

ORDINARY MEETING OF COUNCIL

10 MAY, 2011

ITEM-2

**PLANNING PROPOSAL FOR HOME IMPROVEMENT
CENTRE AND BULKY GOODS RETAILING AT LOTS
1021 AND 1022 DP1091484 COMMERCIAL ROAD,
ROUSE HILL (FP 176)**

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:

SENIOR TOWN PLANNER

BENJAMIN CREIGHTON

RESPONSIBLE OFFICER:

MANAGER – FORWARD PLANNING

STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that a Planning proposal be submitted to the Department of Planning for Gateway Determination to enable development of the site as a Oxygen Home Improvement Centre, operated by Hydrox Nominees Pty Ltd – a joint venture between Woolworths Limited and Lowes Companies Incorporated.

The Planning proposal is considered to be appropriate for the subject site as it is consistent with the future direction established within the *Metropolitan Plan for Sydney 2036*, the draft *North West Subregional Strategy*, Council's Local Strategy and the draft *The Hills LEP 2010*. The concept plan submitted with the Planning proposal shows that the site can be developed for the proposed future use. Development controls are however needed to ensure that the future bulky goods premises are of high design standard and compatible with its surrounds.

BACKGROUND

09/01/2009

Council received an application from Rouse Hill Commercial Road Development Co. Pty. Ltd for rezoning of 18 parcels of identified land in Commercial Road, Carnoustie Street and Resolution Place to Business 3(a), under the *Baulkham Hills Local Environmental Plan 2005*, in order to accommodate future retail and commercial development of the site.

23/03/2009

Council resolved to adopt the draft Local Environmental Plan (LEP) and forward it to the Department of Planning for Gateway Determination.

- 01/09/2009** Council received notification from the Department of Planning to proceed with the rezoning application.
- 13/04/2010** Council resolved not to proceed with the Planning proposal due to applicant not providing requested information.
- 30/04/2010** Department of Planning advised of Council's resolution and requested to withdraw the Planning proposal from the gateway process.
- 22/07/2010** Department of Planning advised Council that the Planning proposal will not proceed.
- 25/02/2011** New Planning proposal submitted by Urbis Pty Ltd on behalf of Hydrox Pty Ltd for additional permitted uses – specifically a Home Improvement Centre and Bulky Goods Premises over lots 2021 and 2022 DP1091484 Commercial Road, Rouse Hill.

APPLICANT

Urbis Pty Ltd on behalf of Hydrox Nominees Pty Ltd

OWNER

Hydox Nominees Pty Ltd

ZONE

LEP 2005: Residential 2(c) Tourist Village
Draft LEP 2010: B5 Business Development

POLITICAL DONATIONS

Nil

REPORT

The purpose of this report is to consider a Planning proposal for Lots 1021 and 1022 DP 1091484 Commercial Road, Rouse Hill (subject site). The location of the subject site is shown in Figure 1.

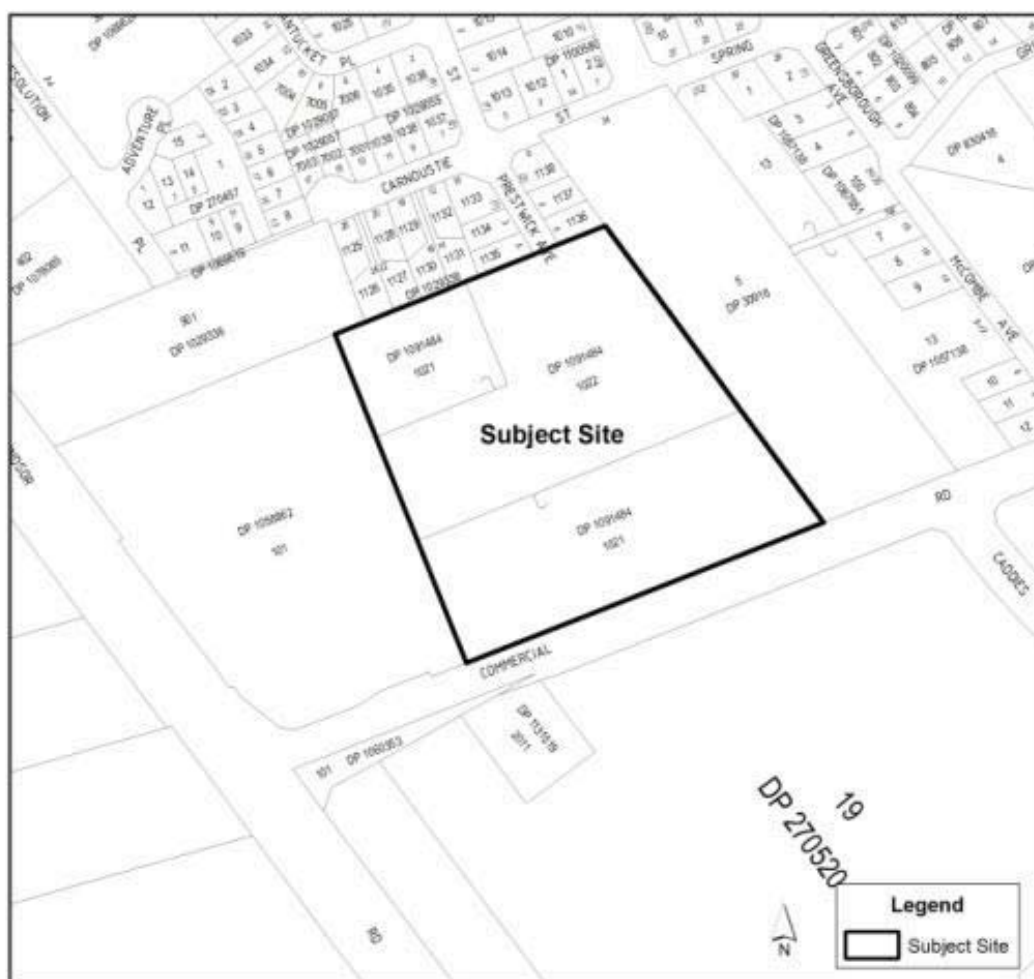


Figure 1
The subject site

The subject site has frontage to Commercial Road and an approximate area of 3.75 hectares. To the north of the subject site is residential development, to the east a vacant lot, to the south Commercial Road and the Rouse Hill planned major centre, and to the west the Mean Fiddler Hotel complex and Windsor Road.

The site falls away from Windsor Road in a west to east direction. With the exception of buildings within the south west corner, the site is largely vacant. Trees are evident on site though these are not dominant.

THE PROPOSAL

The Planning proposal seeks to amend *Baulkham Hills Local Environmental Plan 2005* (BHLEP 2005) to allow the following uses over the site:

1. Bulky goods premises;
2. Landscape supply establishment; and
3. Office warehouse.

The Planning proposal does not seek to introduce a new zone into BHLEP 2005. Rather it proposes to rely on Clause 56 'Additional development allowed on certain land' and amend Schedule 6 of BHLEP 2005 to enable the proposed future use.

The uses are proposed to be contained within two separate tenancies over the site. The major tenant is a Home Improvement Centre known as "Oxygen". The Oxygen Home

Improvement Centre is operated by Hydrox Nominees Pty Ltd – a joint venture between Woolworths Limited and Lowes Companies Incorporated.

The Oxygen Home Improvement Centre is similar to Bunnings Warehouse. Its key point of difference to Bunnings Warehouse is that the Oxygen Home Improvement Centre will sell white goods and household electronic items, in addition to hardware, timber and building products, decor and home decoration, kitchen and bathroom fittings, plant nursery products, landscape supplies, garden tools, and outdoor living products.

Within the Residential 2(c) Tourist Village Zone bulky goods premises, landscape supply establishment and office warehouse are prohibited. The existing zone is shown in Figure 2.

A second stand alone bulky goods retailer is also proposed on the site. The future tenant is yet to be determined.

The application is supported by a suite of information and is included as Attachment 1 to this report. Relevant information includes:

- Planning Proposal;
- Indicative development concept for adjacent land;
- Traffic Report;
- Flora and Fauna Assessment; and
- Contamination investigation.

The applicant justifies that the Planning proposal should proceed because it:

- Is consistent with intention of the future B5 Business Development Zone as proposed in draft *The Hills LEP 2010*.
- Will complement and support the Rouse Hill Town Centre.
- Will improve retail choice and competition.
- Will provide up to 150 direct additional jobs due to the flow on effect of the industry sector in the economy.
- Is consistent with State Government strategies including the *Metropolitan Plan for Sydney 2036* and the *North West Subregional Strategy*.

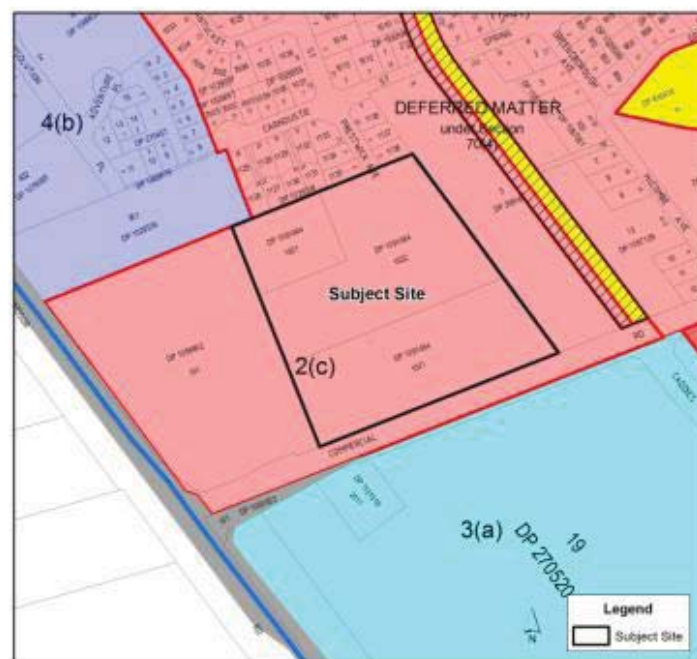


Figure 2
Existing zone

STRATEGIC CONTEXT**1. Metropolitan Plan for Sydney 2036**

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

Within the *Metropolitan Plan for Sydney 2036*, Rouse Hill has been identified as a "Planned major centre". The role of the Rouse Hill planned major centre is to be the main shopping and business centre within the subregion, in addition to Castle Hill. Though the subject site is not part of the Rouse Hill centre, it is within the 1km walkable catchment area identified within the *Metropolitan Plan for Sydney 2036* (Figure 3). The walkable catchment area is defined in the *Metropolitan Plan for Sydney 2036* as:

"...the area from which people can be expected to walk to the centre's shops, services and public transport. It is generally measured as a radius from a central point in the centre - often a public transport hub such as a train station or bus stop. The approximate walking catchment radius for each centre type should be refined for each centre through local planning which recognises local conditions."

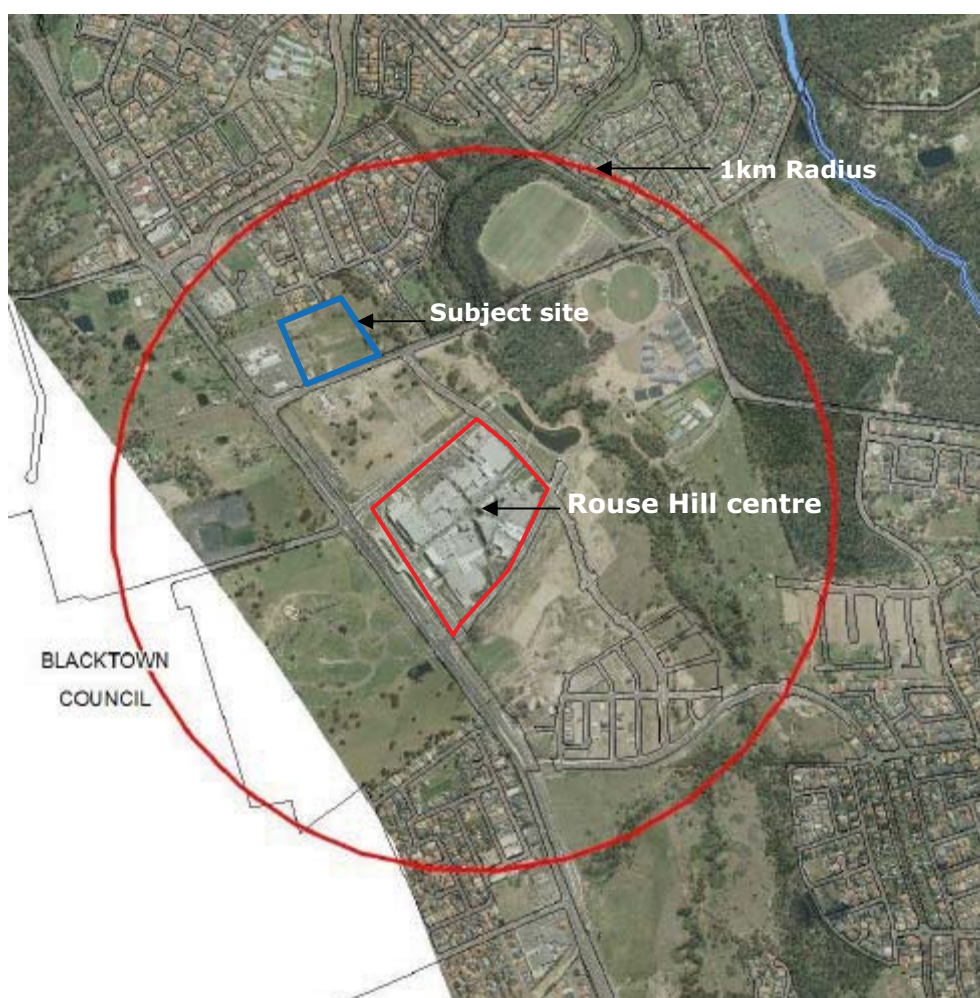


Figure 3
Land within a 1 km radius of the Rouse Hill centre.

