achieve design excellence for future development applications through a competitive tender process and an expert DRP.

6.4.1 Design competition

Clause 8.6(5)(b) of the THLEP requires a building that is, or will be, higher than 66 m or 20 storeys (or both) to be subject to an architectural design competition unless the GA NSW certifies in writing that an architectural design competition need not be held but that a DRP should instead review the development.

The proposal includes building envelopes with maximum height up to 68 m, which may accommodate buildings higher than 20 storeys. The Applicant seeks an exemption from an architectural design competition. The Department consulted with GA NSW regarding the exemption. GA NSW considers that a waiver is acceptable given that the competition height trigger and the proposed maximum height vary by only 2 m. The GA NSW also advised that the waiver be subject to the following terms:

- the waiver is limited to a building with a height of between 66 m and 68 m and up to 20 storeys, and not applicable to any building above 68 m or 20 storeys
- future applications being reviewed by the DRP endorsed in the DES
- demonstration of no additional impact to amenity of public and communal open space, public domain and private open space and living areas arising from any building height above 66m
- the Department's final assessment and approval of the Urban Design Guidelines, and GA NSW endorsement of DES

- developments subject to this waiver to be designed by architects with a demonstrated capacity to deliver design excellence, for example through the award of peer reviewed prizes
- demonstration of commitment to design diversity for larger sites with multiple buildings subject to this waiver, for example through the use of two or more appropriately qualified architects.

The Department accepts the GA NSW's advice and supports waiver of the competition requirement for the proposal and recommends conditions to reflect the terms of the waiver as issued by GA NSW.

6.4.2 Design Review Panel

Clause 8.6(5)(a) of the THLEP requires buildings that are, or will be, higher than 21 m or 6 storeys (or both) to be reviewed by a DRP. The Applicant proposes the DRP requirement be met by future applications through the use of the State DRP and Council's existing DRP. The Applicant notes that future development applications subject to any concept approval are SSD unless the consent authority delegates the responsibility to Council under section 4.37 of the EP&A Act. In this regard, the Applicant proposes that future applications with a CIV of less than \$30 million be delegated to Council and this is reflected in the DES.

Council raised concerns over the consistency of built form outcomes if different consent authorities and DRP's are utilised. Council noted its DRP comprises of members with suitable local knowledge and expertise and should have a role in assessing all future built form applications.

GA NSW reviewed the submitted DES and supported the strategy.

The Department acknowledges Council's concerns and the importance of consistency in advice and the need of adequate expertise.

To ensure consistency of advice, the Department recommends members of the State DRP be also common members of the Landcom Design Advisory Panel (DAP) and Council's Design Excellence Panel (DEP) to review future development applications. The composition is considered to add both local expertise and the strategic planning and infrastructure knowledge of Landcom in delivering station precincts on behalf of Sydney Metro.

The Department notes that the current proposal was reviewed two times by the State DRP throughout the assessment process. The Department considers it is appropriate for the State DRP to continue having an ongoing role for future applications with a CIV over \$30 million.

The Department acknowledges the vital role of Council in the design review process and recommends that for future applications the State DRP retains the same composition of panellists which includes Council and Landcom nominees that are also common panellists for the State DRP.

The Department therefore concludes the submitted DES satisfies the requirements of THLEP.

6.4.3 Design Excellence

Clause 8.6 of the THLEP outlines the requirements for design excellence within the Bella Vista and Kellyville Station Precincts. The Department notes the objective of this clause is to deliver the highest

standard of architectural, urban and landscape design. Further, development consent cannot be granted to a development involving the erection of a new building or external alterations to an existing building unless the development is considered to exhibit design excellence.

The Department notes the concept proposal was internally reviewed by Landcom's Design Advisory Panel prior to lodgement and then independently reviewed by the State DRP on two occasions including prior to the submission of the current amended proposal.

The State DRP supported the design of the precinct noting the ambition to connect to Elizabeth Macarthur Creek, approach to housing diversity, and solar access considerations. It also noted support for the following:

- commitment to incorporate Indigenous and cultural heritage history into the site
- improved connectivity of regional open spaces to the northern part of the site by widening footpaths to Celebration Drive to support pedestrian movement
- commitment to provide public domain and open spaces that meet state government targets and 40% tree canopy target
- strengthening of Elizabeth Macarthur Creek as a key public open space and green grid link including a cycle corridor and pedestrian bridge along the riparian corridor
- introduction of two mixed use sites in the north of the precinct to allow neighbourhood shops with active frontages
- reduced street setbacks where the benefit to the public domain can be demonstrated (excluding development yield)
- the extent of active frontages, building heights to maximise solar access, building envelope to GFA ratios to enable innovative design, and range of street types in the street hierarchy
- the divestment and development of the first lot, being the town centre, to activate the area around the metro station.

Following its final review, the State DRP made several recommendations to further improve the design and amenity of the precinct including:

- further development and articulation of the Urban Design Guidelines to include:
 - a clear and meaningful approach to Indigenous and European cultural heritage
 - articulation of the future character and identity of Bella Vista, linked to Kellyville, the Hills and its character, and to the Council's Local Strategic Planning Statement (LSPS)
 - landscape and green infrastructure commitments including a mandated tree canopy target of 40% and 25% deep soil to residential lot areas
 - detailed design outcomes for road types, street tree planting, and basement parking
 - minimum affordable housing provisions
 - a design diversity strategy ensuring multiple design teams are involved in designing the precinct

- provide a broad staging, divestment and implementation strategy that details activation of spaces, delivery of diversity in housing types and architecture, key open spaces, and public domain works
- ensure maximum building envelopes are configured to enable maximum dwelling numbers and building envelope to GFA ratios
- incorporate provisions to ensure Concept Masterplan outcomes are not compromised through future modifications
- confirm sustainability targets

In response to the SDRP, the Applicant revised and expanded the Urban Design Guidelines to address and incorporate the recommendations of the State DRP.

The Department is satisfied that the Applicant has appropriately responded to the advice and recommendations of the State DRP and considers the revised Urban Design Guidelines to suitably address:

- inclusion of specific guidelines on heritage interpretation for Indigenous and European cultural heritage and consultation with appropriate agencies
- future character and identity outcomes for Bella Vista aligned with the surrounding area and to Council's LSPS
- design outcomes for ground level setbacks and building depths that respond to adjacent land uses and public domain
- street hierarchy, road typologies and access points adjacent to development blocks and potential future connections to the existing road network, adjacent land, and Elizabeth Macarthur Creek
- inclusion of minimum requirements for terraces in development blocks
- design outcomes and targets for public and communal open space, street tree planting, deep soil areas, solar access, building orientation, car and bicycle parking, and sustainability.

The Department notes several outstanding matters raised by the State DRP will be appropriately addressed through conditions of consent requiring amendments to the Urban Design Guidelines, including:

- a Glossary of Terms
- deep soil in residential lots to be continuous where possible
- a notation that there is to be no construction, basement access or car parking under public roads.

Conclusion

The Department's consideration of matters relating to Design Excellence as specified in clause 8.6 of THLEP including built form, public domain integration, and amenity is at **Appendix D**. In summary, the Department's assessment concludes the proposal satisfies the Design Excellence requirements of THLEP, noting:

- the State DRP supports the design of the precinct and the connection to Elizabeth Macarthur Creek, approach to housing diversity, and solar access considerations

- future development applications must demonstrate the development exhibits design excellence in accordance with clause 8.6 of THLEP
- the Design Excellence Strategy requires future development to be reviewed by the relevant DRP
- the GA NSW supports a waiver for a competitive design process, subject to requirements as set out in the waiver
- the revised Urban Design Guidelines set out objectives and design criteria that ensure future development would be appropriate in character, form, and of high architectural quality and achieve good urban design outcomes.

6.5 Open space and public domain

6.5.1 Open Spaces

The proposal includes the provision of new open spaces (**Figure 34**) comprising a total of 55,308 m² (5.53 ha) and include:

- a “district park” located to the north of the site of 2.74 ha (**BV1**)
- two local parks located towards the centre of the site of 6,650 m² and 3,815 m² (**BV2** and **BV3**)
- a “station plaza” of 1,600 m² (**BV4**)
- a series of open spaces along the riparian corridor of 10,913 m² (**BV5**)
- two “urban plazas” located adjacent to the metro station of 2,780 m² and 650 m² (**BV6** and **BV7**)
- a “green link” over the riparian corridor of 1,500 m²



Figure 34 | Indicative open space and landscaping for Bella Vista Station Precinct (Source: Applicant's EIS)

The proposed open spaces for Bella Vista Station Precinct form part of an overall open space strategy with the new open spaces proposed for the Kellyville Station Precinct (SSD 10343) (**Figure 35**). There are five new open spaces proposed in the Kellyville Station Precinct, totalling 24,521 m² (2.45 ha), including a “local urban park” of 6,678 m².



Figure 35 | Open space strategy for Kellyville and Bella Vista Station Precincts (Source: Applicant's RtS)

Public submissions requested parks and open space areas be provided to support the predicted increase in population.

The Department notes the submitted Social Infrastructure and Open Space Assessment refers to the GA NSW Draft Open Space for Recreation Guide. The Guide recommends for a high-density neighbourhood, residents must be within 200 m walking distance of a local park and within a 2 km proximity to any district park.

The Department considers the proposal would meet these requirements, noting:

- there would be a total of 8.02 ha of open space across Bella Vista Station and Kellyville Station Precincts (5.53 ha in Bella Vista and 2.49 ha in Kellyville)
- the proposed open space strategy across the precincts includes urban plazas, local and district parks and 1.05 ha of active play area/courts in Kellyville Station Precinct's "Viaduct Park" to support a wide range of recreation activities
- the proposed open spaces complement and connect to a network of local and regional open spaces within a 2 km radius of the Bella Vista and Kellyville Station Precincts, including Caddies Creek regional park, Valentine Sports Park, six district parks including the Bella Vista Farm park, Stanhope Gardens reserve, and at least eight local reserves of passive open space (**Figure 36**).
- the submitted Urban Design Guidelines include provisions to maximise solar access to the open space areas including the Urban Plaza and local parks (**Figure 37**).

The Department is therefore satisfied that there would be sufficient open spaces to meet the recreation needs of future residents of the precinct and support the State Government's objectives of increasing the proportion of homes within a 10 minute walk of quality green, open and public spaces.

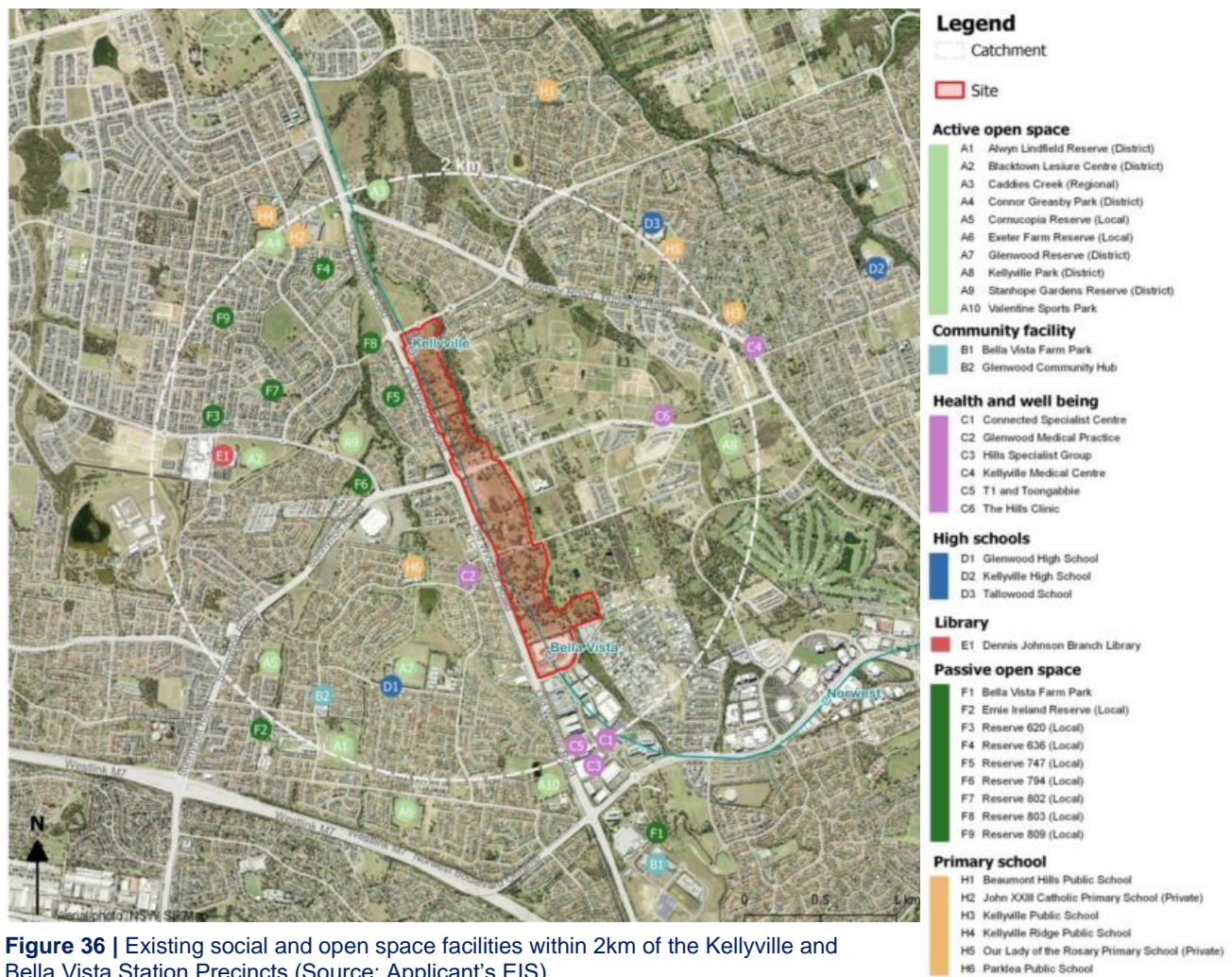


Figure 36 | Existing social and open space facilities within 2km of the Kellyville and Bella Vista Station Precincts (Source: Applicant's EIS)

