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space and landscaping are consistent with providing a strong urban edge and reflect a market shift towards more compact living with good access to jobs, services and recreation. Diversifying housing product within the Centre will cater to range of different needs and lifestyle preferences.

Further amendments to car parking and apartment sizes for residential flat buildings are proposed in addition to amendments proposed by the applicant. These amendments are supported as they are consistent with the approach taken in other locations within the Shire and are considered unlikely to create an adverse impact on residential amenity.

Where the proposed DCP amendments are not supported these are detailed in the report or within the table given as Attachment 1. A number of revisions and additional clauses are also proposed as detailed in the report and the draft DCP provided as Attachment 2.

HISTORY

26/03/2004	Approval issued for the Rouse Hill Regional Centre Master Plan.
09/08/2006	Approval issued for the Southern Residential Precinct Plan.
06/02/2007	Approval issued for the Central Residential Precinct Plan.
18/12/2007	Approval issued for the Eastern Residential Precinct Plan.
11/10/2012	Pre-lodgement meeting for the current planning proposal and amendments to The Hills Development Control Plan 2012.
20/11/2012	Briefing provided to Councillors on the planning proposal and amendments to The Hills DCP 2012.
29/01/2013	Approval issued for subdivision of the Central Precinct incorporating roads, drainage, open space and residential super lots.
31/01/2013	Approval issued for a revised Central Precinct Plan including only public domain, landscape themes and building character details. Details regarding building heights, lot sizes, setbacks, dwelling sizes, parking and open space requirements removed in order to remove inconsistencies with Council's Draft Local Environmental Plan 2010 and Council's DCP. The current planning proposal and DCP amendments are partly to address these inconsistencies.

BACKGROUND**Master Plan**

A Master Plan for the Rouse Hill Regional Centre was approved by Council on 26 March 2004, which divides the Centre into six main precincts: Town Centre Core, Town Centre Frame, Central, Southern, Eastern and Northern residential precincts (Figure 1).

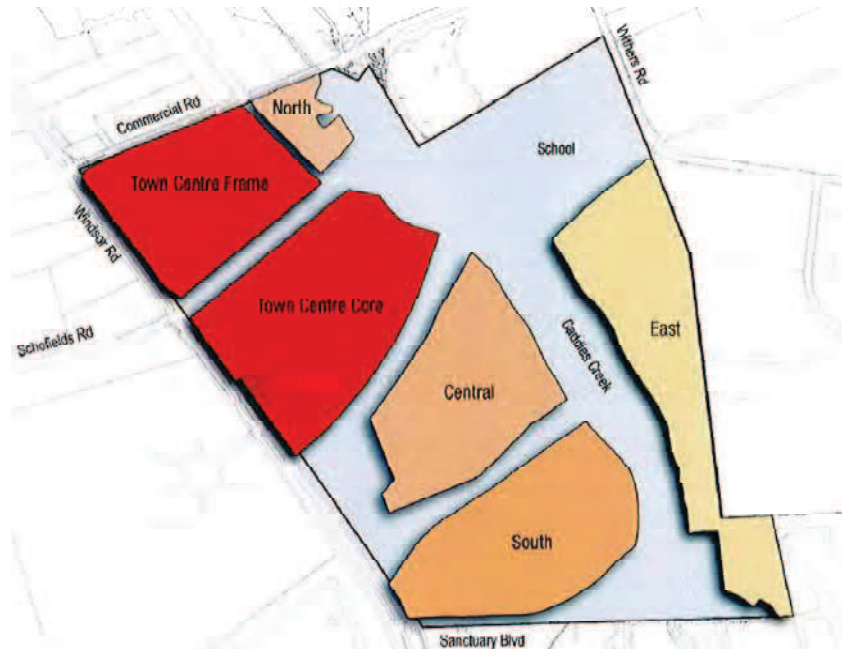


Figure 1
Rouse Hill Regional Centre Precincts

The principles and guidelines for development of the Regional Centre are established in the Master Plan and guided by the overall Land Use Plan (Figure 2).



Figure 2
Extract from Rouse Hill Regional Centre Master Plan – Land Use

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The Master Plan seeks to implement the aims of Sydney Regional Environmental Plan (SREP) No.19 – Rouse Hill Development Area by accommodating growth in an orderly and economically attractive way, while still conserving and minimising impact on natural and heritage, and providing a sustainable and diverse community.

The key features of the Master Plan include:

- Mixed Use Town Centre/Core and Town Centre Frame to the north, with a combined total of 200,000m² retail and commercial floor space;
- 1,800 dwellings comprised of a mixture of housing types including apartments (515), terraces (391), warehouses (54) and villas / single dwellings (840);
- Main Street running east-west, linking the transit centre adjacent to Windsor Road with Caddies Creek, and Civic Way running north-south connecting town centre with Mungerie House;
- Educational facilities including primary and high school in the north-east corner and other learning providers as well as a tertiary education facility in the town centre;
- Open space network comprising of regional open space along Caddies Creek, amphitheatre to the east of Caddies Creek and parks within the residential neighbourhoods;
- Three water quality ponds in Caddies Creek and bio-swailes for drainage;
- Transport Interchange in the town centre adjacent to Windsor Road and corridors along Windsor Road for Transitway and future rail;
- Road network including extension of Sanctuary Boulevard to Windsor Road and Schofields Road into the town centre;
- Densities ranging from 15-30 dwellings per hectare in the eastern precinct up to a minimum of 40 dwellings per hectare in the town centre; and
- Heights ranging from 2 storey in the eastern precinct to 2/3 storey in central and southern precincts, 1 storey adjacent to Mungerie House, 2-6 storey in the town centre frame and 6 storey with 2 storey frontage up to 8/9 storey landmark developments at the intersection of Main Street and Civic Way in the town centre core.

As a condition of the Master Plan, detailed precinct plans are required for each precinct under a tiered approval system can be summarised as follows:

Master Plan

Level 1 Development Application – Master Plan which sets the framework for the entire Centre and establishes principles for its future development.

Precinct Plan

Level 2 Development Application – precinct plans including design guidelines for each of the Centre's precincts.

Physical Works

Level 3 Development Application – subdivision and building works.

To date, Council has granted approval for the Southern, Eastern and Central Residential Precinct Plans. No Precinct Plan application has yet been submitted for the Town Centre Frame or the Northern Residential Precincts.

Development of the Southern and Eastern Precincts is nearing completion whilst the Central and Northern Residential Precincts are yet to be developed. A revised Central Precinct Plan was approved by Council on 31 January 2013 and a subdivision application to allow super lots to be created and physical works (roads, drainage, etc) to proceed was approved by Council on 29 January 2013. Physical works can begin upon issue of a subdivision certificate.

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Concurrent Applications

Two additional planning proposals and an application to amend the DCP have also been submitted, primarily relating to the commercial precincts (Town Centre Core and Town Centre Frame). These applications are being reported separately.

APPLICANT

Lend Lease GPT Pty Ltd

OWNER

Minister Administering the Environmental Planning and Assessment Act 1979

THE HILLS LEP 2012

Zone	R1 General Residential (Northern Precinct) R3 Medium Density Residential (Eastern Precinct, Southern Precinct and Central Precinct) R4 High Density Residential (Southern Precinct and Central Precinct) B4 Mixed Use (Central Precinct)
Height of Buildings	21m (Northern Precinct) 12m and 36m (Central Precinct) 12m and 15m (Southern Precinct) 10m (Eastern Precinct)
Minimum Subdivision Lot Size	450 square metres (R1 General Residential, R3 Medium Density Residential and R4 High Density Residential zones) 600 square metres (B4 Mixed Use zone)
Floor Space Ratio	Not applicable

POLITICAL DONATIONS

Nil disclosures

REPORT

The purpose of this report is to outline a planning proposal to amend The Hills Local Environmental Plan 2012 (The Hills LEP 2012) and amendments to The Hills Development Control Plan 2012 Part D Section 6 – Rouse Hill Regional Centre (The Hills DCP 2012).

This report is comprised of two main parts including:

PART A: Planning Proposal: to amend building height and minimum lot size provisions under The Hills LEP 2012; and

PART B: DCP Amendments: to amend DCP 2012, with particular focus on lot frontage, setbacks, open space, parking, landscaping and apartment size controls.

This report includes a discussion of key issues in relation to these applications and seeks Council support for the preparation of a planning proposal to be forwarded to the Department of Planning and Infrastructure for a gateway determination and the exhibition of supported amendments to The Hills DCP 2012 concurrently with the planning proposal.

STRATEGIC CONTEXT***Metropolitan Plan for Sydney 2036***

The strategic plan prepared by the NSW Government entitled the *Metropolitan Plan for Sydney 2036* aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036.

The planning proposal is considered to be consistent with this direction as it will increase the range of residential options within the Centre and provide a range of housing types close to existing and proposed infrastructure and services. The land is well located to utilise existing public transport including the North West Transit Way and future public transport provided by the North West Rail Link. An increase in density is consistent with the plan as it will encourage public transport patronage and promote the benefits of concentrating development within centres.

Draft North West Subregional Strategy

The draft *North West Subregional Strategy* was prepared by the NSW Government to implement the Metropolitan Plan and the State Plan. It was exhibited in December 2007 through to March 2008 and is currently being reviewed by the Department of Planning and Infrastructure. The draft strategy has set a target for The Hills Shire to provide an additional 36,000 dwellings by 2031. In addition to ensuring sufficient zoned land to accommodate housing targets, Council also has a role in considering proximity to public transport when planning for new dwellings to respond to State Plan targets for jobs closer to home.

The planning proposal is considered to be consistent with the draft strategy because it will provide increased height, density and a range of housing opportunities to capitalise on existing strategic transport corridors, local bus routes and the proposed North West Rail Link.

Local strategy

The Residential, Integrated Transport, Employment Lands and Centres Directions are the relevant components of the Local Strategy to be considered in assessing this application.

Residential Direction

The draft North West Subregional Strategy sets a target for the Shire to contribute an additional 36,000 dwellings from 2004 to 2031 to accommodate a share of Sydney's population growth. The Residential Direction indicates that there is sufficient capacity to accommodate these targets but highlights that a strategic focus is needed to ensure that current and future opportunities are realised and reflect desired planning outcomes in terms of location and sustainability.

The Residential Direction identifies a target of 21,500 dwellings to be located in the existing urban release areas such as Rouse Hill. The site is well placed to accommodate a share of these dwellings and the planning proposal will assist in reaching these targets by providing a greater range of housing options and increasing residential density in a location which is supported by infrastructure, allowing residents access to transport, shopping and employment.

Integrated Transport Direction

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. Relevant actions include promoting the delivery of key rail infrastructure and planning for a

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concentration of and/or intensity of land use activities around major public transport nodes.

The planning proposal is seeking to provide an increased range of housing options, provide greater density in specific areas and intensify development of the Centre.

The planning proposal is consistent with Council's Integrated Planning Direction.

Centres Direction

Rouse Hill is identified as a planned Major Centre under the Centres Direction. Major Centres encourage a mix of business, retail, residential and community uses. Built form such as height reflects the role of the Centre as a primary retail and commercial hub and taller built form of eight (8) or more storeys is required for commercial development within the Centre.

The planning proposal is consistent with the future status of Rouse Hill as a Major Centre.