The following objectives from the *Metropolitan Plan for Sydney 2036* are relevant to the Planning Proposal:

- *B1 To focus activity in accessible centres*

COMMENT: The Planning proposal is located to the north of the major retail and commercial core of the Rouse Hill centre and in a location where bulky goods premises can form a consolidated industry cluster. The planning proposal is consistent with this objective as it seeks to locate bulky goods retail activity adjacent to the Rouse Hill centre which in turn supports the economic viability of the major centre area.

- *B2 To strengthen major and specialised centres to support sustainable growth of the city*

COMMENT: The Planning proposal is consistent with this objective as it seeks to locate retail activities that require large floor areas adjacent to the retail and commercial core of the Rouse Hill centre. This ensures that the centre is strengthened through consolidating retail activity within close proximity to the Rouse Hill centre.

- *E2 To focus Sydney's economic growth and renewal, employment and education in centres*

COMMENT: The proposal is consistent with this objective as it consolidates retail activity within a major centre catchment area.

The planning proposal is therefore considered to be consistent with the *Metropolitan Plan for Sydney 2036* as it is providing employment and retail opportunities within the Rouse Hill Planned major centre.

2. Draft North West Subregional Strategy

The draft *North West Subregional Strategy* was prepared by the NSW Government to implement the Metropolitan Strategy and the State Plan. It was exhibited in December 2007 through to March 2008 and is currently being finalised by the Department of Planning.

The relevant chapter of this subregional strategy is *Centres and Corridors*. Within this chapter the following actions are relevant:

- *B1.2.1 Councils to implement the strategic employment capacity targets and plan for sufficient commercial, retail, industrial and business floor space within Principal LEPs.*
- *B4.1.2 North West Councils to investigate appropriate locations for retail uses in centres, business development zones (supporting identified strategic centres) and enterprise corridors.*

These objectives have been satisfied during the preparation of the Local Strategy and draft *The Hills LEP 2010* by the identification of a centres hierarchy and specific precincts to be zoned for bulky goods retailing.

3. Local Strategy

In June 2009 Council adopted its Centres and Employment Lands Directions – two of the seven pillars that together form the Local Strategy.

Council's Centres Direction provides an overall strategic context for planning and management of the retail/commercial centres. The Direction makes an assessment of the current and future floor space requirements of the various retail needs in the Hills Shire. In respect of bulky goods retailing, the Direction indicates a demand for an additional 81,000m² of floor space by 2031.

The growth in bulky goods retailing has been catered for through identification of specific B5 Business Development zones under draft *The Hills LEP 2010*. Council's Centres Hierarchy and Draft *The Hills LEP 2010* identifies the following bulky goods precincts to accommodate the demand for bulky goods floor space:

- Celebration Drive, Bella Vista;
- Victoria Avenue, Castle Hill; and
- Commercial Road, Rouse Hill.

The subject site is within the Commercial Road bulky goods precinct. The subject site is adjacent to the yet to be developed northern frame of the Rouse Hill centre and is considered to be an appropriate location for bulky good activities given its accessibility and proximity to the Rouse Hill centre. The type of retailing proposed and its location ensure that it will support and complement the commercial and retail core of the Rouse Hill centre.

The planning proposal also establishes that it will provide approximately 14,200sqm of bulky goods floor space when built. This is considered appropriate and will help provide the required future demand for this land use.

ISSUES

1. Traffic, access and parking

This section addresses key issues associated with traffic and movement through and around the site. The Planning proposal is supported by a traffic report prepared by Colston Budd Hunt and Kafes Pty Ltd which concludes that adequate access, servicing and parking can be provided.

The subject site is located along Commercial Road with the main access points in its immediate vicinity being Windsor Road to the west, the future Civic Way to the south, and Caddies Boulevard to the east. Given the nature of the development, the Planning proposal establishes that the following works will need to occur:

- Signalised intersection construction at Civic Way/ Commercial Road access to the subject site;
- A 60m right turn slip lane from the eastern section of Commercial Road into the site;
- An extension of the Windsor Road right turn slip lane into the Commercial Road to provide an additional 60m of storage; and
- Construction of a turning head at Prestwick Avenue.

The future road layout, identified in Council's Development Control Plan for the subject site and in the immediate vicinity is shown in Figure 4 below. The entry and exit point of the site aligns with the future extension of Civic Way shown in Figure 4. This arrangement is required by the RTA to ensure that traffic movement throughout the area, including access and exit of the subject site, can occur efficiently and without conflict.

In view of the concept design in the Planning Proposal and the intended future zone, the road pattern indicated over the subject site in Figure 4 is not appropriate as it was been designed based on a pattern more conducive to low/medium density residential development and not for larger format retailers like bulky goods.

Closing Prestwick Avenue therefore becomes a matter that requires consideration to ensure that safety and residential amenity is maintained. Figure 5 shows the applicants proposed method of terminating Prestwick Avenue utilising a "hammer head" design, which is inappropriate as it will not allow vehicles to travel in a continuous forward direction. The most appropriate method of ending Prestwick Avenue is therefore via a 19m cul-de-sac. Should this Planning Proposal proceed it will be necessary to amend the

indicative road pattern in the Development Control Plan to identify the need for a cul-de-sac at the end of Prestwick Avenue.

The Planning proposal establishes that 402 parking spaces will be provided at grade. This exceeds the required rate for the site by 34 spaces. Though adequate car parking spaces can be provided, concern is raised in relation to at grade car parking spaces given that such an approach provides potential to reduce residential amenity to dwellings to the north through noise impacts. However, this may be addressed through controls that require sufficient setbacks and landscaped treatments to any adjoining land uses that are sensitive to noise.

2. Environment

The Planning proposal contains a contamination report and flora and fauna assessment of the subject site. Both conclude that the site is developable without the need for major remediation or impacts on flora and fauna. These reports are addressed in the following paragraphs.

- **Land contamination**

State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) requires a council, in rezoning land, to be satisfied that the land can be made suitable for the intended purpose. Though the intent is to insert additional permitted uses over the subject site rather than rezoning, contamination of the subject site should still be considered.

A Due Diligence Contamination Investigation for the subject site has been submitted with the Planning Proposal. It is noted that this report does not meet minimum regulatory or legislative requirements for the assessment of contaminated land. The report however does provide an indication of whether the land can be used for its future intended purpose.

The report identifies significant quantities of imported fill on the site. It also identifies a small area of land contamination and concludes that offsite disposal is the most efficient method of site remediation. In this regard, it is evident that the site can be made suitable for the intended future purpose. However, to comply with SEPP 55 and the State Government's *Managing Land Contamination Guidelines* any future development application must contain more detailed information relating to land contamination and its remediation.



Road layout as established in Baulkham Hills DCP

A flora and fauna report has been submitted with the Planning Proposal. This concludes that there is no significant vegetation on the site. A site inspection has confirmed that the site is largely cleared without any significant stand of vegetation. The conclusion of the submitted flora and fauna report is therefore considered appropriate.

As with any land use, there is the potential for conflict between uses that needs to be managed. In this instance, the Planning proposal needs to ensure that it is compatible with residential land uses along its northern boundary, the entertainment orientated Mean Fiddler complex to the west, and the future character of the northern frame of the Rouse Hill centre.

The treatment of the interface between any development on this land and the residential dwellings to the north is important. However, satisfactory amenity can be achieved through appropriate setbacks and landscaping.

- 10m landscape setback is inappropriate – particularly as trucks will use the service road in this area. The landscape buffer area should have a minimum width of 15m to ensure that residential amenity to the north is maintained.
- The service road is located 10m from the northern property boundary. Noise from trucks is likely to have a detrimental impact on residential amenity. The concept plan should incorporate all activities related to servicing the development

within the building and a landscaped buffer of at least 15m from the northern property boundary.

These issues are common to many developments in this situation and can be resolved through the preparation of development controls to guide any future development and incorporated into Council's Development Control Plan (see Attachment 1).

- **The Mean Fiddler**

Given the commercial nature of the Planning Proposal, it is compatible with the hotel complex located on the western boundary of the subject site.

- **Vacant land to the east**

The proposal will not conflict with land zoned to the east as it is proposed to be zoned B5 Business Development within draft *The Hills LEP 2010*. Lot 5 DP 305916 Commercial Road, Rouse Hill (Figure 5) is the lot adjacent to the eastern boundary of the subject site and is not part of the Planning Proposal. To demonstrate that the Planning proposal will not sterilise this land an indicative development scheme for Lot 5 DP 305916 Commercial Road, Rouse Hill has been included within the Planning Proposal.

The scheme submitted with the Planning proposal shows that the development potential on Lot 5 DP 305946 remains. Whilst the scheme establishes that development can occur; it also highlights a disconnection and fragmentation between both sites. That is the indicative scheme encourages a situation where the developments turn their backs on each other. This does not encourage permeability in terms of pedestrian connections or a desirable urban design outcome. Ideally, the development of the subject site should occur in such a manner that enables a seamless integration between sites and the creation of a bulky goods cluster. This would ensure a more appropriate urban form for a significant site in close proximity to a major centre.

Despite the above, Lot 5 DP 305946 retains development potential. The main constraint to development is not the subject site but rather the proposed public transport corridor that runs north to south along the eastern boundary of Lot 5 DP 305946. This corridor removes significant areas of developable land on an already constrained site due to its width. The resultant developable area is a narrow wedge of land which guides the future development opportunities.

The road corridor is however also a strength for Lot 5 DP 305946 as it provides a relatively long corridor of road frontage. This establishes opportunities for multi-storey developments with basement parking, street level bulky goods showrooms and high technology suites above. This form of development is a significant development opportunity for the subject site. The site also provides opportunities for a building to address the corner of Commercial Road and the proposed road through Lot 5.

Whilst the adjoining site is constrained, the applicant has submitted sufficient evidence to indicate that the site remains developable.

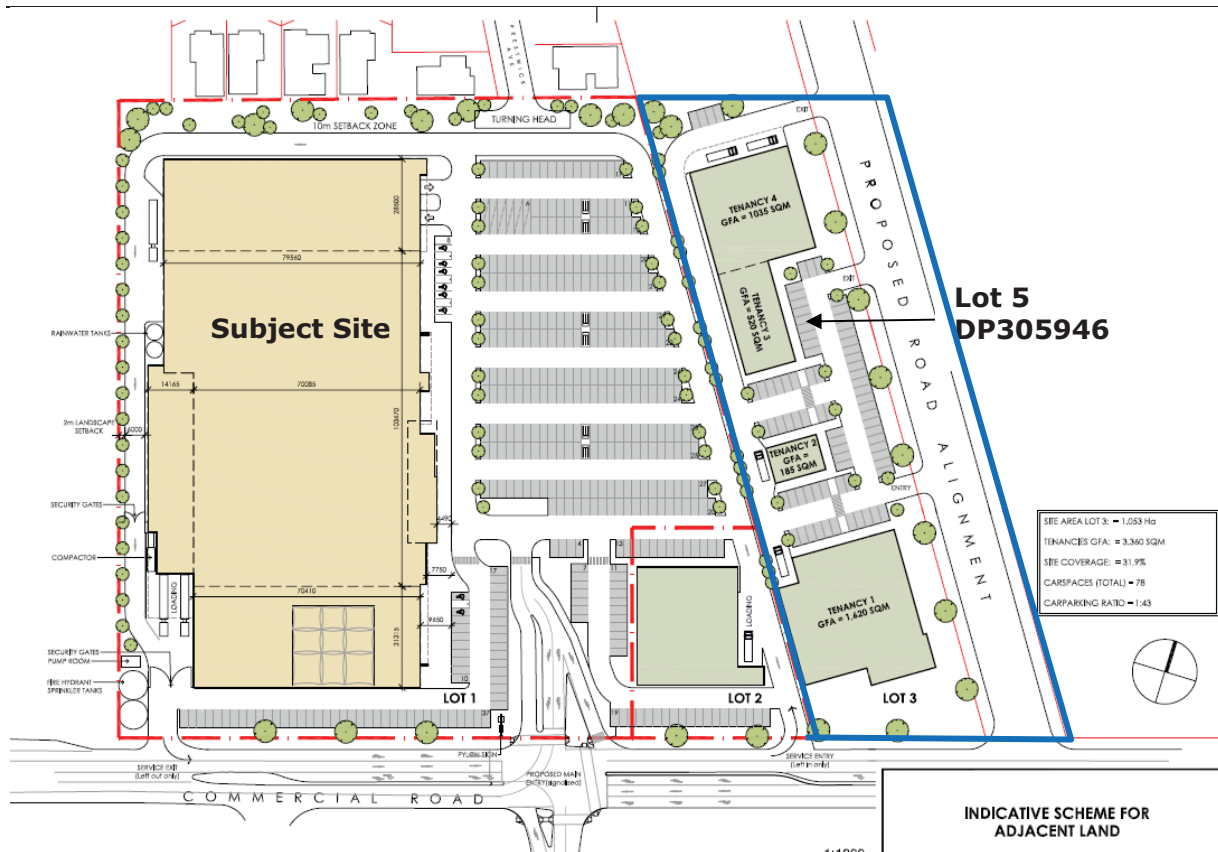


Figure 5

Indicative development scheme for adjacent site to the east.

