

ITEM-3	BAULKHAM HILLS TOWN CENTRE DEVELOPMENT CONTROL PLAN (FP66)
THEME:	Balanced Urban Growth
HILLS 2026 OUTCOME/S:	BUG 2 Lifestyle options that reflect our natural beauty.
COUNCIL STRATEGY/S:	BUG 2.1 Facilitate the provision of diverse, connected and sustainable housing options through integrated land use planning.
GROUP:	STRATEGIC PLANNING
AUTHOR:	TOWN PLANNER BRONWYN SMITH
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

In accordance with Council's resolution of 12 April 2011, a review of proposed building height, and setback controls for development within Windsor Road Precinct has been completed. This report recommends that minor amendments to the previously exhibited controls be applied to encourage a high quality future development that is appropriate for the location.

The adoption of draft Local Environmental Plan 2010 by Council on 23 August 2011 now requires that Council prepare a planning proposal to implement the proposed development standards for the site. Accordingly, this report recommends that Council prepare and forward a planning proposal to the Minister for Planning and Infrastructure for exhibition.

REPORT

The purpose of this report is to summarise the findings of the review of proposed building heights and setback controls for development within Windsor Road Precinct of the Baulkham Hills Town Centre (see Figure 1). The Precinct is located on the northern frame of the Baulkham Hills Town Centre and is subject to an active development consent for part of the site.

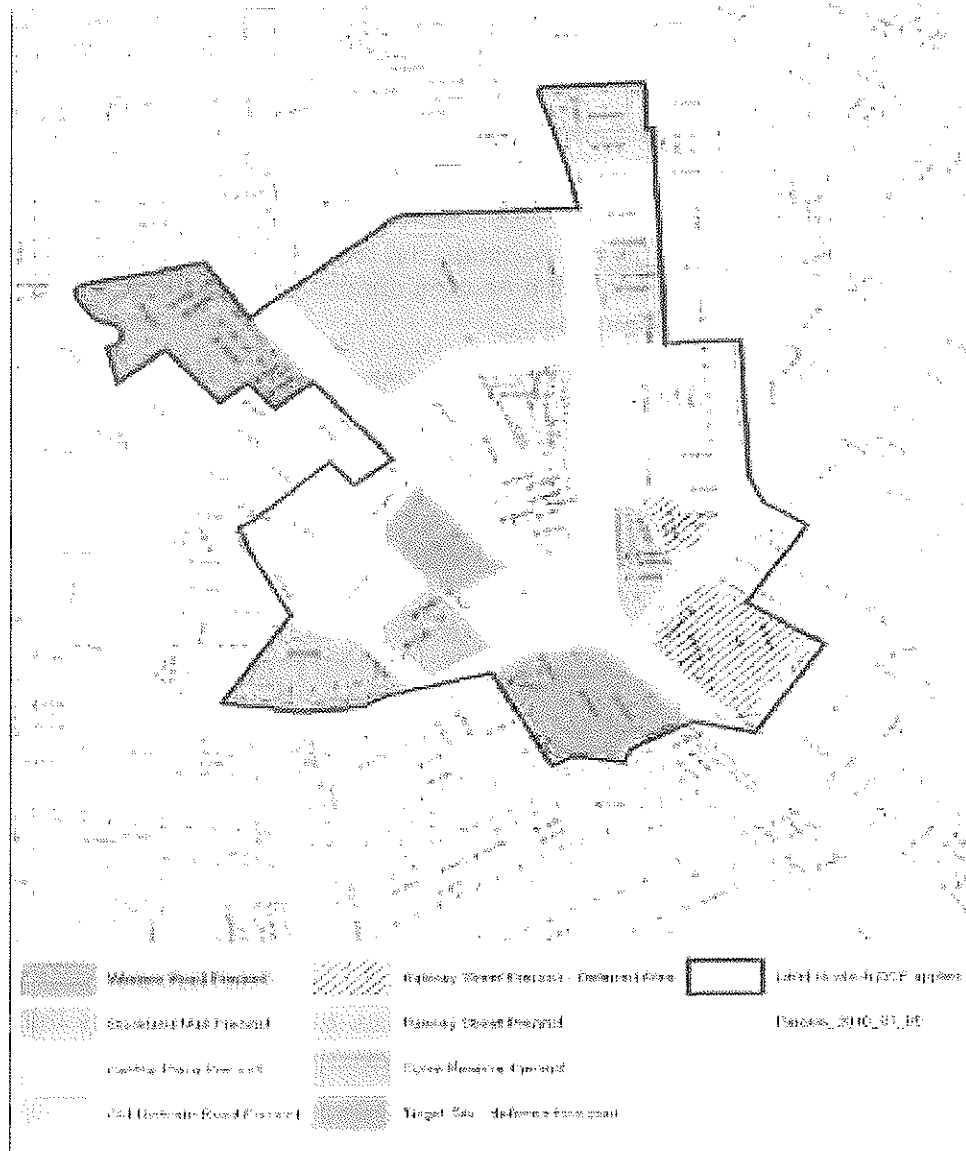


Figure 1
Baulkham Hills Town Centre

HISTORY

- 14/12/04 Council approved DA 2897/2004/HB for a residential development incorporating the erection of six residential apartment buildings containing a total of 94 units, comprising 29 x 1 bedroom units, 64 x 2 bedroom units and 1 x 3 bedroom unit, and associated basement car parking for 197 vehicles – 404-416 Windsor Road and 1-3 Meryll Avenue, Baulkham Hills.
- 20/11/07 Council resolved to adopt Part E Section 20 – Baulkham Hills Town Centre with the plan to come into force on upon the adoption of Section 94A Contributions Plan.
- 10/11/08 Applicant submitted an application to amend the Baulkham Hills Town Centre DCP.

- 05/05/09 Proposal presented at Councillor Workshop.
- 22/09/09 Council resolved to adopt Section 94A Contributions Plan.
- 06/10/09 Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre came into force following the adoption of S94A Plan.
- 2/11/2009 Council issues letter acknowledging commencement of works for 2897/2004/HB.
- 12/10/2010 Council considered a report at the Ordinary Meeting and resolved to exhibit draft Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre, draft Baulkham Hills Development Control Plan Part D Section 1 – Parking and draft The Hills Shire Section 94A Contributions Plan.
- 2/11/2010-
3/12/2010 Exhibition of draft Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre, draft Baulkham Hills Development Control Plan Part D Section 1 – Parking and draft The Hills Shire Section 94A Contributions Plan.
- 12/04/2011 Council considered a report at the Ordinary Meeting and resolved that:
1. *The proposed amendments to Draft Baulkham Hills Development Control Plan Part E, Section 20-Baulkham Hills Town Centre be deferred to investigate and model the proposed heights and setbacks of the proposed built form.*
 2. *The proposed amendments to Draft Baulkham Hills Development Control Plan Part D – Parking as per Attachment 3 and The Hills Section 94A Plan as shown in attachment 4 be deferred until a further report addressing recommendation 1 is considered by council.*

APPLICANT

AVK Pty Limited
PO Box 1164
Castle Hill 1765

OWNER

AVK Pty Limited
PO Box 1164
Castle Hill 1765

ZONE

LEP 2005: Residential 2(a1)
Draft LEP 2010: R4 High Density Residential

POLITICAL DONATIONS

No disclosures

BACKGROUND

In 2004 an application was approved for the erection of three (3) x five (5) storey buildings facing Windsor Road, two (2) x four (4) storey buildings (adjoining the townhouse development at 17 Conie Avenue) and a four (4) storey building fronting the southern end of Meryll Avenue, totalling 94 units with associated basement parking for 197 vehicles. Vehicular access to the development was to be from the southern end of Meryll Avenue.

It should be noted that whilst this application was approved in 2004, Council considered that the demolition of the existing buildings and associated asbestos removal and removal of 50 trees constituted physical commencement of the development consent in accordance with Section 95 of the Environmental Planning and Assessment Act 1979.

In November 2008, the owner of 404-416 Windsor Road and 1-3 Meryll Avenue submitted an application to amend the Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre (Town Centre Development Control Plan). As a result of this application further amendments were made to consider development of wider area rather than an individual site and included additional properties on the western side of Windsor Road. The inclusion of these additional properties provides the opportunity for redevelopment of this location in a manner that would create a building/s which clearly signifies the entry/exit point of the Baulkham Hills Town Centre.

As a result of this application the Baulkham Hills Town Centre Development Control Plan was amended and exhibited to include a new precinct known as the Windsor Road Precinct.

This amendment and the results of the exhibition were reported to Council's Ordinary Meeting of 12 April 2011. Due to concerns from local residents regarding the impact of higher density residential development, Council resolved that further strategic investigation work was to be undertaken with respect to the proposed building heights and setbacks within the Windsor Road precinct.

THE SITE AND SURROUNDS

The Windsor Road Precinct is located on the western side of Windsor Road and to the north of the existing Baulkham Hills Town Centre boundary. It has an area of approximately 13,900m² and consists of fifteen (15) properties, six of which are vacant, eight of which contain single storey dwellings and one which is currently used as a medical centre.