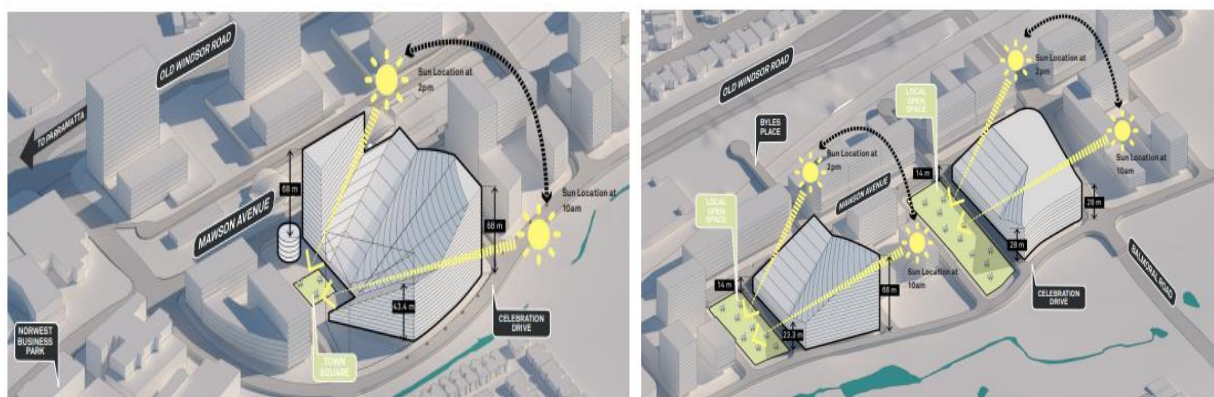


Figure 37 | Reference images indicating appropriate built form to maximise solar access to the Urban Plaza (left) and local parks (right) (Source: Applicant's RtS)

6.5.2 Street layout and pedestrian connections

The proposal includes several shared paths and through-site links to integrate with the existing road and pedestrian network (**Figure 38**). This includes:

- pedestrian priority circulation area around the existing metro station entrance
- connection to the Elizabeth Macarthur Creek recreation corridor

- shared paths and cycleway connections
- extension of existing Celebration Drive, Brighton Drive, and Mawson Avenue and eight new streets.

Council supported the pedestrian and cycle connection across Elizabeth Macarthur Creek but recommended that an additional creek crossing be provided, and that all streets should be designed to accommodate a 2.5 m wide shared path on at least one side to facilitate pedestrian and cycle movements throughout the precinct. Council also noted that all road designs should be able to accommodate Council's standard waste vehicles.

The State DRP supported the connection across Elizabeth Macarthur Creek and the detailed street sections included in the Urban Design Guidelines noting that they provide clarity for future developments. The State DRP recommended an indicative location for a potential future cycle and pedestrian bridge over Memorial Avenue be provided to deliver improved connectivity.

In response, the Applicant's RtS included the following additional information:

- an amended Urban Design Report demonstrating future opportunities for additional crossings across Elizabeth Macarthur Creek with provision made to facilitate these crossings should they be desirable in the future (**Figure 37**)
- clarification that future development blocks would integrate effectively with the existing road and pedestrian network through the Urban Design Guidelines and Council's requirements.

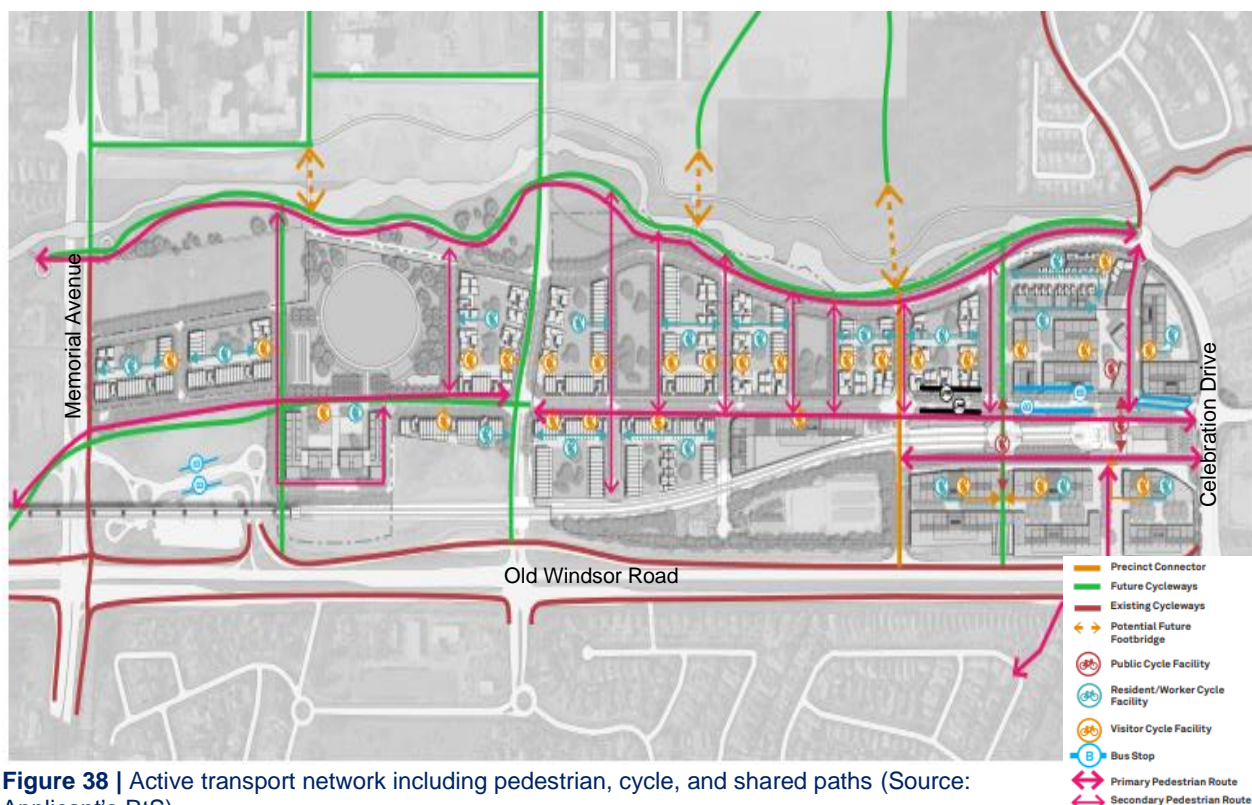


Figure 38 | Active transport network including pedestrian, cycle, and shared paths (Source: Applicant's RtS)

The Department acknowledges recommendations from Council and the SDRP and the benefits of providing additional connections across Elizabeth Macarthur Creek. The Department however notes the crossings would be located within the riparian corridor which is mostly owned by Sydney Water and Council. The Department is satisfied the amended Urban Design Guidelines identify and incorporate potential additional footbridges across Elizabeth Macarthur Creek, appropriately addressing Council's and SDRP's recommendations.

The Department also considers the proposed road and pedestrian connections suitably integrate with the existing road network, noting:

- the clear hierarchy of streets proposed facilitates appropriate levels of movement and access around the precinct, access to and from the Metro Station and public transport services, and discourages unnecessary through traffic
- an extensive pedestrian and cycling network with shared paths provided throughout the precinct for the length of Elizabeth Macarthur Creek, along Mawson Avenue, Balmoral Road, and throughout the precinct (**Figure 38**)
- all streets are provided with footpaths on both sides with widths ranging from 1.5 m to 3.5 m allowing for pedestrian movement and comfort
- the proposed pedestrian and cycle footbridge across Elizabeth Macarthur Creek will connect Balmoral Road and Old Windsor Road and provide access to and from the precinct to the east.

The Department therefore considers the proposed street layout and pedestrian connections are appropriate to support vehicle, pedestrian and cycle movements throughout the precinct and provide legible and direct access to the existing road network. The Department considers the proposed pedestrian and cycle network is a good outcome for the site and has been well integrated into the layout of the precinct.

6.5.3 Landscaping/tree canopy

The proposal is supported by a Landscaping Strategy which sets out the masterplan for landscaping and indicative open space designs. The Urban Design Guidelines also provide design objectives and requirements for future developments for landscaped areas, deep soil zones and canopy cover.

Council raised concern with the 15 m spacing between street trees and said that 10 m spacing would be more appropriate.

The State DRP sought certainty regarding the 40% tree canopy target and recommended that this be explicitly included in the Urban Design Guidelines and should also apply to individual lots and the public domain. The State DRP also recommended the Urban Design Guidelines include requirements that street trees are to be mature at the time of installation and spaced appropriately to better achieve full canopy cover.

In response to Council's concerns, the Applicant submitted additional information from the Landscape Consultant to explain that the proposed spacing of street trees will be 8.5 m for local and one-way streets

and 15 m for main streets to allow for appropriate canopy growth of the nominated tree species and reduce the risk of a sub-standard outcome of tree canopy crowning.

In response to the State DRP recommendations, the Applicant amended the Urban Design Guidelines to include a target of 40% tree canopy cover and confirm the areas of Cumberland Plain Woodland to be retained. The Applicant also provided additional information with respect to EES's request to investigate options to reduce the footprint of the proposal to avoid clearing of the Cumberland Plain Woodland located within the site.

The Department accepts that the Applicant's amended Landscape Strategy and Urban Design Guidelines would support good landscaping outcomes for the precinct, noting:

- they incorporate a 40% tree canopy target
- street trees would be provided to complement the established streetscape including street planting between parking bays, with sufficient width and soil depth consistent with the existing street planting (**Figure 39**)
- they specify species selection, soil volume, and minimum pot size of plants to ensure the long term health and vitality of landscaping
- utilities would not be located under planting and that trees are to be separated from active frontages to ensure the best outcome for tree viability.



Figure 39 | Established streetscape adjoining Bella Vista Metro Station showing street planting in parking areas and roads (Source: DPE)

The Department is therefore satisfied the proposal would provide landscaping outcomes that are consistent with the strategic vision for the Bella Vista area and the State Government's priorities for increased canopy cover within Greater Sydney.

6.6 Flood management

Elizabeth Macarthur Creek is the main riparian corridor located to the east of the site and is owned by Sydney Water. Sydney Water has undertaken flood modelling detailed in its report entitled *Elizabeth Macarthur Creek – Trunk Drainage Concept Design Report (February 2017)* (EMC Report). The EMC

Report utilised the flood modelling for the Rouse Hill Flood Study and refined it to focus on Elizabeth Macarthur Creek. The EMC Report includes a detailed investigation of flooding in the vicinity of the subject site including the baseline flood affectation of the site and surrounding areas in the 100-year ARI event.

The EMC Report flood modelling allows for all areas zoned for development (other than SP2 zoned land) to be filled above the flood planning level (100-year ARI plus 500mm) and therefore not be adversely impacted by potential flood events (**Figures 40 and 41**).

The “design flood condition” scenario shows post-development flood modelling, incorporating fill. The extent of 100-year ARI flooding in this scenario is limited to Sydney Water’s land (SP2 zoned land) fronting the site except for a small section of the creek between Balmoral Road and Hodges Drive where flooding is shown to encroach outside of SP2 zoned land. The encroachment, however, occurs on land that is not subject to the SSD application.

In summary, the EMC Trunk Drainage Report sets out the following key design criteria affecting development of the site:

- allowance has been made for all areas outside of the SP2 zoned area to be filled to be at or above the 100-year ARI flood level with guidance provided regarding flood levels at the interface of the SP2 zoned area
- encroachment of works into the SP2 zoned area must be limited to prevent flood impacts with guidance provided regarding the extent and nature of encroachment into the SP2 zoned area, subject to Sydney Water’s approval
- allowance has been made for future creek crossings at various locations with guidance provided regarding geometric constraints associated with each creek crossing.