- **Undeveloped northern frame of the Rouse Hill centre**

Land to the south of the subject site, though undeveloped, is part of the Rouse Hill centre area. The vision for this area is established in the *Rouse Hill Regional Centre Master Plan* where it is envisaged:

"...as an area which will accommodate uses which support the primary retail in the Town Centre Core...including retail, commercial, residential, education, bulky goods, health, recreation and community uses..."

In response to this mixed use vision the northern frame has been zoned 3(a) Business (Retail) and Residential 2(a4) (Town Centre) under BHLEP 2005. Draft *The Hills LEP 2010* also recognises this mixed use character and therefore proposes to zone the site B4 Mixed Use.

The use of the subject site for bulky goods retailing effectively provides a transition in both scale and activity from the Rouse Hill centre. It acts as a buffer between more intense activities from the lower density residential areas. Though the use of the site is appropriate, the design is unlikely to be complementary to the northern frame. This is largely due to the box style design of the concept scheme which will clash with the slimmer mixed use retail/ commercial and residential built forms. The broad expanse of car parking is also not in keeping with the principles of a walkable neighbourhood as expressed in the Master Plan.

It is apparent therefore that the development of the subject site should integrate into the northern frame of the town centre rather than separate. To ensure that this occurs, development controls should be prepared to guide future development. This is discussed under point 7 within this report.

4. Concept urban design

The planning proposal has submitted a concept urban design scheme for the subject site (Figure 5).

The concept urban design scheme has been considered with regard to providing advice to the applicant on matters that are required to be addressed in a future development application should the planning proposal be made.

The concept urban design scheme shows a box style building with little relationship to Commercial Road which minimises opportunities for active frontages. A more appropriate design would ensure that the building addresses Commercial road with regular entries, office, café and display/ showroom windows. This provides opportunities for active street frontages, a more appropriate streetscape and importantly a safer and more interesting pedestrian environment.

The scheme also proposes all of its car parking at grade instead of basement parking. Basement parking is contemporary design in Bunnings and is evident through their developments at Seven Hills, Rouse Hill, and Castle Hill. Basement parking resolves the visual impact of parking and also the potential amenity impacts to adjacent residents due to vehicle noise. It is also more appropriate for the sites within close proximity to a major centre. In addition, it increases development opportunities through opening up more of the site for development.

It is also likely that the development outcome envisaged in the concept urban design scheme will impact on adjacent residential properties. This is through inadequate separation between the building and parking areas to the residential dwellings to the north, and the perimeter style service road. To resolve these issues any future development application would need to increase the landscape area to a minimum of 15m from the northern rear boundary.

Despite the issues associated with the development outcome suggested in the concept urban design scheme, it does show that the site is suitable for the proposed future use.

5. Draft *The Hills LEP 2010*

The zoning of the subject site under draft *The Hills Local Environmental Plan 2010* is B5 Business Development (Figure 6). The range of land uses proposed within the planning proposal is consistent with those permissible within the proposed B5 Business Development Zone.

The intent of this zone for bulky good development is conveyed in Department of Planning and Infrastructure (DoPI) Practice Note 11-002 which establishes how Council's are to use zones when preparing a Standard Instrument LEP. In this regard, the DoPI advise the following:

*This zone is to **provide for business, warehouse and bulky goods retail uses** [emphasis added] that require a large floor area, in locations that are close to, and that support the viability of, centres. This zone provides for employment generating uses such as 'warehouses or distribution centres,' 'bulky goods premises,' 'hardware and building supplies,' 'landscaping material supplies' and 'garden centres.' The zone supports the initiatives set out in the Metropolitan Plan for Sydney 2036 (2010) and other regional strategies.*

The zone may be applied to areas that are located close to existing or proposed centres, and which will support (and not detract from) the viability of those centres.

The zone objective, as updated by recent amendments to the *Standard Instrument (Local Environmental Plan) Order 2006*, aligns with the above description of the zone:

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

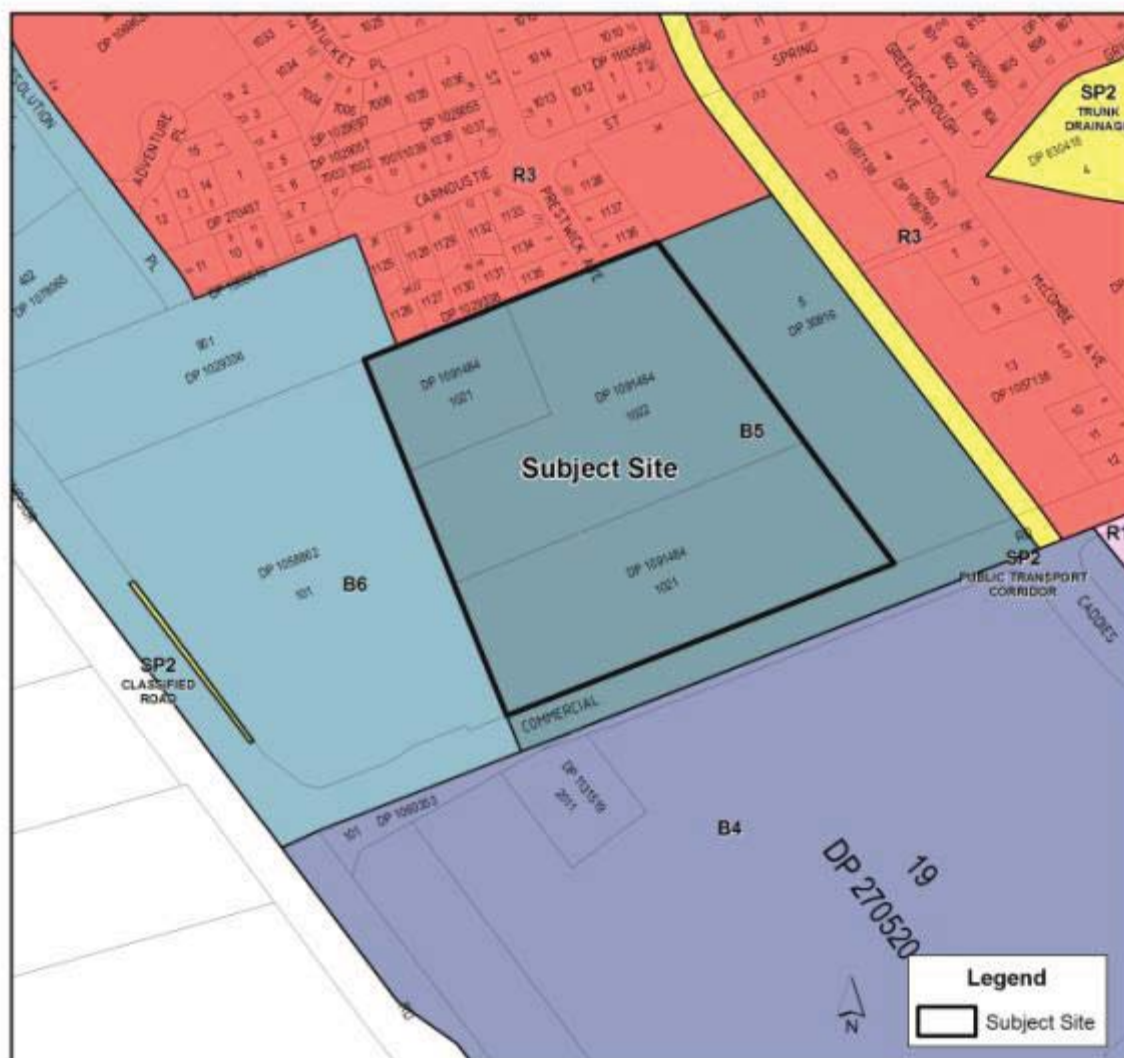


Figure 6
Proposed zoning under *Draft The Hills LEP 2010*

The planning proposal is also consistent with the range of relevant land uses that the future B5 Business Development Zone would permit the following uses with consent, including:

- bulky goods premise** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:
 - a large area for handling, display or storage, and
 - direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

- **garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:
 - (a) outdoor furniture and furnishings, barbeques, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
 - (b) pets and pet supplies,
 - (c) fresh produce.
- **hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.
- **landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

The planning proposal is therefore consistent with the future intent of the land as proposed in *Draft The Hills LEP 2010*.

6. Proposed approach to amending BHLEP 2005

The planning proposal is in effect seeking to bring forward the range of land uses permissible under the future proposed B5 Business Development zoning of the subject site under *Draft The Hills LEP 2010*. It is noted however that there is no zoning in BHLEP 2005 that is the equivalent of the B5 Business Development Zone. As such, it is necessary to consider different approaches that may enable the planning proposal to proceed in a manner that does not impact or undermine the integrity of BHLEP 2005. Possible approaches include:

- Introducing the B5 Business Development Zone to BHLEP 2005;
- Introducing a Zone similar to the B5 Business Development Zone; or
- Amending Schedule 6 to enable additional permissible uses over the subject site.

Introducing the B5 Business Development Zone into BHLEP 2005 is problematic and would impact on all zones within the LEP. This is because it would effectively require the majority of existing definitions within BHLEP 2005 to be replaced with definitions from the *Standard Instrument (Local Environmental Plans) Order 2006*. This is a significant quantity of work to undertake for an LEP that will be repealed when the *Draft The Hills LEP 2010* comes into force. This approach is not considered to be appropriate in this instance given the quantity of work involved and the timing of *Draft The Hills LEP 2010*.

An alternative approach is to introduce a zone similar to the B5 Business Development Zone over the subject site. This approach would rely on existing land use terms within BHLEP 2005. However, if a new zone was to be introduced, it would be prudent to also include all other land that is proposed to be zoned B5 Business Development in the future *Draft The Hills LEP 2010*. This is a larger amendment than that proposed within the planning proposal. Likewise it is not considered prudent to undertake such a significant amendment to BHLEP 2005 when it is soon to be replaced with *Draft The Hills LEP 2010*. As such this approach is also not desirable.

The third approach is to retain the existing zoning but add bulky goods premises, landscape supply establishment, and office warehouse as additional permitted uses within Schedule 6 of BHLEP 2005. This approach is considered to be the most efficient method to facilitating the use of the subject site in the proposed manner. The advantage of this approach is that it will only apply to the subject site as opposed to a zone which could apply to multiple sites. This approach will have no impact on *Draft The Hills LEP 2010* as the proposed uses are all permissible in the future B5 Business

Development zone. This will mean that there is no need to carry over land uses within Schedule 6 of BHLEP 2005 into Schedule 1 of *Draft The Hills LEP 2010*.

To facilitate the planning proposal it is considered appropriate to amend Schedule 6 in the manner shown in Table 1. Column 1 establishes the site, Column 2 the additional land uses to be permitted, and Column 3 the development provisions. In this instance, in Column 3, instead of establishing a maximum gross floor area for development, it is considered more appropriate to control the bulk and scale of the future building through a maximum floor space ratio (FSR) and height in metres controls. This approach is proposed as it retains consistency with *Draft The Hills LEP 2010* which establishes an FSR and height limit over the site.

Table 1: Proposed amendment to Schedule 6 of BHLEP 2005

Column 1	Column 2	Column 3
Lot 1021 and Lot 1022, DP 1091484, Commercial Road, Rouse Hill	Development for the purpose of a bulky goods premises, landscape supply establishment, and office warehouse.	1. The maximum floor space ratio is 1:1. 2. The maximum height of buildings is 16m.

7. Development controls for bulky goods premises

Typically, bulky goods premises occur as either a large warehouse style freestanding store such as Bunnings, or as a multi tenanted homemaker centre. Within the Hills Shire both forms of bulky goods premises occur. The form and arrangement of bulky goods premises is a result of requiring large floor areas for display, loading, unloading and car parking. This has resulted in a typical large 'big box' designs with uninterrupted wall planes as well as significant areas of car parking and poor urban character.

The form and appearance of any large warehouse style freestanding store needs to carefully considered its location and integrate with the surrounding development. Development controls are therefore required to guide the form of bulky goods premises across The Hills Shire. Proposed development controls for bulky goods premises are included at Attachment 1. Importantly, the controls emphasise a move away from the warehouse style bulky goods premises and seek to improve the relationship of bulky goods premises to its surrounds, the street and pedestrian environment. This is achieved through encouraging well articulated and attractive facades, active uses and showrooms along street frontages and locating car parking behind the building or in a basement/ building undercroft.

It is envisaged that the proposed controls will form part of the Business chapter of Baulkham Hills Development Control Plan.

CONCLUSION

The Planning Proposal is considered to be appropriate for the subject site. The range of uses permissible on the site is consistent with the future direction established within the Local Strategy and the draft *The Hills LEP 2010*. Though the concept plan submitted with the Planning proposal raises several urban design issues, these are able to be addressed independently of the Gateway Determination process through the preparation of development controls that guide and improve the design of bulky goods premises. As such a report will be submitted to Council to recommend the planning proposal to amend BHLEP 2005 to the Department of Planning for Gateway Determination.

IMPACTS**Financial**

The proposal is considered to be a major rezoning application and attracts a fee of \$21,218.

Hills 2026

Hills 2026 encourages employment growth in suitable locations and the provision of jobs close to home. The subject Planning Proposal is consistent with these Hills 2026 outcomes.