PLANNING FRAMEWORK***State Environmental Planning Policy (Exempt and Complying Development Codes) 2008***

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) is a policy initiative put in place by the NSW Government to remove red tape for low risk and low impact development. The Codes SEPP outlines the standards for home owners and developers to undertake specified residential developments as complying development with Council or accredited certifier signoff. These developments include:

- detached single and double storey dwelling houses;
- home extensions and renovations; and
- other ancillary development, such as swimming pools.

Since its gazettal, the Codes SEPP has been expanded to cover small lots and allow the development of new single dwelling houses, alterations and additions to existing dwelling houses and ancillary works on residential lots with a minimum size of 200m² and a minimum width of 6m as complying development. This has substantially expanded the range of residential lots on which complying development can be carried out in NSW.

The planning proposal to reduce the minimum lot size for small lot housing to from 240m² to 160m² is inconsistent with the Codes SEPP.

Sydney Regional Environmental Plan No. 19 – Rouse Hill Development Area

SREP No.19 was gazetted on 1 September 1989. The SREP intends to help accommodate Sydney's growing population through the release of land for urban development, with 9,400 hectares of land at Rouse Hill aimed at providing a future Regional Centre including a commercial core, areas for residential development and protection of environmentally sensitive areas.

The planning proposal will help to achieve the objectives of SREP No.19.

North West Rail Link

The Department of Planning and Infrastructure have released a Draft North West Rail Link Corridor Strategy to guide future development around the rail stations. Exhibition of the Draft Strategy commenced on 16 March 2013 and will conclude on 30 April 2013. The Strategy includes draft structure plans for each of the stations and their surrounds to guide growth over the next 20-25 years.

The Strategy notes that the current planning controls for Rouse Hill do not promote growth of the Centre to support the future railway in terms of housing and employment. The planning proposal therefore presents a good opportunity to support this important infrastructure by increasing housing capacity within walking and cycling distance of the future Rouse Hill Train Station. An increase in development density will help to achieve the principles of transit oriented development and ensure that there is sufficient, well located and affordable housing for future residents.

Land Use - Zoning

The current zonings apply to the residential precincts under The Hills LEP 2012 are indicated below (Figure 3).

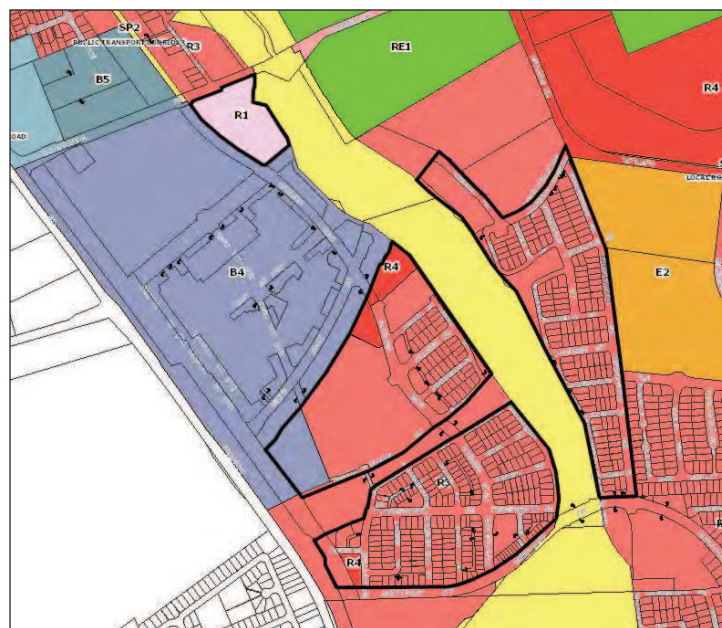


Figure 3
Zoning Map – LEP 2012

No amendments are proposed to the zoning of the residential precincts.

PART A: PLANNING PROPOSAL

The planning proposal requests increased building heights, in specific locations and reduced minimum lot size for small lot housing under Clause 4.1B – Exceptions to Minimum Lot Sizes for Certain Residential Development. The amendments include:

- (a) Increase the height shown on the Height of Buildings Map for specific sites shown in Figure 4 and described in the Table 1, below:

Location	Proposed Land Use	Existing Height (LEP 2012)	Height Proposed by Applicant
Lavender Field (Southern Precinct)	Residential flat buildings	15m	21m
Caballo Street (Eastern Precinct)	Multi dwelling housing	10m	12m
Adjacent to Tributary 3 (Central Precinct)	Residential flat buildings	12m	21m

Table 1
Existing & Proposed Building Heights

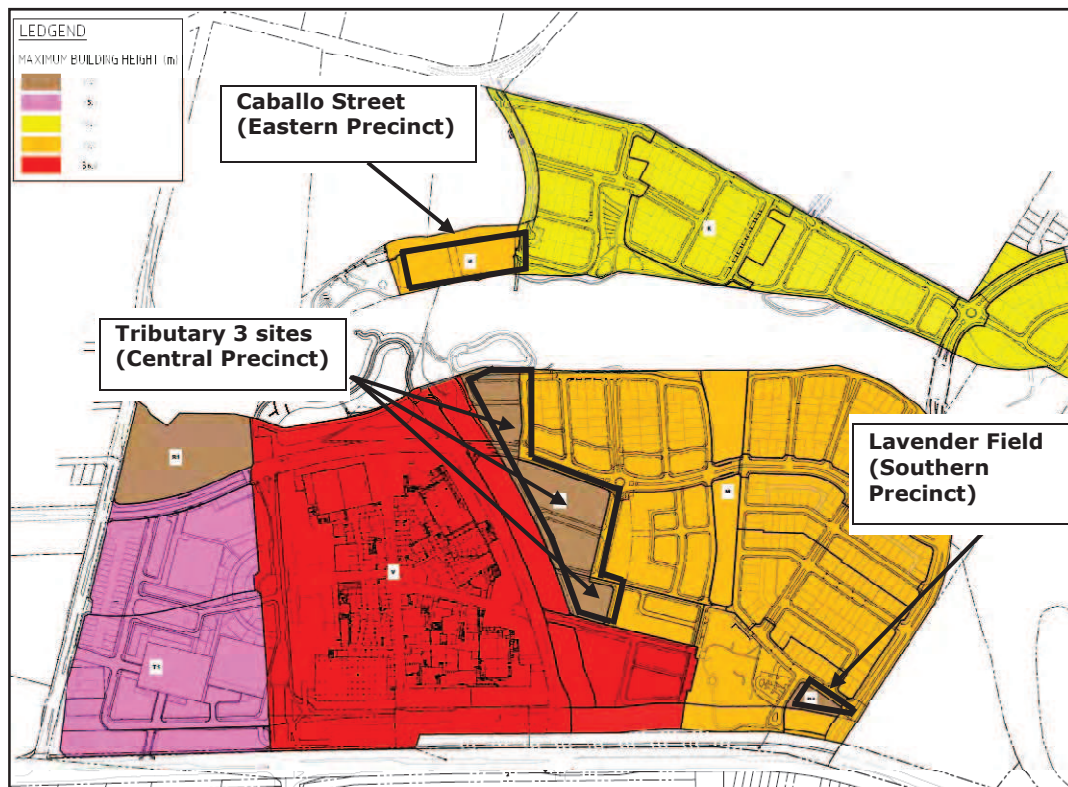


Figure 4
Sites where Building Height amendments proposed

- (b) Amend Clause 4.1B – Exceptions to Minimum Lot Sizes for Certain Residential Development to reduce the minimum lot size for small lot housing from 240m² to 160m² by including provision 3(c) below.

4.1B Exceptions to minimum lot sizes for certain residential development

- (1) *The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) *This clause applies to development on land in the following zones:*
 - (a) *Zone R3 Medium Density Residential,*
 - (b) *Zone R4 High Density Residential.*
- (3) *Development consent may be granted to a single development application for development to which this clause applies that is both of the following:*
 - (a) *the subdivision of land into 3 or more lots,*

- (b) the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than:
- (i) for the erection of a dwelling house—240 square metres, or
 - (ii) for the erection of an attached dwelling—240 square metres.
- (c) in the case of land within the Rouse Hill Regional Centre, the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each is equal to or greater than:
- (i) for the erection of a dwelling house - 160 square metres or
 - (ii) for the erection of an attached dwelling - 160 square metres

MATTERS FOR CONSIDERATION

i) Building Height

The Hills Local Environmental Plan 2012

The building heights within The Hills LEP 2012 for the residential precincts are consistent with the heights in the approved Master Plan, Precinct Plans and Council's DCP. Council undertook considerable work in preparing the Building Height Map in The Hills LEP 2012 to ensure that existing approvals and development opportunities within Rouse Hill could continue.

The following buildings heights apply to the residential precincts under The Hills LEP 2012:

Northern Precinct:	21m
Central Precinct:	12m and 36m
Southern Precinct:	12m and 15m
Eastern Precinct:	10m

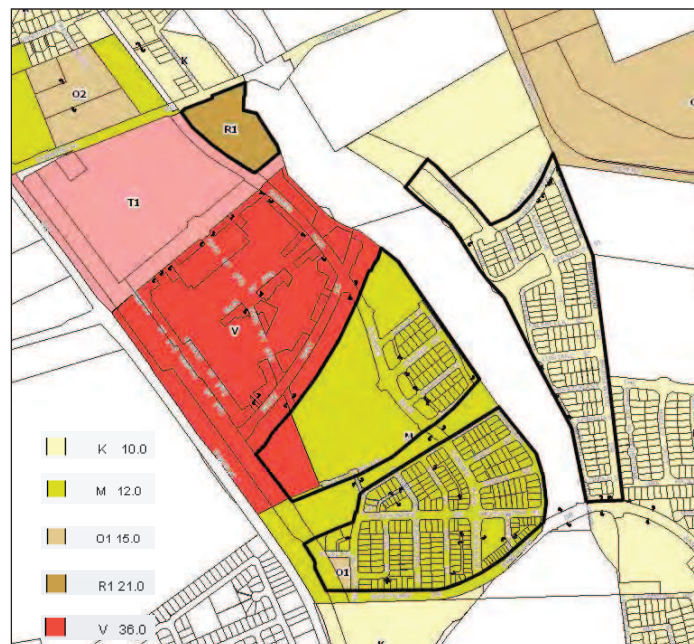


Figure 5
Height of Buildings Map – LEP 2012

Development Control Plan, Master Plan and Precinct Plans

The following building heights are contained within Council’s DCP, the approved Master Plan and Precinct Plans for the residential precincts:

DCP 2012	Master Plan	Precinct Plans
2 storeys for all housing types except residential flat buildings, 3 storeys in specific locations identified by the approved Master Plan	Central Precinct – 1 storey to 3 storeys Southern Precinct – 2 storeys to 4 storeys	Southern Precinct – 2 storeys (up to 9m), 3 storeys (up to 12.5m) and 4 storeys (no height specified)
3 storeys for dwellings along Caddies Boulevard	Eastern Precinct – 2 storeys	Eastern Precinct – 2 storeys (up to 9.5m) and 3 storeys (up to 12.5m)
6 storeys for residential flat buildings in residential precincts	Northern Precinct – 2 storeys to 6 storeys	

Table 2
Existing Building Heights

1. Lavender Field (Southern Precinct)

Applicant comments:

The planning proposal is seeking to increase building height for the Lavender Field site (Southern Precinct) from 15m to 21m to permit six (6) storey residential flat buildings. Whilst the proposed amendment is inconsistent with the approved Master Plan and Precinct Plan for the Southern Precinct (which permit a maximum of three (3) to four (4) storeys) the applicant has argued that additional height is consistent with the DCP and will achieve higher densities in an area with good connectivity to the Town Centre Core and public transport. The image below shows the approved building heights from the precinct plan.