Meryll Avenue has a diverse housing mix consisting of both single and two (2) storey dwellings and medium density two (2) storey town house development.

Located at the rear of the Windsor Road Precinct is Conie Avenue which has undergone a transition from a majority of single storey dwellings to medium density two (2) storey town house developments.

Located directly opposite the Windsor Road Precinct located on the corner of Windsor Road and Olive Street is Stockland Mall and a strip of commercial development, including a service station.

There are two (2) heritage items located within the vicinity of the Windsor Road Precinct namely the Bull and Bush Hotel and a residential property currently used as a specialised hearing clinic.

ZONING

The land within the Windsor Road Precinct is currently zoned 2(a1) under Baulkham Hills Local Environmental Plan 2005, with the exception of Lots 27 and 28 DP 30744 Rembrandt Drive which are currently zoned 6(a) Open Space, as illustrated in Figure 2 below.

Development standards such as building height and density currently applicable to the Precinct are contained within the Part C Section 7 (Apartment Buildings) of Council's DCP. The proposal to include the Precinct within the boundaries of the Baulkham Hills

Town Centre provide the opportunity to apply site specific controls consistent with the intended character of the locality.

On 23 August 2011 Council adopted the draft LEP 2010. The supporting draft Development Control Plan 2011 will come into force upon notification of DLEP2010 on the NSW legislation website.

Draft LEP2010 identifies the site as zoned R4 – High Density Residential including Lots 27 and 28 DP 30744 previously reserved for open space shown in Figure 3.

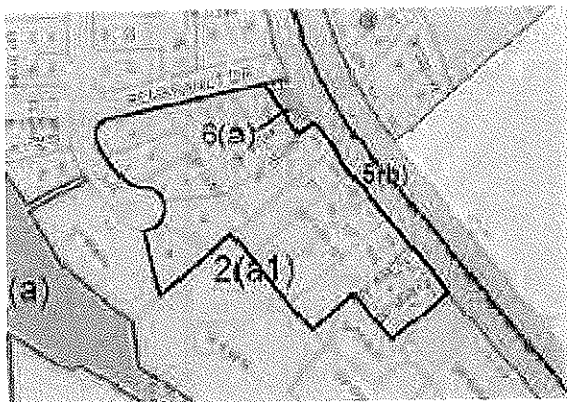


Figure 2
LEP 2005 - Zoning

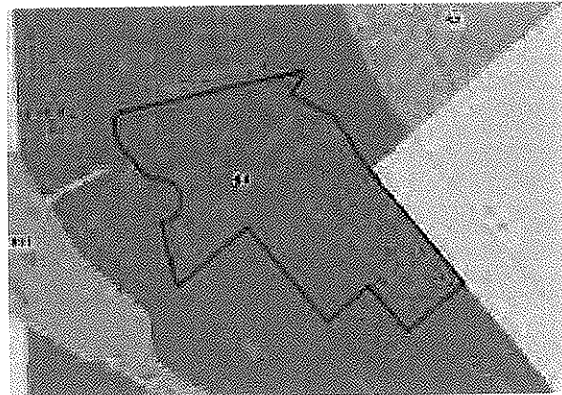


Figure 3
Draft LEP 2010 - Zoning

The Draft LEP2010 now includes development standards such as building height and floor space ratio which have been translated from Council's existing DCP. In order to amend these development standards a planning proposal is now required for the Windsor Road Precinct, to incorporate the new building heights and floor space ratio into draft LEP 2010.

PREVIOUS APPROVAL - 404-416 Windsor Road & 1-3 Meryll Avenue, Baulkham Hills

As mentioned above, part of the Windsor Road Precinct currently has development consent (DA2897/2004/HB) for a residential development incorporating the erection of six residential apartment buildings containing a total of 94 units, comprising 29 x 1 bedroom units, 64 x 2 bedroom units and 1 x 3 bedroom unit, and associated basement car parking for 197 vehicles for the properties known as 404-416 Windsor Road and 1-3 Meryll Avenue, Baulkham Hills.

This proposal was assessed against the existing controls contained within the Baulkham Hills Development Control Plan, Part C Section 7 – Apartment Buildings which permit a building height of 16m to the ridge line, which potentially allows a four (4) storey development.

On 2 November 2009 the applicant received a confirmation letter from Council that DA2897/2004/HB had been commenced and is valid in accordance with Section 95 of the *Environmental Planning and Assessment Act 1979*. Therefore, construction may occur upon the issuing of a Construction Certificate.

INVESTIGATION

In accordance with Council's resolution, a review of the exhibited development standards for building height and setbacks has been completed. The findings of this review have identified minor amendments that if supported are likely to improve the architectural quality of a future development within the Precinct.

The review has been based on the assessment of the existing approved development versus an alternate scheme that considers the orderly development of the whole Precinct. Figures 4 and 5 below demonstrate the existing versus proposed development footprint.

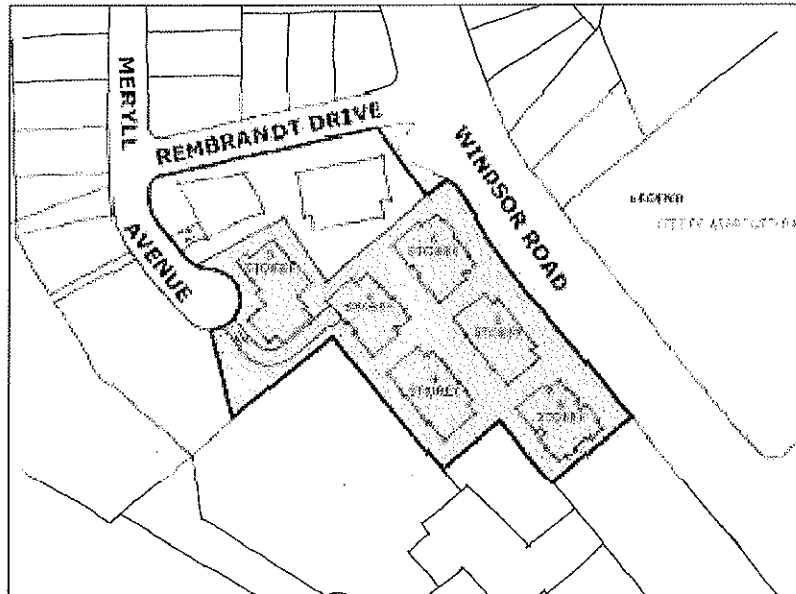


Figure 4

Approved DA and potential development footprint

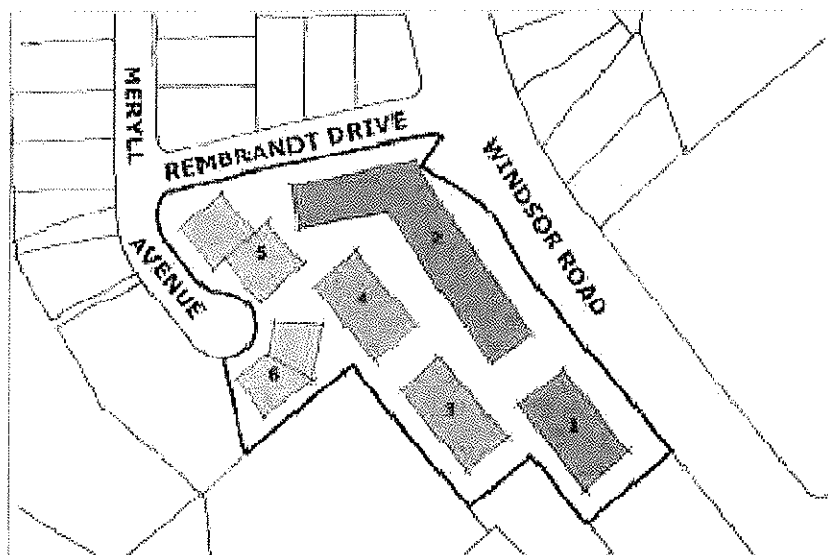


Figure 5

Alternate development footprint

Figure 4 illustrates that the development of the Precinct as two separate sites results in the location of buildings that are unlikely to incorporate any significant architectural treatment that reflects the sites location as the northern gateway to the town centre. Alternatively, Figure 5 shows a development scheme that presents to both Rembrandt Drive and Windsor Road thus facilitating a development that can define the entry to the town centre.

To achieve the development scheme presented in Figure 5 above, a number of minor amendments to the exhibited development controls is required. The exhibited versus proposed controls are summarised below with amendments to Part E Section 20 – Baulkham Hills Town Centre (Attachment 2) highlighted in yellow.

a) Height control

Exhibited:

The exhibited height controls for the Windsor Road precinct are as follows;

- Maximum 5 storeys or 19m across the precinct;
- Maximum 7 storeys or 25m element on the corner of Rembrandt Drive and Windsor Road;
- Maximum 4 storeys or 16m to the boundary of Rembrandt Drive and Meryll Avenue; and
- Maximum 3 storeys or 12m to built form adjoining the rear boundary of the Windsor Road properties.