RECOMMENDATION

1. A planning proposal be prepared and submitted to the Department of Planning to amend Schedule 6 of *Baulkham Hills Local Environmental Plan 2005* to enable a range of additional permitted uses being: bulky goods premises; landscape supply establishment; and office warehouse over Lots 1021 and 1022 DP1091484 Commercial Road, Rouse Hill.
2. Baulkham Hills Development Control Plan be amended with the introduction of development controls to guide and improve the design of bulky goods premises.

ATTACHMENTS

1. Proposed Bulky Goods Development Controls (35 page)



Baulkham Hills Development Control Plan

Business



October 2009

Baulkham Hills Shire Council

Part C Section 8

INDEX

1. INTRODUCTION	1
1.1. LAND TO WHICH THIS SECTION OF THE PLAN APPLIES.....	1
1.2. AIMS AND OBJECTIVES OF THIS SECTION OF THE DCP.....	1
2. BUSINESS DEVELOPMENT OVERVIEW	1
2.1. ZONE FUNCTIONS.....	1
2.2. HIERARCHY OF BUSINESS CENTRES.....	2
3. OBJECTIVES AND DEVELOPMENT CONTROLS	2
3.1. PRECINCT PLANS.....	2
3.2. SITE ANALYSIS.....	3
3.3. DEVELOPMENT SITES.....	3
3.4. FLOOR SPACE RATIO.....	4
3.5. SETBACKS.....	4
3.6. BUILDING HEIGHT.....	5
3.7. BUILDING DESIGN AND MATERIALS.....	5
3.8. SIGNAGE.....	6
3.9. HOURS OF OPERATION.....	6
3.10. ENERGY EFFICIENCY.....	6
3.11. BIODIVERSITY.....	7
3.12. EROSION AND SEDIMENT CONTROL.....	7
3.13. LANDSCAPING AND TREE PRESERVATION.....	8
3.14. ROAD WIDENING - OLD NORTHERN ROAD, BAULKHAM HILLS.....	8
3.15. TERMINUS STREET CAR PARK.....	8
3.16. VEHICULAR ACCESS.....	9
3.17. CAR PARKING.....	9
3.18. BICYCLE PARKING.....	10
3.19. LOADING FACILITIES.....	11
3.20. PEDESTRIAN ACCESS AND MOVEMENT.....	11
3.21. PARENTING FACILITIES.....	12
3.22. STORMWATER MANAGEMENT.....	12
3.23. WASTE MANAGEMENT – STORAGE AND FACILITIES.....	13
3.24. WASTE MANAGEMENT PLANNING.....	14
3.25. HERITAGE.....	14
3.26. DEVELOPER CONTRIBUTIONS.....	15
3.27. SITE INVESTIGATION.....	15
3.28. BULKY GOODS PREMISES – ADDITIONAL CONTROLS.....	15
3.29. WRIGHTS ROAD TOWN CENTRE.....	16
3.29 KENTWELL AVENUE AND CASTLE STREET, CASTLE HILL.....	17
4. INFORMATION REQUIRED FOR A DEVELOPMENT APPLICATION	18
4.1. OCCUPATION/CHANGE OF USE/INTERNAL ALTERATIONS.....	18
4.2. NEW DEVELOPMENTS, REDEVELOPMENT OF EXISTING SITES OR EXTENSIONS TO EXISTING DEVELOPMENTS.....	19
5. REFERENCES	19
APPENDIX 1 - PRECINCT PLAN MAPS	20

1. INTRODUCTION

This Section of the DCP must be read in conjunction with Part A – Introduction of this DCP.

1.1. LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This Section of the DCP applies to land zoned General Business 3(a), Special Business 3(b) and Special Business 3(c) under Baulkham Hills Local Environmental Plan (BHLEP) 2005.

1.2. AIMS AND OBJECTIVES OF THIS SECTION OF THE DCP

The aim of this Section is to establish objectives and development controls for the development of commercial and retail land within the Shire of Baulkham Hills.

OBJECTIVES:

- (i) *Encourage a high standard of aesthetically pleasing and functional business developments that sympathetically relate to adjoining and nearby developments.*
- (ii) *Control the character and quality of business development consistent with the expectations of residents and local communities and ensure the amenity of adjoining land is accounted for in design.*
- (iii) *Ensure that business premises incorporate the principles of Ecologically Sustainable Development.*
- (iv) *Provide for the convenience of both pedestrians, cyclists and vehicles throughout business/retail centres.*
- (v) *Ensure consistency with Council's overriding retail and commercial centres hierarchy strategy.*

2. BUSINESS DEVELOPMENT OVERVIEW

2.1. ZONE FUNCTIONS

General Business 3(a) Zone

An objective of Baulkham Hills LEP 2005 is to encourage a wide range of retail, commercial and business activities in the Shire. The purpose of the General Business 3(a) zone is to provide for the retail, social, service, employment and entertainment needs of residents in conveniently located centres. A great deal of flexibility is provided to accommodate the range of uses suited to this zone with only incompatible uses being prohibited.

Special Business 3(b) Zone

The primary function of the Special Business 3(b) zone is to provide for commercial development to support land use activities in Council's General Business 3(a) zone, particularly office development, and to provide a transition between the Shire's main commercial centres and adjoining non-commercial areas. Guidelines for development in this zone are directed at controlling the nature, use and scale of commercial development so that the potential impact on adjoining land uses is minimised.

In addition this zone also provides for commercial and employment development complementary to the locational and environmental characteristics of certain land in the Shire. This need is particularly recognised for new employment activities using and developing advanced technology products and processes whose locational needs cannot be met in business centres.

Special Business 3(c) Zone

The purpose of the Special Business 3(c) zone is to allow for a range of uses that support and service the needs of retail and commercial activities carried out on land within the General Business 3(a) zone within the Rouse Hill Regional Centre.

The zone also seeks to promote a range of business and employment opportunities in the research and development of advanced technology products and process, whilst providing a buffer between land zoned General Business 3(a) and adjacent residential areas.

2.2. HIERARCHY OF BUSINESS CENTRES

Baulkham Hills Retail Hierarchy

A Retail and Commercial Centres Study was prepared for Council in 1997 to provide a strategic review of business centres within the Shire and analyse the demand for additional retail and commercial floor space in Baulkham Hills Shire during the period 1996 to 2011.

The study identified three (3) main levels of centres that exist within the Shire. These are:-

- sub-regional centres;
- district centres;
- neighbourhood centres.

On 7 December 2001, the Local Environmental Plan for the Rouse Hill Regional Centre was gazetted by the Department of Planning. The Centre is to be located on the corner of Windsor Road and Commercial Road, Rouse Hill. A regional scale multi-functional centre will be developed that provides employment opportunities, shopping, commercial services, leisure activities, community facilities and open space.

Sub-Regional Centres

Castle Hill is clearly the dominant sub-regional centre within the Shire containing a wide range of retail, social, service and entertainment facilities. These include two major department stores, discount department stores, supermarkets, personal services, cinemas, restaurants, branches of major banks and building societies and community facilities. The centre is located on a major through traffic route and is serviced by private bus transport.

Council has adopted a Town Centre Master Plan for Castle Hill which promotes a main street treatment along Old Northern Road and provides for urban design treatment of the town centre. Development Applications in Castle Hill should have regard to the Town Centre Master Plan.

District Centres

Six (6) centres have been identified as district centres. These are:-

- Baulkham Hills
- Winston Hills
- North Rocks

- Norwest Marketown
- Round Corner, Dural
- Wrights Road, Kellyville

These centres serve primarily a retail function providing shopping facilities at a level suitable for the weekly shopping needs of residents in the surrounding area. The services provided are similar to, but without the same level of variety and scale as contained within the sub-regional centres.

Neighbourhood Centres

There are a number of neighbourhood centres and shop groups throughout the Shire. These centres primarily provide for the retail convenience and daily shopping needs of local residents.

Frequently these centres comprise a small number of shops (such as butcher, green grocer, chemist, newsagent and mixed business) and may include personal and professional services (such as hairdresser, doctor's surgery). Council will not consent to development in neighbourhood centres which does not meet the convenience needs of local residents.

3. OBJECTIVES AND DEVELOPMENT CONTROLS

Objectives and development controls for business development are set out in the following sections.

In addition to those policies, guidelines and documents specified in section 1.4 of Part A - Introduction, this Section is to be read in conjunction with other relevant Sections including:

- Part D Section 1 Parking
- Part D Section 2 Signage
- Part D Section 3 Landscaping
- Part D Section 5 Heritage
- Part E Section 14 Norwest Business Park
- Part E Section 16 Rouse Hill Regional Centre

3.1. PRECINCT PLANS

OBJECTIVES

- (i) *To ensure the development of specific commercial/retail areas is consistent with the precinct plans adopted by Council for the wider business area.*

- (ii) *To provide for the orderly development of commercial/retail land.*
- (iii) *To provide development controls for particular areas to recognise the specific constraints or characteristics of these areas.*

DEVELOPMENT CONTROLS

- (a) Precinct plan maps should be referred to in addition to this written Section to ensure the proposed development is consistent with the planned character and development of the area. These maps are contained within Appendix 1 to this Section and apply to the following areas:-
 - i) Terminus St, Castle Hill;
 - ii) Old Castle Hill Rd/McMullan Ave, Castle Hill;
 - iii) Old Northern Rd/Hill St, Baulkham Hills;
 - iv) Coonara Ave, West Pennant Hills;
 - v) Old Northern Rd, Glenorie;
 - vi) Windsor Rd, Kellyville;
 - vii) Old Northern Rd, Baulkham Hills;
 - viii) Kenthurst Rd/Old Northern Rd, Dural;
 - ix) Lawndale Ave/North Rocks Rd, North Rocks;
 - x) Campbell St, Northmead;
 - xi) Terminus Street Car Park;
 - xii) Wrights Road retail precinct, Kellyville;
 - xiii) Kentwell Ave and Castle St, Castle Hill;

3.2. SITE ANALYSIS

OBJECTIVES

- (i) *To encourage a comprehensive approach to site planning, design and assessment of development.*
- (ii) *To facilitate assessment of how future developments relate to their immediate surroundings and to each other.*
- (iii) *To facilitate development of a design that minimises negative impacts on the amenity of adjoining commercial or residential development in accordance with Council's ESD objective 7.*
- (iv) *To facilitate development of a design that is energy efficient and permits adoption of renewable energy sources in accordance with Council's ESD objective 5.*
- (v) *To ensure development is compatible with land capability.*

- (vi) *To minimise adverse impacts on the environment in accordance with Council's ESD objective 7.*
- (vii) *To ensure during consideration of the site layout and design that disturbance to the natural environment is minimised in accordance with Council's ESD objective 4.*

DEVELOPMENT CONTROLS

- (a) Development should be designed to respect site constraints such as topography, drainage, soil landscapes, flora, fauna and bushfire hazard.
- (b) Disturbance to existing natural vegetation, landforms, creeks, wetlands and overland flow paths should be minimised.
- (c) Development on land adjoining bushland reserves should incorporate measures (such as setbacks and buffers) to prevent any impact on these reserves.
- (d) Development should be sited on the area of land having the least topographic constraints.
- (e) Development should be sited away from steep slopes (particularly those containing natural vegetation) so that, where possible, these features can be kept in a natural state.
- (f) Land with a slope greater than 20% is not suitable for development.
- (g) Development applications for proposals on land with a slope of between 15-20% must be accompanied by a geotechnical report.

SUBMISSION REQUIREMENTS

- Site Plan, including an indication of how social and environmental issues have been considered in the design.
- Site Analysis.

3.3. DEVELOPMENT SITES

OBJECTIVES

- (i) *To ensure development sites have sufficient area to provide adequate access, parking, landscaping and building separation in accordance with Council's ESD objective 7.*
- (ii) *To provide for the orderly development of land through subdivision or the consolidation of lots.*

- (iii) *To ensure development on a particular site has due regard to adjoining developments in accordance with Councils ESD objective 7.*
- (iv) *To ensure that development occurs only where adequate sewer, water, drainage, energy supply and telecommunications are available to the satisfaction of the relevant authorities.*

DEVELOPMENT CONTROLS

- (a) The minimum site area for development is 600 square metres.
- (b) The minimum site frontage requirement is 18 metres.
- (c) Development should ensure that adequate provision has been made for water, sewerage, energy supply, telecommunications and stormwater drainage to the satisfaction of the relevant authorities.
- (d) All on-site services are to be underground.
- (e) Consent may not be granted to an application that isolates an area of land that does not meet the minimum site area requirements.