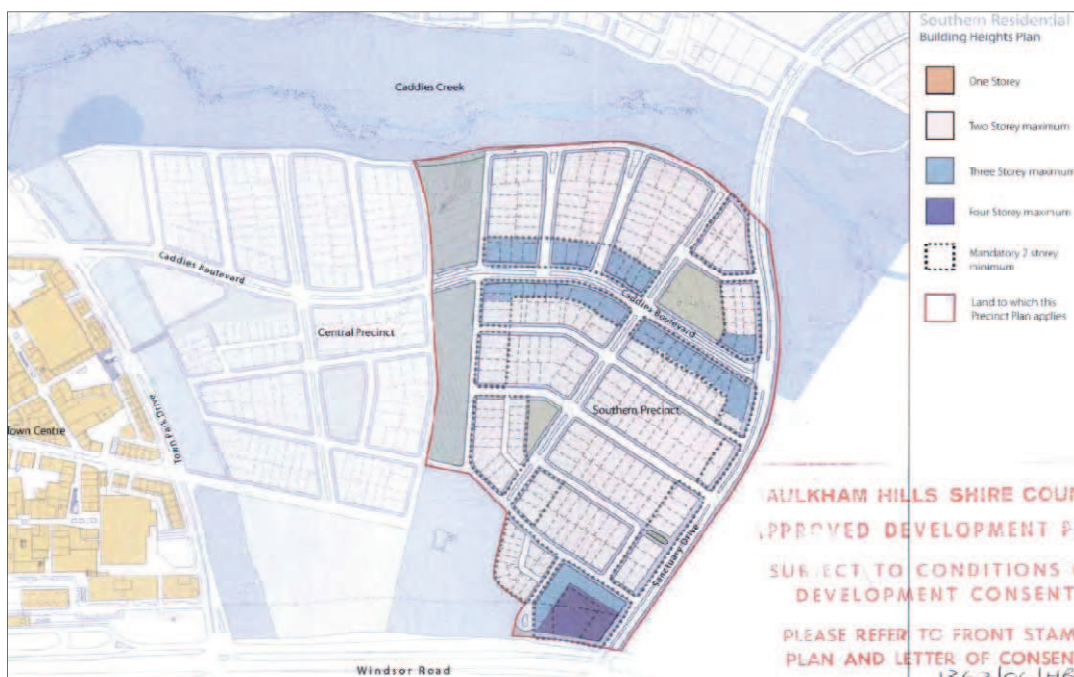


Figure 6
Building Heights – Approved Southern Precinct Plan

Response:

The approved Master Plan includes a vision for a strong southern gateway to the Rouse Hill Centre in the form of a higher density development at the corner of Windsor Road and Sanctuary Drive at the site known as Lavender Field.

Precinct Planning for the Southern Precinct resulted in the following heights being considered appropriate: *"a maximum allowable height of three storeys on the residential streets and four storeys on Sanctuary Drive and the T-Way site."*

The Lavender Field site is bounded by the Mungerie House Precinct to the north, low scale residential housing to the east, vacant land to the south, and Windsor Road, the North West Transit Way and the future North West Rail Link viaduct to the west (see below).



Figure 7
Lavender Field Site

Whilst properties along Windsor Road can generally be built with substantial bulk and scale, development fronting the low scale properties to the east should be comparable to the scale of townhouses and detached houses, representative of the R3 Medium Density Residential zone which adjoins. The use of stepped built form as indicated by the Southern Precinct Plan (maximum three (3) storey height to the lower scale housing to the east) is considered important to avoid any adverse impacts such as overshadowing, overlooking and visual impacts. It is considered that this three (3) storey limit should be enforced through any future development application for the site.

The approved Master Plan identifies a 70m curtilage around the heritage item known as Mungerie House. The Lavender Field site does not fall within the 70m curtilage and is therefore not required to comply with the height limit of one (1) storey within this curtilage. However, it is important to consider any potential impacts from a heritage perspective as a multi-storey residential flat building will be highly visible from the heritage item and surrounding curtilage. Any impacts on Mungerie House would have to be considered as part of future development applications for the site including the submission of a Heritage Impact Statement.

The site is located east of and immediately adjacent to the future North West Rail Link. The Department of Planning and Infrastructure are undertaking precinct planning around future rail stations and a key emerging principle is to promote high density around stations supported by a centre. However, the railway includes a 4.2km viaduct between

Bella Vista and Rouse Hill which runs along Windsor Road, directly past the Lavender Field site. The proposed increase in height creates significant potential for land use conflict between the viaduct and future residential development on the site, including the likely creation of adverse visual and acoustic impacts for future residents. The proposed DCP currently states that development should achieve the criteria given in *State Environmental Planning Policy (Infrastructure) 2007* with respect to keeping noise impacts to within acceptable levels. It is also proposed to include a control within the DCP to mitigate any future impacts with respect to visual amenity. Therefore, it is appropriate to deal with this as part of future development applications for the site when the final development form is known.

The site is well placed to accommodate higher densities being within an 800m catchment of the future Rouse Hill Train Station which is generally considered to be within 10 minutes walking distance. This would help achieve State and local strategic policy of integrating land uses and transport to encourage sustainable growth of the Centre and implement principles of transit oriented development.

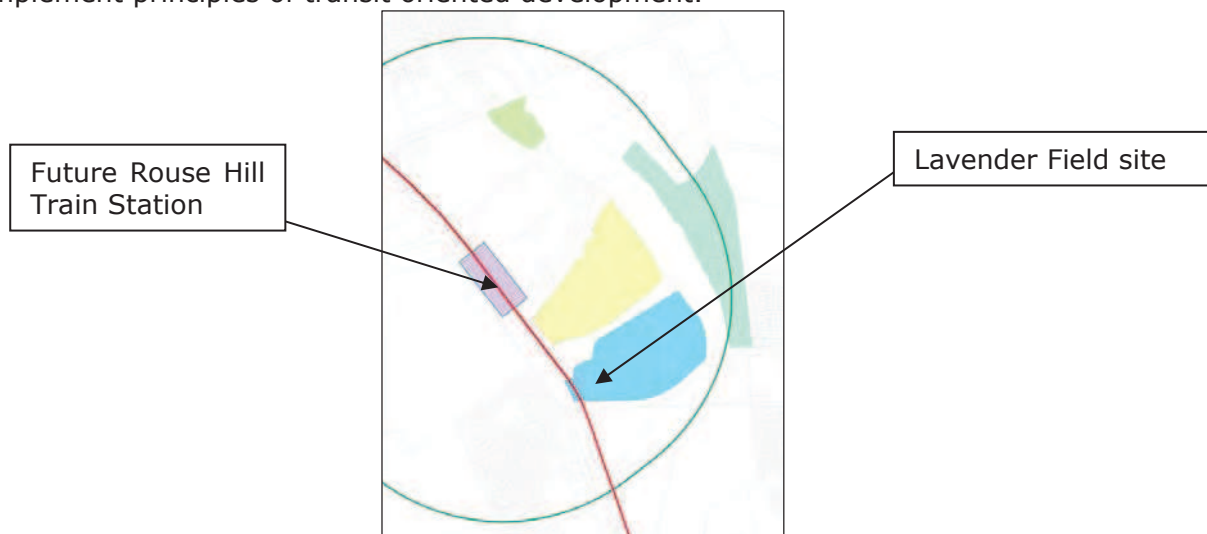


Figure 8

800m Walkable Catchment of the Future Rouse Hill Train Station

Based on Council's DCP floor to ceiling height standard of 2.7m for residential buildings, an increase in height to 21m would facilitate buildings up to seven (7) storeys. However, roof elements or other elements captured by the definition of "building height" such as plant and lift overruns have not been included. As a result an increase the height to 21m would equate to a six (6) storeys of built form as well as any roof, plant and/or lift elements.

Recommendation:

- 1.1 It is recommended that the proposed increase in height to 21m be supported on the basis that it will help achieve the objectives of the Master Plan to provide a strong southern gateway to the Centre. It will also achieve State and local strategic planning objectives to increase density around rail stations and locations with good access to shops, services and recreation.
- 1.2 Future development should accommodate a stepped built form to ensure that development facing the adjoining low scale housing to the east is limited to three (3) storeys as provided by the Southern Precinct Plan.

1.3 The following provision should be included into the DCP to ensure the amenity of residents adjacent to the future viaduct:

"Development must be designed so as to mitigate potential interface impacts between future development and the railway corridor. This will include measures to mitigate noise and visual impacts such as:

- Use of noise resistant wall, ceiling, floor and roof material;
- Site planning;
- Location of habitable rooms away from the noise source;
- Use of triple glazing; and
- Use of fencing porches and walls as noise buffers."

2. Caballo Street (Eastern Precinct)

Applicant comments:

The planning proposal is seeking to increase the building height for a site off Caballo Street in the Eastern Precinct from 10m to 12m. The applicant has argued that additional height is required to facilitate three (3) storey buildings given the site's steep topography.

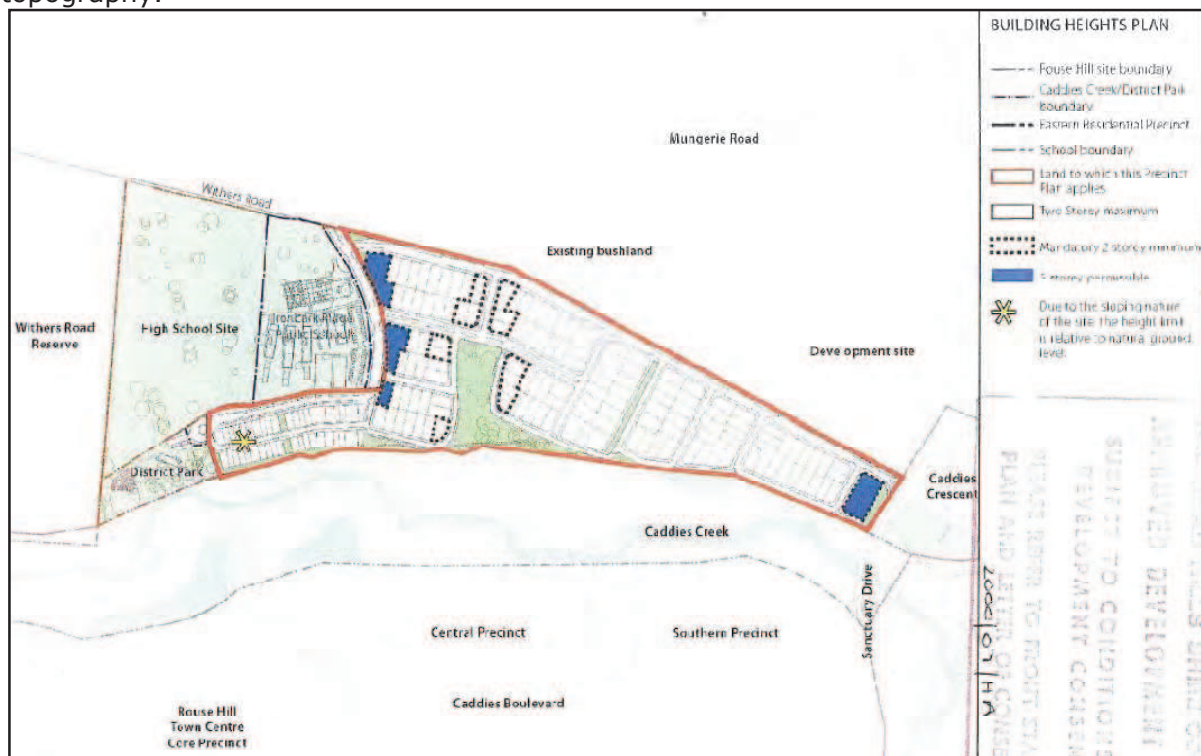


Figure 9
Building Heights – Approved Eastern Precinct Plan

Response:

The proposal to increase the height of the Caballo Street site is inconsistent with the DCP, the approved Master Plan and Eastern Precinct Plan. The precinct plan provides a maximum height of two storeys (maximum 9.5m to the ridge) on the site. However, it does note that the site is a sloping site and provides *"due to the sloping nature of the site, partial third levels such as attic spaces are allowable"*.

