



New South Wales

State Environmental Planning Policy Amendment (Bella Vista and Kellyville Station Precincts) 2017

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning

State Environmental Planning Policy Amendment (Bella Vista and Kellyville Station Precincts) 2017

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Bella Vista and Kellyville Station Precincts) 2017*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Maps

The maps adopted by the following environmental planning instruments are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy:

- (a) *State Environmental Planning Policy (State and Regional Development) 2011*,
- (b) *The Hills Local Environmental Plan 2012*.

4 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (State and Regional Development) 2011

Schedule 2 State significant development—identified sites

Insert after clause 12:

13 Development at Bella Vista Station Precinct and Kellyville Station Precinct Sites

Development on land identified as being within the Bella Vista Station Precinct Site or 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.

Schedule 2 Amendment of The Hills Local Environmental Plan 2012

[1] Land Use Table

Insert “Kiosks;” in alphabetical order in item 3 of Zone B7 Business Park.

[2] Part 8

Insert after Part 7:

Part 8 Bella Vista and Kellyville Station Precincts

8.1 Temporary use of land in Zone B7 for the purpose of an entertainment facility

Despite clause 2.8 (2), the temporary use of land shown as “Bella Vista Station Precinct” on the Sydney Metro Northwest Map that is in Zone B7 Business Park may be for a maximum period of 3 years, but only if the temporary use of land is for the purpose of an entertainment facility.

8.2 Minimum lot sizes for residential flat buildings and shop top housing

Development consent may be granted to development on a lot, shown as being part of “Bella Vista Station Precinct” or “Kellyville Station Precinct” on the Sydney Metro Northwest Map, in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table.

Column 1	Column 2	Column 3
Residential flat building with a building height of 21 metres or more	Zone R1 General Residential	3,600 square metres
	Zone R4 High Density Residential	3,600 square metres
	Zone B2 Local Centre	3,600 square metres
Residential flat building with a building height of less than 21 metres	Zone R1 General Residential	1,500 square metres
	Zone R4 High Density Residential	1,500 square metres
Shop top housing with a building height of 21 metres or more	Zone R1 General Residential	3,600 square metres
	Zone R4 High Density Residential	3,600 square metres
	Zone B2 Local Centre	3,600 square metres
Shop top housing with a building height of less than 21 metres	Zone R1 General Residential	1,500 square metres
	Zone R4 High Density Residential	1,500 square metres
	Zone B2 Local Centre	1,500 square metres

8.3 Site area of proposed development includes dedicated land

The site area of proposed development on land shown as “Bella Vista Station Precinct” or “Kellyville Station Precinct” on the Sydney Metro Northwest Map is, for the purpose of applying a floor space ratio under clause 4.5, taken to include land that:

- (a) is dedicated to the Council or a public authority for a public purpose (including roads, drainage or open space), and
- (b) would have been part of the site area if it had not been so dedicated.

8.4 Minimum building setbacks

Development consent must not be granted to development on land identified as “Bella Vista Station Precinct” or “Kellyville Station Precinct” on the Sydney Metro Northwest Map unless the front building setback of any building resulting from the development is equal to, or greater than, the following:

- (a) for a building in Zone R1 General Residential or Zone R4 High Density Residential—5 metres,
- (b) for a residential flat building in Zone B2 Local Centre—5 metres,
- (c) for a building in Zone B7 Business Park with a street frontage to Old Windsor Road, Kellyville, north of Celebration Drive, Kellyville—10 metres from the eastern edge of the Old Windsor Road road reserve.

8.5 Development requiring the preparation of a development control plan

- (1) The objective of this clause is to ensure that development within the Bella Vista Station Precinct or Kellyville Station Precinct occurs in accordance with a site-specific development control plan.
- (2) This clause applies to land identified as “Bella Vista Station Precinct” or “Kellyville Station Precinct” on the Sydney Metro Northwest Map.
- (3) Development consent must not be granted for development on land to which this clause applies unless:
 - (a) a development control plan that provides for the matters specified in subclause (4) has been prepared for or applies to the land, or
 - (b) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.
- (4) The development control plan must provide for all of the following:
 - (a) design principles drawn from an analysis of the site and its context,
 - (b) distribution of land uses, including open space (its function and landscaping) and environment protection areas,
 - (c) heritage conservation, including both Aboriginal and European heritage,
 - (d) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use,
 - (e) impact on, and improvements to, the public domain,
 - (f) identification and conservation of native flora and fauna habitat and habitat corridors on the site, including any threatened species, populations or ecological communities,
 - (g) the application of the principles of ecologically sustainable development,
 - (h) identification, extent and management of watercourses, wetlands and riparian lands and any buffer areas,
 - (i) environmental constraints, including climate change, acid sulfate soils, flooding, contamination and remediation,
 - (j) opportunities to apply integrated natural water-cycle design and integrated renewable energy design.