SUBMISSION REQUIREMENTS

- Site plan
- Site Analysis

3.4. FLOOR SPACE RATIO

OBJECTIVES

- (i) *To ensure that the bulk and scale of the development is in keeping with the site area and its' surroundings in accordance with Council's ESD objective 7.*
- (ii) *To ensure that the bulk and scale of development does not reduce the amenity of adjacent residential or other land uses.*

DEVELOPMENT CONTROLS

- (a) For all commercial and retail development within the General Business 3(a) zone and Special Business 3(b) zone, the ratio of the gross floor space of any building to the total site area shall not exceed 1:1.
- (b) For development within the Special Business 3(b) zone, located at Coonara Avenue, West

Pennant Hills, identified on map Sheet No. 4 of the precinct plan maps, the following floor space ratios apply:-

- Lot 61, DP 737386 0.2:1
- Lot 41, DP 740907 0.26:1

3.5. SETBACKS

OBJECTIVES

- (i) *To provide an attractive streetscape and substantial areas for landscaping and screen planting.*
- (ii) *To ensure adequate sight distance is available for vehicles entering and leaving the site.*
- (iii) *To minimise overshadowing of adjoining properties.*
- (iv) *To protect privacy and amenity of any adjoining land uses.*
- (v) *To provide a desirable and aesthetically pleasing working environment.*
- (vi) *To ensure endangered ecological communities are protected.*

DEVELOPMENT CONTROLS

- (a) All single and two storey retail/commercial development located along a public road may utilize a zero setback, other than in those site specific areas specified on the precinct plan maps contained in Appendix 1 of this Section.
- (b) For buildings greater than two storeys or 8 metres in height, the remaining storeys are to be setback within a building height plane of 45° starting from a height of 8 metres.
- (c) Where any proposed development is opposite or adjacent to Residential, Special Uses or Open Space zones, the building shall be setback a minimum of 6 metres, or as specified on the precinct plan maps contained in Appendix 1 to this Section. This area is to be used exclusively for landscaping and screening purposes or for the protection of endangered ecological communities present on a site.
- (d) Redevelopment of any commercial/retail development, operating under existing use rights in a residential zone, will be required to comply with the residential setback applying to the locality.

- (e) Council will require written concurrence from Integral Energy for developments proposed within an electricity easement.
- (f) The setback to a creek is to be no less than 40 metres from the top of the bank of the creek or otherwise to the requirements of the Department of Environment and Conservation.
- (g) Where a development site is affected by a road widening proposal the minimum setback will be measured from the proposed new alignment of the road.

SUBMISSION REQUIREMENTS

- Building setback dimensions are to be shown on development application plans.

3.6. BUILDING HEIGHT

OBJECTIVES

- (i) *To ensure that building heights respond to the existing landform of the neighbourhood, including ridgelines and drainage depressions.*
- (ii) *To protect privacy and amenity of surrounding allotments and residential development in accordance with Council's ESD objective 7.*
- (iii) *To minimise overshadowing of adjoining allotments.*

DEVELOPMENT CONTROLS

- (a) The maximum height of buildings within the General Business 3(a) zone shall be 12 metres or 3 storeys or as specified on the precinct plan maps contained in Appendix 1 to this Section of the DCP.
- (b) The maximum height of buildings within the Special Business 3(b) zone shall be 8 metres or 2 storeys.
- (c) For development within the Special Business 3(b) zone, where it adjoins Residential 2(a1) zoned land, the maximum height of buildings shall be 12 metres or 3 storeys.
- (d) For development within the Special Business 3(b) zone, located in Coonara Avenue, West Pennant Hills, identified on Sheet 4 of the precinct plan maps, no building shall:-
 - Have more than 4 floors.
 - Have a height exceeding 22 metres.

- Have a height exceeding 174 metres above mean sea level.

- (e) Where a building creates overshadowing of an adjoining property the roof shall be designed so as to minimize shadow effects.

SUBMISSION REQUIREMENTS

- Shadow diagrams

3.7. BUILDING DESIGN AND MATERIALS

OBJECTIVES

- (i) *To ensure business developments are of a high quality and demonstrate an appreciation for urban design.*
- (ii) *To promote integrated, visually harmonious and attractive buildings in commercial/retail areas.*
- (iii) *To promote the use of materials that involve minimal impact on the environment in accordance with Council's ESD Objective 5.*
- (iv) *To protect the privacy and amenity of any adjoining residential properties.*

DEVELOPMENT CONTROLS

- (a) All building construction must comply with the Environmental Planning & Assessment Act 1979 (EP & A Act) and the Building Code of Australia.
- (b) All external walls of buildings shall be constructed of brick, glass, pre-cast exposed aggregate panels of similar material. However, use of new materials that generate a lower environmental cost will be considered on their merits. Under no circumstances will masonry block work be permitted on external walls.
- (c) Design of buildings shall give consideration to the privacy of adjoining residential development.
- (d) Balconies/terraced areas adjacent to residential zones shall be suitably screened to prevent overlooking and privacy impacts on adjoining properties.
- (e) Natural ventilation is preferred, however where mechanical ventilation is necessary any roof ventilators, exhaust towers, hoppers and the like should be located so as not to be visible from any public place or residential area. Where

feasible, the design of such items should be complementary to the design and appearance of the building as a whole.

- (f) Consideration should be given to use of low reflectivity building materials on building facades.
- (g) Avoid materials that are likely to contribute to poor internal air quality such as those generating formaldehyde (new carpets) or those that may create a breathing hazard in the case of fire (eg polyurethane).
- (h) Select materials that will minimise the long-term environmental impact over the whole life of the development.
- (i) Preference should be given to materials derived from renewable sources or those that are sustainable and generate a lower environmental cost, recycled material or materials with low embodied energy, better lifecycle costs and durability. For example, use plantation rather than old growth timbers.
- (j) Choice of materials should be based on consideration of both their environmental and economic costs.
- (k) In accordance with the "Designing Safer Communities Guidelines" buildings should be designed with visible entrances, no entrapment spaces and utilise anti-graffiti surfaces.
- (l) In accordance with the "Designing Safer Communities Guidelines" lighting should be unobstructed, appropriate and vandal proof.

SUBMISSION REQUIREMENTS

- Schedule of External finishes.
- Streetscape Perspective including landscaping

3.8. SIGNAGE

OBJECTIVES

- (i) *To provide businesses the opportunity of identifying their location and activity.*
- (ii) *To encourage a high standard of advertising signs and structures having regard to the existing amenity and scenic quality of the area.*
- (iii) *To ensure through design, construction and use of materials, that advertising signs and*

structures are in sympathy with the character of the area.

DEVELOPMENT CONTROLS

- (a) The details of the development controls applying to advertising signs and structures within the Shire are contained in Part D Section 2 - Signage
- (b) In accordance with the "Designing Safer Communities Guidelines" signage should be legible and identify safe access routes.

SUBMISSION REQUIREMENT

- Signage Plan

3.9. HOURS OF OPERATION

OBJECTIVES

- (i) *To ensure that commercial/retail developments operate in a manner compatible with adjoining land uses.*

DEVELOPMENT CONTROL

- (a) Proposed hours of operation must be compatible with adjoining land uses.
- (b) Proposed hours of operation must take into account the operation of loading docks, waste collection services and the use of cleaning/maintenance vehicles, out of hours.

SUBMISSION REQUIREMENT

- Details of days and hours of operation are to be provided in the Statement of Environmental Effects with the development application.

3.10. ENERGY EFFICIENCY

Energy efficient design will assist in creating ecologically sustainable environments, reducing the use of fossil fuels and encouraging the use of renewable energy.

OBJECTIVES

- (i) *To facilitate the design and construction of energy efficient buildings in accordance with Council's ESD objective 5.*
- (ii) *To require building designs that will minimise energy needs and utilize passive solar design principles in accordance with Council's ESD objective 5.*

DEVELOPMENT CONTROLS

- (a) The design of all buildings shall demonstrate passive solar design principles i.e.,
 - window placement;
 - building orientation;
 - shading;
 - insulation;
 - thermal mass;
 - ventilation; and
 - incorporation of suitable landscaping.
- (b) All buildings shall achieve as a minimum a 4 star Building Greenhouse rating with respect to energy efficiency. Details of the rating for each building are to be provided with the development application.

Note: Advice on the Building Greenhouse rating can be obtained from the Department of Environment and Climate Change (DECC) or the Australian Building Greenhouse Rating website www.abgr.com.au.

- (c) Where a hot water service is provided to any sole-occupancy building or unit a hot-water system with a greenhouse gas emission score of 3.5 or greater is to be installed to suit the needs of that building or unit.

3.11. BIODIVERSITY**OBJECTIVE**

- (i) *To conserve and protect the biodiversity of the Shire including habitats of threatened flora and fauna species and communities in accordance with Council's ESD objective 4.*

DEVELOPMENT CONTROLS

- (a) Significant flora and fauna species, ecological communities and their habitats are to be preserved.

- (b) Development should be designed to retain existing bushland and fauna habitats, including identifiable corridors and linkages.

SUBMISSION REQUIREMENTS

- Flora and Fauna Assessment.
- Species Impact Statement (SIS) (if required).

3.12. EROSION AND SEDIMENT CONTROL

Land degradation associated with development can be avoided or mitigated largely through appropriate planning before commencement of earthworks and by using best management practices available.

OBJECTIVES

- (i) *To minimise land degradation, water pollution and damage of infrastructure from erosion and accumulated sediment in accordance with Council's ESD objective 3.*
- (ii) *To provide development controls for all stages of development and to ensure a consistent approach to erosion and sediment control in accordance with Council's ESD objective 3.*

DEVELOPMENT CONTROLS

- (a) Applications for all development, including subdivision, are to be accompanied by an Erosion and Sediment Control Plan (ESCP) that will describe the measures to be undertaken at development sites to minimise land disturbance and erosion, and to control sediment pollution of creeks. ESCPs are to clearly identify the erosion and sediment control measures to be used.
- (b) Erosion and Sediment Control Plans shall be prepared in accordance with "Managing Urban Stormwater – Soils and Construction", produced by the NSW Department of Housing.

SUBMISSION REQUIREMENT

- Erosion and Sediment Control Plan

3.13. LANDSCAPING AND TREE PRESERVATION

OBJECTIVES

- (i) *To ensure a high standard of environmental quality of individual developments and of the overall visual amenity and character of the area.*
- (ii) *To ensure that existing landscaping and vegetation is retained and integrated into the design of the development in accordance with Council's ESD objective 4.*
- (iii) *To ensure that landscaped areas can be appropriately maintained.*
- (iv) *To ensure that existing trees are given every opportunity to be retained and incorporated into the final development in accordance with Council's ESD objective 4.*
- (v) *To ensure that vegetation removed as a part of the land development process is replaced by suitable endemic species in accordance with Council's ESD objective 4.*

DEVELOPMENT CONTROLS

- (a) Existing trees and surrounding shrubs, groundcovers and grasses should be preserved.
- (b) All setback and car parking areas are to be regenerated and maintained to a high standard utilising endemic species.
- (c) Native species are to be used to maintain a strong natural theme for the neighbourhood, owing to their low maintenance characteristics, relative fast growth, aesthetic appeal and suitability to the natural habitat.
- (d) Landscape treatments are to harmonise with building designs and should consist of trees, shrubs, groundcovers and grass (Kikuyu is prohibited in any landscaping or lawn area).
- (e) Landscaping is to be provided in accordance with the provisions set out in Part D Section 3 - Landscaping.
- (f) Grassed embankments are not to exceed a 1:6 slope.
- (g) All landscaped areas are to have a minimum width of 2 metres.
- (h) In accordance with the "Designing Safer Communities Guidelines" landscaping should

incorporate natural surveillance, good sightlines, lighting and active use of open space.

- i) Endangered ecological communities are to be preserved and maintained in accordance with a Vegetation Management Plan.

SUBMISSION REQUIREMENTS

- Landscaping plan
- Tree Management Details
- A Vegetation Management Plan prepared by an appropriately qualified Bushland Management Consultant is to be submitted with Development Applications where endangered ecological communities exist.

3.14. ROAD WIDENING - OLD NORTHERN ROAD, BAULKHAM HILLS

OBJECTIVE

- (i) *To ensure appropriate provision has been made for road widening along Old Northern Road, Baulkham Hills.*

DEVELOPMENT CONTROL

- (a) Development consent shall not be granted within the Special Business 3(b) zone located on the eastern side of Old Northern Road, Baulkham Hills, unless so much of the site area as is required for the widening of Old Northern Road and as identified by the Roads and Traffic Authority, has been transferred, without cost, to Council. Refer map sheet No.7.

3.15. TERMINUS STREET CAR PARK

OBJECTIVES

- (i) *To retain the existing Council car park.*
- (ii) *To ensure sufficient off-street parking is made available.*

DEVELOPMENT CONTROL

- (a) In respect of the public car park located between Terminus Street and McDougal Lane, Castle Hill, identified on map sheet No.11 of the

Precinct Plan maps in Appendix 1, existing car parking provision shall not be reduced through any site redevelopment.

3.16. VEHICULAR ACCESS

OBJECTIVES

- (i) *To ensure the safety of all road users in commercial/retail areas.*
- (ii) *To ensure that vehicles can enter and exit sites in a safe and efficient manner.*
- (iii) *To promote the orderly redevelopment of land having frontage to a main road.*
- (iv) *To maintain the performance of roads that provide an arterial or sub-arterial function.*

DEVELOPMENT CONTROLS

- (a) Vehicular access to main roads shall not be permitted where alternative access is available or can be acquired.
- (b) Adequate vehicular entry and exit from the development is to be provided and shall be designed to provide a safe environment for both pedestrians and vehicles using the site and surrounding road network.
- (c) Vehicular ingress and egress to the site must be in a forward direction at all times.
- (d) All internal driveways, circulation and parking areas are to be sealed with a hard-stand, all-weather material that complies with Council's "Work Specification Subdivision/ Development" policy.
- (e) All roads intended to be dedicated to Council as public roads shall be constructed to Council's requirements.
- (f) Driveways from public roads will be:
 - perpendicular to the road within the building setback;
 - separated or divided at the property boundary for ingress and egress movements;
 - sight distances are to be in accordance with Part D Section 1 – Parking of this DCP and Council's Design Guideline for Subdivisions/Developments.
- (g) For development within the General Business 3(a) zone:-
 - located on the western side of Post Office Road, Glenorie, vehicular access shall be restricted and

future access roads provided, as specified on Map Sheet No.5.