The current height limit of 10m within The Hills LEP 2012 is generally adequate to achieve two and three storey development. However, given the steep topography of the site it is acknowledged that additional height may be required.

The Eastern Precinct Plan provides for three storey development that the "*maximum external wall height is 10m to the underside of eaves and the maximum building height is 12.5m to the ridge*". It is considered appropriate to increase the height to 12.5m for consistency with the precinct plan.

Recommendation:

- 2.1 It is recommended that the proposed increase in height to 12.5m be supported on the basis that it is relatively minor and consistent with the height for three (3) storey buildings within the approved Eastern Precinct Plan.

3. Tributary 3 sites (Central Precinct)

Applicant Comments:

The planning proposal is seeking to increase the height for sites along Tributary 3 from 12m within The Hills LEP 2012 to 21m to facilitate six (6) storey residential flat buildings. The proposal is inconsistent with the approved Master Plan which provides a maximum height of three (3) storeys. The Central Precinct Plan approved by Council on 31 January 2013 does not include building height provisions.

The applicant has argued that the proposed building height is consistent with the DCP provision which states that residential flat buildings within residential precincts can be a maximum height six (6) storeys.

The applicant has also argued that the proposal is consistent SREP No. 19 by encouraging affordable medium and high density development close to public transport routes and near shopping centres and ensure that as many households as possible benefit from proximity to the Town Centre Core.

Response:

The approved Master Plan identifies sites adjacent to Tributary 3 for residential flat buildings. The Master Plan also identifies a number of objectives relating to increasing densities in precincts with close proximity to the Town Centre Core and open space areas, where the sites in question are located. Specifically, it notes that development should:

- Reflect proximity to the Town Centre in terms of higher density and mix of housing;
- Optimise the benefits of sites fronting onto open space by locating denser housing types in those locations;
- Optimise all land development opportunities within a 5 minute walking distance to the Main Street from employment and living; and
- Express and accommodate an increasing level of density based on a particular neighbourhood's proximity and relationship to the Town Centre Core.

The approved Central Precinct Plan indicates that the sites are generally bounded by Tributary 3 to the north, a neighbourhood park and residential housing to the south, and residential housing to the east and west. Future residential uses surrounding the sites comprise a mix of detached dwellings and multi dwelling housing to the south and east.

The proposed height will permit residential flat buildings up to six (6) storeys. Whilst this is a significant increase from the height of surrounding residential housing, separation is provided by Tributary 3, the neighbourhood park and the surrounding street network (see below). Additionally, the proposed height provides an adequate transition between the two (2) and three (3) storey buildings to the south in the Central Precinct and the higher order buildings of six (6) to nine (9) storeys to the north in the Town Centre Core.

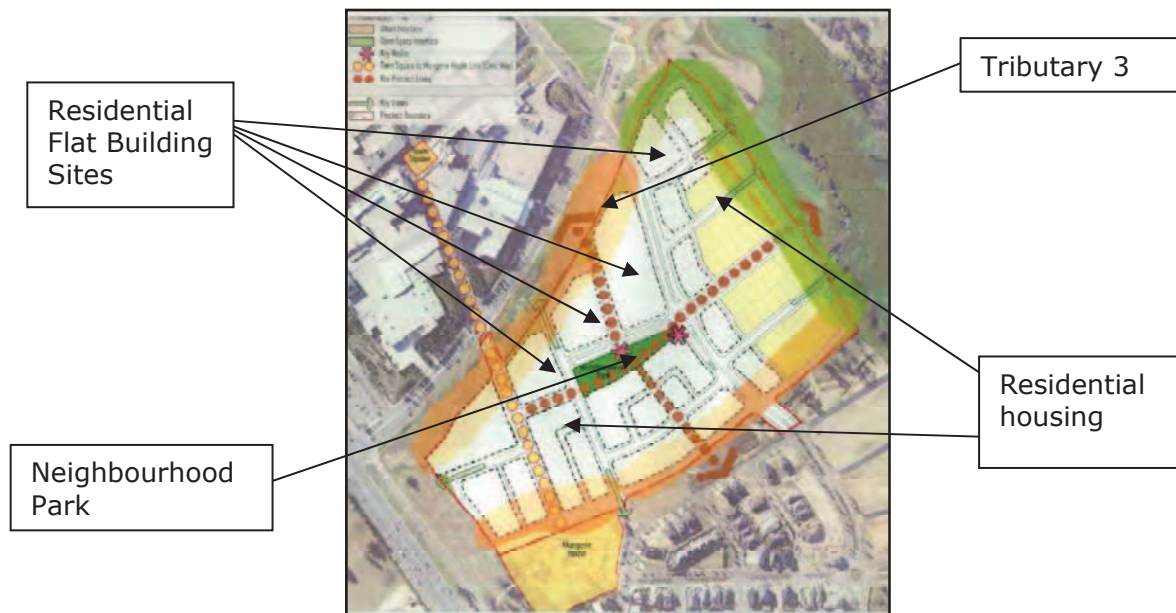


Figure 10

Extract from proposed Central Precinct Plan

The location of the sites provides good connectivity to the Town Centre Core and open space provided by Tributary 3 and the proposed neighbourhood park. Therefore, good access to transport, shops and recreation is provided for future residents.

Privacy and overshadowing are an important consideration as the sites are likely to be partially surrounded by lower scale residential housing at the east and west of the Precinct. Council's DCP contains controls to ensure the visual privacy of residents and neighbouring properties through siting, building planning, location of openings and building. Additionally, future development applications will be required to comply with Council's DCP requirement of 3 hours solar access to living areas of dwellings during midwinter.

Recommendation:

- 3.1 It is recommended that the proposed amendment to increase the height to 21m be supported on the basis that it will help achieve the objectives of the Master Plan and State and Local Strategic Policy. It will provide higher densities in close proximity to the Town Centre Core and existing and future public transport which will encourage patronage and support principles of transit oriented development.

ii) Minimum Lot Size

The planning proposal is seeking to amend Clause 4.1B – Exceptions to Minimum Lot Sizes for Certain Residential Development of The Hills LEP 2012 to permit a reduction in the minimum lot size for small lot housing within the Rouse Hill Regional Centre from 240m² to 160m².

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Applicant Comments:

The applicant has argued that the minimum lot size should be reduced on the basis that additional flexibility is required to ensure the development outcomes envisaged by the Master Plan and provided for under the previous LEP 2005. The applicant has also indicated that product of this size would comprise a relatively small percentage of the overall dwelling yield.

Response:

Baulkham Hills LEP 2005 did not provide a minimum lot size for small lot housing (previously known as "integrated housing"). The key difference between integrated housing under Baulkham Hills LEP 2005 and small lot housing under The Hills LEP 2012 is that no minimum lot size applied to integrated housing and each development application was considered on merit.

However, Clause 4.1B of The Hills LEP 2012 is a model local provision of the State Government's Standard Instrument Template. The Standard Instrument creates a common format and content for LEPs and is the required format for all LEPs in NSW since the gazettal of the *Standard Instrument (Local Environmental Plans) Order 2006*. A minimum lot size is required to be included for small lot housing under the Standard Instrument in order to ensure there is adequate amenity for smaller lots as well as the surrounding area in higher residential densities.

Key to the Rouse Hill Regional Centre Master Plan is the provision of a range of quality housing options with higher densities in close proximity to the Town Centre Core. The Master Plan provides that terraces (the form of development which the applicant has indicated will be developed on 160m² lots) will comprise approximately 391 of the total 1,800 dwellings planned for the Centre. However, no minimum lot size is provided by the Master Plan.

The minimum lot size of 240m² within The Hills LEP 2012 is based on a standard 8m x 30m lot size which is currently being delivered in release areas such as Kellyville, North Kellyville and Rouse Hill. The market has shown a positive response to this product as there is sufficient space to build a small dwelling as well as provide open space, landscaping, carparking, privacy and solar access in line with Council's current requirements.

An example floor plan provided by the applicant indicates a 160m² lot on which an attached terrace is situated (below).

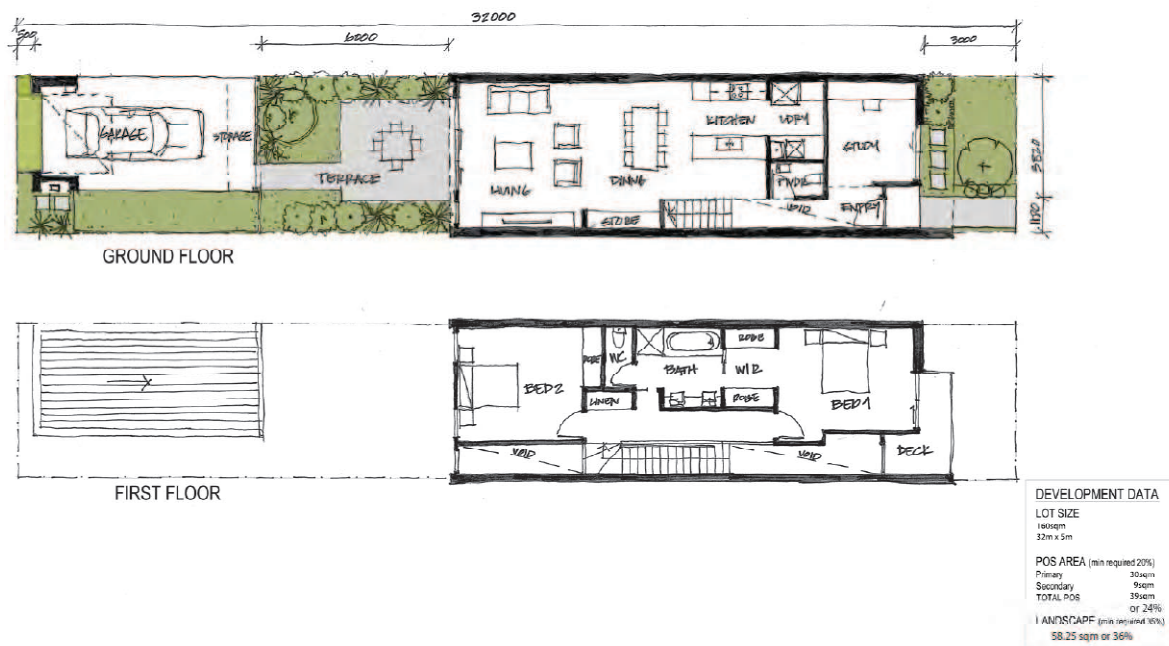


Figure 11
Example floor plan for a 160m² allotment

The example does not comply with the existing or proposed standards for landscaping/open space. The proposed DCP controls require 40% of the lot area to be allocated for landscaping and open space. This allocation is responsive to the fact that the Rouse Hill Regional Centre offers significant regional open space within the Town Square, Leisure Square and Caddies Creek parkland for the use and enjoyment of residents, to offset a reduced provision within individual developments.