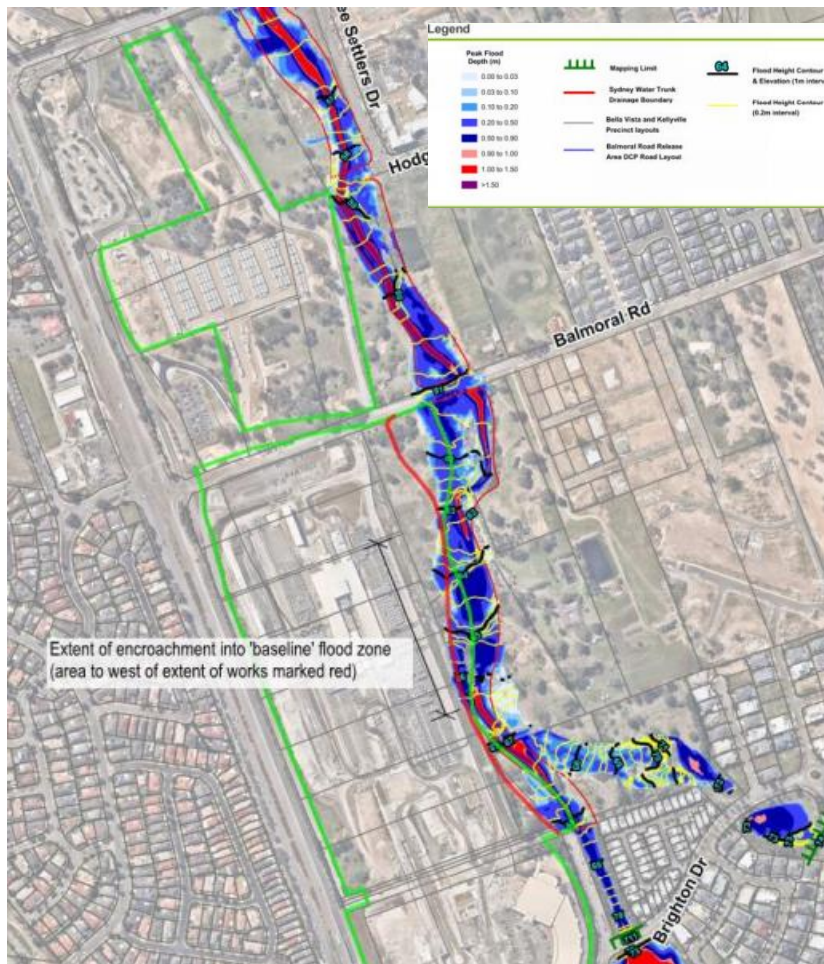


Figure 40 | Baseline flood condition showing flooding during the 100-year ARI to a small portion of the site in the vicinity of the creek.
(Source: Applicant's EIS)

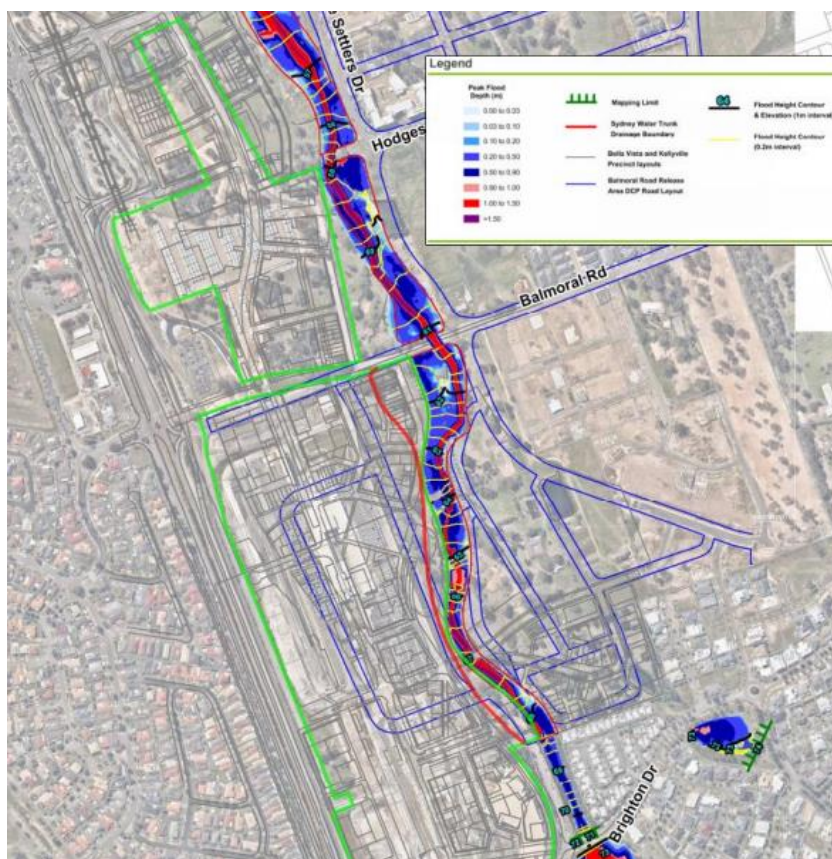


Figure 41 | Design flood condition showing post-development flood modelling incorporating fill. The extent of 100-year ARI flooding in this scenario is limited to Sydney Water's land (SP2 zoned land) fronting the site except for a small section of the creek between Balmoral Rd and Hodges Dr where flooding is shown to encroach outside of SP2 zoned land. The encroachment, however, occurs on land that is not subject to the SSD application
(Source: Applicant's EIS)

The Applicant submitted a Stormwater Management Plan (SMP) to identify and manage potential flood impacts that may affect the site due to its proximity to Elizabeth Macarthur Creek.

The Bella Vista Station Precinct has been modelled to a 2 year and 100-year ARI event. The existing SP2 Infrastructure (Stormwater Management System) zoning within the site encompasses the modelled flood storage area requirements of the Sydney Water's *Elizabeth Macarthur Creek – Trunk Drainage Concept Design Report (February 2017)* (EMC Report). The encroachment of the proposed development upon the 'baseline' flood extents in the 100-year ARI event is minor and does not encroach beyond the flood fringe.

DPE's EES Group requested that the submitted SMP be revised to include a flood impact assessment (FIA) to adequately address floodplain risk management for the proposal including an emergency management response as the site adjoins Elizabeth Macarthur Creek and may be subject to flooding.

Council did not object to the SMP but requested clarification and resolution of the stormwater drainage network and flood levels.

The Applicant's RtS included a revised SMP and flood maps. The site is proposed to be filled such that surface levels would be above the Elizabeth Macarthur Creek flood level. In addition, a minimum 500 mm freeboard will be provided on development blocks above the 100-year ARI event.

An overland flow assessment will be undertaken during the design development of the proposed public road reserves to determine overland flow depths which will be used to inform the flood planning levels for the future development of each proposed lot.

The SMP concludes that flood planning levels applicable to the future development of the proposed lots will comply with the relevant 100-year ARI flood level identified in the THLEP.

The Department notes the extent of 100-year ARI flooding in the post development scenario is limited to Sydney Water's land (SP2 zoned land) fronting the site except for a small section of the creek between Balmoral Road and Hodges Drive where flooding is shown to encroach outside of SP2 zoned land. The encroachment, however, does not affect the proposed super lots for future residential development or sensitive land uses. The Department also agrees with the findings of the submitted SMP that future developments can be designed to meet flood planning requirements contained in THLEP.

The Department also notes that previous probable maximum flood (PMF) modelling undertaken for the Bella Vista Metro Station (SSI 5414) identifies the extent of PMF would similarly only encroach on the site's eastern boundary fronting Elizabeth Macarthur Creek and is not identified as effecting existing road access to the precinct.

The Department, however, acknowledges the advice of DPE's ESS Group and considers that further flood impact assessment must be undertaken during the assessment of detailed applications to ensure the impacts of flooding and options to manage these impacts will be adequately addressed by future developments, including emergency management response, if required.

The Department therefore recommends a condition of consent that future development applications must be accompanied by detailed flood impact assessment.

The Department is therefore satisfied that flood management of the site and surrounding property can be satisfactorily addressed and appropriately mitigated subject to further detailed assessment in future development applications

6.7 Traffic and car parking

6.7.1 Traffic generation

The application is supported by a Traffic and Transport Assessment Report (TTAR) which assesses predicted traffic generation from the proposal and any associated impacts on the road network. The submitted TTAR identified the proposed residential, retail and commercial uses would generate 326 - 344 vehicles trips per hour when projected to 2026, and 1,964 - 2,080 vehicles trips per hour when projected to 2036 when full development of the Bella Vista Station Precinct is assumed.

The TTAR also found that Windsor Road and Old Windsor Road already experience congestion during the morning and evening peaks, which is likely to increase further as the population of the northwest area grows. The Applicant therefore proposes a suite of road upgrades to mitigate the traffic impacts of the proposal, including:

- widening key sections of Old Windsor Road, Norwest Boulevard, Balmoral Road, Sunnyholt Road, Stanhope Parkway, and Samantha Riley Drive to provide additional through capacity and turning lanes
- constructing a new link and intersection connecting Balmoral Road to Elizabeth Macarthur Creek
- constructing a new link from Free Settlers Drive to the Bella Vista Station Precinct
- signalisation of the Celebration Drive and Brighton Avenue intersection, and
- signalisation of the Mawson Avenue and Unaipon Avenue intersection.

In addition to the above upgrades, future development of the proposed lots will require detailed and specific traffic modelling at the design stage of each lot. This would identify any further traffic network upgrades required to be undertaken at that time to accommodate changed traffic conditions occurring over the construction stage of the precinct, and as a result of traffic generated by the precinct. The proposed current upgrades are based on expected occupancy and movements which may change over time.

Seven public submissions raised concern about traffic generation from the proposal resulting in traffic congestion on the local and regional road network.

TfNSW reviewed the Applicant's traffic modelling data and assumptions and requested the following:

- consultation with the relevant project team on the proposed second right turn lane from Free Settlers Drive to Memorial Avenue
- review of the minimum length of any additional through traffic lane at intersections
- strategic design plans to clarify how the proposed works can be achieved within the existing road reserve and constraints.

In response to TfNSW's comments, the Applicant provided additional modelling and amended the proposed road upgrades to address the design issues raised.

After reviewing this information, TfNSW advised that it was satisfied with the amendments and recommended conditions of consent with respect to proposed upgrades of intersections and requirements for appropriate investigation, timing and delivery of these upgrades. TfNSW also notes that no direct access from the site to Memorial Ave is supported and an additional link road connection via Free Settlers Drive should be investigated and evaluated.

The Department also engaged an independent transport and traffic consultant to review the merits of the proposal relating to traffic generation.

The consultant advised that the performance of the majority of intersections surrounding the precinct would not deteriorate as a result of the proposal when compared to the 'background' traffic growth, subject to the proposed road upgrades being undertaken.

The independent consultant noted that the future road network and intersection operations deteriorate significantly when compared to current conditions irrespective of the proposed station precinct development. This occurred even with the planned and proposed infrastructure upgrades. Therefore, the proposal aims to maintain the road network and intersection operations at the 'background' traffic growth levels rather than mitigate current traffic conditions, unrelated to the proposal.

The Department notes the proposal has been amended in response to TfNSW advice and that no direct access would be provided from the site to Memorial Avenue.

The Department also agrees with the advice of TfNSW and the independent traffic consultant and considers the proposed mitigation strategies are appropriate, noting:

- the proposed intersection upgrades and various improvement works are to ensure the proposal will not adversely impact the surrounding road network
- a number of the proposed intersection upgrades are already identified in the recently adopted 7.11 local contribution plan, but the arrangement for funding, timing and delivery of the proposed upgrades will be subject to further investigation and agreement with TfNSW and Council to ensure they align with future developments
- further detailed and specific traffic modelling would be undertaken at the design stage of the future development of each lot to accommodate occupancy and movements which may change over time.

The Department therefore concludes the traffic impacts of the proposal would be appropriately managed subject to recommended conditions. These include the requirement for a phasing plan to deliver the required road upgrades and traffic impact assessments for future developments.

6.7.2 Car parking

6.7.2.1 Residential car parking

The proposal seeks approval for minimum and maximum residential car parking rates for future residential dwellings as outlined in **Table 8**.

Table 8 | Proposed and recommended residential car parking rates

Housing type	Council recommendation	TfNSW recommendation	Proposed
Studio or 1 bedroom	1 space	0.4 spaces	min 0.4 spaces max 0.6 spaces
2 bedroom	1 space	0.7 spaces	min 0.7 spaces max 0.9 spaces
3 bedroom or more	1 space	1.2 spaces	min 1.2 spaces max 1.4 spaces
Visitor parking	1 space/5 dwellings	1 space/10 dwellings	1 space/10 dwellings

Council requested an increase in residential car parking rates consistent with its housing diversity requirements of at least 1 car space/apartment.

TfNSW requested a reduction in residential car parking rates as the proposed rates were considered generous and would work against encouraging greater public and active transport use when considering the site's location along the Metro corridor. TfNSW recommended the adoption of lower parking rates to facilitate the achievement of private vehicle mode share of 47.5% and to reduce the likely trip generation rate of residential development to the targets established in the 2014 rezoning process.

In response, the Applicant noted that it would not be possible to satisfy both Council and TfNSW recommendations and contends that the proposed parking rates would facilitate best practice transit-oriented development principles and the use of sustainable travel options.

The Department engaged an independent traffic consultant to provide advice on the proposed car parking rates. The consultant found that Council's recommended car parking rate of at least 1 space per apartment is excessive, given the sites location next to the Bella Vista Metro Station which provides frequent public transport services. The consultant also found that Council's proposed car parking rate would be inconsistent with the Government's objectives of reducing car parking for transit-oriented development.

With regard to the TfNSW request to reduce the proposed parking rates, the consultant advised that the proposed residential car parking rates which are based on TfNSW parking rates and were benchmarked against similar station precincts in the region, are appropriate to reflect the site's proximity to public transport and to control trip generation and encourage a reduction in private vehicle trips.

The Department notes that the proposed car parking rates are comparable to those approved for Tallawong Station Precinct South (SSD 9063) and consistent with the parking guidelines contained in the ADG.

The Department therefore concludes the proposed parking rates are appropriate because:

- they are consistent with the residential car parking requirements of the RMS Guidelines for regional centres and the ADG
- they reflect the site's location to the Bella Vista Metro Station, which provides a separate 800 space commuter car park and train services with much higher frequency than existing rail services and other transport
- the Bella Vista Station Precinct is a transit-oriented development focused on reducing car dependency
- the affordable housing proposed in future development will have a lower car parking requirement, which offers opportunities to offset some of the residential car parking demand.

The Department therefore accepts the proposed residential car parking rates provide a balance between providing a sufficient number of car parking spaces to meet anticipated car parking demand for the precinct, without compromising the objective to promote public transport use.

6.7.2.2 Retail and commercial car parking

The proposal seeks approval for minimum and maximum car parking rates for retail and commercial floor area for future developments as outlined in **Table 9**.

Table 9 | Proposed retail and commercial car parking rates

Use	Proposed minimum	Proposed maximum
Retail	1 space/130 m ² GFA	1 space/60 m ² GFA
Commercial	1 space/145 m ² GFA	1 space/100 m ² GFA

Council requested an increase in the car parking rates for retail and commercial floor area using Council's DCP rate of 1 space/40 m². TfNSW did not object to the proposed retail and commercial car parking rates.

The Department acknowledges Council's concern but considers it is important to ensure the proposed car parking rates support the strategic and planning objectives of the proposal being a transit-oriented development, where public transport and alternative transport is encouraged over the use of private vehicles.