The exhibited controls within the precinct allow a range of building heights between 5 and 7 storeys, with the taller elements being encouraged at the prominent locations. The Windsor Road precinct forms part of the entry to the Town Centre and is considered an appropriate location for a prominent well designed building.

Proposed:

The proposed height controls for the Windsor Road Precinct are as follows and illustrated in Figure 6;

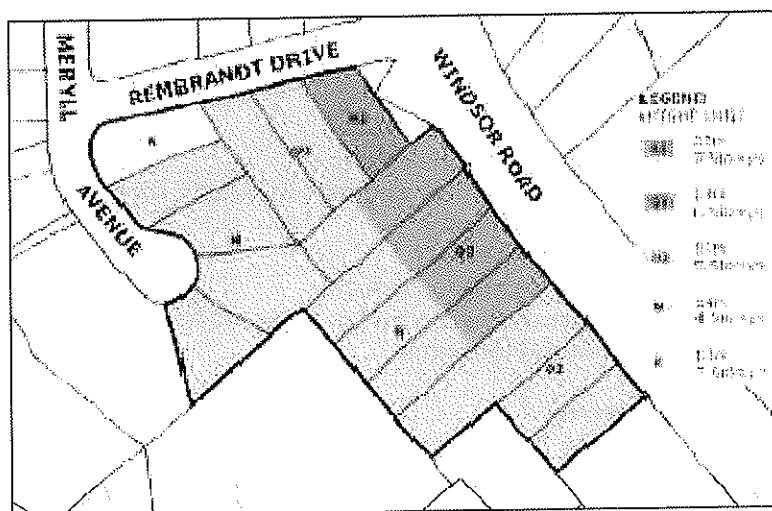


Figure 6
Windsor Road Precinct – Height of Building Map

The potential height of any building in this location is guided by the topography and the other building elements that surround it. In this regard the Stockland Mall, located on the corner of Windsor Road and Olive Street, currently dominates the built form of this part of the Baulkham Hills Town Centre.

The proposed building heights, for this Precinct, provide a transition of built form between the landmark element at the corner of Rembrandt Drive and Windsor Road, and the future residential apartment character allowed under the current and future zone in Meryll Avenue.

It is recommended that the height limits within the Windsor Road Precinct be amended to provide a range of heights from 10m to 22m catering to accommodate the gateway element whilst minimising impacts on adjacent properties.

b) Building Separation ControlExhibited:

The exhibited building separation controls are based on the recommendations set out by the State Environmental Planning Policy No. 65 - Residential Flat Design Code and are provided as follows:

Up to four storeys / 12 metres

- 12 metres between habitable rooms/balconies.
- 9 metres between habitable/balconies and non-habitable rooms.
- 6 metres between non-habitable rooms.

Five to seven storeys/up to 25 metres

- 18 metres between habitable rooms/balconies.
- 13 metres between habitable rooms/balconies and non-habitable rooms.
- 9 metres between non-habitable rooms.

The controls were included in the exhibited DCP to ensure an appropriate level of privacy and solar access due to the potential for multiple building platforms across the Precinct.

Proposed:

Further review of building separation controls has identified that due to increased building height in some locations, building separation should be amended to maintain the opportunity for privacy and solar access. Therefore, the proposed building separation controls are as follows:

Up to four storeys / 13 metres

- 12 metres between habitable rooms/balconies.
- 10 metres between habitable/balconies and non-habitable rooms.
- 8 metres between non-habitable rooms.

Five to seven storeys/up to 22 metres

- 18 metres between habitable rooms/balconies.
- 13 metres between habitable rooms/balconies and non-habitable rooms.
- 10 metres between non-habitable rooms.

c) Boundary Setback ControlExhibited:

With the exception of the three (3) metre setback along the boundary addressing the corner of Windsor Road and Rembrandt Drive, the exhibited boundary setbacks for the Windsor Road Precinct are generally consistent with Council's existing controls set out in the Baulkham Hills Development Control Plan – Part C Section 7 – Apartment Buildings:

- 3m setback addressing the corner of Windsor Road and Rembrandt Drive
- 10m setback along boundaries addressing Windsor Road
- 6m setback along boundaries addressing Rembrandt Drive and Meryll Avenue
- 6m side boundary setback
- 8m rear boundary setback

The exhibited controls did not address building articulation and therefore may resulted in "box like" development similar to the existing development consent.

Proposed:

The proposed setbacks relate to the articulation of upper levels to provide a development of architectural interest that is consistent with other precincts within the town centre.

The amended setbacks for the Windsor Road Precinct (see figure 5 for building layout) are provided below:

Building 1 & 2 Setback	Minimum	Facade articulation zone
Street frontage setback, Windsor Road and Rembrandt Drive: Ground to Fourth Storey	11 metres For a minimum 60% of building facade	9 to 11 metres Balconies and up to 40% of building facade are permitted in this zone
Street frontage setback, Windsor Road and Rembrandt Drive: Fifth to Seventh Storey	14 metres	
Rear setback: Ground to Fourth Storey	10 metres	
Rear setback: Fifth Storey	13 metres	
Side setback	10 metres	

Building 3 & 4 Setback	Minimum	
Rear setback: Ground to Third Storey	10 metres	
Rear setback: Fourth Storey	13 metres	
Side setback	10 metres	

Building 5 & 6 Setback	Minimum	
Street frontage setback, Meryll Avenue	6 metres	
Rear setback	10 metres	
Side setback: Ground to Third Storey	8 metres	
Side setback: Fourth Storey	14 metres	

In determining the proposed setback of upper levels an analysis of pedestrian view angles was undertaken. Figure 7 below illustrates the pedestrian perception of building height from Windsor Road. The natural slope of the site enables the first floor of the development to be set below Windsor Road allowing the Windsor Road facade to be perceived as a three storey element. By providing an increased setback at level five and above the perceived bulk and scale of the building is reduced.

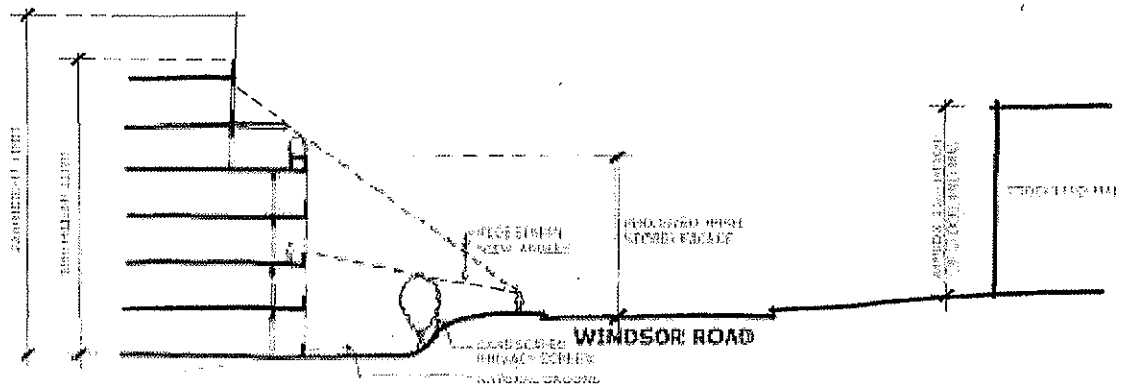


Figure 7
Windsor Road Section

The setback controls have been design to encourage facade articulation and depth through the use of an articulation zone (refer **Figure 8** below) promoting the use of balconies along the Rembrandt Drive and Windsor Road facade.

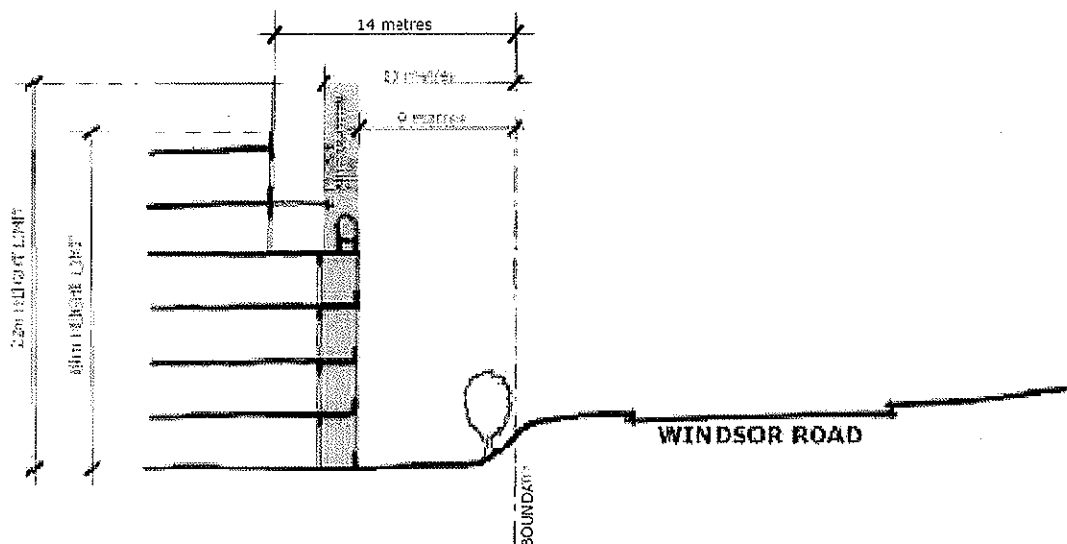


Figure 8
Facade Articulation Zone

d) Floor Space Ratio Control

Exhibited:

The exhibited floor space ratio for the Windsor Road Precinct is 2.5:1. The mapping standard applied by the draft LEP2010 now requires that Council apply a floor space ratio of either 2.3:1 or 2.7:1 from the Floor Space Ratio Map.