DCP standards are set to ensure that design of proposed development takes into account factors such as overshadowing, privacy and landscaping that contribute to lifestyle and amenity of future residents. The delivery of housing on lots as small as 160m² is not precluded by setting a minimum lot size of 240m², only that the outcome must be justified in terms of providing a functional product with good amenity.

A minimum lot size of 240m² for small lot housing is considered an appropriate minimum that reflects the quality of housing product envisaged for The Hills. The applicant would have the opportunity to seek a variation on a merit basis, where sufficient justification can be provided in accordance with Clause 4.6 of LEP 2012 – Exemptions to Development Standards.

Recommendation:

- 4.1 It is recommended to retain the existing minimum lot size of 240m² for small lot housing on the basis that it provides adequate space for a small dwelling, open space, landscaping, carparking, privacy and solar access and promotes a high quality design and a marketable housing product.

iii) Traffic

Potential traffic impacts should be considered as part of the planning proposal. No traffic study was submitted with the planning proposal. However, some insight can be drawn from a traffic study submitted with the Central Precinct Plan.

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The Central Precinct is the next residential precinct to be developed, with a Precinct Plan and subdivision application recently approved by Council. An increase in height and reduction in minimum lot size will increase residential density and potentially increase local traffic. The Central Precinct Plan includes a development concept comprising 209 dwellings (detached, attached and multi dwelling housing) and 245 apartments. The traffic report identifies that based on RMS traffic generation rates that the Central Precinct should typically generate around 325 peak hour trips. The consultant has also carried out SIDRA modelling for the projected 2022 year of the intersections in the vicinity and determined that all intersections will operate at an acceptable Level of Service C or better.

Should the planning proposal proceed to the Gateway Determination stage, a traffic report may be required to demonstrate that the additional density throughout the residential precincts will not adversely impact on local traffic conditions and residential amenity.

PART B: AMENDMENTS TO THE HILLS DEVELOPMENT CONTROL PLAN 2012**KEY AMENDMENTS**

As part of the planning proposal the applicant has also requested to amend The Hills DCP 2012 Part D Section 6 – Rouse Hill Regional Centre. The amendments include deletion of a number of development controls and clauses relating to completed stages of development and inclusion of new and amended controls.

Key amendments to the DCP include:

- 1. Lot frontage:** amendments to minimum lot frontage controls.

Dwelling Type	Existing	Proposed
Semi-detached dwellings	9 – 15m	9.5 – 18m
Zero lot line	9 – 15m	No specific controls
Small lot detached and attached dwellings	7 – 9m	5 – 15m

Table 3

- 2. Setbacks:** introduction of new and reduced setbacks.

Dwelling Houses and Multi Dwelling Housing:

Control	Existing	Proposed
Rear setback articulation	No provision	1.5m
Rear garage setback	1.2m – 1.5m (Eastern Precinct approval)	0.5m
Setback for secondary dwellings (above garages)	No provision	0m
Side setback (lots less than 11m)	1.2m	1m
Corner lot setback	6m	2m and 1m articulation
Setback to Caddies Creek	8m	No additional setback in line with amended RFS requirements

Table 4

Residential Flat Buildings:

Control	Existing	Proposed
Front	10m	3m (1-4 storeys) 5m (> 4 storeys)
Front (commercial ground floor)	No specific provision	1m (1-4 storeys) 5m (> 4 storeys)
Side	6m	1.5m or not applicable if no shared boundaries with other lots
Rear	8m	4m or not applicable if no shared boundaries with other lots/lane

Table 5

3. **Open space:** introduction of 6m² open space to be provided for secondary dwellings above garages and deletion of the requirement for common open space for multi dwelling housing.
4. **Car parking:** reduction of visitor parking rates for multi dwelling housing and introduction of minimum bicycle parking rate for residential flat buildings.

Type	Existing	Proposed
Multi dwelling housing visitor parking	2 spaces/5 dwellings	Not required for dual-fronted developments or 1 space/5 dwellings in all other cases
Residential flat building bicycle parking	No minimum provision	1 space/5 dwellings

Table 6

5. **Landscaping:** deletion of landscaping controls for dwelling houses and reduction in landscaping controls for multi dwelling housing and residential flat buildings.

Dwelling Type	Existing	Proposed
Dwellings	20% - 40%	No provision
Multi dwelling housing	50%	40%
Residential flat buildings	50%	30%

Table 7

6. Apartment sizes and visitor carparking for residential flat buildings

It is further proposed to reduce apartment sizes and visitor parking requirements for residential flat buildings to reflect the role of Rouse Hill Regional Centre as a Major Centre and provide a consistent approach with other locations in the Shire. The following is proposed:

Unit Sizes:

Control	1 bedroom (m ²)	2 Bedroom (m ²)	3 Bedroom (m ²)
Existing	75	110	135
Proposed	65	90	110

Table 8

Note: reduced unit sizes are limited to a maximum of 10% of dwellings within an individual development.

Carparking:

Existing:	2 spaces per 5 dwellings
Proposed:	2 spaces per 5 dwellings for up to 60 dwellings or 1 space per 5 dwellings for more than 60 dwellings

Table 9

The Department of Planning and Infrastructure released a Planning Circular (PS 13-003) on 18 March 2013 summarising changes to the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*. Some of the changes relate to the purpose and status of DCPs and aim to introduce flexibility in the way provisions of DCPs are applied in the development assessment process.

The amendments reinforce that provisions contained within a DCP are not statutory requirements and are for guidance purposes only. Consent authorities now have more power to be flexible and consider innovative solutions when assessing development proposals. This will provide more flexibility in the way controls are applied and allow reasonable alternative solutions to achieve the objectives of DCPs.

The controls recommended as part of this report are therefore a guideline only. The proposed controls are intended to achieve the objectives of the DCP. However, an applicant may propose alternative solutions as part of future development applications and these will be considered as part of the assessment process.

MATTERS FOR CONSIDERATION**1. Lot Frontage****(i) Small Lot Housing***Applicant Comments:*

The proposed DCP amendments include a reduction of the minimum lot frontage for small lot housing from 7m – 9m to 5m – 15m.

The applicant has argued that 5m frontages would be applied to terrace style housing, a form of development that is identified in the approved Master Plan. Such development would be referred to as “small lot housing” under The Hills LEP 2012.

The applicant has argued that a 5m frontage is sufficient to provide a quality design that is both functional and aesthetically pleasing.

Response:

A smaller than typical lot width is generally acceptable where allotments have rear lane access, as the additional width is not required to accommodate garages and reduce the impact of garages on streetscape. However, for a lot width of 5m, this would generally require a depth of 48m to provide a compliant lot size. Most standard lots are in the order of 30m depth which ensures adequate open space, privacy and solar access whilst maintaining an attractive streetscape.

The approved Master Plan provides that terrace style housing be developed on lots with a minimum frontage of 6m with the majority to have rear lane access to garages. Lots with a 6m frontage would generally require a 40m lot depth to provide a compliant lot size which provides a better lot to depth ratio and will maintain sufficient amenity for

residents. However, where a development provides an outcome that matches the aims of the DCP, particularly in terms of amenity and lifestyle for future residents, it is open to any applicant to justify a variation of the minimum lot size based on the merits of the final development form.

Recommendation:

1.1 It is recommended a provision be included in the DCP to permit a minimum lot width of 6m for allotments which have rear lane access. The provision is supported on the basis that 6m is consistent with the approved Master Plan and will provide a better lot to depth ratio and will maintain sufficient amenity for residents.

(ii) Other housing types

Applicant Comments:

The applicant has consolidated the requirements for detached dwellings and semi-detached dwellings. As a result the provision for semi-detached dwellings has increased from 9m – 15m to 9.5m – 18m.

The applicant has also removed the lot frontage control for zero lot line housing. Without a specific control for zero lot line housing, such housing would be required to comply with the control for detached dwellings/semi-detached dwellings, which would amend the control from the current 9m – 15m to 9.5m – 18m.

Response:

The proposed amendments consolidate existing controls and no objection is raised.

Recommendation:

1.2 It is recommended that the proposed controls be supported as they consolidate existing controls.

2. Setbacks

Detached Dwellings, Semi-Detached Dwelling & Attached Dwellings

2a) Rear Articulation

Applicant Comments:

The proposed amendments include a 1.5m articulation zone within the rear setback of detached, semi-detached and attached dwellings. The articulation zone can be up to 40% of the rear facade for lots less than 11m wide and 50% for lots greater than 11m wide.

The applicant has argued that the proposed articulation would include a blade wall protruding from the rear of the dwellings, increasing the privacy for adjacent dwellings by interrupting views from bedroom to bedroom for dwellings that share a common rear boundary (see below).

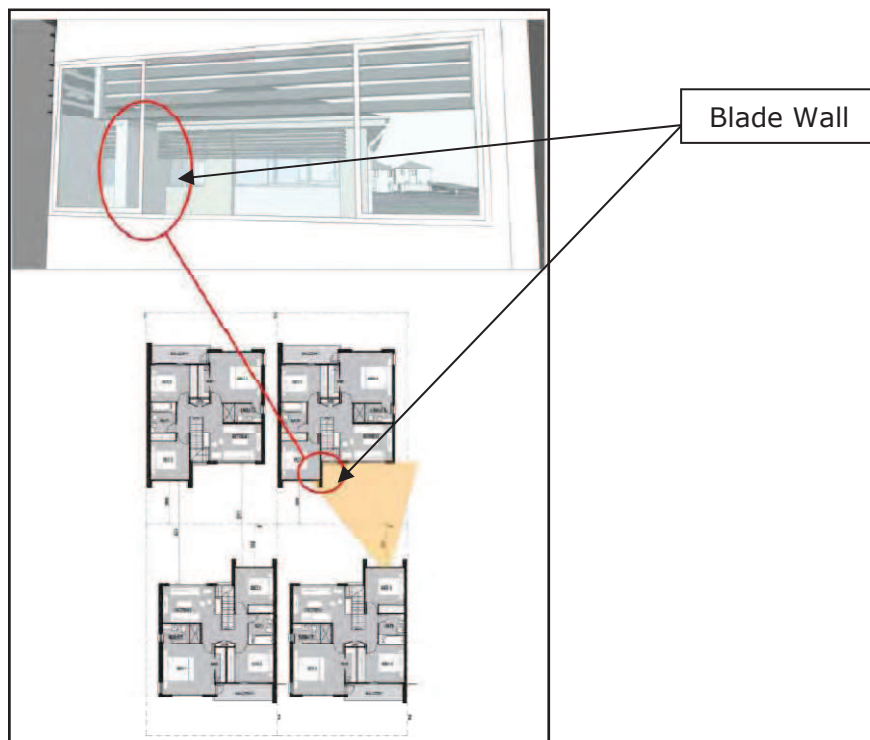


Figure 12
Proposed rear articulation

Response:

Concern is raised that permitting a 40% or 50% articulation zone will encourage substantial building elements to protrude into the rear setback allowing a portion of the building proper to be located closer to the rear boundary.