The independent traffic consultant found the proposed commercial and retail parking rates, which are based on other station precincts such as Norwest Station precinct, are reasonable as the precincts are similarly located adjacent to Metro stations with access to bus services, and retail customers are primarily

from the surrounding commercial and high-density residential developments who walk to these retail outlets and do not rely on a parking space.

The Department agrees with the findings of the independent traffic consultant and considers that the proposed retail and commercial car parking rates are appropriate because:

- they reflect Bella Vista Station Precinct as transit-oriented development focused on reducing car dependency
- the higher parking rates in Council's DCP may not reflect the precinct's superior public transport access provided by the Metro rail system
- they support active streets and a walkable precinct, especially around the local town centre while still allowing for car parking for retail and commercial tenants and visitors
- cater for future land uses, including uses which generate higher car parking demands.

The Department therefore considers the proposed commercial and retail car parking rates are acceptable.

6.8 Other issues

Table 10 | Other issues

Issue	Findings	Recommendations
Infrastructure and Public Benefits	<p>Five public submissions raised concerns with the ability of existing local and regional infrastructure to cope with increased demand from the proposal.</p> <p>Council raised concern that there was no infrastructure agreement in place to support the development.</p> <p>In response, the Applicant commenced negotiations with Council on a Voluntary Planning Agreement to determine the nature, delivery, and timing of infrastructure works to be provided for the Bella Vista Station Precinct.</p> <p>At the same time, Council undertook detailed research to develop a local contributions plan for the site, to identify and confirm required infrastructure works, and provide credence to the VPA negotiations.</p> <p>Following negotiation between Council and the Applicant, and review by the Independent Pricing and Regulatory Tribunal (IPART), Council adopted a 7.11 local contribution plan for the Kellyville and Bella Vista Station Precinct with consideration of the Applicant's concept proposal. The 7.11 plan identifies infrastructure works and development contributions required where development is likely to require the provision of or increase the demand for public amenities and public services.</p> <p>In addition, on 21 September 2022, the Applicant made an offer to Council (with a draft Voluntary Planning Agreement) detailing the proposed infrastructure works to be undertaken, timing and delivery of works, and ownership provisions. The offer nominates works-in-kind,</p>	<p>A condition is recommended which sets out the requirement for infrastructure arrangements to be fulfilled.</p>

land dedications and monetary contributions for local infrastructure works. The suite of infrastructure works proposed include:

- construction of roads, footpaths, and street tree planting within the site
- road network improvements as agreed with TfNSW
- provision and landscaping of public open spaces including a district park, two local parks, and green links to the riparian corridor
- landscaping of the riparian corridor along the banks of Elizabeth Macarthur Creek
- two urban plazas
- community facilities.

The Department considers the infrastructure works proposed by the Applicant are acceptable having regard to the adopted 7.11. The proposal will deliver infrastructure, open space and amenities works consistent with the 7.11 plan to support the development

The Department recommends a condition that a VPA consistent with the Applicant's offer be made or the 7.11 Plan will apply to subsequent developments to ensure appropriate local infrastructure will be funded and delivered.

Community Facility

The proposal seeks approval to provide a community facility within the precinct that will be owned and managed by Council.

Council requested clarification of the location, size and delivery of the proposed Bella Vista Community Facility.

In response the Applicant provided further details about the proposed location and GFA of the proposed community facility and it issued a preliminary concept design to Council for review and consultation.

The Department considers the provision of a community facility will provide a significant public benefit to the local community and for existing and future residents.

The Department notes the design of the community facility will be developed in future development stages subject to Council agreement on design and delivery.

The Department recommends a condition that the Applicant must secured the design and agreement with Council prior to lodgement of the relevant development application for the community facility.

A condition is recommended which sets out requirements for the provision of a community facility.

School

Council suggested that a high school should be provided in addition to the proposed primary school for the Kellyville and Bella Vista Station Precincts.

In response, the applicant consulted with School Infrastructure NSW on the school to be provided. SI NSW advised there is a need for a primary school in the area to meet demand however, a secondary school is not identified as being required as part of this proposal.

No additional conditions required.

As such, the Applicant proposes a primary school in the northern part of the precinct located on lot A1.1 adjoining the proposed district park (oval) and within the “Local Hub” character area and R1 General Residential zone.

The Applicant is consulting with the relevant government agency on the future design and delivery of the school.

The Department acknowledges lot A1.1 is identified to support a future school and is satisfied that the proposed school would be suitably located adjoining Old Windsor Road and the proposed oval to minimise amenity impacts to surrounding developments. Further, the Department supports ongoing discussions between relevant stakeholders on the plans.

Commuter Car Parking

Three public submissions requested more commuter car parking spaces be provided.

No additional conditions required.

The Department notes that the provision of commuter car parking is outside the scope of this proposal. The precinct, however, is located adjacent to the Bella Vista Metro Station which includes a commuter car park with 800 car spaces. Other commuting options include walking, cycling, bus, taxi/ride share, and kiss and ride spaces which is encouraged by Sydney Metro.

The proposal includes minimum and maximum car parking rates for residential and non-residential uses and the Department considers the proposed parking rates provide an appropriate balance in meeting the anticipated parking demands generated by the proposal while encouraging the use of public transport, consistent with the strategic policies for transit-oriented development.

The Department considers the existing commuter car parking facilities are adequate and it is unlikely that future occupants of the precinct will utilise these parking areas in addition to the onsite car parking that will be provided.

Dwelling Mix

The proposal would provide 1, 2, and 3 bedroom dwellings and adaptable dwellings that will be distributed throughout the precinct.

No additional conditions required.

Council recommended that a minimum 20% of apartments within the development be 3 bedrooms to ensure the development reflects community need and demand.

In response to Council's concern, the Applicant's RtS amended the Urban Design Guidelines to include provisions that promote diversity of residential typologies. Future developments will be required to provide a mix of residential accommodation including terraces and apartments of different sizes, layouts, and multi-level units.

The Department acknowledges Council's concerns with respect to community housing needs and demand and supports the need to provide diversity in housing.

The Department however considers that given the scale and size of the precinct, the life cycle of the project is likely to extend over 20 years, and therefore, it would be appropriate for future developments to provide a diverse mix of dwellings that respond to changing community needs and demand that will occur over time.

The Department notes the proposed Urban Design Guidelines include minimum and maximum density controls to accommodate different housing types and also identifies the lots and aspects that would support midrise apartments and terrace housing.

The Department therefore accepts the proposed Urban Design Guidelines are appropriate and they would encourage a range of housing options of different typologies, size and layout, including adaptable and affordable housing be provided across the site.

Affordable housing

The proposal includes the provision of a minimum of 5% of the total number of dwellings as affordable housing for a minimum of 10 years.

The Department notes the Urban Design Guidelines include objectives and controls for the delivery of affordable housing within the precinct. The Urban Design Guidelines provide for:

- flexibility in the location and configuration of affordable housing
- affordable housing to be integrated into the development with no discernible difference in quality from market rate units

The Department recommends a condition requiring future applications to detail the planning and delivery of affordable housing across the precinct in line with each stage of development.

A condition is recommended which sets out the requirements for the provision of affordable housing.

Threshold for SSD applications

The Applicant seeks approval for future subdivision and road works for the concept proposal to not be considered SSD.

Council requested that future development applications, except principal subdivision and roads creation, should not be considered SSD and be determined by The Hills Shire Council regardless of CIV.

The Department considers the proposed threshold for SSD of \$30 million is appropriate because:

- it is consistent with the exhibited amendments to the SRD SEPP and other Metro Sites
- developments with a CIV under \$30 million are unlikely to significantly affect strategic planning and infrastructure management objectives for the SMNW Corridor
- the Department will continue to consult Council on the assessment of future applications.

The consent sets out the threshold for SSD applications of \$30 million.

Contamination	<p>The Applicant submitted a Preliminary Site Investigation (PSI) report which found no significant indications of gross and/or widespread contamination within the site. There are however a number of potentially contaminating activities currently being undertaken or have previously been undertaken at the site that carry a moderate to low potential to have introduced localised contamination within areas of the site.</p> <p>The report noted that subject to implementation of an appropriate staged contamination assessment framework and development of any required management strategies, all areas of the precinct could be made suitable for future proposed uses.</p> <p>The PSI recommended conditions setting out requirements for detailed assessment of soil quality and contamination to be completed during the detailed design phase for each individual development parcel. This will ensure that site specific development considerations (including the extent of material disturbance, drainage infrastructure and land use scenarios) will be considered.</p> <p>The Department considers that potential contamination identified within the site is not significant and can be appropriately addressed through the proposed mitigation measures.</p> <p>The Department has recommended a condition that requires future development applications to demonstrate the site is suitable for the proposed development in accordance with the State Environmental Planning Policy No 55 – Remediation of Land.</p>	<p>A condition is recommended which sets out the requirements for future development applications to include appropriate site contamination assessment.</p>
Environmentally Sustainable Development (ESD)	<p>The Department notes that the Urban Design Guidelines provide clear and specific recommendations for future development to ensure ESD principles are incorporated within all future development applications for the precinct.</p> <p>This includes minimum 5 star rating for buildings, mitigation strategies for heat island effect, provision of green walls and roofs, maximisation of natural light and cross ventilation, reduction of car use through cycling and pedestrian links, and activation of spaces through public domain areas that encourage social interaction.</p> <p>The Department is satisfied that subject to appropriate standard conditions, environmentally sustainable development can be achieved by requiring ESD principles to be incorporated in the future development of the precinct including buildings, private and public domain and open space areas. Details of the provision of ESD principles will be further assessed in future development applications.</p>	<p>A condition is recommended which sets out ESD requirements for future development applications.</p>
Wind impacts	<p>Council recommended that buildings of 8 or more storeys be subject to wind testing and the technical wind controls contained in The Hills DCP regarding wind gust speeds.</p>	<p>A condition is recommended that requires a wind impact assessment for</p>

	<p>The Applicant amended the Urban Design Guidelines to require wind modelling for any building over 8 storeys consistent with the requirements of The Hills DCP.</p> <p>The Department is satisfied that wind impacts can be appropriately managed and mitigated through the provisions in the Urban Design Guidelines.</p>	any building of 8 or more storeys.
Social impact	<p>The proposal is for a mixed-use precinct providing a range of housing options, employment, and retail and commercial services, community facilities, and new open space areas adjacent to the Bella Vista metro station.</p> <p>The Department considers the proposal exemplifies transit-oriented development and it would result in a wide range of public benefits.</p> <p>Further, the Department is satisfied that the potential impacts of the proposal can be mitigated and managed to an acceptable level.</p> <p>The Department is therefore satisfied the proposal would not result in any significant social impacts.</p>	No additional conditions required.
Construction impacts	<p>Public submissions raised concerns about the potential impacts of construction noise, vibration, traffic, and dust.</p> <p>The Department notes the current proposal does not include any construction works. Further, the nearest residential properties to the site are located approximately 40m to the east and are screened by natural vegetation.</p> <p>Future development applications which include construction will include detailed consideration of construction impacts and if approved would include conditions of consent requiring a Construction Management Plan which considers construction impacts associated with the development including traffic, noise, vibration, air quality and community consultation.</p> <p>The Department is therefore satisfied that future construction impacts can be appropriately mitigated and managed to an acceptable level.</p>	No additional conditions required.
Bushfire Assessment	<p>The Applicant's EIS includes a Bushfire Assessment Report. The Department referred the application to NSW RFS who advised that the site is not within bushfire prone land and therefore has no comment or conditions for the proposal.</p> <p>The Department notes the submitted Bushfire Report concludes that the site is not mapped as being bushfire prone on Council's bushfire prone land map and consequently the application of <i>Planning for Bush Fire Protection</i> (PBP) and Australian Standard 3959 'Construction of buildings in bushfire-prone areas' (AS3959) is not triggered.</p> <p>The Bushfire Report recommends the implementation of the Street Hierarchy Plan referenced in the application and for future roads to comply with the requirements for</p>	A condition is recommended that requires the recommendations of the Bushfire Report be adopted.

Access (General Requirements), Perimeter Roads and Non-Perimeter Roads (as applicable) as described in Table 5.3b of the pre-release of PBP 18. New landscaping is to comply with Appendix 5 '*Landscaping and Property Maintenance*' under *Planning for Bush Fire Protection 2006*.

The Department is therefore satisfied the bushfire risk to the proposal is negligible. Notwithstanding, the Department has included the recommendations contained in the Bushfire Report, to ensure any residual bushfire risks are appropriately mitigated and managed.

Biodiversity Impacts

The Applicant has submitted a BDAR under the NSW Biodiversity Assessment Method established under the BC Act. The Applicant provided an amended BDAR to resolve minor inconsistencies within the BDAR and provide additional justification regarding the proposed loss of critically endangered ecological community (EEC) being Cumberland Plain Woodland located to the northeast of the site and River-flat Eucalypt forest located along the riparian corridor.

The proposal has been amended to avoid impact and minimise the loss of EEC resulting in a total of 1.01ha of Cumberland Plain Woodland retained in the open space zoning. Through avoidance of riparian areas, impacts to the River-flat Eucalypt forest have been reduced to 0.06ha, with 0.27ha along Elizabeth Macarthur Creek being retained post development and subject to riparian management.

Future applications for the detailed design and construction of the proposal would further investigate the potential for the retention of native vegetation within development lots and open space areas. Residual impacts unable to be avoided will be adequately offset via Biodiversity Offsets Scheme.

DPE's EES Group advised that the revised BDAR satisfactorily addresses the issues raised.

The Department is satisfied the development is not likely to have any significant impact on biodiversity values and that the BDAR satisfies the requirements of the BC Act.

No additional condition required.

Developer contributions and local infrastructure

The proposal is located within the Western Sydney Growth Areas – Special Contributions Area (Balmoral Road) and a Special Infrastructure Contribution (SIC) will be applied to help fund regional infrastructure required to support developments in the Growth Centres.

A condition is recommended that facilitates the payment of the SIC.