Proposed:

A floor space ratio of 2.3:1 is used in other precincts within the Baulkham Hills Town Centre. When applied to the Windsor Road Precinct, approximately 31,970m² of gross floor area would be permitted which is consistent with the proposed building envelope controls (height and setback).

TRAFFIC AND ACCESS

The future character of the immediate locality is for residential apartments as permitted under the R4 High Density Residential zone under draft LEP 2010 and shown in figure 9 below.



Figure 9
Extract – Draft LEP 2010 (Zone)

There have been a number of traffic studies undertaken for Baulkham Hills Town Centre including the Windsor Road Precinct. These studies did not identify Meryll Avenue, Rembrandt Street or Landscape Street, as nearing their environmental capacity.

Environmental capacity considers input parameters such as:

- Street characteristics: width of reservation and carriageway, number of lanes, gradient, road surface conditions;
- Traffic characteristics: traffic volume, traffic composition (in particular, the proportion of heavy vehicles), vehicle speed;
- Built environment: distance from carriageway, nature of intervening surfaces, type and design of building, type of occupation, and
- Road classification: whether the road is a local or collector road.

The most recent assessment of traffic and parking implications (December 2010) included consideration of the increased yield in the Windsor Road Precinct and concluded that "...even under the worst case scenario circumstances of traffic generation rate, apartment yield and NO RIGHT TURN at Windsor Road/Rembrandt Drive that there will be no unsatisfactory traffic or parking outcomes".

Appropriate traffic management measures would be fully assessed as part of any final development design for this Precinct and considered/implemented as part of any development applications approval.

CONCLUSION

In accordance with Council's resolution of 12 April 2011, a review of proposed building height and setback controls for development within Windsor Road Precinct has been completed.

The inclusion of a new precinct within the northern frame of the Town Centre along the western side of Windsor Road provides an opportunity to balance the entry of the Town centre. The review of building height and setback controls has identified the opportunity to implement a variety of minor amendments that are likely to improve the architectural quality of any future development within the Precinct. This report recommends that minor amendments to the previously exhibited controls be applied to encourage a high quality future development that is appropriate for the location.

The adoption of Draft LEP2010 now requires that Council prepare a planning proposal to implement the proposed development standards for the Precinct. Exhibition may not commence until Council receives a Gateway Determination from the Department of Planning and Infrastructure.

IMPACTS**Financial**

The proposed planning proposal and amendments to the Development Control Plan will not have any direct impact on Council's budget.

Hills 2026

In accordance the goals of Hills 2026, the inclusion of this precinct within the Baulkham Hills Town Centre will contribute towards achieving the needs of the broader community, offering flexibility and better usage of existing land and infrastructure while providing more affordable housing options through effective land use planning.

NEXT STEPS

As set out within this report, the adoption of the Draft LEP2010 now requires that a planning proposal be prepared to amend the building height and floor space controls for the Windsor Road Precinct.

As the commencement of Draft LEP2010 is dependent upon the Minister for Planning and Infrastructure making the plan, it is proposed that Council exhibit concurrent amendments to the following instruments:

- Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre.
- Draft The Hills Development Control Plan 2011 Part E Section 20 Baulkham Hills Town Centre.
- Draft Local Environmental Plan 2010, Height of Building Map and Floor Space Ratio Map

RECOMMENDATION

1. A planning proposal be forwarded to the Department of Planning and Infrastructure to implement the proposed development standards for the Precinct as outline in this report.

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2. Upon receiving a Gateway Determination to exhibit the planning proposal, amendments as outline in this report to the following instruments be exhibited concurrently:
 - Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre.
 - Draft The Hills Development Control Plan 2011 Part E Section 20 Baulkham Hills Town Centre.

ATTACHMENTS

1. Ordinary Meeting of Council 12 April 2011 - Item 2 – Baulkham Hills Town Centre Development Control Plan (21 pages)
2. Draft Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre (42 Pages)
3. Draft Baulkham Hills Development Control Plan Part D Section 1 – Parking 'Sheet 2' (26 Pages)

ATTACHMENT 1

ORDINARY MEETING OF COUNCIL

12 APRIL, 2011

ITEM-2	BAULKHAM HILLS TOWN CENTRE DEVELOPMENT CONTROL PLAN (FP66)
THEME:	Balanced Urban Growth
HILLS 2026 OUTCOME/S:	BUG 2 Lifestyle options that reflect our natural beauty.
COUNCIL STRATEGY/S:	BUG 2.1 Facilitate the provision of diverse, connected and sustainable housing options through integrated land use planning.
GROUP:	STRATEGIC PLANNING
AUTHOR:	TOWN PLANNER VANESSA DAIDONE
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

It is recommended that the draft Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre, the draft Baulkham Hills Development Control Plan Part D, Section 1 – Parking and the draft The Hills Section 94A Plan be adopted.

The new controls will provide guidance on the overall built form and the desired outcomes for an additional precinct within the Baulkham Hills Town Centre, which will provide additional housing close to employment, shopping and transport. The inclusion of a 7 storey element on the corner of Rembrandt Drive and Windsor Road will provide a prominent feature that signifies the entry point to the Town Centre and balances the existing Stockland Mall development.

Redevelopment of this Precinct will also encourage improvements in open space treatment, the quality of built form and urban design, public domain embellishment, improvements in road safety and pedestrian amenity, accompanied by a suitable variety of land uses.

HISTORY

14/12/04	Council approved DA 2897/2004/HB for a residential development incorporating the erection of six residential apartment buildings containing a total of 94 units, comprising 29 x 1 bedroom units, 64 x 2 bedroom units and 1 x 3 bedroom unit, and associated basement car parking for 197 vehicles – 404-416 Windsor Road and 1-3 Meryll Avenue, Baulkham Hills.
20/11/07	Council resolved to adopt Part E Section 20 – Baulkham Hills Town Centre with the plan to come into force on upon the adoption of Section 94A Contributions Plan.
10/11/08	Applicant submitted an application to amend the Baulkham Hills Town

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	Centre DCP.
05/05/09	Proposal was presented at Councillor Workshop.
22/09/09	Council resolved to adopt Section 94A Contributions Plan.
06/10/09	Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre came into force following the adoption of S94A Plan.
12/10/2010	Council considered a report at the Ordinary Meeting and resolved to exhibit draft Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre, draft Baulkham Hills Development Control Plan Part D Section 1 – Parking and draft The Hills Shire Section 94A Contributions Plan.
2/11/2010	– Exhibition of draft Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre, draft Baulkham Hills Development Control Plan Part D Section 1 – Parking and draft The Hills Shire Section 94A Contributions Plan.
3/12/2010	

APPLICANT	AVK Pty Limited PO Box 1164 Castle Hill 1765
OWNER	AVK Pty Limited PO Box 1164 Castle Hill 1765
ZONE	
LEP 2005:	Residential 2(a1)
Draft LEP 2010:	R4 High Density Residential
POLITICAL DONATIONS	No disclosures

REPORT

The purpose of this report is to document and respond to issues raised as a result of the public exhibition of the draft Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre, the draft Baulkham Hills Development Control Plan Part D, Section 1 – Parking and the draft The Hills Section 94A Plan and recommend that Council adopt the draft Plans with the amendments outlined in this report.

1. BACKGROUND

In November 2008, the owner of 404-416 Windsor Road and 1-3 Meryll Avenue submitted an application to amend the Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre (Town Centre Development Control Plan). The application proposed extending the boundary of the Baulkham Hills Town Centre to include the applicant's land and provide appropriate site specific development controls, allowing increased density in this location.

This site is subject to development consent DA2897/2004/HB which has been approved and applies to Nos. 404-416 Windsor Road and 1-3 Meryll Avenue Baulkham Hills. The approved development consists of the erection of three (3) x five (5) storey buildings facing Windsor Road, two (2) x four (4) storey buildings (adjoining the townhouse development at 17 Conie Avenue) and a four (4) storey building fronting the southern

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end of Meryll Avenue, a total of 94 units and associated basement parking for 197 vehicles. Vehicular access to the development is from the southern end of Meryll Avenue.