The proposed controls also provide that 8m building separation is required between rear building lines, the intent being to maintain the same separation between buildings as provided by the existing 4m rear setback control. This concept is supported and is shown in the image below.

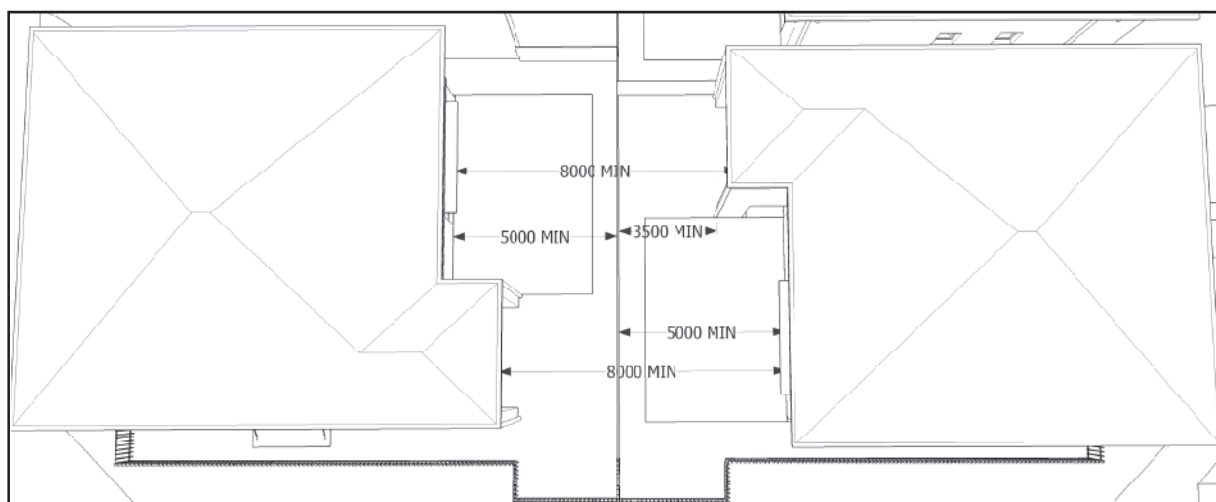


Figure 13
Demonstration of articulation zone and proposed building separation

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However, a provision should be included into the DCP to ensure that rear articulation is used for the purpose of providing additional privacy.

Recommendation:

- 2a.1 It is recommended that the proposed articulation control be supported on the basis that it will increase privacy of residents within dwellings that share a common rear boundary.
- 2a.2 The following should control be included in the DCP to ensure rear articulation is used for the purpose of providing additional privacy:

"Rear articulation shall include a blade wall incorporated into the building design for the purpose of increasing privacy by interrupting views between internal rooms of dwellings that share a common rear boundary."

2b) Rear Garages and Secondary Dwellings

The proposed DCP includes a 0.5m setback for garages facing rear lanes and a zero setback for secondary dwellings above rear garages. There are currently no setback controls for garages with rear lanes or secondary dwellings with the DCP.

Concern is raised that privacy of adjacent dwellings may be compromised by potential overlooking from windows of secondary dwellings above garages. Therefore, it is recommended that a control be included to ensure that windows of secondary dwellings above garages have permanent privacy measures, such as louvers.

Where dwellings are rear loaded, it is considered acceptable to include a 0.5m setback for garages facing rear lanes and a zero setback for secondary dwellings above rear garages.

Recommendation:

- 2b.1 0.5m setback for garages facing rear lanes and a zero setback for secondary dwellings above rear garages be supported.
- 2b.2 The following controls be included in the DCP to ensure the privacy of residents:

"Direct overlooking of main habitable areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design and the use of screening devices."

2c) Side Setbacks

The proposed DCP controls include a 1m side setback for lots less than 11m width. The existing DCP control is 1.2m regardless of lot width.

The proposed side setback exceeds the side setback requirement within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the Building Code of Australia (BCA). These policies both provide a minimum side setback of 900mm.

Setbacks address impacts of amenity, privacy, solar access, streetscape and setting. Because the proposed setback is a minor reduction from the existing standard and exceeds the requirements under the Codes SEPP and the BCA, it is considered unlikely that the proposed side setback will create any adverse impact on residential amenity.

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Recommendation:

2c.1 It is recommended that the proposed 1m side setback be supported on the basis that it is unlikely to create adversely impact on residential amenity exceeds the requirements of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the Building Code of Australia.

2d) Corner Lot Setbacks

The proposed DCP controls include a 2m setback with a 1m articulation zone to secondary streets for corner lots. There are currently no standards for corner lots within the DCP.

The following table summarises approved setbacks for dwellings on corner lots within the Centre and indicates that a number of approvals have been given for secondary setbacks in the order of 2m.

DA No.	Address	Approved Setback (m)
753/2007/HA	Windsor Road	2.0
141/2009/LD	11 Caddies Boulevard	3.29
1302/2011/LD	1 Holly Street	2.0
482/2012/LD	25 Caddies Boulevard	2.15

Table 10

Approved setbacks for corner lots within the Rouse Hill Regional Centre

Also, a review of the Codes SEPP and the North Kellyville DCP has indicated that setbacks in the order of those being proposed are being utilised at a State level as well as other release areas the Shire.

The Codes SEPP provides the following:

- (2) *A dwelling house and all ancillary development on a lot must have a setback from a boundary with a secondary road that is not a classified road of at least the following:*
- (a) *2m, if the lot has an area of at least 200m² but less than 600m², or*
 - (b) *3m, if the lot has an area of at least 600m² but less than 1500m², or*
 - (c) *5m, if the lot has an area of at least 1500m².*

The North Kellyville DCP provides the following:

Control	8 to 10m	10 to 15m	15m and above
Secondary street	1.5m	2m	3m
Articulation zone	1m	1.5m	2m

Table 11

Setbacks for corner lots within the North Kellyville DCP

Additionally, the North Kellyville DCP provides that the maximum length of articulation along the secondary street frontage is 40%.

Based on existing approvals within the Centre as well as the standards within the Codes SEPP and North Kellyville DCP, the proposed setback is considered appropriate for a release area such as Rouse Hill in which higher densities should be located.

The proposed articulation zone is supported to ensure that dwellings on corner lots address both the primary and secondary street. However, it is recommended to include a control which limits articulation to 40% of the building facade, as this will ensure that

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articulation is limited to modulating the facade rather than allowing substantial building elements to protrude into the setback.

Recommendation:

- 2d.1 It is recommended that the proposed corner lot setbacks be supported on the basis that they are consistent with existing approvals within the Centre and with other release areas such as North Kellyville.
- 2d.2 The following control be included in the DCP to ensure no greater than 40% of the building facade is articulated:

"The 1m articulation zone along the secondary street facade of a corner lot is to be a maximum of 40% of the length of the dwelling facade."

2e) Setback to Caddies Creek

The proposed DCP amendments seek the deletion of the requirement for an 8m setback for lots fronting Caddies Creek. The 8m setback responded to NSW Rural Fire Service (RFS) requirements for Asset Protection Zones adjacent to the creek corridor. Since the DCP came into force, the RFS have amended their requirements which now require an 8m carriage way along the perimeter of areas declared as a bushfire hazard.

The design of the road pattern in the Rouse Hill Regional Centre allows for this 8m zone along the interface with Caddies Creek and as this roadway width satisfies RFS requirements, an increased setback is not considered necessary. Additionally, reducing the front setback will not detract from streetscape as the proposed setback is consistent with the front setback for other dwellings in the Centre.

Recommendation:

- 2e.1 It is recommended that the additional setback to Caddies Creek be deleted in response to the change in RFS requirements.

Residential Flat Buildings**2f) Front, side and rear setbacks**

A comparison of the existing and proposed setbacks for residential flat buildings is provided in the table below.

Control	Existing	Proposed
Front setback	10m	3 m (1-4 storeys) 5m (> 4 storeys)
Front (commercial ground floor) setback	No provision	1m (1-4 storeys) 5m (> 4 storeys)
Side setback	6m	1.5m or not applicable if no shared boundaries with other lots
Rear setback	8m	4m or not applicable if no shared boundaries with other lots/lane

Table 12

Proposed residential flat building setbacks

There are currently no setback provisions for residential flat buildings within the Rouse Hill Regional Centre section of the DCP. However, the proposed setbacks are

significantly less than the setbacks contained with The Hills DCP 2012 Part B Section 5 – Residential Flat Buildings.

- Context

Council's existing setbacks for residential flat buildings were developed to guide the design of apartment buildings within the Shire's established suburban areas. However, Rouse Hill Regional Centre is a planned Major Centre under the Metropolitan Plan for Sydney 2036. In order to achieve Major Centre status, it is important that the design of the Centre reflects its role and function. As such, the preparation of revised controls which better reflect the desired built form and character of the locality are considered appropriate. Setbacks should reflect the desired character including the creation of a strong urban edge and increased residential density.

Moreover, the key objectives of setbacks are to provide privacy, solar access, open space and an attractive streetscape. The DCP provides development standards to address these impacts by means other than setbacks alone including building separation, open space, solar access and privacy controls. These are considered sufficient to ensure the amenity of residents.

- Front Setbacks

The proposed front setback controls are considered to provide an acceptable outcome for development within the Rouse Hill Regional Centre. The reduced setbacks will provide a stronger edge to streets and reflect the desired built form and urban character of the Centre. The proposed setbacks are considered unlikely to create an adverse impact given that a number of other controls are included in the DCP to ensure residential amenity such as open space, solar access and privacy.

Schedule 1 – Additional Permitted Uses within The Hills LEP 2012 provides flexibility for non-residential uses at ground level (known as "shop top housing"). This mixed-use focus is a key objective of the approved Master Plan. Where commercial uses are provided at ground level, it is important to limit the street setback to encourage patronage and provide street level activation. The proposed 1m front setback for shop top housing is considered to be acceptable as it will ensure the viability of commercial premises and provide safe and active streets.

The proposed 3m – 5m setback for residential flat buildings provides space within the front setback for landscaping and open space and will differentiate mixed-use buildings with a 1m setback from residential buildings. This setback is considered to be sufficient for an urban centre such as Rouse Hill.

- Side & Rear Setbacks

Side and rear setbacks are important to ensure that the height of buildings and the distance of buildings from boundaries maintain the amenity of neighbouring sites and within the buildings themselves. These setbacks should vary according to the building context and type, with larger side and rear setbacks being more important within suburban contexts rather than urban centres.