7 Evaluation

The Department has assessed the merits of the proposal and has carefully considered all issues raised in the public and agency submissions. The Department has also considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD.

Following a review of all relevant planning and land use matters, the Department considers the proposal is acceptable for the following reasons:

- it is consistent with the North West Rail Link Corridor Strategy and Bella Vista Station Precinct Plan which seek to deliver additional housing and employment opportunities to take advantage of the transport capacity of the North West Metro Line
- it complies with the THLEP building height, floor space ratio and dwelling cap development standards, with the proposed density and dwelling numbers being comfortably below the maximum requirements, ensuring the existing and planned supporting infrastructure will meet the demand generated by the planned housing and population growth
- it can achieve Design Excellence, subject to the submitted Design Excellence Strategy and Urban Design Guidelines which provide parameters to achieve:
 - residential amenity and urban design outcomes
 - quality open space, landscaping and a target of 40% tree canopy cover.
- it would have acceptable traffic impacts subject to a suite of road upgrades including:
 - widening key sections of Old Windsor Road, Norwest Boulevard, Balmoral Road, Sunnyholt Road, Stanhope Parkway, and Samantha Riley Drive to provide additional through capacity and turning lanes
 - constructing a new link and intersection connecting Balmoral Road to Elizabeth Macarthur Creek
 - constructing a new link from Free Settlers Drive to the Bella Vista Station Precinct, and
 - signalisation of the Celebration Drive and Brighton Avenue intersection and the Mawson Avenue and Unaipon Avenue intersection.
- it provides appropriate car parking rates for residential and non-residential uses while encouraging the use of public transport
- it would deliver significant public benefits including the provision of at least 5% of proposed dwellings as affordable housing which would be retained for a minimum of 10 years, 166,000 m² of commercial floor space with the potential to create 7,510 jobs, over 5 hectares of new public open space, and a new primary school for up to 1000 students
- it will deliver a suite of infrastructure works to support future developments consistent with the recently adopted local contribution plan for the precinct
- future development would be designed in accordance with ESD principles.

8 Recommendation

It is recommended that the Director, Key Sites Assessments:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to SSD 10344
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of SSD 10344, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see attachment)

Recommended by:



Paula Bizimis
Senior Planner
Key Sites Assessments

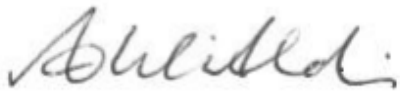
Recommended by:



Annie Leung
Team Leader
Key Sites Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in dark ink, appearing to read "A. Witherdin".

Anthony Witherdin

Director

Key Sites Assessments

Appendices

Appendix A – List of Documents and Relevant Supporting Information

Appendix B – Summary of Department’s Consideration of Public Submissions

Appendix C – Department’s Consideration of Clause 4.6 Submission

Appendix D – Mandatory Matters for Consideration

Appendix E – Recommended Instrument of Consent

Appendix A List of Referenced Documents

List of key documents relied on by the Department in its assessment:

1. Environmental Impact Statement
2. Submissions
3. Applicant's Response to Submission
4. Applicant's Subsequent Response to Submissions

The above documents and relevant supporting information to this assessment report can be found on the Department's website:

<https://www.planningportal.nsw.gov.au/major-projects/project/14186>

Appendix B Summary of Department's Consideration of Public Submissions

Table 1 provides a summary of the Department's consideration of the main issues raised in public submissions.

Table 1 | Department's consideration of main issues raised in public submissions

Issue	Consideration
Parking	<i>Assessment</i>
More metro commuter car spaces should be provided as commuters use street parking which results in residents parking far from their homes	<p>The Bella Vista Station Precinct is located adjacent to the Bella Vista Metro Station which includes a commuter car park with 800 car spaces.</p> <p>In addition to the Bella Vista Metro station, future residents will also have access to bus and t-way lines located outside the metro station and are within walking distance of the Kellyville Metro station.</p> <p>The proposal includes minimum and maximum car parking rates for residential and non-residential uses. The Department notes the proposed car parking rates are consistent with rates approved for similar developments and with the parking guidelines contained in the ADG.</p> <p>The Department considers the proposed parking rates provide an appropriate balance in meeting the anticipated parking demands generated by the proposal while encouraging the use of public transport, consistent with the strategic policies for transit-oriented development.</p> <p>The Department is satisfied the proposed car parking rates are appropriate to meet future car parking demand and reduce the potential for parking on local streets by future residents and users of the new precinct.</p>
Inadequate infrastructure to support additional density	<i>Assessment</i>
Existing local and regional infrastructure will not be able to cope with increased demand from the proposal. The timing	<p>The proposal complies with the development standards for lot sizes, height, floor space ratio, and dwelling cap as specified in The Hills Local Environmental Plan. It also includes new roads, parks and community facilities.</p> <p>Following negotiation between Council and the Applicant and review by the Independent Pricing and Regulatory Tribunal, Council adopted a 7.11 local contribution plan for the Kellyville and Bella Vista Station Precinct with consideration of the Applicant's concept proposal.</p>

and delivery of proposed infrastructure should occur before construction commences.	<p>The Applicant also made an offer to Council (with a draft Voluntary Planning Agreement) detailing the proposed infrastructure works to be undertaken, timing and delivery of works, and ownership provisions. The offer nominates works-in-kind land dedications and monetary contributions for local infrastructure works.</p> <p>The Department recommends a condition that a VPA consistent with the Applicant's offer be made or the 7.11 Plan will apply to subsequent developments to ensure appropriate local infrastructure will be funded and delivered.</p>
<p>Environmental and social impacts</p> <p>The development will result in impacts to surrounding residential properties such as noise, privacy, overshadowing, visual and crime</p>	<p><i>Assessment</i></p> <p>Potential environmental and social impacts have been considered in the assessment of the proposal including potential amenity impacts to adjacent and surrounding areas.</p> <p>The Department notes the nearest residential properties are located to the east of Elizabeth Macarthur Creek and separated from the site by existing dense vegetation along the creek line which provides natural screening between the site and these residential properties. The Department also notes the submitted Urban Design Guidelines require varying building heights adjoining Elizabeth Macarthur Creek to increase solar access and views within the site, which would further reduce the likelihood of any amenity impacts to residential properties to the east.</p> <p>The proposal is accompanied by solar access information based on the indicative built form of the Urban Design Guidelines which identifies that at mid-winter, the potential future buildings will have no impact to the solar access of existing residential dwellings.</p> <p>The Applicant has also submitted a Crime Prevention through Environmental Design (CPTED) assessment to identify opportunities to reduce the potential for crime and/or antisocial behaviour through CPTED principles which are to be adopted in future development applications.</p> <p>The Department therefore concludes the proposal would have acceptable impacts to surrounding residential properties. Future development applications will be required to demonstrate that assessment of solar access and other amenity impacts have been considered and will meet the relevant requirements.</p>
<p>Traffic and Congestion</p> <p>The proposal will create increased traffic and congestion in the area</p>	<p><i>Assessment</i></p> <p>The application is supported by a Traffic and Transport Assessment Report (TTAR) which concludes that the vehicle movements generated by the proposal will have an acceptable impact on the existing road network and that the road upgrades proposed by the Applicant will ensure that the road network will not deteriorate as a direct result of the proposal.</p> <p>The proposal also identifies a number of future road upgrades including widening key sections of Old Windsor Road, Norwest Boulevard, Balmoral Avenue, Sunnyside Road, Stanhope Parkway, and Samantha Riley Drive to provide additional through and turning lanes, constructing a new link and intersection connecting Balmoral Road to Elizabeth Macarthur Creek, a new link from Free Settlers Drive to the Bella Vista Station Precinct, and new signalisation of the Celebration Drive and Brighton Avenue intersection, and the Mawson Avenue and Unaipon Avenue intersection.</p> <p>Further detailed and specific traffic modelling would also be undertaken at the design stage of the future development of each lot to accommodate occupancy and movements which may change over the construction stage of the precinct.</p> <p>This conclusion is supported by TfNSW and an independent traffic consultant who reviewed the proposal.</p> <p>The Department is satisfied that the proposal will not result in unacceptable traffic impacts to the road network subject to the recommended conditions of consent.</p>

Construction Impacts	<i>Assessment</i>
There will be construction impacts such as noise and vibration	<p>The Concept Approval does not authorise the construction of development. Notwithstanding, the Department is satisfied that potential construction impacts associated with future development can be appropriately mitigated and managed to an acceptable level. The Concept Approval includes conditions of consent which require future development applications to be accompanied by a Construction Management Plan which considers the potential construction impacts associated with development, including noise, vibration and traffic implications on the road network and site access for residential, retail, commercial users, and visitors during the different stages of development.</p>
Open space areas	<i>Assessment</i>
Increase public areas, parks, and landscaping opportunities	<p>The proposal includes the provision of new open spaces comprising a total of 55,308 m² (5.53 ha) and includes a “district park”, two local parks, a “station plaza”, a series of open spaces along the riparian corridor, two “urban plazas” located adjacent to the metro station and a “green link” over the riparian corridor.</p> <p>The proposed open spaces for Bella Vista Station Precinct form part of an overall open space strategy with the new open spaces proposed for the Kellyville Station Precinct which total 24,521 m² (2.45 ha).</p> <p>The proposed open spaces complement and connect to a network of local and regional open spaces within a 2 km radius of the Bella Vista and Kellyville Station Precincts, a regional park, a sports park, 6 district parks and at least 8 local reserves of passive open space.</p> <p>The Department is satisfied that there would be sufficient open spaces to meet the recreation needs of future residents of the precinct and support the State Government’s objectives of increasing the proportion of homes within a 10 minute walk of quality green, open and public spaces.</p>
Pedestrian connections	<i>Assessment</i>
Create additional pedestrian links and access bridges over Old Windsor Road	<p>The proposal includes several shared pedestrian and cycle paths and through-site links to integrate with the existing road and pedestrian network including:</p> <ul style="list-style-type: none"> • pedestrian priority circulation area around the existing metro station entrance • connection to the Elizabeth Macarthur Creek recreation corridor • shared paths and cycleway connections • extension of Celebration Drive, Brighton Drive, and Mawson Avenue and 8 new streets <p>The proposal also includes future road upgrades that include widening Old Windsor Road at key points to provide additional through and turning lanes, constructing new links connecting Balmoral Road to Elizabeth Macarthur Creek and Free Settlers Drive to the Bella Vista Station Precinct, and new signalisation of the Celebration Drive and Brighton Avenue intersection and the Mawson Avenue and Unaipon Avenue intersection. Future development of the proposed lots will also require detailed and specific traffic modelling at the design stage of each lot to determine any required network upgrades to be undertaken at the time.</p> <p>These works are being negotiated with road authorities and are proposed to facilitate appropriate vehicle, pedestrian and cycle access in and around the precinct.</p> <p>The Department is satisfied that the proposal includes appropriate pedestrian connections and links to facilitate appropriate and safe pedestrian movement within and around the precinct.</p>
Building setbacks	<i>Assessment</i>

Reduced building setbacks are not consistent with the surrounding area and will reduce opportunities for landscaping	<p>The Department considers the proposed setbacks will deliver an appropriate planning outcome for the site, consistent with the high density, transit-oriented environment envisaged for the precinct.</p> <p>The Department notes the variation to the minimum building setback does not seek to increase the overall density or scale of the precinct, but instead it facilitates the delivery of future buildings with appropriate interface of private and public areas, opportunities for street planting and landscaping, and public infrastructure such as footpaths and pedestrian circulation areas.</p>
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Appendix C Department's Consideration of Clause 4.6 Submission

Clause 4.6(2) of THLEP permits the consent authority to consider a variation to a development standard imposed by an EPI. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying certain development standards to achieve better development outcomes in particular circumstances.

When considering a proposed variation, clause 4.6(3) requires the following:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The Applicant has prepared a written request in accordance with clause 4.6(3) to vary the minimum building setbacks development standard under Clause 8.4 of the THLEP.

Clause 4.6(4)(a) requires the consent authority to be satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

The following provides the Department's assessment of the proposed variation to the minimum building setbacks development standard under clause 8.4 of THLEP, applying the tests summarised by Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* {2018} NSWLEC 118 and *Wehbe v Pittwater Council* {2007} NSWLEC 827.

Minimum building setbacks development standard

The THLEP has a minimum 5 m setback requirement which applies to:

- a building in Zone R1 General Residential
- a residential flat building in Zone B2 Local Centre

The Applicant proposes setbacks as shown in **Table 2** and **Figure 1** below.

Table 2 | Proposed setbacks

Zone	Setback required under THLEP	Setback proposed	Compliance
R1 General Residential	5 m (for any building)	2 m ground floor 5 m upper levels	No for the ground floor
B2 Local centre	5 m (for residential flat buildings)	<u>Non- residential uses:</u> 0 m for ground floor uses 3m upper floors (podium) <u>Residential flat building:</u> 2 m for ground floor 3 m upper floors to Mawson Ave 5 m upper floors all other streets	Yes, for commercial uses No for residential uses
B7 Business Park	0 m	0 m	Yes

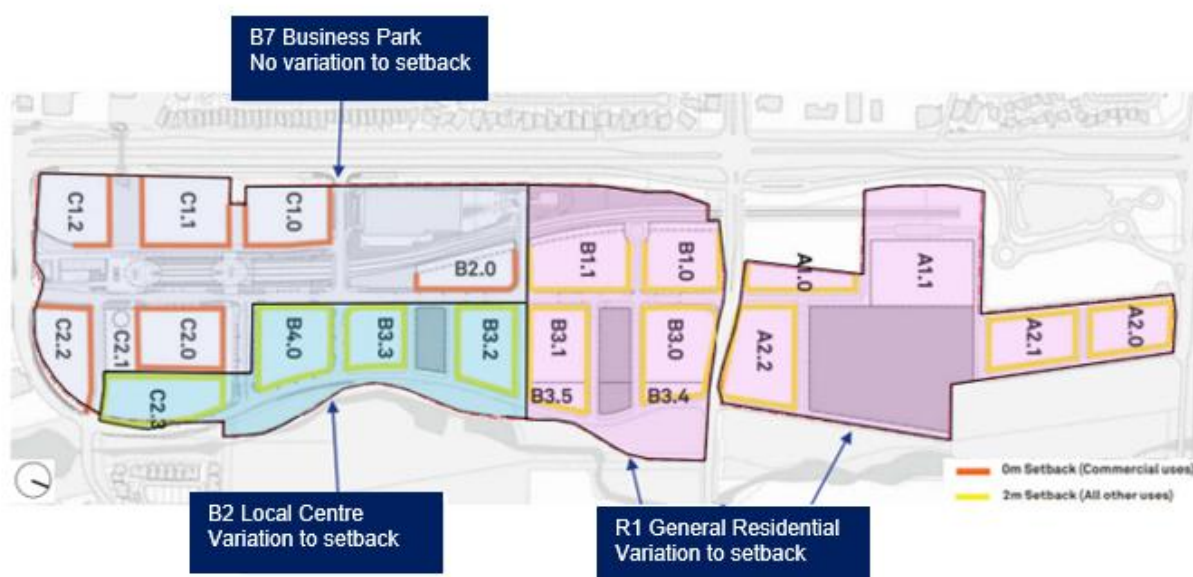


Figure 1 | Proposed setback variations (Source: Applicant's RtS)

1. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone?