This report proposes the extension of the Baulkham Hills Town Centre boundary to incorporate several properties on the western side of Windsor Road into a new precinct named "Windsor Road Precinct". This Precinct provides an opportunity for a gateway style development on the northern entry/exit to the Town Centre.

Baulkham Hills Town Centre

Council's Development Control Plan provides guidance on the overall vision for the Town Centre. The desired outcome for the Town Centre is the creation of a vibrant, safe and attractive centre that provides for a range of living, shopping, working, and transport and leisure activities. This will be achieved as redevelopment occurs, with improvements in open space treatment, the quality of built form and urban design, public domain embellishment, improvements in road safety and pedestrian amenity, accompanied by a suitable variety of land uses.



Figure 1 indicates the different Precincts within the Baulkham Hills Town Centre, including the Windsor Road Precinct (coloured orange) which is proposed for inclusion.

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12 APRIL, 2011

Windsor Road Precinct

The new Precinct is located on the western side of Windsor Road and to the north of the existing Baulkham Hills Town Centre boundary. It has an area of approximately 13,845m² and consists of fifteen (15) properties, six of which are vacant, eight of which contain single storey dwellings and one which is currently used as a medical centre (see Figure 2).

The land within the Windsor Road Precinct is currently zoned 2(a1) under Baulkham Hills Local Environmental Plan 2005 (Figure 3), which promotes a range of housing choices and uses such as apartments, town houses and villas.



Figure 2.
Windsor Road Precinct

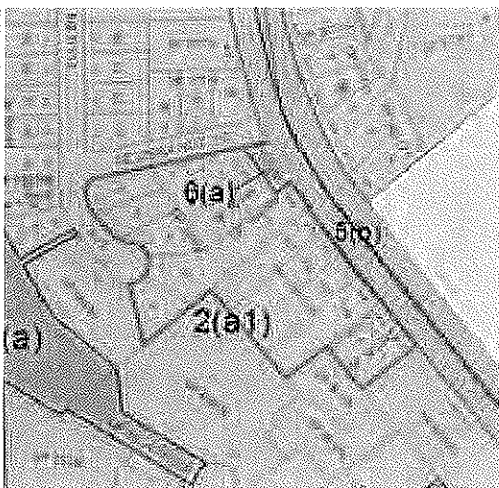


Figure 3.
Zone: LEP 2005

An assessment of the existing development in this location concluded that 2-6 Rembrandt Drive and 5-7 Meryll Avenue and Lots 27 and 28 Rembrandt Drive should also be included in the Windsor Road Precinct. The inclusion of these additional lots provides the opportunity for redevelopment of this location in a manner that would create a building/s which clearly signifies the entry/exit point of the Baulkham Hills Town Centre.

New controls for the Precinct were developed based on the urban design assessment and concepts submitted by the applicant. The principle features of these controls to guide any future redevelopment of the Windsor Road Precinct are:

- 6-7 storey built form fronting Windsor Road and addressing the corner of Windsor Road and Rembrandt Drive;
- Lower-scale development fronting Meryll Avenue and Rembrandt Drive and adjoining existing townhouse developments to the south west and south east;
- Vehicular entry points at Rembrandt Drive and Meryll Avenue; and
- Basement car parking.

Council previously resolved to amend and exhibit the Draft Baulkham Hills Development Control Plan (BHDCP) Part E – Section 20 – Baulkham Hills Town Centre, Draft BHDCP Part D Section 1 – Parking and Draft The Hills Shire Section 94A Plan ('the draft plans') incorporating the new controls.

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2. EXHIBITION

The draft Plans were exhibited from Tuesday 2 November 2010 to Friday 3 December 2010 via the following methods:

- Adjoining and surrounding property owners (250m radius) were notified;
- Advertisements in local newspaper;
- Static displays at Council's Administration Centre and Castle Hill Library; and
- Council's website under 'Major Plans on Exhibition'.

In response to the exhibition Council received a total of twenty-three (23) individual submissions including, two (2) submissions from public authorities; Roads and Traffic Authority (RTA) and Transport NSW and one (1) petition containing 137 signatures. A summary of the submissions is available at Attachment 1.

In general, comments received in submissions can be grouped as follows:

- Public Authority Submissions;
- Proposed development is out of character with the existing residential area;
- Proposed development is excessive;
- Traffic, transport and parking; and
- Pedestrian safety.

1. Public Authority Submissions**1.1 Roads and Traffic Authority**

The Roads and Traffic Authority (RTA) raised no objection to the draft plan subject to the following points:

- a. The Windsor Road Precinct is affected by a road widening order notification in Government Gazette No.97 of 7 September 1956 folio 2602.
- b. The RTA does not support zero metre setbacks along the corner of Windsor Road and Rembrandt Drive, as it will not allow for future upgrades of those roads. The RTA recommends that these setbacks along Windsor Road and Rembrandt Drive be increased to a minimum of 3 metres.
- c. The RTA recommends an extension of the existing median strip on Windsor Road to restrict the traffic movements to left-in and left-out only at the intersection of Windsor Road and Rembrandt Drive. This will require the preparation of a Traffic Management Plan to address traffic impacts and community concerns.
- d. The RTA supports the proposed vehicular access to the Precinct from Meryll Avenue.

Comment:

The RTA requirements in relation to the future development of this Precinct are considered reasonable and the draft Town Centre Development Controls have been amended to include:

- a. Future development of this Precinct to provide for future road widening along Windsor Road.
- b. Building setbacks on the corner of Windsor Road and Rembrandt Drive be increased to 3m to allow for future upgrades of those roads.
- c. Future developments to provide for the relocation of the bus stop currently on Lots 27 and 28 DP 30744 Rembrandt Drive further south along Windsor Road.
- d. Future developments are required to extend the median strip on Windsor Road to restrict the traffic movement to left-in and left-out only at the intersection of Windsor Road and Rembrandt Drive. Applications to include submission of a Traffic Management Plan to address traffic impacts.

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1.2 Transport NSW

Transport NSW is generally supportive of the proposed amendment and makes the following comments:

- a. *Transport NSW acknowledges that the draft DCP is generally consistent with relevant state policies, including the NSW State Plan, the Metropolitan Strategy and the Metropolitan Transport Plan. Council should be aware that Transport NSW and the Department of Planning are presently finalising the Sydney Metropolitan Plan which includes the Government's \$50.2 billion commitment to transport over the next 10 years. Key transport projects identified in the Metropolitan Transport Plan that are relevant to Baulkham Hills and the North West sector include:*
 - *The Western Express Program;*
 - *The North West Rail Link;*
 - *The Parramatta to Epping Rail Link;*
 - *Completion of 43 strategic Bus Corridors across Sydney; and*
 - *The rollout of 1000 new buses over the next 10 years.*
- b. *Transport NSW recommends in regards to car parking that maximum rate be specified within the Development Control Plan, with the provision of parking spaces based on the accessibility of public transport.*

Comment:

Council's Centres and Employment Directions identify the Baulkham Hills Town Centre as a location for future growth in jobs, retailing and housing, which requires improvement to transport infrastructure to increase accessibility and amenity.

Whilst the recently elected State Government may result in changes to the future transport related projects and their timing for implementation, Council's Integrated Transport Direction provides the overall strategic context for planning and management of the transport system throughout the Shire. The Direction identifies a number of public transport opportunities to improve the accessibility of Baulkham Hills Town Centre as it develops over time.

The delivery of such transport improvements is influenced by State Government agenda. Hence, Council is not responsible for regional bus planning and operations but it has a role in the continued lobbying of State Government to ensure they provide for the transport needs of the Shire, particularly within and around the Baulkham Hills Town Centre.

Council's car parking controls currently provide for reduced parking rates for commercial and residential development within centres in the Hills Shire, which are expressed as minimum parking rates as opposed to maximum rates. These reduced rates are influenced by the current public transport service levels available within the Shire's major Centres. The implementation of maximum parking rates for the proposed development will likely result in increased cars parked in the adjoining streets and general congestion to local streets. Therefore, it is considered that the implementation of minimum parking rates is appropriate until the public transport service levels are increased.

2. Public Submissions

- 2.1** Baulkham Hills is not a high density or high rise district and the scale of the proposal is not keeping with the residential nature of Rembrandt Drive and Meryll Avenue.

Council's Residential Direction focuses on the provision of additional housing in close proximity to services, jobs and transport such as around town centres; while maintaining the character of the Shire's low density housing areas. It also aims to encourage a range of different housing types to encourage choice and affordability. The Baulkham Hills Town Centre controls and existing zones surrounding the Centre are aimed at providing a future character that consists of higher buildings (ranging between 4-14 storeys) and mix of housing that supports jobs and retail activities in the Centre.

LEP 2005 utilises a hierarchy of zones around the Baulkham Hills Town Centre (Figure 4) that decrease in density the further removed from the commercial/retail core of the Centre.