- located on the northern side of Windsor Road, Kellyville provision shall be made for rights of carriageway as specified on the Map Sheet No.6.
- located on the northern side of Wrights Road, Kellyville vehicular access shall be provided as specified on the development control map, Map Sheet No.12 to align with entry/exit from Wrights Road Reserve.

SUBMISSION REQUIREMENT

- Applicants are required to submit plans and details with the development application of proposed vehicular access and circulation. Details must specifically relate to vehicular movement, layout and turning circles.

3.17. CAR PARKING

OBJECTIVES

- (i) *To ensure the safety of all road users in commercial/retail areas.*
- (ii) *To ensure that all car parking demands generated by the development are accommodated on the development site.*
- (iii) *To ensure the free flow of traffic into and out of the development and the surrounding street network.*
- (iv) *To ensure that the provision of off-street parking facilities does not detract from the overall visual amenity and character of the neighbourhood in relation to streetscape in accordance with Council's ESD objective 7.*

DEVELOPMENT CONTROLS

- (a) Car parking for business zones shall be generally provided at the rate of:-
 - 1 space per 25m² of nett floor space for commercial premises and offices; and
 - 1 space per 18.5m² of nett floor space for general business and retail.
- (b) Design standards for car parking and manoeuvring areas together with more details on provision rates for specific land uses are contained in Part D Section 1 - Parking. The location and design of driveways and parking

areas should enable the opportunity for landscape screening.

- (c) Site layout and location of car parking facilities is to have regard to the provision of simple, safe and direct access for employees, visitors, trades people and service vehicles.
- (d) All driveway and parking areas are to be screened by a minimum of two metre wide landscaped strips. Such landscaping is to be of a mature and dense nature and be designed to the satisfaction of Council's Landscape Architect.
- (e) External parking areas are to be provided with two metre wide landscaping strips at a rate of one every ten car parking spaces.
- (f) Stacked car parking will not be included in the assessment of the number of car parking spaces.
- (g) Parking provision for parents with prams is to be provided in accordance with the requirements contained within Part D Section 1 - Parking.
- (h) Disabled parking provision is to be provided in accordance with the requirements contained within Part D Section 1 - Parking and Baulkham Hills Shire Council policy entitled "Making Access for All 2002".

SUBMISSION REQUIREMENTS

- Site Plan showing the number of car parking spaces and calculations.
- Dimensions of all parking spaces and driveway widths.
- Details of the proposed number of employees.

3.18. BICYCLE PARKING

Cycling is a healthy, low cost, environmentally friendly form of transport which offers a flexible and low-impact alternative to the use of private motor vehicles.

OBJECTIVES

- (i) *To make it easier and more convenient for people to travel to and from places using bicycles.*
- (ii) *To reduce the rate at which the demand for car travel increases in the future, thereby helping to improve air quality.*

DEVELOPMENT CONTROLS

- (a) Bicycle parking facilities are required for all new and redeveloping commercial/business centres. At a minimum these facilities are required to be provided for:-
 - any new commercial/retail development, which exceeds 5,000m² in floor area; and
 - any extensions to existing commercial/retail developments which will have the effect of increasing the size of the total development to greater than 5,000m².
- (b) Bicycle parking spaces for the above developments are to be provided at a minimum rate of 2 spaces plus 5% of the total number of car parking spaces required for the development. Consideration should be given to the provision of undercover facilities.
- (c) Bicycle parking should be located in close proximity to the buildings entrance and clustered in lots not exceeding 16 spaces.
- (d) Each bicycle parking space shall be not less than 1.8 metres in length and 600mm in width and shall have a bicycle rack system.
- (e) Bicycle parking facilities shall support bicycles in a stable position without damage to wheels, frames or other components.
- (f) Bicycle parking facilities should be located in highly visible, illuminated areas to minimise theft and vandalism.
- (g) Bicycle parking facilities shall be securely anchored to the site surface so they cannot easily be removed and shall be of sufficient strength to resist vandalism and theft.
- (h) Bicycle parking facilities shall not impede pedestrian or vehicular circulation and should be in harmony with their environment and design. Parking facilities should be incorporated wherever possible into building or street furniture.
- (i) Racks must not be placed so close to any wall or other obstruction so as to make use difficult.
- (j) Bicycle parking facilities within car parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops or other similar features.
- (k) Consideration should be given to providing staff change rooms and washing facilities.

3.19. LOADING FACILITIES

OBJECTIVES

- (i) To ensure that adequate areas are set aside on site to allow for the safe and efficient manoeuvring of delivery and service vehicles.
- (ii) To ensure that loading facilities required in association with developments do not detract from the amenity of nearby public spaces and residential land uses.
- (iii) To ensure no interference is caused to off-street car parking arrangements.

DEVELOPMENT CONTROL

- (a) Loading docks shall be located so they are not visible from adjoining residential areas and do not transmit excessive noise to adjoining residential areas.
- (b) Provision of loading docks is to be commensurate with the size and nature of the development proposed.
- (c) At a minimum, there is to be one loading dock space per development, suitable to the size of the development.
- (d) Turning provisions are to be provided within the site for the manoeuvring of vehicles using the loading and unloading facilities in accordance with AUSTROADS Design Vehicular and Turning Templates.

SUBMISSION REQUIREMENTS

- Plans and details of proposed delivery access and circulation detailing vehicular/truck movements, size, time layouts and turning circles.
- Plans and details that demonstrate the loading dock facilities are adequate to serve the development.

3.20. PEDESTRIAN ACCESS AND MOVEMENT

OBJECTIVES

- (i) To ensure that developers comply with the provisions of Australian Standard AS1428.1 –

2001, in regard to appropriate and improved access and facilities for all persons.

- (ii) To require designers/developers to provide for the needs of people who are mobility impaired and to provide greater than minimum requirements for access and road safety.
- (iii) To promote incorporation of pedestrian safety and convenience in all aspects of development design.

DEVELOPMENT CONTROLS

- (a) Car parking spaces and layout should be designed to accommodate the limited mobility needs of visitors in regard to prams, wheelchair access and people with disabilities, by providing room for loading and unloading of wheelchairs & prams beside and behind vehicles.
- (b) All pathways and ramps should conform to the minimum dimensional requirements set out in AS1428.1 – 2001 Design for Access and Mobility.
- (c) Street furniture and obstructions should be kept clear of pathways, while overhanging objects should not be lower than 2100mm above pathways.
- (d) All surfaces should be stable, even and constructed of slip resistant materials.
- (e) International Symbols of Access should be displayed where buildings, crossings, amenities, car parking, pathways and ramps are accessible, as detailed in the Baulkham Hills Shire Council policy entitled “Making Access for All 2002”.
- (f) In accordance with the “Designing Safer Communities Guidelines” pathways should be open to provide greater visibility and be well-lit at night.

SUBMISSION REQUIREMENTS

- Documentation to demonstrate how the objectives and development controls have been satisfied.

3.21. PARENTING FACILITIES

OBJECTIVES

- (i) *To provide convenient, comfortable and quiet areas for parents to feed and care for their children in privacy.*
- (ii) *To provide easily accessible parenting facilities in business/commercial developments within the Shire.*

DEVELOPMENT CONTROLS

- (a) Parenting rooms are to be provided for:-
 - All new retail developments which exceed 3,000m² in floor area;
 - Any extensions to existing retail developments which will have the effect of increasing the size of the total development to greater than 3,000m²; and
 - Parenting rooms should provide users with the following services and facilities:-
 - a quiet convenient place for parents to feed children in privacy;
 - comfortable seating, preferably armchair style and couches for twins;
 - an allocated area safe and clean to change nappies;
 - a curtained breastfeeding area to maintain privacy of breast feeding women so that male carers of infants can access the area without disturbing breast feeding mothers;
 - provision of warm and cold water and hand drying facilities;
 - bottle warming facilities;
 - waste containers with tight fitting lids
 - a smoke free zone;
 - easy pram/stroller access;
 - adequate clear signage to identify the room/facility and such signage is not to include symbols such as stylized baby's bottles;
 - directional signage to identify the location of the room/facility;
 - entry doors which are light to push, and have the ability to be propped open for pram and wheelchair access, but not automatic as toddlers can escape;
 - toddler toilet with low mirror and low wash basin with automatic cut off taps;

- hot water thermostat regulators to be installed on taps;
- comfortable lighting and ventilation or air conditioning;
- disposable cup dispenser; and
- the parenting room shall include separate male and female toilets with sufficient additional space within each cubicle for a pram or a stroller .

3.22. STORMWATER MANAGEMENT

OBJECTIVES

- (i) *To ensure that commercial/retail development does not impact on the water quality of adjacent properties or creeks in accordance with Council's ESD objective 2.*
- (ii) *To ensure that development does not increase downstream flooding.*
- (iii) *To encourage reuse, recycling and harvesting of stormwater to reduce wastage of water in accordance with Council's ESD objective 2.*
- (iv) *To encourage the re-use of stormwater for the irrigation of landscaped areas, particularly during establishment periods in accordance with Council's ESD objective 2.*
- (v) *To provide for the disposal of stormwater from the site in efficient, equitable and environmentally sensible ways.*

DEVELOPMENT CONTROLS

- (a) Water Sensitive Urban Design (WSUD) principles shall be employed in the management of the site's/development's stormwater in terms of water retention, reuse and cleansing.

In all development, two of the following water sensitive urban design measures must be implemented in the development:-

- M1** Low Impact Building Design
- M2** Low Impact Landscape Design
- M3** Porous Paving
- M4** Rainwater Utilisation – toilet, hot water
- M5** Grey Water Utilisation – toilet
- M6** On-site Infiltration System
- M7** Stormwater Treatment System

M8 Infiltration or Retention Basin

M9 Stormwater Utilisation – irrigation

M10 Grey Water Utilisation – irrigation

Details on the actions required to implement each of these measures is included in Appendix B to BHDCP.

- (b) No adverse effects are to be experienced by downstream landowners from discharges from site that slope down from the fronting street.
- (c) Discharge points are to be accessible for water quality testing.
- (d) Discharge points are to be controlled and treated to prevent soil erosion, and may require energy dissipating devices on steeper topography, to Council's requirements.
- (e) On-site detention may be required to Council's satisfaction to counteract an increase in stormwater runoff.
- (f) Where required, on-site detention (OSD) plans will be required to be submitted with the development application. OSD plans are to be prepared in accordance with the Upper Parramatta River Catchment Trust OSD Handbook, (which also includes controls for the Hawkesbury/Nepean Catchment) by a suitably qualified design consultant.
- (g) The construction of any permanent structure (e.g. buildings, garages, impervious fences, pools etc.) or the placement of fill is not permitted within the 1% AEP storm flood level, over a watercourse, drainage depression or piped drainage system.
- (h) Concentrated stormwater flows must be connected to Council's drainage system. In some cases this may require the creation of drainage easements over downstream properties. In this circumstance, a letter of consent from the owner(s) of the downstream properties is to be submitted with the development application. Development consent will be conditional upon registrations of the created easement.
- (i) Reference should be made to the Restriction As to User on the title of the land, or the development consent to which the development is proposed in relation to requirements for on-site detention.
- (j) The design of drainage systems is to be in accordance with Council's Design Guidelines for Subdivisions/Developments.

SUBMISSION REQUIREMENT

- Preliminary Engineering Drainage Plans

3.23. WASTE MANAGEMENT – STORAGE AND FACILITIES

OBJECTIVES

- (i) *To minimise the overall environmental impacts of waste.*
- (ii) *To maximise, through design, the opportunities to deal with commercial waste according to the waste hierarchy as given in Council's ESD Objective 6 – reduce, reuse, recycle.*
- (iii) *To reduce the demand for waste disposal by providing detailed criteria for the consideration of design and management of recycling, composting and waste storage and collection facilities within developments.*
- (iv) *To provide commercial waste management systems that allow for:*
 - Ease of use by occupants; and
 - Ease of service by collection contractors.
- (v) *To encourage building designs and construction techniques that will minimise waste generation.*
- (vi) *To assist in achieving Federal and State Government waste minimisation targets.*
- (vii) *To promote development design that is appropriate and provides convenient waste storage, recycling and collection facilities on site.*

DEVELOPMENT CONTROLS

- (a) Adequate storage for waste materials must be provided on site. Ideally waste storage containers should be kept inside units and under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided on site.
- (b) All waste must be removed at regular intervals and not less frequently than once per week.
- (c) All waste storage areas must be screened from view from any adjoining residential property or public place.
- (d) Waste storage areas must be kept clean, tidy and free from offensive odours at all times.

SUBMISSION REQUIREMENT

- Waste Management Plan (WMP).

Appendix A to BHDCP contains a Waste Management Plan Template that can assist in the preparation of a Waste Management Plan.