The objectives of the R1 zone are:

- to provide for the housing needs of the community.
- to provide for a variety of housing types and densities.
- to enable other land uses that provide facilities or services to meet the day to day needs of residents.
- to enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas

The objectives of the B2 zone are:

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

The Department considers the proposal is consistent with the objectives of the R1 and B2 zones as the future development will:

- provide additional housing to meet the needs of the community, including a variety of housing types and sizes including high density and terrace style housing
- serve the needs of the local and wider community by providing retail and commercial floor space located within a new local town centre
- encourage employment in a highly accessible location, immediately adjacent to the Bella Vista metro station and within close proximity to other active transport networks, such as walking and cycling routes
- promote public transport patronage and the objectives of transit-oriented development by encourage walking and cycling and limiting the provision of car parking
- is consistent with the strategic planning framework for the Bella Vista Station Precinct which seeks to deliver additional housing and employment surrounding the new metro station.

2. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard?

The Applicant notes that there are no objectives underlying the development standard for clause 8.4. Instead, the Applicant has considered the underlying objectives of the minimum building setbacks, which are considered to be:

- to provide an appropriate streetscape and character that fits with the vision of the town centre
- to create an attractive and convenient living and business precinct adjacent to the Metro station
- provide separation between dwellings and the street interface as a means of achieving expected levels of amenity at ground level.

The Department considers the proposal is consistent with the objectives of the minimum building setback development standard (noting clause 8.4 does not contain any objectives itself) as the proposal:

- includes development controls within the Urban Design Guidelines that ensure the appropriate streetscape is created within the various character precincts proposed while being capable of achieving high amenity and limiting impacts on adjoining development
- will aid in the creation of a distinctive local centre from the wider Hills district
- is consistent with the strategic planning framework for the Bella Vista Station Precinct which seeks to deliver additional housing and employment surrounding the metro station

- is consistent with the height on building, minimum lot size and FSR development standards contained in THLEP
- achieves appropriate building separation, open space, and landscaping to support the future population of the site
- will not impact the provision of footpaths, public roads, and new public open spaces.

3. Has the consent authority considered a written request demonstrating compliance with the development standard is reasonable or unnecessary in the circumstances of the case?

The Applicant has submitted a written request, seeking a variation to the minimum building setbacks development standard that applies under THLEP. In summary, the Applicant's clause 4.6 request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case as follows:

- the underlying objective or purpose of the development standard is to provide an appropriate streetscape and character that reflects the vision for the site, while also providing acceptable levels of amenity for adjoining uses
- a 2m setback provides better transition from the urbanised character of the B7 Business Park zone to the residential zones and a more coherent streetscape across the site. Perceived bulk and scale impacts are reduced as future built form would be offset by wider footpaths and interface areas along key vehicular and pedestrian connections
- the building setbacks will support the creation of a high density, transit-oriented community within a compact town centre as envisaged by the strategic planning framework for the Bella Vista Station Precinct
- reduced setbacks allow for the efficient use of space, while providing a transition between private and public space and promotes a walkable, convenient and active street network extending along Mawson Avenue and Elizabeth Macarthur Creek
- the proposed setbacks will not impede on appropriate building separation being achieved and the provision of pedestrian and shared paths throughout the precinct, while still providing space to develop a strong landscape character for ground level amenity and privacy.

For the reasons provided above, the Department considers that compliance with the minimum building setbacks development standard is unreasonable and unnecessary given the circumstances of the case.

4. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning ground to justify contravening the development standard?

The Department considers there are sufficient environmental planning grounds to justify the contravention of the development standard in the circumstances of the case as provided in the Applicant's written request as summarised below:

- the site's strong connection and alignment with Elizabeth Macarthur Creek and proposed road hierarchy provides significant levels of open space, landscaping opportunities and pedestrian and cyclist connectivity that offsets the reduced building setbacks
- it will provide for vibrant and active street frontages adjacent to Bella Vista metro station
- the reduced building setbacks will not result in adverse amenity impacts
- if the development standard were to be maintained, it would result in built form outcomes that are inconsistent with the scale of development envisaged for the site, being a high-density, transit-oriented mixed-use precinct with heights and densities below that permitted by the planning requirements.

The Department considers the Applicant's justification for the variation to the building setbacks to be well founded. The Department considers the proposed setbacks will deliver a better planning outcome for the site, consistent with the high density, transit-oriented environment envisaged for the precinct. In this instance, the Department notes the variation to the minimum building setback does not seek to increase the overall density or scale of the precinct, compromising the amenity of surrounding development or future residents, but instead it facilitates the delivery of built form with appropriate interface of private and public areas, opportunities for street planting and landscaping, and public infrastructure such as footpaths and pedestrian circulation areas.

Conclusion

Having considered the written request, the Department is satisfied the Applicant has provided sufficient environmental planning grounds to justify the contravention of the minimum building setback development standard and the matters required to be demonstrated under clause 4.6 have been adequately addressed.

The Department concludes the proposal is in the public interest and the variation to the minimum building setbacks development standard results in a better planning outcome.

Appendix D Mandatory Matters for Consideration

Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects set out in Section 1.3 of the Act. A response to the objects is in **Table 3**.

Table 3 | Consideration of the proposal against the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources	The proposal promotes the social and economic welfare of the community by providing employment and housing within a highly accessible site for transport, and, in doing so, contributing to the achievement of State, regional and local planning objectives.

Objects of the EP&A Act	Consideration
	<p>The proposal comprises development associated with approved station infrastructure and does not have adverse impacts on the State's natural or other resources.</p> <p>The proposal is predicted to generate 9,840 construction jobs and 7,510 operational jobs.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment	The proposal has integrated ESD principles as discussed at Appendix D of this report.
(c) to promote the orderly and economic use and development of land	The proposal represents the orderly and economic use of the land primarily as it will increase employment and housing opportunities near public transport. The proposed land uses are permissible, and the form of the development has regard to the planning controls that apply, the character of the locality and the context of surrounding development. The merits of the proposal are considered in Section 6 of the report.
(d) to promote the delivery and maintenance of affordable housing	The concept proposal promotes the delivery of affordable housing with a minimum 5% of future dwellings to be affordable housing.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities, and their habitats	The site has been granted a Biodiversity Development Assessment Report (BDAR) waiver as the proposal is not likely to have any significant impact on biodiversity values.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	<p>The site does not contain any known artefacts or other evidence of Aboriginal archaeological sites. The proposal is not considered to have impacts on heritage items in the vicinity of the site as major views to these items will not be impeded.</p> <p>The Department is satisfied that the development of the site will have no adverse impact on the heritage significance of these heritage items.</p>
(g) to promote good design and amenity of the built environment	The proposal demonstrates a good design approach to the relevant planning controls and in relation to the context of the site. Amenity impacts are managed through the provisions of the Urban Design Guidelines or by the recommended conditions of consent for mitigation measures in future design applications.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The application is for concept approval and does not include construction, however, construction impacts of the concept have been taken into consideration in the assessment of the proposal.

Objects of the EP&A Act	Consideration
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department publicly exhibited the proposal as outlined in Section 5 . This included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5 . This included notifying adjoining landowners, placing a notice in the local press, displaying the application on the Department's website, Council offices and Service NSW Centres. The Department also placed the RtS on its website and referred it to Council and relevant agencies.

Section 4.15(1) matters for consideration

The matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 4**.

Table 4 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided below, at Appendix D .
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) and development control plan (DCP)	Not applicable.
(a)(iiiv) any planning agreement	<p>On 21 September 2022, the Applicant made an offer to Council (with a draft Voluntary Planning Agreement) detailing the proposed infrastructure works to be undertaken, timing and delivery of works, and ownership provisions. The offer nominates works-in-kind land dedications and monetary contributions for local infrastructure works.</p> <p>The Department considers the infrastructure works proposed by the Applicant are acceptable having regard to the adopted 7.11 Plan.</p> <p>The Department recommends a condition that a VPA consistent with the Applicant's offer be made or the 7.11 Plan will apply to subsequent developments to ensure appropriate local infrastructure will be funded and delivered.</p>
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulations, including the procedures relating to applications (Part 6), public

	participation procedures for SSD and Schedule 2 relating to EIS.
(a)(v) any coastal zone management plan	The site is not identified as being located within a designated coastal area under the State Environmental Planning Policy (Coastal management) 2018 (Coastal SEPP).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The impacts of the proposal can be appropriately mitigated, including through conditions as discussed in Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal as summarised at Section 5 and considered at Appendix B of this report.
(e) the public interest	The proposal is in the public interest as discussed at Section 6 of this report.

Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of the Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity; and
- improved valuation, pricing, and incentive mechanisms.

The development proposes ESD initiatives and sustainability measures, including targeting minimum sustainability targets:

- minimum 5 star for Green Star Communities rating for all buildings
- minimum 5 star NABERS energy and water target
- 'Silver' Level Standard for all medium to high density dwellings
- BASIX and Liveable Housing Design compliance.

The Department has considered the proposal in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the development. The development is consistent with ESD

principles as described in the Applicant's EIS and RtS, which have been prepared in accordance with the requirements of Schedule 2 of the EP&A Regulation.

The Department is satisfied the proposed sustainability measures incorporated into the proposal are consistent with ESD principles, in accordance with the objects of the EP&A Act.

Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP 2009)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) including the Apartment Design Guide (ADG)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (SREP 20)
- Draft State Environmental Planning Policy (Remediation of Land)
- Draft State Environmental Planning Policy (Environment)
- The Hills Local Environmental Plan 2012 (THLEP).

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify SSD, State Significant Infrastructure (SSI), CSSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table 5**.

Table 5 | SRD SEPP compliance table

Relevant Section	Consideration
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development, (b) to identify development that is State significant infrastructure and critical State significant infrastructure,	The proposal is identified as SSD.

(c) to identify development that is regionally significant development.	
8 Declaration of State significant development: Section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposal is permissible with consent and is specified in Schedule 2 of the SRD SEPP.
12 Concept development applications If (a) development is specified in Schedule 1 or 2 to this Policy by reference to a minimum capital investment value (CIV), other minimum size or other aspect of the development, and (b) development the subject of a concept development application under Part 4 of the Act is development so specified, any part of the development that is the subject of a separate development application is development specified in the relevant Schedule (whether or not that part of the development exceeds the minimum value or size or other aspect specified in the Schedule for such development).	The proposal is specified in Schedule 2 and has a CIV of over \$30 million.
Schedule 2 State significant development —identified sites (Clause 13) <i>13 Development at Bella Vista Station Precinct and Kellyville Station Precinct Sites</i> Development on land identified as being within the Bella Vista Station Precinct Site or the Kellyville Station Precinct Site on the State Significant Development Sites Map if the development is for the purposes of— (a) a principal subdivision establishing major lots or public domain areas, or (b) the creation of new roadways and associated works.	The development is on land identified as being within the Bella Vista Station Precinct Site and includes development for the purposes detailed in clause 13(a) and (b).
Note: An amendment to the SEPP was exhibited between 8 June 2018 and 6 July 2018. It is proposed to update Schedule 2 of the SEPP to identify areas adjacent to the Sydney Metro Northwest and within Government ownership as identified sites on the State Significant Development Sites Map. It is proposed to limit the undertake of this clause to development carried out by or on behalf of Transport for New South Wales or the Planning Ministerial Corporation established under the Act. At the writing of this report the amendment to the SEPP had not been adopted.	The proposed amendment to the SEPP applies to the development as it is on land identified as a State Significant Development Site (Kellyville Station Precinct Site and Bella Vista Station Precinct Site) adjacent to the Sydney Metro Northwest corridor and within government ownership. The concept proposal is consistent with the amendment to the SEPP.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development

adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities for certain development during the assessment process.

The ISEPP is applicable as the concept proposal involves development in or adjacent to a rail corridor (Division 15 Railways), being the Sydney Metro Northwest corridor. Under the provisions of Clause 86 – *Excavation in, above, below or adjacent to rail corridors*, the application is required to be referred to TfNSW (Sydney Trains). The application was referred to TfNSW who has advised that it has no comment to the application.

Under the provision of Clause 87 – *Impact of rail noise or vibration on non-rail development* residential accommodation that is on land in or adjacent to a rail corridor cannot be approved unless the consent authority is satisfied that appropriate measures will be taken to ensure that the relevant noise levels are not exceeded.

Under the provisions of Clause 101 – *Development with frontage to a classified road* and Clause 102 – *Impact of road noise or vibration on non-road development*, the proposal cannot compromise the effective and ongoing operation of the classified road (Old Windsor Road and Memorial Avenue) and appropriate measures will be taken to ensure noise and vibration levels are not exceeded for residential accommodation in or adjacent to the road corridor.