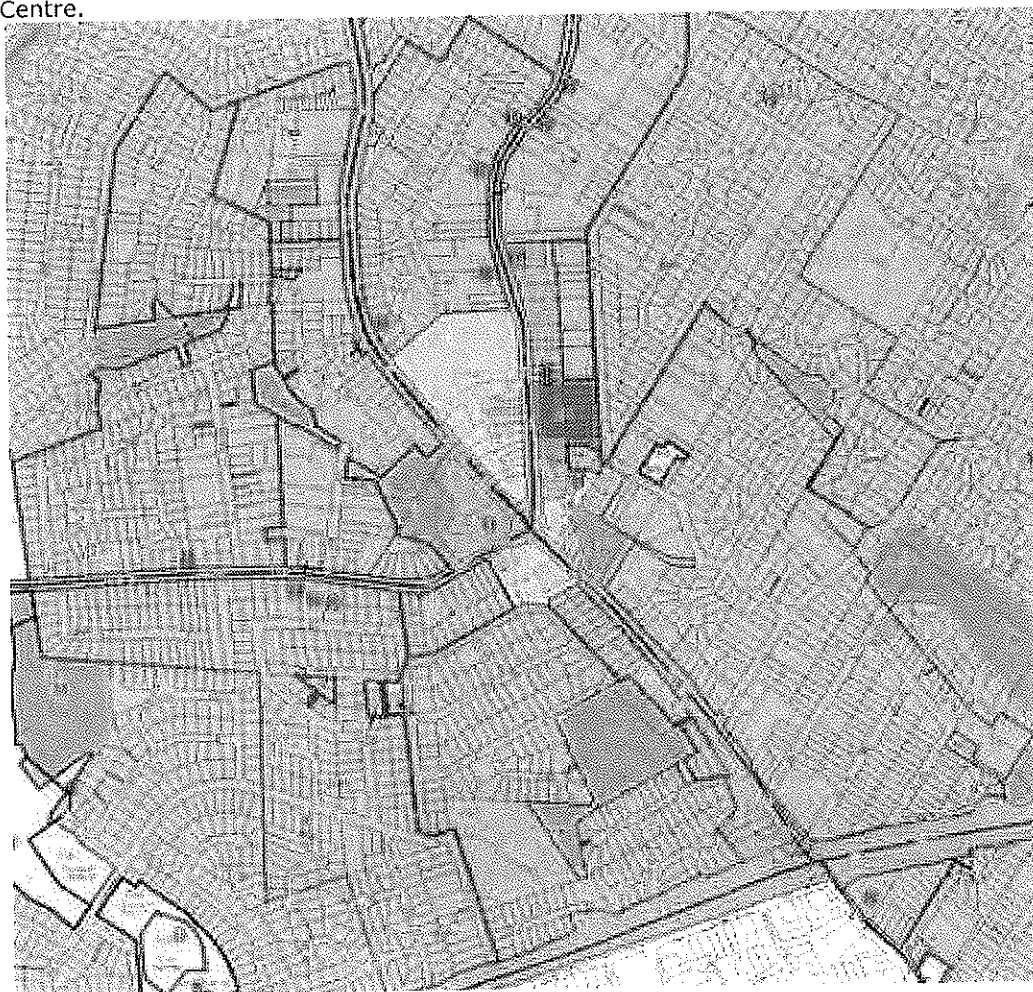


Figure 4.
Zones surrounding Baulkham Hills Town Centre (LEP 2005)

The Windsor Road Precinct is surrounded by zones that encourage medium to high density residential development, due to its proximity to the Town Centre. Whilst the current built form on allotments, both within and surrounding the Precinct, is predominately low scale residential, the locality will undergo change over time to a higher density built form that reflects the zones. As a result the buildings envisaged by the new controls are in keeping with the intended future character for the locality.

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When approaching the Baulkham Hills Town Centre from the north this location is prominent and arrival at this point signifies the edge of the Town Centre. This point is currently identified by the Stockland Mall development, which is marked by a bland façade that features car parking and loading facility entry points. A built form on the Windsor Road Precinct that is well designed will create a feeling of arrival at the Town Centre as a destination point, with the potential to stimulate both residential and economic development in the Town Centre.

The desired future character provides for a sense of arrival to the town centre with the built form addressing the highly prominent Windsor Road.

- 2.2** The proposed height is excessive and will overshadow the neighbouring properties, causing both loss of privacy and direct sunlight.

The existing controls within the Town Centre allow for a range of building heights between 5 and 14 storeys, with the taller elements being encouraged at the prominent locations. The Windsor Road Precinct forms part of the entry to the Town Centre and is considered an appropriate location for a prominent well designed building.

The potential height of any building in this location is guided by the topography and the other building elements surrounding it. In this regard the Stockland Mall, located on the corner of Windsor Road and Olive Street, currently dominates the built form of this part of the Baulkham Hills Town Centre. The proposed 7 storey building in the Windsor Road Precinct when combined with the level change across Windsor Road relates to a building height approximately equivalent to the tower element on Stockland Mall (see figure 5 below). Such a building in this location would reinforce the sense of arrival at the Town Centre.

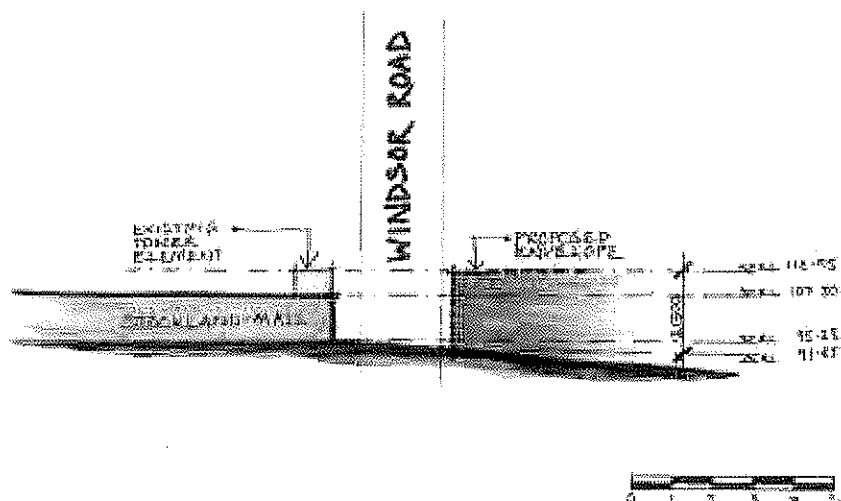


Figure 5

Indicative Comparison of Building Height - Windsor Road Entry Point to the Town Centre

In respect to loss of privacy and direct sunlight, the proposed controls require the height of buildings to be reduced to 3-4 storeys and setbacks ranging between 6m and 8m where adjacent to other properties. Further, the controls require that buildings must be designed to ensure adjoining residential buildings and the major part of their landscape receive at least four hours of sunlight between 9am and 3pm on 21 June.

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- 2.3** Increased traffic and congestion created by the additional residents would be unsafe residents on the surrounding streets. The development will result in additional on street car parking in surrounding streets.

The issue of safety and congestion resulting from increased traffic from the proposed development using the Rembrandt Drive/Windsor Road intersection will be removed as a result of the Roads and Traffic Authority requirement to extend the existing median strip on Windsor Road and restrict the traffic movements to left-in and left-out at this intersection. The traffic assessment (Attachment 5) submitted in support of the increased density was based on this restriction and concludes that the additional traffic movements in the surrounding road network "will not represent an unsatisfactory traffic related environmental issue".

Concern has been raised that the restriction of access into Rembrandt Drive from Windsor Road will force motorists to access Meryll Avenue from Windsor Road via Coronation Drive which connects to Keene Street. The traffic assessment confirms that the majority of trips will be via the signalised intersection at Coronation/Windsor Roads, which has a current level of service of B. Access to the developments within this locality via Coronation Road is considered appropriate as it serves a minor collector function, linking local residential streets with the major arterial road of Windsor Road.

The level of service of the Coronation/Windsor Road intersection based on the increased traffic generated by the increased density in this location is summarised below:

A.		B. Morning (AM)	C. Afternoon (PM)
D. Level of Service		E. B	F. B
G. Degree of Saturation		H. 0.850	I. 0.885
J. Average Vehicle Delay		K. 19.4	L. 20.5

Figure 6
Level of Service – Coronation/Windsor Intersection

The traffic assessment indicated that the additional movements along Meryll Avenue and Keene Street would only be some 16 vtpm in the morning peak and some 10vtpm in the afternoon peak and that the "vehicle movements of this magnitude (i.e 1 vehicle travelled per 4 to 6 minutes in the peak hour) will not represent an unsatisfactory traffic related environmental issue".

With respect to parking, the draft Development Control Plan requires that all car parking, including visitor parking be provided on site. This is to ensure that the development of the site will not adversely affect existing on-street parking on surrounding streets including Meryll Avenue and Rembrandt Drive.