Side and rear setbacks traditionally provide a useable area for residents where active and/or passive recreation can be undertaken. However, extensive provision of open space has been made for both passive and active recreation in various locations within the Centre as part of the approved Master Plan. Open spaces including parks and facilities are provided within each of the precincts. The Town Centre Core comprises community facilities and recreation spaces including the Town Square, Leisure Square

and public library. Caddies Creek parkland also provides regional level open space for residents and is within an 800m catchment of all of the precincts.

As noted above, residential amenity will be ensured through other DCP controls including building separation, open space, solar access and privacy controls.

Recommendation:

2f.1 It is recommended that the proposed setbacks be supported on the basis that they will reflect the intended character of the Centre and are unlikely to create an adverse impact on residential amenity.

3. Open Space

(i) Secondary Dwellings

The proposed DCP amendments include a requirement for 6m² of open space for secondary dwellings above garages. The proposed controls provide that the open space can include a balcony at upper level but does not specify exactly where it is to be located.

The provision of open space for secondary dwellings is supported on the basis that it will contribute positively to the amenity of residents and provide a suitably sized space to accommodate passive leisure activities.

However, concern is raised that providing open space at upper level will compromise the privacy of surrounding dwellings due to overlooking. Therefore, it is recommended that a control be added to ensure that privacy of residents of adjacent dwellings.

Recommendation:

3.1 It is recommended that the proposed control be supported on the basis it will increase residential amenity.

3.2 The following control should be included in the DCP to ensure privacy of residents:

"Direct overlooking of main habitable areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design and the use of screening devices."

(ii) Multi Dwelling Housing

The proposed amendments introduce a control requiring no common open space for multi dwelling housing. There is currently no requirement for common open space for multi dwelling housing within the Rouse Hill Regional Centre section of the DCP. However, DCP 2012 Part B Section 4 – Multi Dwelling Housing provides that 144m² is required where 6 – 14 dwellings are developed. For 15 or more dwellings 10m² is required per dwelling.

Common open space provides a functional area for the informal recreation of residents and provides additional opportunities for landscaping. However, it is considered that the level of open space provided to residents through local parks, Caddies Creek and facilities within the Town Centre Core is sufficient to offset this reduction.

Recommendation:

- 3.3 It is recommended that the proposed control be supported on the basis that the reduction in common open space is offset by communal open space facilities throughout the Centre.

4. Parking

(i) Multi Dwelling Housing

The proposed controls provide that no visitor parking is required for multi dwelling housing/small lot housing. This variation is considered acceptable as a reduction in driveway cross overs due to rear loaded housing will increase the level of on-street parking provided. Where front access is provided, there is sufficient opportunity to provide a visitor parking space in the driveway within the 5.5m garage setback.

This variation is considered to be acceptable as the site is a sub-regional centre which should promote a strong emphasis on public transport use. The reduction is supported by the proximity of:

- existing public transport including the North West Transit Way;
- future public transport provided by the North West Rail Link; and
- A range of shops, services and recreational opportunities within the Town Centre Core.

Recommendation:

- 4.1 It is recommended that the proposed control be supported on the basis that the site is within a Major Centre with strong emphasis on public transport provision and use.

(ii) Residential Flat Buildings

- Visitor Parking

A reduction in visitor parking for residential flat buildings is proposed, as follows:

- *2 spaces per 5 dwellings for residential flat buildings up to 60 dwellings*
- *1 space per 5 dwellings for residential flat buildings more than 60 dwellings*

The demand for visitor carparking is affected by the number of dwellings within an individual development as well as location, access to public transport and the provision of on-street parking.

It is considered appropriate to include a parking rate based on the number of units within a development. As visitor parking is generally short-term with all spaces unlikely to be occupied at any one time, it is considered appropriate to adopt a reduced rate for larger developments. This will avoid unreasonably large amounts of visitor parking being required for individual developments.

In recognition of the good proximity of the Centre to public transport, consideration can be given to have the standard visitor parking rate reduced to a level similar to the typical rate within the Sydney Metropolitan Area. The following table provides visitor parking rates for medium/high density developments in a number of locations within Sydney.

Location	Visitor Parking Rate
Green Square	1 space per 10 units
North Sydney	0.25 spaces per units
Willoughby	1 space per 4 units
Woollahra	0.25 spaces per units
Kogarah	1 space per 5 units
Ashfield	1 space per 10 units
RTA Guideline	1 space per 5 units

Table 13

Visitor parking rates for Sydney LGAs

There are a range of State Government plans and strategies that aim to reduce reliance on private motor vehicles and alter travel choices in order to reduce vehicle congestion and pollution. These strategies include:

- Sydney Metropolitan Strategy
- Action for Transport 2010

Parking requirements for key locations with good access to public transport should be slightly lower than the general parking rate due to their proximity to transport and the expectation that future residents and visitors will utilise public transport instead of private vehicles.

Additionally, the proposed rate of 1 space per 5 dwellings is consistent with the *RTA Guide to Traffic Generating Developments* rate for high density developments within subregional centres. It is also consistent with rates previously adopted by Council within the Carlingford Precinct and the Target Site at the corner of Windsor Road and Seven Hills Road, Baulkham Hills.

Having regard to the above, it is considered that there is sufficient justification for lower parking visitor requirements for the Rouse Hill Regional Centre.

Recommendation:

- 4.2 It is recommended that the proposed visitor parking rates be supported on the basis that they are consistent with other urban locations including Carlingford and Baulkham Hills within the Shire. The reduced parking rates are unlikely to create an adverse impact on residential amenity and will encourage more sustainable travel.

- Bicycle Parking

The proposed controls include a minimum bicycle parking provision of 1 space per 5 units. Whilst Council's DCP does not currently provide a minimum rate for bicycle parking within residential developments, *Planning Guidelines for Walking and Cycling (2004)* prepared by then Department of Infrastructure, Planning and Natural Resources provides suggested bicycle parking provision rates for different land use types. For residential flat buildings a rate of 20 – 30% of the total number of units is suggested which is consistent with applicant's proposed rate of 1 per 5 units.

Recommendation:

- 4.3 It is recommended that the proposed control be supported on the basis that it will mandate a minimum provision which is consistent with State government guidelines.

5. Landscaping

The proposed DCP controls include reduced landscaping for multi dwelling housing and residential flat buildings. Rates have been reduced from 50% to 40% and 30% for multi dwelling housing and residential flat buildings, respectively. The proposed DCP also removes the requirement for a minimum percentage of soft landscaping for detached dwellings.

A reduction in landscaping is considered to be offset by a significant provision of open space within the Centre as part of the approved Master Plan. Also, reduced landscaping is considered to be consistent with the desired urban character of the Centre which will be distinct from the more gardenesque areas of the Shire.

Recommendation:

- 5.1 It is recommended that the proposed control be supported on the basis that the reduction is offset by the provision of significant communal open space within the Centre and will provide a strong urban character for the Centre which is distinct from the more gardenesque areas of the Shire.

6. Unit Sizes

The draft development controls propose a reduction in minimum unit sizes for residential flat buildings. The following reductions are proposed:

Control	1 bedroom (m ²)	2 Bedroom (m ²)	3 Bedroom (m ²)
Existing	75	110	135
Proposed	65	90	110

Table 14

Existing and proposed unit sizes within the Rouse Hill Regional Centre

Council has previously supported reductions in minimum unit sizes for residential flat buildings in locations with good proximity to public transport and services including Rouse Hill Regional Centre and Carlingford.

Minimum unit sizes for residential flat buildings within the Town Centre Core include:

- 1 Bedroom: 64.2m² – 76.0m²
- 2 Bedroom: 90.0m² – 103.0m²
- 3 Bedroom: 112.9m²

Whilst the proposed reductions may appear significant, consideration has been given to the relevance of the current DCP requirements in the Rouse Hill Regional Centre and the context in which the Centre is located. The following factors are considered to be relevant in the consideration of the proposed apartment sizes:

- The Rouse Hill Regional Centre comprises a diverse mix of commercial, residential and community uses supported by a comprehensive range of community, education and transport facilities which is unique in the Shire;
- The Rouse Hill Regional Centre will offer a unique urban lifestyle and level of amenity for residents who are attracted by this type of living which provides convenience and excellent accessibility to facilities and public transport;
- The apartment buildings are located within a 10 minute walkable catchment of the regional transit interchange and significant local and regional open space including the Town Square, Leisure Square and Caddies Creek parkland;

- The proposed apartment sizes are generally consistent with the previously approved apartment sizes within the Town Centre Core, which were considered to be designed with a high level of amenity;
- The Rouse Hill Regional Centre offers an excellent opportunity to provide uplift in density and provide a range of housing options to meet the needs of residents. The Centre has the benefit of being a new release area with an emerging urban character that supports denser and compact lifestyle options. No other location currently within the Shire has the same level of development intensity and accessibility to facilities, services and transport within a purpose built town centre.

It is considered reasonable to limit the number of units with these reduced sizes to a maximum of 10% of the total number of units in any individual development. This is consistent with the approach taken in the Carlingford Precinct and will ensure that a variety of sizes are provided. The remaining units would be required comply with Council's current standards which reflect the typical suburban type apartment developments found elsewhere in the Shire.

Recommendation:

- 6.1 It is recommended that the proposed reduction in minimum unit sizes be supported. The approach is consistent with other urban locations in the Shire and generally consistent with the previously approved unit sizes with the Town Centre Core. The unit sizes will be limited to 10% of the total number of units in an individual development, with remaining units reflecting the typical suburban type apartment developments found elsewhere in the Shire.

7. Other DCP Amendments

Other amendments to the DCP are considered to be of minor significance and primarily involve:

- Consolidation of clauses;
- Re-ordering of provisions;
- Removal of repetition and unnecessary wording;
- Removal of images; and
- Removal of sections relating to completed stages of development.

These amendments summarised and comments provided as Attachment 1 to this report.

CONCLUSION

An increase in height for sites within the residential precincts is supported on the basis that it will help achieve key principles of the Master Plan including:

- To provide a visually significant structure as the southern gateway to the Rouse Hill Regional Centre;
- To maximise higher density residential development within a walkable distance to existing and future public transport; and
- To reflect proximity to the Town Centre in terms of higher density housing and mix of housing types.

The proposed reduction of the minimum lot size for small lot housing from 240m² to 160m² is not supported on the basis that it is inconsistent with the future direction of the Shire and with a key objective of Clause 4.1B to "*encourage housing diversity without*

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adversely impacting on residential amenity". The proposed lot size would fail to promote a high quality design or a marketable housing product.

Amendments to The Hills DCP 2012 are generally supported on the basis that an increase in density and reduction of Council's existing standards for open space, landscaping and carparking is consistent with providing a strong urban character and reflects a market shift towards more compact living with good access to jobs, services and recreation. The proposed controls are considered to reflect the remaining development to be undertaken in residential precincts – particularly the Central and Northern Precincts which are earmarked for higher densities under the approved Master Plan.

The proposed amendments to The Hills LEP 2012 and The Hills DCP 2012 will help to diversify housing product within the Centre and provide for future residents with differing needs and lifestyle preferences.

IMPACTS**Financial**

The site is currently subject to a Voluntary Planning Agreement between Council and the developer. Contributions are required on a per dwelling basis starting from \$20,000 per dwelling for the first 250 dwellings. The contribution amount increases incrementally by \$500 with every additional 250 dwellings to a maximum of \$33,750 per dwelling (maximum of 1,800 dwellings). An uplift in density will assist the developer to achieve the desired dwelling yield of 1,800 dwellings and increase the level of contributions that could be levied to fund critical infrastructure and provide for future residents.