The application is supported by a *Noise and Vibration Assessment* submitted with the EIS which provides assessment of noise and vibration impacts associated with the site against the relevant criteria of the following:

- State Environmental Planning Policy (Infrastructure) 2007
- Development Near Rail Corridors and Busy Roads - Interim Guideline 2008
- The Hills Shire Council Development Control Plan
- Department of Environment, Climate Change and Water – NSW Road Noise Policy 2011
- Environment Protection Authority – Noise Policy for Industry 2017
- Noise Guide for Local Government 2013
- Rail Infrastructure Noise Guideline 2013
- Assessing Vibration – a Technical Guideline 2006

The Department is satisfied that the proposal can meet the relevant acoustic criteria subject to recommendations of the *Noise and Vibration Assessment* being adopted in detailed design application(s).

The proposal constitutes traffic-generating development under Clause 104 – *Traffic-generating development* as it involves residential accommodation of 300 or more dwellings, 200 or more ancillary car parking spaces, or commercial premises of 10,000 m² of gross floor area. The proposal is required to be referred to TfNSW (former RMS). TfNSW did not object to the proposal on the grounds of traffic generation.

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)

The ARH SEPP provides a planning regime that aims to increase the supply and diversity of affordable rental and social housing throughout NSW. The concept proposal proposes a minimum 5% of dwellings to be allocated as affordable housing.

Based on the indicative total residential dwellings envisaged by this concept proposal, a range of between 128 and 190 affordable housing dwellings would be provided for very low, low and moderate income households as defined by the ARH SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy and thermal comfort. BASIX requires all new dwellings to meet sustainable targets of a 20% reduction in energy use (building size dependent) and 40% reduction in potable water.

The application is for a concept proposal which provides only indicative building envelopes. As such an assessment of the proposal's compliance against the BASIX requirements is not required at this stage of the development. Notwithstanding this, the Ecologically Sustainable Development Report accompanying the EIS identifies that the development will be required to achieve the relevant BASIX targets in the detailed development application(s).

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS includes a contamination assessment for the site which concludes that no significant contamination impacts have been identified that would preclude redevelopment of the site for the proposed land uses. This is subject to a staged contamination assessment framework being implemented at the detailed design phase of the development.

The Department is satisfied that the site is suitable for the proposed uses subject to the recommendations of the contamination assessment report being adopted in the development of the site. The Department recommends conditions to ensure appropriate contamination measures are adopted.

Draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant and SEPP 55 has been reviewed as part of that program. The Department has published the draft Remediation SEPP, which was exhibited until April 2018.

Once adopted, the Remediation SEPP will retain elements of SEPP 55, and add the following provisions to establish a modern approach to the management of contaminated land:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- categorise remediation work based on the scale, risk and complexity of the work

- require environmental management plans relating to post-remediation management or ongoing management of on-site to be provided to Council.

The new SEPP will not include any strategic planning objectives or provisions. Strategic planning matters will instead be dealt with through a direction under Section 117 of the EP&A Act.

The Department considers the development is consistent with the draft Remediation SEPP subject to the recommended conditions discussed above.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

SEPP 65 seeks to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments. The Department is satisfied that the proposal achieves the objectives of SEPP 65 as detailed in **Table 6**.

Table 6 | SEPP 65 compliance table

Design Principles	Consideration
Context and Neighborhood Character	The proposal is consistent with the desired future character for the area and consistent with the development standards of The Hills Local Environmental Plan 2012 (THLEP 2012).
Built Form and Scale	The proposal results in a suitable built form of varying height, scale and typologies consistent with the development standards of THLEP 2012. The Department considers the built form of the proposal acceptable having regard to its location opposite the Bella Vista Metro station and exemplifying the principles of transit-oriented development.
Density	The proposal achieves an acceptable density. It has a maximum height of 68 m and a floor space ratio consistent with the development standards of the THLEP and achieves the design outcomes of the ADG.
Sustainability	The proposal proposes ESD principles and sustainability measures as detailed in Appendix D of this report.
Landscape	The proposal incorporates a range of landscaped and open space areas including public parks, urban plaza, creek corridor and riparian areas, and street planting. The proposal acknowledges Elizabeth Macarthur Creek to the east of the site with appropriate landscape treatment proposed at this interface.
Amenity	The proposal can achieve good amenity by providing a built form which results in appropriate solar access between buildings, open space areas, and the interface with Elizabeth Macarthur creek. The proposal promotes a mixed-use precinct with commercial uses and medium to high density residential living with convenient access to the high frequency Bella Vista Metro station.
Safety	The concept proposal promotes the principles of Crime Prevention Through Environmental Design (CPTED) through appropriate design features which will provide opportunities for passive surveillance of

Design Principles	Consideration
	common open spaces from residential areas, the activation of spaces by locating mixed uses within the precinct, and the provision of open space areas which link the precinct and Metro station. The Urban Design Guidelines developed for the proposal promote the application of CPTED principles.
Housing Diversity and Social Interaction	The proposal promotes housing diversity with a range of housing typologies including apartments and terraces and the provision of 5% of dwellings as affordable housing. The provision of a variety of public open space areas provides opportunities for social interaction amongst residents, tenants, and visitors to the site.
Aesthetics	The concept proposal is designed at a masterplan scale. The Applicant, in consultation with the GA NSW has developed a Design Excellence Strategy to accompany the Urban Design Guidelines for the proposal. The Strategy will set the framework to deliver design excellence throughout the project and the detailed design application(s).

Apartment Design Guide (ADG)

An assessment of the proposal against the ADG best practice design principles is provided in **Table 7** below. The concept proposal was prepared at the scale of a masterplan and the proposal has been assessed against the relevant Design Criteria relevant to a masterplan scale.

The development blocks established as part of the proposed layout and design of the street network provide sufficient flexibility to enable compliant future built form to be designed within the boundaries of each development block. The proposed building envelopes and indicative layouts demonstrate that future residential apartment buildings are capable of achieving compliance with the relevant provisions of SEPP 65 and the ADG.

Table 7 | ADG compliance table

Relevant Criteria	Consideration
3C Public Domain Interface <ul style="list-style-type: none"> transition between public/private domain without compromising security amenity of public domain is retained and enhanced 	<p>The concept proposal aims to achieve the following:</p> <ul style="list-style-type: none"> focus density and building heights towards the station to encourage pedestrian movement with transition to lower buildings towards the riparian corridor siting and orientation of built form considers sunlight access into public spaces, communal areas, streets, and residential buildings provide active frontages with weather protection along primary pedestrian routes encourage access to a network of integrated, high quality public open spaces and amenities such as playgrounds and walking paths define open spaces in response to the area's unique characteristics by providing for: <ul style="list-style-type: none"> vibrant urban plazas integrated spaces along the riparian corridor public spaces within the residential blocks

Relevant Criteria

Consideration

- open spaces that are safe and multi-functional
- existing mature trees to be retained and integrated into the landscape design.

3D Communal and Public Open Space

- minimum 25% of the site
- minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm in mid-winter

Detailed built form or building envelopes are not proposed in the concept plan however, the urban design framework identifies communal and public open space areas comprising approximately 30% of the site area.

The Urban Design Guidelines will reinforce the requirement for detailed design applications to provide communal and private open space areas of at least 25% of the site area.

Future residential apartment buildings will be required to demonstrate compliance with the Urban Design Guidelines and the requirements of SEPP 65 and the ADG. The concept demonstrates that future built form achieves solar access to public, communal, and private open space areas consistent with the provisions of the ADG.

3E Deep Soil Zones

For sites greater than 1,500 m² at least 7% to 15% of the site area to be deep soil zone(s). Site area is 33,500 m² with proposed future super lots greater than 1,500 m²

Deep soil zones are provided throughout the precinct in public, communal, and private open space areas.

Indicative landscape plans show that deep soil zones of 7% to 15% of the site can be achieved.

The Urban Design Guidelines will reinforce the requirement for detailed design applications to provide deep soil zones of at least 7% to 15% of the site area.

3F Visual Privacy

Minimum separation distance from building to side boundary:

Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6 m	3 m
Up to 25m (5-8 storeys)	9 m	4.5 m
Over 25m (9+ storeys)	12 m	6 m

Detailed built form or building envelopes are not proposed as part of the concept proposal so to determine building separation distances.

The urban design report identifies the proposed dimension and layout of the proposed development blocks which indicate that future detailed building design can achieve the minimum building separation and privacy requirements.

3G Pedestrian Access to Entries

- building entries and pedestrian access connects to and addresses the public domain

The Urban Design Guidelines include requirements related to building entry points, pedestrian links, and ground floor interface between the public and private domain.

Pedestrian access and entry points are to be visible, accessible and allow for reciprocal surveillance

Relevant Criteria	Consideration
<ul style="list-style-type: none"> access, entries and pathways are accessible and easy to identify large sites provide pedestrian links for access to streets and connection to destinations 	between entry points, buildings and the street, consistent with the provisions of the ADG.
3H Vehicle Access Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	The Urban Design Guidelines include requirements related to vehicle access points that minimise vehicle and pedestrian conflicts and achieve quality streetscape outcomes consistent with the provisions of the ADG.
3J Bicycle and Car Parking <ul style="list-style-type: none"> minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less parking is available for other modes of transport car parking design access is safe and secure visual and environmental impacts of underground, at grade or above ground car parking are minimised 	<ul style="list-style-type: none"> car parking for non-residential uses, residents, resident visitors, and car-share parking rates are proposed for the precinct. These rates are supported by a Traffic and Parking Assessment report. motorcycles and bicycle parking will be provided in accordance with the requirements of The Hills DCP car parking areas and access will be designed at the detailed design application stage and subject to the relevant design requirements.
4A Solar and Daylight Access <ul style="list-style-type: none"> minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9am-3pm in mid-winter in the Sydney Metropolitan Area maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter shading and glare control are provided 	The reference scheme has been tested against the solar access criteria in the ADG and demonstrates that more than 70% of apartments would comply with the relevant solar access requirements. Additional design refinement will be required to ensure western elevations of future apartment buildings maximise solar access provision.
4B Natural Ventilation <ul style="list-style-type: none"> at least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated) overall depth of a cross-over or cross-through apartment does not exceed 18 m 	<p>No built form or building envelopes are proposed as part of this application. The proposed development block layout provides sufficient space for future detailed built form to be designed appropriately to achieve the relevant cross ventilation requirements under the ADG.</p> <p>It is noted that noise impacts associated with Old Windsor Road and SMNW train movements will require the installation of thickened window glazing to ensure the internal amenity of residential apartments is achieved.</p> <p>Accordingly, the detailed design of future built form will be required to consider this requirement in the</p>

Relevant Criteria	Consideration
	design of openings on building facades to ensure cross ventilation requirements are met.
4H Acoustic Privacy and 4J Noise and Pollution <ul style="list-style-type: none"> noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. noise impacts are mitigated through internal apartment layout and acoustic treatments 	<p>A <i>Noise and Vibration Assessment</i> accompanies the application. The report assesses potential noise and vibration sources and recommends acoustic treatments to achieve the required noise levels. The treatments include noise suppressing building façade materials, upgraded glazing to windows, and appropriate provision of mechanical ventilation.</p>
4K Apartment Mix <ul style="list-style-type: none"> provision of a range of apartment types and sizes apartment mix is distributed to suitable locations within the building. 	<p>The concept proposal provides for 1, 2, and 3 bedroom apartments and adaptable apartments will be distributed throughout the residential buildings. The concept proposal also nominates minimum 5% of dwellings as affordable housing.</p>
4O Landscape Design and 4P Planting on Structures <ul style="list-style-type: none"> landscape design is viable and sustainable landscape design contributes to streetscape and amenity appropriate soil profiles are provided, and plant growth is maximised (selection/maintenance) plant growth is optimised with appropriate selection and maintenance building design includes opportunity for planting on structure 	<p>The Urban Design Report accompanying the application identifies the design principles for landscaping in communal open space areas, residential courtyards, roof top open space areas, and private open space for ground floor apartments.</p> <p>The landscape design will be finalised at the detailed design application stage. The proposed deep soil and open space areas are consistent with the provisions of the ADG.</p>
4S Mixed Use <ul style="list-style-type: none"> mixed use developments are provided in appropriate locations and provide street activation and encourage pedestrian movement residential levels are integrated within the development, safety and amenity is maximised 	<p>The Bella Vista Station Precinct is envisaged as a mixed-use precinct with residential and non-residential uses. The location of uses has been identified in the layout of the precinct consistent with the different land zones. Although the detailed design is not identified in the concept, the Urban Design Guidelines will address the following:</p> <ul style="list-style-type: none"> non-residential uses will be strategically located adjoining street frontages and common open space areas. This encourages good street level activity through pedestrian movement and reciprocal surveillance of public and private areas there will be appropriate separation of residential uses with separate entry areas, minimal ground level interface with non-residential uses, and location of active public areas away from residential open space areas.

Relevant Criteria	Consideration
4U Energy Efficiency <ul style="list-style-type: none"> development incorporates passive environmental and solar design adequate natural ventilation minimises the need for mechanical ventilation 	<p>The <i>Ecological Sustainable Development Report</i> accompanying the application identifies minimum targets to be included in the developer's requirements to ensure high environmental performance of the development.</p> <p>The proposal can achieve natural ventilation above the minimum requirements of the ADG.</p>
4V Water Management and Conservation <ul style="list-style-type: none"> potable water use is minimised urban stormwater is treated on site before being discharged to receiving waters flood management systems are integrated into the site design 	<p>The <i>Ecologically Sustainable Development Report</i> accompanying the application identifies minimum requirements to achieve best practice water sensitive principles and conservation of potable water. These are to be included in the developer's requirements.</p>
4W Waste Management <ul style="list-style-type: none"> waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity domestic waste is minimised by providing safe and convenient source separation and recycling 	<p>Waste management facilities will be determined at the detailed design stage of the development, in consultation with The Hills Council.</p>

Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (SREP 20)

The subject site is within the catchment draining to the Hawkesbury Nepean River system and as such the provisions of SREP 20 apply.