An analysis of actual car ownership by unit residents in Castle Hill, Baulkham Hills and Carlingford (based on 2006 Census data) indicate that Council's Development Control Plan provisions are in excess of those required to meet vehicle ownership needs. As a result, Council introduced a differential parking rate for the centres of Rouse Hill, Castle Hill and Baulkham Hills, based on the proximity to good facilities and services and the opportunities to utilise public transport. The adopted car parking amendment introduces new parking rates for Centre Apartment development as shown below:

Apartment Size	Parking Rate
1 Bedroom	1 space
2 Bedroom	1.5 spaces
3 Bedroom	2 spaces
Visitor Parking	2 spaces for every 5 units

The adopted centre based parking rates for the subject site within the Baulkham Hills Town Centre are considered appropriate based on the site's location, proposed improvements to public transport services such as the new bus interchange and strategic bus corridors which will reduce reliance on private transport within the area over time.

Given, the location of the proposal to an existing town centre, the proposed no right turn onto Windsor Road, the provision of all car parking spaces wholly within the subject site and the proposed improvements to public transport; it is considered that the proposal is unlikely to create any adverse impacts on the existing traffic and parking situation within the surrounding streets.

2.4 Increase in traffic congestion on the surrounding roads due to the proposed development and lack of public transport within the Hills Shire.

The proposal for increased density in this location involves approximately 130 additional units above what is potential under the existing controls. The traffic and parking assessment submitted with the proposal indicates that the additional traffic generated from the additional units equates to a worst case of 24vtph in the am and pm peaks and that these trips will be distributed across intersections at Rembrandt Drive, Coronation Road and Keene Street. However, it is clear that the majority of additional traffic will utilise the Coronation and Windsor Road intersection, which is currently operating at a service level of B. The assessment concludes that the magnitude of the additional traffic is will not alter the level of service of this intersection.

Whilst public transport to the Baulkham Hills Town Centre is based on buses, its level of accessibility is considered to be high. Regularly operating bus services connect this Centre to a wide range of local and regional destinations such as Parramatta, Blacktown, Macquarie Park and the City. Council's Transport Direction identifies a number of opportunities to improve the accessibility of Baulkham Hills as it continues to develop over time as a town centre, which include a bus interchange, dedicated bus lanes along Old Northern Road and intersection traffic signal improvements and grade separation at the intersection of Windsor Road, Seven Hills Road and Old Northern Road.

In fact, recently completed improvements like the bus only lane (southbound) through the town centre have provided significant improvements to the standard of bus service for commuters and has relieved traffic congestion at the intersection of Old Northern Road and Windsor Road.

2.5 Concern that neither Meryll Avenue, Rembrandt Drive nor Keene Street, will have any pedestrian footpaths which will create a major safety issue.

Council has prepared a Footpath Construction Program in which proposes the construction of footpaths along Meryll Avenue, Rembrandt Drive, Keene Street and Coronation Road, unfortunately there is no definite timeframe as to when construction of these footpaths will commence.

The construction of footpaths will ensure pedestrian safety along the proposed development and will connect with the existing and proposed pedestrian links in accordance with the draft Town Centre Development Control Plan.

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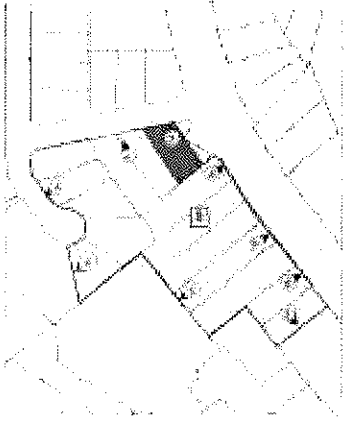
Should the current development consent lapse and the development not proceed the draft development control plan has been amended to include the construction of a pedestrian footpath along the Meryll Avenue, Windsor Road and Rembrandt Drive frontages of the development site.

3. POST-EXHIBITION AMENDMENTS TO THE DRAFT DCP

As a result of the exhibition period, amendments have been made to the draft Town Centre Development Control Plan to clearly communicate the vision for the precinct, to provide clear development objectives, controls and submission requirements. These amendments are detailed in Table 1 below.

Table 1: Summary of post-exhibition amendments to Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre

Part	Amendment	Comment
3.6 Windsor Road Precinct	<u>Desired Character</u>	The reference to neighbourhood shops has been inserted a 'neighbourhood shop' is accordance with the new standard draft new standard Local Environmental Plan and is permissible under the proposed zoning of R4 High Density. A <i>neighbourhood shop</i> is defined as a retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day to day needs of people who live and work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.
	<u>Land uses</u>	
	<i>Omit:</i>	
	High quality residential development with ground floor shops for local convenience shopping.	
	<i>Insert:</i>	
	High quality residential development with ground neighbourhood shops for local convenience shopping.	
	<u>Desired Character</u>	Further the retail floor area of a neighbourhood shop shall not exceed 100 square metres.
	<i>Omit:</i>	
		Move Building Height image to section 3.6.3 <i>Building Height</i> in order to support the development controls proposed.

	 Figure 29: Windsor Road Precinct – Building Height	
	<u>Built Form</u> <i>Omit:</i> New buildings are to be of an appropriate architectural quality that uses a variety of physical and design elements to achieve buildings of character and interest. <i>Insert:</i> New buildings to have appropriate architectural quality that uses a variety of physical and design elements to achieve buildings of character and interest.	Reworded to reflect a desired outcome rather than a development control.
	<u>Built Form</u> <i>Omit:</i> Roof forms to incorporate elements to create an interesting roofscape and skyline; saw-toothed, pitched roofs, innovative skillion curved or floating roof forms are encouraged.	This requirements has be relocated to part 3.6.5 <i>Building Design</i> in order to represent a development control as opposed to a desired character.
	<u>Built Form</u> <i>Omit:</i> Buildings are to maximise orientation	Reworded to reflect a desired outcome rather than a development control.

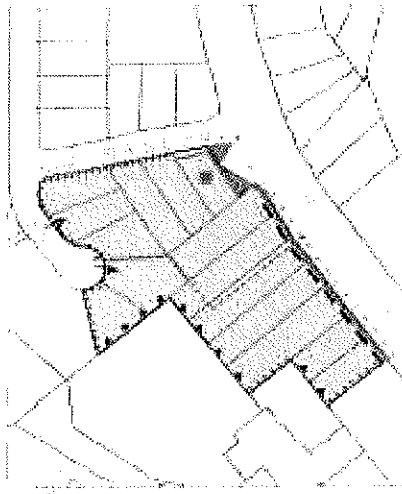
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	for passive solar design. <i>Insert:</i> Buildings should maximise orientation for passive solar design.	
	<u>Street Frontage</u> <i>Insert:</i> Screening and partial enclosure of balconies is limited to provide privacy for neighbours and comfort for residents without resulting in unattractive buildings or an appearance of excessive bulk or restricting opportunities for passive surveillance of the street.	This provision forms part of the desired character of the precinct in order to reduce the bulk of the proposed development and the provision for private open space.
	<u>Access</u> <i>Omit:</i> Vehicular access is to be provided via Meryll Avenue. Pedestrian footpaths are to be provided around the street frontages of the development. Provide through site links which allow safe and convenient movement for residents. <i>Insert:</i> Vehicular access should be provided via Meryll Avenue. Pedestrian footpaths should be provided around the street frontages of the development, for the safe and convenient movement for residents through site links.	Reworded to reflect a desired outcome rather than a development control.
	<u>Development Controls</u> <i>Insert:</i> <u>3.61 Land Uses</u> Ground floor units shall be used for both residential and neighbourhood shop uses. First floor and subsequent floors above shall be used for residential purposes only.	This provision has been inserted to ensure that should neighbourhood shops be proposed, they are located on the ground floor only.
	<u>Development Controls</u>	Pursuant to the RTAs