3.24. WASTE MANAGEMENT PLANNING**OBJECTIVES**

- To promote improved project management and to reduce the demand for waste disposal during demolition and construction.*
- To maximise reuse and recycling of building/construction materials.*
- To encourage building designs and construction techniques that will minimise waste generation.*
- Minimise waste generation to landfill via the waste hierarchy.*
- To assist in achieving Federal and State Government waste minimisation targets.*

A Demolition**DEVELOPMENT CONTROLS**

- Site operations should provide for planned work staging, at source separation, re-use and recycling of materials and ensure appropriate storage and collection of waste.
- Straight demolition should be replaced by a process of selective deconstruction and reuse of materials. Careful planning is also required for the correct removal and disposal of hazardous materials such as asbestos and is to be carried out by persons accredited from Workcover in accordance with EPA requirements.
- Project management must seek firstly to re-use and then secondly to recycle solid waste materials either on or off site. Waste disposal to landfill must be minimised to those materials that are not re-useable or recyclable.
- When separated, materials are to be kept uncontaminated to guarantee the highest possible reuse value.
- Details of waste sorting areas and vehicular access are to be provided on plan drawings.

- Prior to any demolition works commencing on the site, the applicant is to notify all adjoining and adjacent neighbours and Council, five (5) working days prior to work commencing.
- All Asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with Work Cover Authority and EPA requirements.

B Construction**DEVELOPMENT CONTROLS**

- Avoid oversupply and waste of materials by careful assessment of quantities needed.
- The use of prefabricated components may reduce waste.
- Re-use of materials and use of recycled material is desirable where possible.
- Site operations should provide for planned work staging, at source separation, re-use and recycling of materials and ensure appropriate storage and collection of waste.
- All Asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with Work Cover Authority and EPA requirements.

SUBMISSION REQUIREMENT

- Waste Management Plan

3.25. HERITAGE**OBJECTIVES**

- To ensure that the development of land does not isolate a heritage item from its setting or context, thereby retaining the heritage item's significance in accordance with Council's ESD objective 7.*
- To ensure that the development of land in the vicinity of a heritage item is undertaken in a manner that is sympathetic to, and has regard to the significance of the heritage item, particularly its' setting and context in accordance with Council's ESD objective 7.*
- To ensure that any development within a conservation area is compatible with the important or significant characteristics of the conservation area as a whole.*

DEVELOPMENT CONTROLS

- (a) In considering development applications, Council shall have regard for the visual impact of the development when viewed from the surrounding area.
- (b) All developments must address the provisions of Council's Heritage controls – Part D Section 5 – Heritage where:-
 - The development site is listed in Schedule 1 of BHLEP 2005 or is within a conservation area under BHLEP 2005; or
 - The development site adjoins a site listed in Schedule 1 of BHLEP 2005 or adjoins a conservation area under BHLEP 2005.

3.26. DEVELOPER CONTRIBUTIONS**OBJECTIVES**

- (i) *To address the likely demands placed on public amenities and services as a result of the increase in commercial development/ business development.*
- (ii) *To determine a reasonable development contribution based upon the impact of business development.*

DEVELOPMENT CONTROLS

- (a) Council may seek contributions for:-
 - open and embellishment;
 - roads, traffic management and drainage facilities;
 - community facilities; and
 - any specialist studies or investigations.
- (b) Applicants should consult with Council's Section 94 Officer to determine the amount of Section 94 Contributions payable.

3.27. SITE INVESTIGATION**Objective**

- (i) *To conserve and protect the health and well being of residents and visitors of the Shire.*

Development Controls

- a) A contamination assessment report is to be submitted with any development application for the Wrights Road precinct as referred to on Sheet 12 in Appendix 1.

- b) A validation report will be required at the completion of works to ensure the remediation is sufficient to enable appropriate use of the site.

**3.28. BULKY GOODS PREMISES –
ADDITIONAL CONTROLS****OBJECTIVES**

- (i) *Ensure that the design of bulky goods retail development contributes positively to the streetscape and public domain by high quality architecture, materials and finishes.*
- (ii) *Establish the requirements for bulky goods retailing including minimum size of individual tenancies and ancillary retailing.*

DEVELOPMENT CONTROLS

- (a) An individual tenancy within a bulky goods retail development is to have a sales floor area accessible to the public of greater than 500sqm.
- (b) Bulky goods retail developments are to be designed to:
 - address and activate street frontages with large display windows;
 - define and enhance the public domain and be in scale with surrounding buildings;
 - have setbacks consistent with surrounding development, or if there is no setback established, 5m from the street alignment;
 - incorporate detail and architectural interest especially at visually prominent building locations such as lower level front facades, roof tops and at the terminations of street vistas;
 - avoid ambiguous external spaces with poor pedestrian amenity and security;
 - provide a clearly identifiable and dedicated pedestrian access to the building and across the site from the primary street frontage; and
 - create a visually interesting place for pedestrians, and where possible, enhance pedestrian and cycle networks/linkages to surroundings.
- (c) The design is to be flexible to cater for different future uses of the building by providing high ceilings and adaptable open planning for the ground and first floor.
- (d) Where existing built form contributes significantly to the streetscape it is to be retained and adapted appropriately.

- (e) A staging plan for the development is to address access to and from the site, building form and scale, landscaping and the location of breakout open space on site.
- (f) Where the development site has a boundary to residential land, a 15m wide landscaped buffer area is to be provided along this boundary.
- (g) To minimise the impact of noise on residential properties, the landscape buffer area is to contain appropriate acoustic treatment. For example, this may include vegetation on raised mounds, acoustic feature walls, or a combination of both.
- (h) No parking areas or access roads are to be within the landscape buffer area.
- (i) All loading and unloading activity is to be contained within the building to minimise detrimental amenity impacts on residential dwellings.
- (j) The building is to be sited close to the street alignment, and designed so that key operational spaces are legible from the street. Parking is not to occur between the front boundary and the building.
- (k) Public toilets are to be provided in a bulky goods retail development at the minimum rate of:
 - 1 male toilet per 1,200 customers visiting the site per day;
 - 1 male urinal per 600 customers visiting the site per day;
 - 1 female toilet per 300 customers visiting the site per day; and
 - 1 unisex disabled toilet.
- (l) A bulky goods retail development is to provide at least one independent non gender specific parent room.
- (m) Signage is not permitted to cover fenestration or to detract from the architectural quality of the building design.
- (n) When altering or expanding bulky goods retail development, development should incorporate improvements in the relationship of the development to the streetscape / public domain and to pedestrian access by:
 - increasing the number of active uses addressing the street frontage; And
 - ensuring separated and safe pedestrian access is provided from the street to the development.

- (o) Pick-up areas are to be provided to avoid the necessity for customers to carry large items to vehicles.
- (p) A development is to provide sufficient manoeuvring areas on site to accommodate large truck movements, frequency of servicing, and high turnover of client vehicles.

3.29. WRIGHTS ROAD TOWN CENTRE

High quality and appropriately located civic spaces can create more vibrant and interesting centres. They provide space for people to gather, attract shoppers to retail strips and may provide a location for cultural activities such as markets and festivals. Urban civic space such as town squares, widened footpaths and boulevards, and other pedestrianised areas, are an important part of the urban environment. In planning for future growth of Strategic Centres and larger local centres there are opportunities to enhance existing and identify new civic spaces.

The Centres Hierarchy identifies the Wrights Road precinct as having the potential to expand into a Town Centre. Whilst being a small centre, opportunities exist to enhance the Wrights Road precinct through future development with particular emphasis on civic amenity and by capitalising on existing and proposed facilities in the area.

OBJECTIVES

- (i) *To enhance the amenity and vitality of the Wrights Road Town Centre by providing high levels of civic amenity and a centre that makes a positive contribution to the local area.*
- (ii) *To create a sense of place and identity through quality built form that takes advantage of the proximity of, and integrates with, adjoining retail development, community facilities, open space, vegetation, pedestrian and cycleway linkages.*

DEVELOPMENT CONTROLS

- (a) Development shall demonstrate high quality civic amenity and urban design that will promote a vibrant centre with a sense of identity.
- (b) The identity of the site shall be enhanced through 'gateway' architectural elements, feature tree plantings and high quality landscaping.
- (c) Where visible from a public place, elevations shall provide articulation, distinct architectural elements, openings and windows, avoiding large, unbroken lengths of solid materials.
- (d) Development shall capitalise on views to the open space and vegetation located along the eastern boundary, and provide passive surveillance.

- (e) A central space should be incorporated into the design to encourage social interaction and form a link between, and through, the development and the natural setting of the adjoining reserve and public areas.
- (f) Convenient and direct pedestrian linkages shall be provided without conflict with vehicles, enabling high levels of accessibility within the precinct and the surrounding area.
- (g) Pedestrian access is to be provided: -
 - in at least one location along the eastern boundary from the adjoining cycle way;
 - in at least one location along the western boundary to facilitate ease of movement to/from existing retail development adjacent to the site; and
 - along the Wrights Road frontage, to provide convenient access to and from the Wrights Road Reserve and community facilities, pedestrian crossings and bus stops. Pedestrian access point(s) along the Wrights Road frontage shall be determined by Council in relation to the adjoining development on the opposite side of Wrights Road.
- (h) Loading areas shall be located so as to minimise pedestrian and vehicular conflicts, and to minimise the impact on the streetscape and the ability of the site to engage with the adjoining land.
- (i) The bulk of parking should be provided in a basement car park. Some at-grade parking that provides convenient access for patrons and does not detract from the streetscape is acceptable.
- (j) The exact location of vehicle access to the site shall be determined by Council, in relation to the development on the opposite side of Wrights Road.

3.29 KENTWELL AVENUE AND CASTLE STREET, CASTLE HILL

This section of the Development Control Plan applies to the land zoned 3(a) Business (Retail) zone in Appendix 1 – Precinct Plan Maps Sheet 13.

The following objectives and controls aim to promote retail/commercial development of the Castle Hill Centre whilst maintaining and enhancing the amenity of adjoining residential and community uses. Objectives and controls contained in this subsection establish the scale, dimensions, form and separation of buildings appropriate for the Castle Hill Centre.

This Section is to be read in conjunction with other relevant Sections of the BHDCP including:

Part A – Introduction;
Part D Section 1 - Parking;
Part D Section 2 – Signage;

Part D Section 3 – Landscaping;
Part D Section 5 – Heritage; and
Part D Section 8 – Business.

OBJECTIVES

- (i) *To promote a visually aesthetic retail/commercial and sustainable built form.*
- (ii) *To enhance the vitality of the Castle Hill Centre in the vicinity of Kentwell Ave and Castle St, Castle Hill.*
- (iii) *To protect the residential and public amenity of the Castle Hill Centre in the vicinity of Kentwell Ave and Castle St, Castle Hill.*
- (iii) *To provide a high quality, safe and pleasant walking environment.*

DEVELOPMENT CONTROLS

Building Design

- (a) Development is subject to prescribed development controls. Refer to the Baulkham Hills Local Environmental Plan.
- (b) Development shall be setback as indicated in Appendix 1 – Precinct Plan Maps Sheet 13.
- (c) Built form shall contribute to the streetscape with high quality and durable building materials.
- (d) Where visible from a public place, elevations shall provide articulation both in height and mass incorporating distinct architectural elements, openings and windows, avoiding large and unbroken lengths of solid materials.
- (e) Façade should consist of a tripartite vertical composition i.e. distinct architectural elements and treatments for the base, middle and top facades.
- (f) Elevations visible from Castle St, Kentwell St and the boundary between Castle Hill Community Centre and Library shall be treated with similar proportion and high quality detailing as other elements of the primary street façade.
- (g) Development shall use opaque windows only where necessary for the privacy of adjoining residents. Transparent glass should be used in all other windows to promote natural surveillance.
- (h) Development shall use neutral, visually recessive tones in colour schemes, avoiding reflective and overly textured surfaces.
- (i) In the event of staged development, any visible external surfaces of future common walls must be finished to a standard consistent with the high quality and durable materials of the development, until the adjacent development has been undertaken.
- (j) Development shall incorporate natural and electrical surveillance of the retail/commercial development, landscaped areas and undeveloped land on the allotment.

- (k) Internal and external lighting shall not adversely affect the amenity of residential and community use of adjoining development.
- (l) Vehicle ingress/egress points should be integrated into the building design and contribute to high quality architecture.

Plant and equipment

- (m) Roof plant, air-conditioning units, lift towers, vents and communication devices should all be considered as part of roof shape and design. Location and external appearance must not adversely affect the streetscape and sightlines.
- (n) The location and noise emissions of plant and equipment shall not adversely affect residential and public amenity in the vicinity of Castle St and Kentwell Ave. Plant and equipment shall be concealed from view of adjoining residential properties and appropriate noise attenuation measures installed to minimize impact on adjoining land uses.
- (o) Built form should consider measures to reduce visual and acoustic impacts of vehicular ingress/egress in the vicinity of Kentwell Ave and Castle St.

Pedestrian access and articulation

- (p) The following design principles should be considered when locating entrances and exits:
 - Entrances and exits shall be provided in visually prominent and convenient locations;
 - Entrances should not be obscured by landscaping or other obstacles and shall have clear sight lines;
 - Pedestrian access points and paths should not provide opportunities for entrapment;
 - Building design should allow for casual surveillance of access ways, entries and driveways;
 - Directional signage must be erected for the purposes of pedestrian accessibility at all entrances and exits;
 - Entrances shall be clearly identifiable to reduce confusion and unintentional entry by incorporating measures such as architectural features and articulation, awnings, variations in colours and materials, changes in paving and landscaping;
 - Location and design of pedestrian entrances traversing vehicular ingress/egress points should provide measures to reduce pedestrian and vehicular conflict;
 - Public art installations are encouraged to provide visual interest in these spaces.