8.6 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land identified as “Bella Vista Station Precinct” or “Kellyville Station Precinct” on the Sydney Metro Northwest Map.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development detrimentally impacts on view corridors,
 - (d) whether the development detrimentally impacts on any land protected by solar access controls established in the development control plan referred to in clause 8.5,
 - (e) the requirements of the development control plan referred to in clause 8.5,
 - (f) how the development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) the impact on, and any proposed improvements to, the public domain,
 - (xi) the impact on any special character area,
 - (xii) achieving appropriate interfaces at ground level between the building and the public domain,
 - (xiii) excellence and integration of landscape design.

- (5) In addition, development consent must not be granted to development to which this clause applies unless:
- (a) if the development is in respect of a building that is, or will be, higher than 11 metres or 3 storeys (or both) but not higher than 66 metres or 20 storeys (or both):
 - (i) a design review panel reviews the development, and
 - (ii) the consent authority takes into account the findings of the design review panel, or
 - (b) if the development is in respect of a building that is, or will be, higher than 66 metres or 20 storeys (or both):
 - (i) an architectural design competition is held in relation to the development, and
 - (ii) the consent authority takes into account the results of the architectural design competition.
- (6) Subclause (5) (b) does not apply if:
- (a) the NSW Government Architect certifies in writing that an architectural design competition need not be held but that a design review panel should instead review the development, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the findings of the design review panel.
- (7) In this clause:
- architectural design competition*** means a competitive process conducted in accordance with the Design Excellence Guidelines.
- Design Excellence Guidelines*** means the Design Excellence Guidelines issued by the Secretary and as in force at the commencement of this clause.
- design review panel*** means a panel of 3 or more persons established by the consent authority for the purposes of this clause and approved by the NSW Government Architect.

8.7 Active street frontages in Zones B2 and B7

- (1) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.
- (2) Development consent must not be granted to the erection of a building, or the change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage.
- (3) Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following:
 - (a) entrances and lobbies (including as part of mixed use development),
 - (b) access for fire services,
 - (c) vehicular access.

8.8 Ground floor business premises and retail premises in Zones B2 and B7

- (1) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.
- (2) Development consent must not be granted to the erection of a building, or the change of use of a building, on land to which this clause applies unless the

consent authority is satisfied that the ground floor of the building will be used only for the purpose of business premises or retail premises.

[3] Schedule 1 Additional permitted uses

Insert at the end of the Schedule with appropriate clause numbering:

Use of certain land at Bella Vista Station Precinct in Zone B7

- (1) This clause applies to certain land at Bella Vista Station Precinct that is in Zone B7 Business Park, shown as “Item 7” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a market is permitted with development consent.
- (3) Development for the purpose of a shop with a gross floor area not exceeding 2,500m² is permitted with development consent.

Use of certain land at Bella Vista Station Precinct and Kellyville Station Precinct in Zone SP2

- (1) This clause applies to certain land at Bella Vista Station Precinct and Kellyville Station Precinct that is in Zone SP2 Infrastructure, shown as “Item 13” on the Additional Permitted Uses Map.
- (2) Development for the purposes of an environmental facility or a recreation area is permitted with development consent.

Use of certain land at Bella Vista Station Precinct and Kellyville Station Precinct in Zones R1 and R4

- (1) This clause applies to certain land at Bella Vista Station Precinct and Kellyville Station Precinct that is in Zone R1 General Residential and Zone R4 High Density Residential, shown as “Item 9” on the Additional Permitted Uses Map.
- (2) Development for the purposes of an exhibition village or recreation facility (outdoor) is permitted with development consent.

[4] Dictionary

Insert in alphabetical order:

Active Street Frontages Map means The Hills Local Environmental Plan 2012 Active Street Frontages Map.

Sydney Metro Northwest Map means The Hills Local Environmental Plan 2012 Sydney Metro Northwest Map.