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Omit:  Proposed Building Setback Proposed Building Setback (to be removed) Proposed Building Setback (to be added) Proposed Building Setback (to be amended) Proposed Building Setback (to be deleted) Proposed Building Setback (to be replaced) Proposed Building Setback (to be modified) Proposed Building Setback (to be updated) Proposed Building Setback (to be revised) Proposed Building Setback (to be corrected) Proposed Building Setback (to be improved) Proposed Building Setback (to be enhanced) Proposed Building Setback (to be optimized) Proposed Building Setback (to be maximized) Proposed Building Setback (to be minimized) Proposed Building Setback (to be balanced) Proposed Building Setback (to be harmonized) Proposed Building Setback (to be integrated) Proposed Building Setback (to be coordinated) Proposed Building Setback (to be synchronized) Proposed Building Setback (to be aligned) Proposed Building Setback (to be consistent) Proposed Building Setback (to be compatible) Proposed Building Setback (to be complementary) Proposed Building Setback (to be cohesive) Proposed Building Setback (to be unified) Proposed Building Setback (to be whole) Proposed Building Setback (to be complete) Proposed Building Setback (to be finished) Proposed Building Setback (to be perfected) Proposed Building Setback (to be polished) Proposed Building Setback (to be refined) Proposed Building Setback (to be perfected) Proposed Building Setback (to be perfected) Replace:	comments, zero metre setbacks have been removed from the boundary on the corner of Windsor Road and Rembrandt Drive. The RTA indicates that zero metre setbacks would prevent any future improvements to the capacity and manoeuvrability of vehicles at this intersection. The structure plan for the proposed Windsor Road Precinct identifies the proposed building setbacks. Accordingly, the structure plan has been amended to increase the zero metre on the corner of Windsor Road and Rembrandt Drive to 3 metres.
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	Building facades are to be acoustically treated along Windsor Road with the use of enclosed balconies, loggias or the like and with sound proof materials. <i>Insert:</i> Building facades are to be acoustically treated along Windsor Road with double glazing. Balconies facing Windsor Road shall be partially screened and acoustically treated through shutters and louvers.	increase the bulk of the development and may lead to the development of an additional room. Partial screening provides privacy for future residents and surrounding properties as well as ensuring passive surveillance.
	<u>3.6.5 Building Design</u> <i>Insert:</i> Where neighbourhood shops are located at ground level, active street edges/frontages are encouraged. Roof forms to incorporate elements to create an interesting roof form and skyline; saw-toothed, pitched roofs, innovative skillion curved or floating roof forms are encouraged. Buildings where possible shall be set around the shared central open space to improve their visual amenity and increase the natural surveillance of these areas.	Currently, the Local Environmental Plan 2005 does not provide for any retail other than shop top housing. However, the standard Local Environmental Plan proposes the zone change to R4 High Density Residential which permits neighbourhood shop uses. Given this amendment, a provision has been inserted to ensure that should neighbourhood shops be proposed that consideration be given to their connectivity to the public domain through active street frontages. With respect to development control (g), this control has been moved from the section <i>Desired Character</i> as it reads as a development control. With respect to proposed development control (h), this control has been inserted to ensure the natural surveillance of the central open space envisaged for the precinct.
	<u>Section 3.6.5 Access</u> <i>Insert:</i> d) Pedestrian footpaths are to be provided across the Meryll Avenue frontage, Windsor Road frontage and	The development application DA2897/2004/HB subject to the proposed site included conditions of consent to provide footpaths across the Meryll Avenue frontage and

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	Rembrandt Drive frontage of the development.	Windsor Road frontage of the development. The insertion of an additional development control in this section ensures that any future development application will include the construction of a pedestrian footpath the mentioned frontages of the development site. The construction of footpaths will ensure pedestrian safety along the proposed development and will connect with the existing and proposed pedestrian links in accordance with the draft Plan.
3.6 Windsor Road Precinct	<u>Section 3.6.6 Roads & Traffic Authority (RTA) requirements</u> The Windsor Road Precinct is affected by road widening order notification in Government Gazette No.97 of 7 September 1956 folio 2602. Any future development application of the site shall demonstrate consistency with road widening plans along Windsor Road. Future improvement works at the intersection of Windsor Road and Rembrandt Drive would require relocation of the bus stop and the shelter further south along Windsor Road. Architectural plans and pedestrian access arrangements for the site should consider the possible relocation of the bus stop. Extension of the existing median on Windsor Road to restrict the traffic movements to left-in and left-out only at the intersection of Windsor Road and Rembrandt Drive. This will require a Traffic Management Plan to address potential traffic impacts and community concerns. The Traffic Management Plan will be submitted to the Roads and Traffic Authority and Council for approval prior to the implementation of works.	The RTA has indicated that no objection is raised to the proposal, however at the development application stage a number of issues will need to be addressed. Accordingly, a new section has been inserted to ensure that any future development application of the site address the matters raised by the RTA. A new section committed to the RTA requirements reflects their role as a key stakeholder in the development approval process.

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	Consultation with the Roads & Traffic Authority shall be undertaken and written evidence submitted to Council.	
	<u>Section 3.6.8 Landscaping</u> <i>Insert:</i> Council requires landscape plans to be prepared by a suitably qualified landscape architect or experienced horticulturists. Objectives and development controls for landscaping development are set out in Part D Section 3 – Landscaping of Baulkham Hills Development Control Plan, and must be complied with. In addition the following development controls apply to this precinct: Lots 27 and 28 DP 30744 Rembrandt Street are to provide feature landscaping. Where possible a central open space area shall be incorporated into the design of the precinct with through on site pedestrian links.	This provision is to ensure that future development applications address Baulkham Hills Development Control Plan Part D Section 3 – Landscaping and are of a high standard. Development control (d) ensures that the subject lots are not to be developed however maintained as an area for high quality landscaping only. It is envisaged that a central open space area be established for the precinct in order to improve amenity for the future residents and provide adequate space for recreation purposes. In addition, a central open space shall include through site links to encourage movement through this area as well as increase surveillance.

The amended draft Town Centre Development Control Plan at Attachment 1 shows the post-exhibition amendments in red strike-through or yellow highlight for ease in identifying changes. These will not be shown in the adopted version.

These changes do not impact upon the future development outcome and therefore do not warrant re-exhibition of the draft plans.

No post-exhibition amendments have been made to Baulkham Hills Development Control Plan Part D Section 1 – Parking and The Hills Section 94A Plan.

4. DRAFT THE HILLS SHIRE LOCAL ENVIRONMENTAL PLAN 2010

Council has drafted a new principal Local Environmental Plan in accordance with the State Government's Standard Instrument (Local Environmental Plans) Order 2006. The draft LEP includes maps which show the zoning, minimum lot size, building heights, building floor size in certain areas and identifies heritage items, land acquisition and local constraints.

Under the draft Local Environmental Plan the site is proposed to be zoned R4 High Density Residential. The R4 High Density Residential zone permits residential flat buildings, shop-top housing and neighbourhood shops with consent.

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The current draft Local Environmental Plan Height of Buildings map show a maximum height of 16m on the subject site, and no Floor Space Ratio has been identified. Should Council adopt the draft Development Control Plan as recommended in the report an amendment to the draft Local Environmental Plan 'Height of Buildings' and 'Floor Space Ratio' maps will be required to increase the building height to 19m for the majority of the site and 25m for the gateway element, as well as to provide an Floor Space Ratio of 2.5:1. It is proposed to incorporate the new floor space ratio and building heights into Draft LEP 2010 post exhibition should these DCP controls be adopted. The exhibition of the controls as part of the DCP amendment would negate the need to prepare an amending LEP and further exhibition.

5. NEXT STEPSDevelopment Control Plans

The draft Town Centre and Parking Development Control Plan, as amended post - exhibition, is recommended for adoption by Council. Should Council resolve to adopt the plans, the usual process is that notification of the adoption will occur in the local paper with the draft Plans to come into effect upon publication of the public notice.

The Hills Shire Section 94A Plan

The draft Hills Shire Section 94A Plan, as amended, is recommended for adoption by Council. Should Council resolve to adopt the plan, the usual process is that notification of the adoption will occur in the local paper with the draft Plans to come into effect upon publication of the public notice.

CONCLUSION

The inclusion of a new precinct within the northern frame of the Town Centre along the western side of Windsor Road provides an opportunity to balance the entry of the Town centre. The controls proposed for this Precinct will encourage improvements in open space treatment, the quality of built form and urban design, public domain embellishment, improvements in road safety and pedestrian amenity, accompanied by a suitable variety of land uses.

As detailed within this report, a number of changes have been made to the exhibited draft Town Centre Development Control Plan in response to submissions and to ensure that the development controls clearly articulate Council's requirements. These changes do not impact upon the future development outcome and therefore do not warrant re-exhibition of the draft plans. Therefore, it is recommended that the draft Town Centre Development Control Plan, draft Parking Development Control Plan and draft S94A Contributions Plan be adopted as attached to this report.

IMPACTS**Financial**

Adoption of the draft Plans will not have any direct impact on Council's budget.

Hills 2026

In accordance the goals of Hills 2026, the inclusion of this precinct within the Baulkham Hills Town Centre will contribute towards achieving the needs of the broader community,

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offering flexibility and better usage of existing land and infrastructure while providing more affordable housing options through effective land use planning.

RECOMMENDATION

1. Draft Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre as per Attachment 2, with amendments as provided in Attachment 2 be adopted.
2. Draft Baulkham Hills Development Control Plan Part D Section 1 – Parking as per Attachment 3 be adopted.
3. The Hills Section 94A Plan as shown in Attachment 4 be adopted.

ATTACHMENTS

1. Summary Submission Table (25 pages)
2. Draft Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre (34 pages)
3. Draft Baulkham Hills Development Control Plan Part D Section 1 – Parking 'Sheet 2' (26 pages)
4. Draft The Hills Section 94A Plan (18 pages)
5. Traffic Report December 2010 (37 pages)