The broad aim of SREP 20 is to ensure the impact of urban development on the Hawkesbury Nepean River is minimised by considering catchment management, water quality and quantity, and protection and management of environmentally sensitive areas, flora and fauna and wetland habitats.

No works are proposed as part of this concept proposal and therefore have no immediate impact on the Hawkesbury Nepean River system is expected. The future urban renewal of the precinct enabled by this concept proposal will adopt water sensitive urban design measures that will be established under future detailed applications. This will ensure the Bella Vista Station Precinct encompasses appropriate treatment processes in the stormwater system to reduce pollutants and waste from entering Elizabeth Macarthur Creek and the broader Hawkesbury Nepean River system.

Draft State Environmental Planning Policy (Environment) 2017 (draft Environment SEPP)

The draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the

existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the draft Environment SEPP.

The draft Environment SEPP promotes the protection and improvement of environmental assets for their intrinsic, social and economic value. The site has been granted a Biodiversity Development Assessment Report (BDAR) waiver as the proposal is not likely to have any significant impact on biodiversity values.

The Hills Local Environmental Plan 2012 (THLEP)

The concept proposal is located within the Bella Vista Station Precinct as defined by the SRD SEPP. The THLEP contains specific provisions and development standards for the Bella Vista Station Precinct. The concept proposal is assessed against the relevant requirements of THLEP in **Table 8**.

Table 8 | THLEP compliance table

Relevant Part or Clause	Consideration
Part 1: Preliminary	
<p><i>1.2 Aims of the plan</i></p> <p>The Plan aims to:</p> <ul style="list-style-type: none"> (a) guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs, (b) provide strategic direction and urban and rural land use management for the benefit of the community, (c) provide for the development of communities that are liveable, vibrant and safe and that have services and facilities that meet their needs, (d) provide for balanced urban growth through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills, (e) preserve and protect the natural environment of The Hills and to identify environmentally significant land for the benefit of future generations, (f) contribute to the development of a modern local economy through the identification and management of land to promote employment opportunities and tourism. 	<p>The proposal is in keeping with the aims of the Plan in that the land use is compatible with the future desired character of Bella Vista Station Precinct.</p>

Relevant Part or Clause	Consideration
Part 2: Permitted or Prohibited Development	
2.1 Land use zones	The concept proposal is within B7 (Business Park), B2 (Local Centre), R1 (General Residential), and SP2 (Infrastructure Railway Corridor) zones.
2.3 Zone objective and Land Use Table Subclause (2) notes: the consent authority must have regard to the objective for development in a zone when determining a development application.	The Department is the consent authority for this proposal and has taken into account the objectives for the zone as noted below.
2.5 Additional permitted uses for particular land Subclause (1) notes: Development on particular land that is described or referred to in Schedule 1 may be carried out: (a) with development consent, or (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.	The concept proposal site includes land referred to in Schedule 1. Development consent from the Department will be required.
2.6 Subdivision—consent requirements Subclause (1) notes: Land to which this Plan applies may be subdivided, but only with development consent.	The Department notes that the land may be subdivided, but only with development consent. The proposal includes subdivision of the principal development lots which comply with the minimum lot sizes of THLEP.
2.7 Demolition requires development consent Demolition of a building or work may be carried out, only with development consent.	No physical works, including demolition works, are proposed under this concept proposal.
Land Use Table	
<u>Zone R1 General Residential</u> Objectives of zone: <ul style="list-style-type: none"> to provide for the housing needs of the community to provide for a variety of housing types and densities to enable other land uses that provide facilities or services to meet the day to day needs of residents to enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas. 	<u>Zone R1 General Residential</u> The concept proposal falls within Zone R1 General Residential. The Department notes the concept proposal will meet the objectives of the zone. A range of housing typologies are proposed as well as other land uses to meet the future needs of residents. The provisions of the Urban Design Guidelines ensure appropriate amenity outcomes will be achieved. The concept proposal includes development that is permissible with consent. No prohibited development types are proposed for this land use zone.

Relevant Part or Clause	Consideration
<u>Zone B7 Business Park</u>	<u>Zone B7 Business Park</u>
Objectives of zone:	The concept proposal falls within Zone B7 Business Park.
<ul style="list-style-type: none"> to provide a range of office and light industrial uses to encourage employment opportunities to enable other land uses that provide facilities or services to meet the day to day needs of workers in the area to make provision for high technology industries that use and develop advanced technologies, products and processes. 	<p>The Department notes the concept proposal will meet the objectives of the zone. The proposal includes retail and commercial uses encouraging employment opportunities and a range of land uses to meet the future needs of workers, residents, and visitors of the precinct.</p> <p>The concept proposal includes development that is permissible with consent. No prohibited development types are proposed for this land use zone.</p>
<u>Zone B2 Local Centre</u>	<u>Zone B2 Local Centre</u>
Objectives of zone:	The concept proposal falls within Zone B2 Local Centre.
<ul style="list-style-type: none"> to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area to encourage employment opportunities in accessible locations to maximise public transport patronage and encourage walking and cycling. 	<p>The Department notes the concept proposal will meet the objectives of the zone. A variety of housing typologies and employment opportunities are proposed as well as other land uses to meet future community needs.</p> <p>The highly accessible location will facilitate walking, cycling and public transport use.</p> <p>The concept proposal includes development that is permissible with consent. No prohibited development types are proposed for this land use zone.</p>
<u>Zone SP2 Infrastructure</u>	<u>Zone SP2 Infrastructure</u>
Objectives of zone:	The Department notes the concept proposal will meet the objectives of the zone. No development is proposed that will be incompatible or detract from the provision of infrastructure.
<ul style="list-style-type: none"> to provide for infrastructure and related uses. to prevent development that is not compatible with or that may detract from the provision of infrastructure. 	

Part 4: Principal development standards

<i>4.1 Minimum subdivision lot size</i>	The concept proposal requires subdivision of land within the development site.
<i>Subclause (3) notes:</i> The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	The size of lots resulting from subdivision will not be less than the minimum size shown on the Lot Size Map.
<i>4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings</i>	The concept proposal includes the subdivision of principal development lots. Future subdivision of residential built forms will be subject to the requirements of the THLEP.

Relevant Part or Clause	Consideration
<p><i>4.3 Height of buildings</i></p> <p>Subclause (2) notes:</p> <p>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>The map identifies the height standards for the site as 68 m.</p>	<p>The concept proposal does not exceed the maximum height of 68 m shown for the land on the Height of Buildings Map.</p>
<p><i>4.4 Floor space ratio</i></p>	<p>The concept proposal does not exceed the floor space ratio for the land as shown on the Floor Space Ratio Map. The FSR varies across the precinct to reflect the changes in land use.</p>
<p><i>4.6 Exception to development standards</i></p>	<p>A variation to the setback requirements of THLEP is proposed as part of the concept proposal. The application is accompanied by a written request seeking to vary the setback requirements which is discussed in Appendix C.</p>
<p>Section 5: Miscellaneous provisions</p>	
<p><i>5.1 Relevant acquisition authority</i></p>	<p>The site does not include any land identified for acquisition by Sydney Metro. Embankments of Elizabeth Macarthur Creek are identified for acquisition by Sydney Water. The proposed open space and local road network is to be dedicated to Council and the relevant local authority.</p> <p>The concept proposal will not impact the ability of this land to be acquired by the respective acquisition authorities.</p>
<p><i>5.1A Development on land intended to be acquired for a public purpose</i></p>	<p>There is land zoned SP2 Infrastructure that is identified for acquisition by Sydney Water. This land is not included under this concept proposal.</p> <p>Development blocks are proposed next to this land which are considered to be consistent with the public purpose for the land identified for the Stormwater Management System.</p>
<p><i>5.4 Controls relating to additional permitted uses</i></p>	<p>No miscellaneous permitted uses are sought for this concept proposal.</p>
<p><i>5.6 Architectural roof features</i></p>	<p>Roof features will be assessed under future detailed design applications.</p>
<p><i>5.10 Heritage conservation</i></p>	<p>The site is adjacent to heritage items including:</p> <ul style="list-style-type: none"> • Old Windsor Road which contains the locally significant archaeological remains of 'Original section of road and culvert', as listed under THLEP

Relevant Part or Clause	Consideration
	<ul style="list-style-type: none"> Bella Vista Homestead Complex which is a Heritage Conservation Area of State significance House ("Isabella") which is listed on the <i>Blacktown Local Environmental Plan 2013</i>. <p>No works are proposed within the vicinity of these heritage items. No adverse impacts are expected on heritage items or conservation areas.</p>

Part 6: Urban release areas

<p><i>6.2 Arrangements for designated state public infrastructure</i></p> <p>The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</p> <p>This clause does not apply to land in a special contributions area (as defined by section 7.1 of the Act).</p>	<p>This clause does not apply as parts of the site is located within a special contributions area.</p>
<p><i>6.3 Public utility infrastructure</i></p>	<p>A Utilities and Infrastructure Servicing Report has been provided. The report indicates public utility infrastructure is available or adequate arrangements can be made to ensure the infrastructure can be provided based on the future development's needs.</p>

Part 7 Additional local provisions

<p><i>7.1 Acid sulphate soils</i></p>	<p>The concept proposal site is not identified on the Acid Sulphate Soils map.</p>
<p><i>7.2 Earthworks</i></p>	<p>The concept proposal does not seek consent for earthworks but includes a preliminary assessment of the likely soil conditions expected on site and how this would impact future developments.</p>
<p><i>7.3 Flood planning</i></p>	<p>The concept proposal considers flood planning due to the site's location adjoining Elizabeth Macarthur Creek.</p> <p>Land within the concept proposal site is located within the flood planning level. The concept proposal notes activities that will be undertaken as part of the Stormwater Management Plan (SMP) to reduce flood risk include stream rehabilitation and filling the site to raise surface levels above the Elizabeth Macarthur Creek flood level.</p> <p>The SMP concludes that flood planning levels applicable to the future development of the</p>

Relevant Part or Clause	Consideration
	proposed lots will comply with the relevant 100-year ARI flood level identified in the THLEP.
<i>7.4 Biodiversity (Terrestrial)</i>	<p>The concept proposal is not on land identified as “Biodiversity” on the Terrestrial Biodiversity Map. However, a Biodiversity Development Assessment Report has been prepared.</p> <p>Impacts on the Cumberland Plain Woodland located to the northeast of the site and River-flat Eucalypt forest located along the riparian corridor will be appropriately offset in accordance with relevant legislation.</p>
<i>7.6 Landslide Risk</i>	The concept proposal is not on land identified as a “Landslide Risk” on the Landslide Risk Map.
<i>7.7 Design Excellence</i>	This clause does not apply to the proposal as it is within the Bella Vista Station Precinct and no building works are proposed under this application. However, the Design Excellence Strategy accompanying the application aims to support design excellence for future applications within the Bella Vista Station Precinct.
Part 8: Bella Vista and Kellyville Station Precincts	
<i>8.1 Temporary use of land in Zone B7 for the purpose of an entertainment facility</i>	This application does not seek consent for any temporary uses.
<i>8.2 Minimum lot sizes for residential flat buildings and shop top housing</i>	<p>Development blocks identified by the proposal satisfy the minimum lot sizes prescribed by this clause.</p> <p>No subdivision of land for a residential flat building or shop top housing is proposed.</p>
<i>8.3 Site area of proposed development includes dedicated land</i>	The concept proposal will seek to transfer GFA from roads and open space to identified development lots.
<i>8.4 Minimum building setbacks</i>	The concept proposal seeks to vary the minimum building setbacks and a request accompanies the EIS application. This is discussed in the report under Section 6 .
<i>8.5 Development requiring the preparation of a development control plan</i> Development consent is to not be granted for development on land within the Bella Vista Station Precinct unless a DCP has been prepared consistent with the provisions of clause 8.5.	The Urban Design Guidelines prepared for the Bella Vista Station Precinct include objectives and outcomes for future built form consistent with a DCP and the provisions of clause 8.5.
<i>8.6 Design excellence in Bella Vista and Kellyville Station Precincts</i>	The Applicant, in consultation with GANSW has provided a Design Excellence Strategy to accompany Urban Design Guidelines for the

Relevant Part or Clause	Consideration
	<p>proposal. The Strategy will set the framework to deliver design excellence throughout the project and the detailed design applications.</p> <p>Future detailed design applications will be required to demonstrate design excellence as required by THLEP.</p>
<i>8.7 Active street frontages in Zones B2 and B7</i>	The Urban Design Guidelines require street frontages to be appropriately activated consistent with the requirements of clause 8.7.
<i>8.8 Ground floor business premises and retail premises in Zones B2 and B7</i>	The Urban Design Guidelines require non-residential uses to be provided at ground level to provide an appropriate interface and encourage active street frontages in the B2 and B7 zones.
<i>8.9 Maximum number of dwellings</i> The consent authority must not grant development consent to development that results in more than 8,400 dwellings on land within the Bella Vista Station Precinct and the Kellyville Station Precinct.	<p>The concept proposal identifies a maximum of 3,804 dwellings on land within the Bella Vista Station Precinct.</p> <p>The concept proposal for the Kellyville Station Precinct identifies a maximum of 1,910 dwellings on land within the Kellyville Station Precinct. The combined total for both precincts is below 8,400.</p>

The Hills Development Control Plan 2012 (THDCP)

In accordance with Clause 11 of the State and Regional Development SEPP, Development Control Plans do not apply to State significant development. Notwithstanding, the objectives and intent of relevant controls under THDCP, where relevant, have been considered in **Section 6** of this report.

Appendix E Recommended Instrument of Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/14186>