There are no other financial impacts associated with the subject planning proposal.

Hills 2026

Hills 2026 is a direction that creates a picture of where The Hills would like to be in the future based on community aspirations. Whilst the proposed development will contribute to providing a range of housing options and provide travel options to ensure residents can get where they need to go, consideration needs to be given to the impact of the proposed development on the community infrastructure and compatibility with the existing urban environment.

RECOMMENDATION

1. A planning proposal be forwarded to the Department of Planning and Infrastructure for a gateway determination to increase the height for specific locations within the Southern, Eastern and Central Residential Precincts of the Rouse Hill Regional Centre.
2. The proposed amendments to The Hills Development Control Plan 2012 Part D Section 6 – Rouse Hill Regional Centre (Attachment 2) be exhibited concurrently with the planning proposal.

ATTACHMENTS

1. Summary Table of Proposed DCP Amendments (7 Pages)
2. Draft The Hills DCP 2012 PDS6 – Rouse Hill Regional Centre **(under separate cover)**

ATTACHMENT 1

COMPARISON OF APPLICANT REQUESTED DCP AMENDMENTS WITH PROPOSED DCP AMENDMENTS

STANDARD	APPLICANT AMENDMENT	REQUESTED AMENDMENT	COUNCIL PROPOSED AMENDMENT	COMMENT
2. Elements of the Plan				
2.7 Housing	Remove clause.		Amend as requested.	Criteria in relation to housing are contained within the Master Plan and Precinct Plans. Additionally, detailed guidelines are given in each clause of residential controls in the DCP. Duplication is not considered to be necessary.
3. Residential Controls				
3. Residential Controls	Replace clause with a brief character statement. Include image of the residential precincts. Remove provision stating that the "Residential", "Multi Dwelling Housing" and "Residential Flat Building" sections of Council's DCP apply to the extent of any inconsistency.		Amend with revisions.	Detailed character and objective statements are contained within the Master Plan and Precinct Plans. A summarised version is considered to be sufficient to achieve simplicity within the DCP. Inclusion of an image indicating the boundaries of the precincts is supported. However, all precincts where the residential controls apply should be shown. Amended image provided. Removal of relationship with other sections of the DCP is consistent with the Stage 2 content review of the DCP. New provisions have been added to supplement the existing provisions including setbacks for residential flat buildings, apartment sizes, storage, fencing and waste management. However, it is recommended that the provision relating to other sections remain within the DCP until the Stage 2 content review is undertaken. Detailed rationale and outcomes are contained within the Master Plan and Precinct Plans. Duplication within the DCP is not considered to be necessary.
3.1 Regional Centre Housing Strategy	Remove "Rationale" and "Outcomes" provisions. Minor re-wording.		Amend as requested.	Re-wording simplifies the DCP and improves user interpretation.

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STANDARD	APPLICANT AMENDMENT	REQUESTED	COUNCIL PROPOSED AMENDMENT	COMMENT
3.1.2 Density	Replace density table with density table from approved Master Plan. Minor re-wording.		Amend with revisions.	Revised density table is consistent with the densities within approved in the Master Plan. It is considered inappropriate to remove density targets for the commercial precincts from the DCP and these have been re-included. Re-wording simplifies the DCP and improves user interpretation.
3.1.3 Dwelling and Allotment Sizes	Remove provisions and consolidate with Clause 3.1.6 Subdivision		Amend as requested.	Clause primarily relates to subdivision and allotment sizes including criteria for small lots. These standards are now set out within The Hills LEP 2012.
3.1.5 Integrated Housing	Remove clause.		Amend as requested.	Clause relates to the design of precincts to consider vegetation, solar access, views, privacy and streetscape. These are ensured by the Master Plan, Precinct Plans and other clauses within of the DCP.
3.1.6 Subdivision	Remove provisions and consolidate with Clause 3.1.6 Dwelling and Allotment Sizes.		Amend as requested.	Clause requires that the design of subdivisions consider vegetation, solar access and views. However, this is ensured by the Master Plan, Precinct Plans and other clauses within the DCP. Provisions relating to slope remain within the DCP and have been consolidated with Clause 3.1.6.
3.1.7 Affordable Housing	Remove clause.		Amend as requested.	Affordable housing is a contractual arrangement between the State government and the applicant and is a requirement of the Master Plan.
3.2 Building Form	Remove clause.		Amend as requested.	Principles relating to built form are contained within the Master Plan, Precinct Plans or other clauses within the DCP. Provision relating to Council's Safer by Design Guidelines remains within the DCP and has been consolidated with Clause 3.2.18.
3.2.1 Site Analysis	Minor re-wording.		Amend as requested.	Re-wording simplifies the DCP and improves user interpretation.

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3.2.2 Tree and Bushland Protection	Remove clause.		Amend as requested.	Remaining developable areas within the residential precincts are predominantly cleared. Where significant vegetation exists, a Vegetation Management Plan prepared as part of the approved Master Plan provides objectives and guidelines for its protection and maintenance.
3.2.3 Siting of Buildings	Remove clause.		Amend as requested.	Provisions contained within other clauses of the DCP.
3.2.4 Site Frontage	Amend to reflect land use terms under The Hills LEP 2012. Include a reduced lot frontage for small lot housing and consolidate lot frontages for detached and semi-detached dwellings.		Amend with revisions.	See report.
3.2.5 Building and Lot Orientation	Move provisions to alternative clauses.		Amend as requested.	Provisions moved to Clause 3.1.8.
3.2.6 Building Height	Remove building height provisions and include reference to The Hills LEP 2012. Include provision relating to design detail for taller buildings. Amend floor to ceiling heights for non-residential buildings to include a minimum of 3.3m (ground level) and 2.7m (above ground level) and reduce the maximum provision for above ground levels from 3.6m to 3.3m.		Amend as requested.	Minimum building height standards are now contained within The Hills LEP 2012 and removal from the DCP is acceptable. No objection is raised to the provision relating to design of taller buildings. The inclusion of a minimum provision for floor to ceiling heights is supported. It is considered that the building heights will continue to achieve solar performance and internal amenity.

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STANDARD	APPLICANT AMENDMENT	REQUESTED AMENDMENT	COUNCIL PROPOSED AMENDMENT	COMMENT
3.2.7 Building Depth and Length	Remove clause.		Amend as requested.	The proposed amendment is consistent with Council's DCP section for Multi Dwelling Housing which does not contain building depth provisions. Council's DCP section for Residential Flat Buildings includes a control stating that the maximum linear length for residential flat buildings is 50m. This provision has been included in Clause 3.1.7 of the Rouse Hill section of the DCP.
3.2.8 Building Setbacks	Introduce new and reduced setbacks for various housing types.		Amend with revisions.	See report.
3.2.9 Designing for Privacy	Remove provision to "Ensure solar access to, and outlook from, first and second floor rooms, whilst maintaining privacy between properties". Introduction of controls for residential flat buildings. Remove images. Minor re-wording.		Amend with revisions.	The removed provision relates to solar access which is addressed within Clause 3.1.16. The proposed residential flat building controls are consistent with Council's DCP section for residential flat buildings and SEPP 65 standards. It is considered that the images do not contribute significant value to the DCP. Additional controls are proposed to address secondary dwellings above garages and development adjacent to the North West Rail Link corridor.
3.2.10 Roof design	Remove images. Minor re-wording.		Amend as requested.	Re-wording simplifies the DCP and improves user interpretation. It is considered that the images do not contribute significant value to the DCP. Re-wording simplifies the DCP and improves user interpretation.

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STANDARD	APPLICANT AMENDMENT	REQUESTED AMENDMENT	COMMENT
3.2.11 Street address and entries	Remove clause with the exception of some controls which are moved to alternative clauses. Minor re-wording.	Amend as requested.	Relevant controls are included within Clause 3.1.1.8. It is considered that the images do not contribute significant value to the DCP. Re-wording simplifies the DCP and improves user interpretation. See report.
3.2.12 Private and communal open space	Deletion of control requiring common open space for multi dwelling housing. Introduction of minimum 6m ² of open space for secondary dwellings. Amendment to residential flat building controls to set a minimum provision for both private and communal open space rather than communal open space as maximum percentage of total. Images removed. Minor re-wording.	Amend with revisions.	It is considered that the images do not contribute significant value to the DCP. Re-wording simplifies the DCP and improves user interpretation.
3.2.13 Car parking	Amend visitor parking rates. Include a minimum rate for bicycle parking for residential flat buildings. Remove provisions relating to lot, garage and driveway widths/locations and building materials. Move provisions to alternative clauses. Minor re-wording.	Amend with revisions.	See report. Standards relating to driveways are contained within Council's Specifications. Provisions relating to building materials are included within Precinct Plans. Provision relating to rear lane garages/single lane garages for lots less than 12m should be retained. It is considered that the images do not contribute significant value to the DCP. Re-wording simplifies the DCP and improves user interpretation.

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3.2.14 Driveways	Remove controls relating to building materials. Minor re-wording.	Amend with revisions.	Standards relating to driveways and materials are contained within Council's Specifications and Precinct Plans.	Re-wording simplifies the DCP and improves user interpretation.
3.2.15 Garage design	Remove design option for a vertical masonry pillar diving double garage doors. Minor re-wording.	Amend with revisions.	The design feature is not a mandatory requirement and therefore is considered acceptable to remove.	Re-wording simplifies the DCP and improves user interpretation.
3.2.16 Landscape requirements	Remove soft landscaping controls. Amend landscaping requirements for medium density housing and residential flat buildings.	Amend with revisions.	See report.	
3.2.17 Solar access and overshadowing	Include new principles and new controls for all housing types. Remove images.	Amend as requested.	The proposed standards are consistent with Council's DCP for Multi Dwelling Housing and the provisions of SEPP 65.	It is considered that the images do not contribute significant value to the DCP.
3.2.18 Building appearance and articulation	Move provisions to alternative clauses. Minor-rewording and re-ordering. Remove provisions relating to materials. Include controls for residential flat buildings.	Amend as requested.	Provisions relating to dwelling design are included within Precinct Plans.	Inclusion of standards for residential flat buildings is supported.
3.3 Ecological sustainability	Remove clause.	Amend as requested.	Re-wording and re-ordering simplifies the DCP and improves user interpretation.	Developments are required to comply with BASIX.
4.0 Staging	Remove clause.	Amend as requested.	The clause predominantly relates to the early stages of development and is no longer required given the extent of development of the Centre.	

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5.0 Required documentation	Remove clause.		Amend as requested.	The clause predominantly relates to the early stages of development and is no longer required given the extent of development of the Centre. See report.
# (new). Apartment Layout and Design	Insert clause.		Amend as requested.	The proposed clause is generally consistent with Council's DCP for residential flat buildings.
# (new). Storage	Insert clause.		Amend as requested.	The proposed clause is generally consistent with Council's DCP for multi dwelling housing.
# (new). Fencing	Insert clause.		Amend as requested.	The proposed clause is generally consistent with Council's DCP for multi dwelling housing and residential flat buildings.
# (new). Waste Management	Insert clause.		Amend as requested.	Development controls tables are consistent with the other sections of Council's DCP.
(new) Development Control Tables	Insert tables.		Amend as requested.	