Landscaping

- (q) Each of the following landscape features must be included in the Landscape Plan:

- Deep, terraced garden beds for screening purposes; and
- Public art in keeping with the scale and mass of the development e.g. sculpture, mural; and
- Feature tree plantings.
- (r) A Landscape Plan shall include planting of trees species within the setback which reach a height of:
 - 10.0m or greater on Castle St;
 - 10.0m or greater in height at the boundary between retail/commercial zoned land and the Castle Hill Community Centre and Library;
 - 5.0m or greater in height on Kentwell Ave.
- (s) Trees shall not impede or obscure view of vehicular ingresses/egresses, cycle ways, pedestrian access and movement between adjacent retail/commercial development, residential development and the Castle Hill Community Centre and Library.
- (t) Extensive landscaping within the setbacks along Kentwell Ave, Castle St and on boundaries between retail/commercial space and Castle Hill Community Centre and Library shall define spaces, link separate visual elements, provide screening, scale and landscape setting for development along Kentwell Ave and Castle St.
- (u) The Landscape Plan should consider measures to reduce visual and noise impact of vehicular ingress/egress in the vicinity of Kentwell Ave and Castle St.
- (v) All plant species shall be selected from *Baulkham Hills DCP Part D Section 3 Landscaping Appendix 2 – Recommended species and street trees*.

4. INFORMATION REQUIRED FOR A DEVELOPMENT APPLICATION

4.1. OCCUPATION/CHANGE OF USE/INTERNAL ALTERATIONS

SITE PLANS (8 copies)

ARCHITECTURAL PLANS (8 copies)

STATEMENT OF ENVIRONMENTAL EFFECTS (8 copies)

**4.2. NEW DEVELOPMENTS,
REDEVELOPMENT OF EXISTING
SITES OR EXTENSIONS TO
EXISTING DEVELOPMENTS**

SITE PLANS - including earthworks (8 copies)

SITE ANALYSIS (8 copies)

ARCHITECTURAL PLANS (8 copies)

LANDSCAPE PLAN (8 copies)

SIGNAGE PLAN (8 copies)

STREETSCAPE PERSPECTIVE (1 copy)

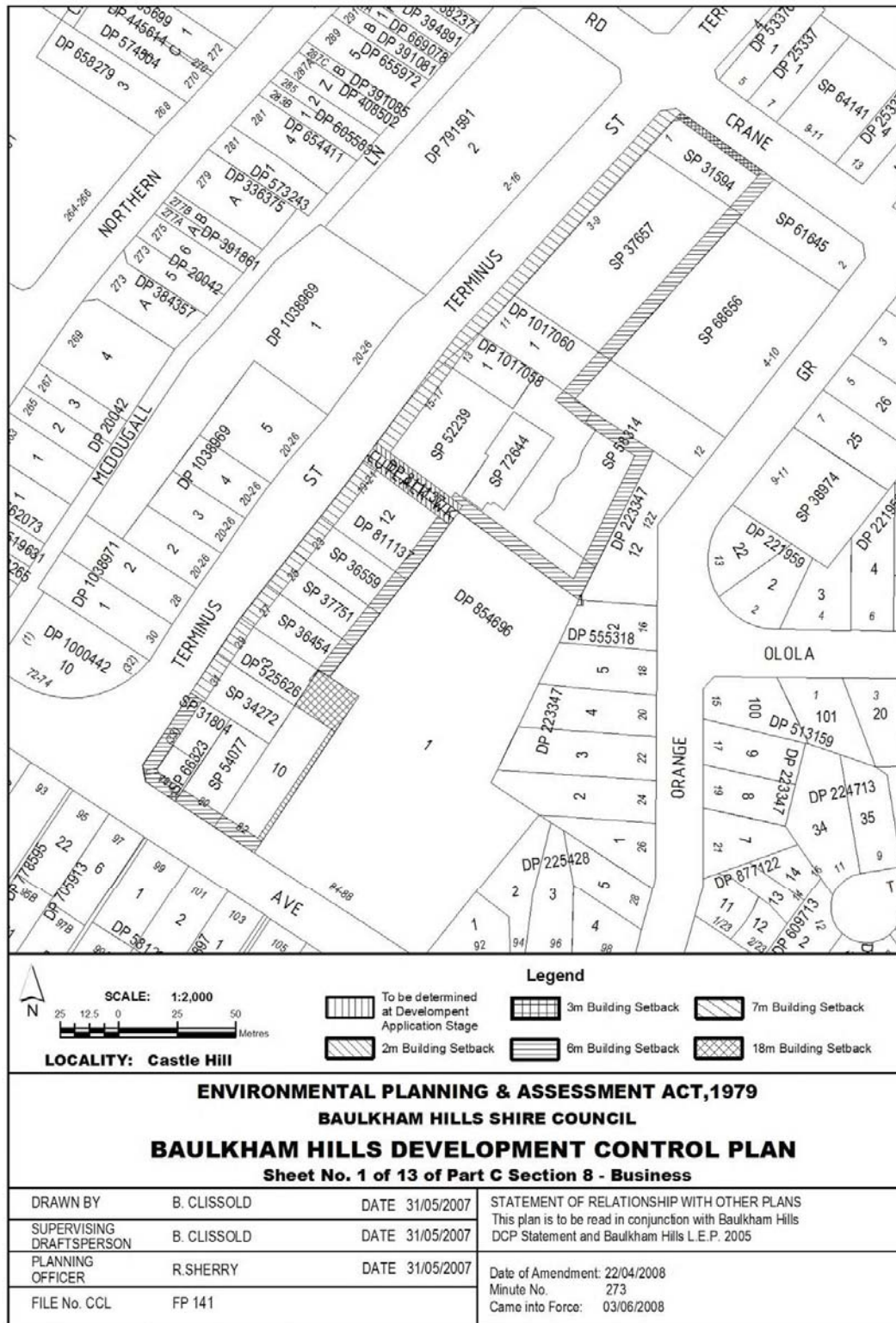
STATEMENT OF ENVIRONMENTAL EFFECTS (8 copies)

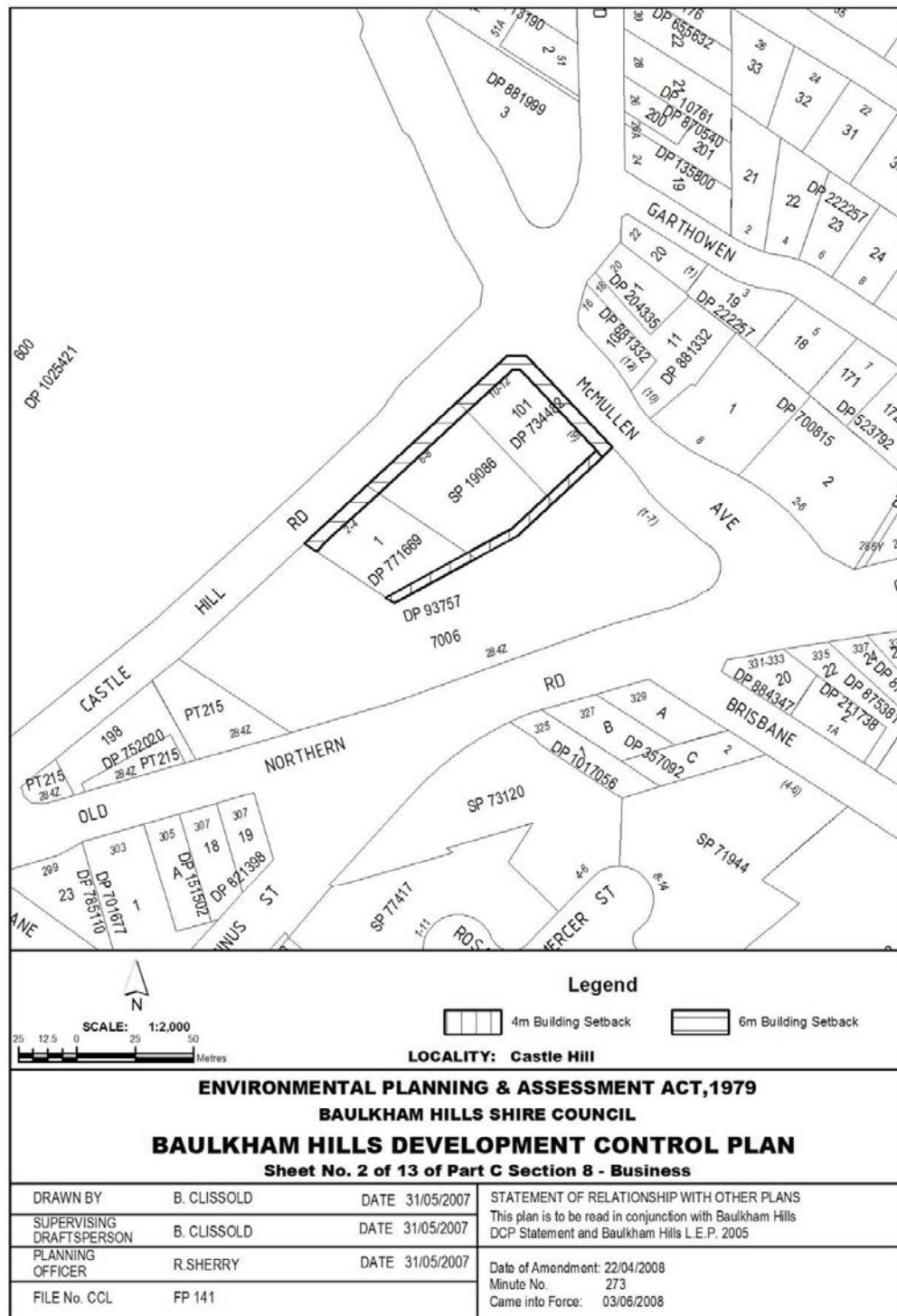
5. REFERENCES

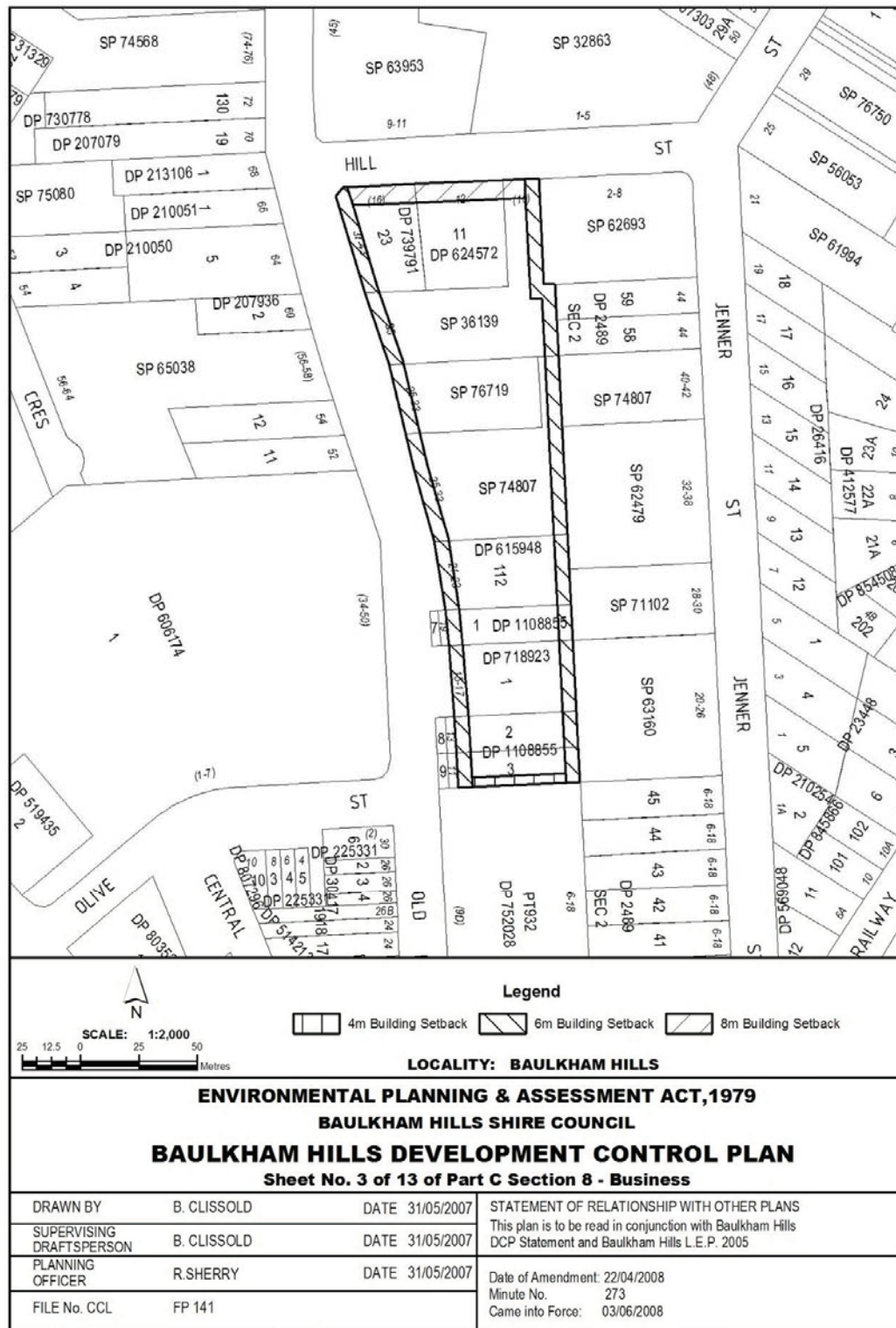
Baulkham Hills Shire Council, Making Access for All 2002.

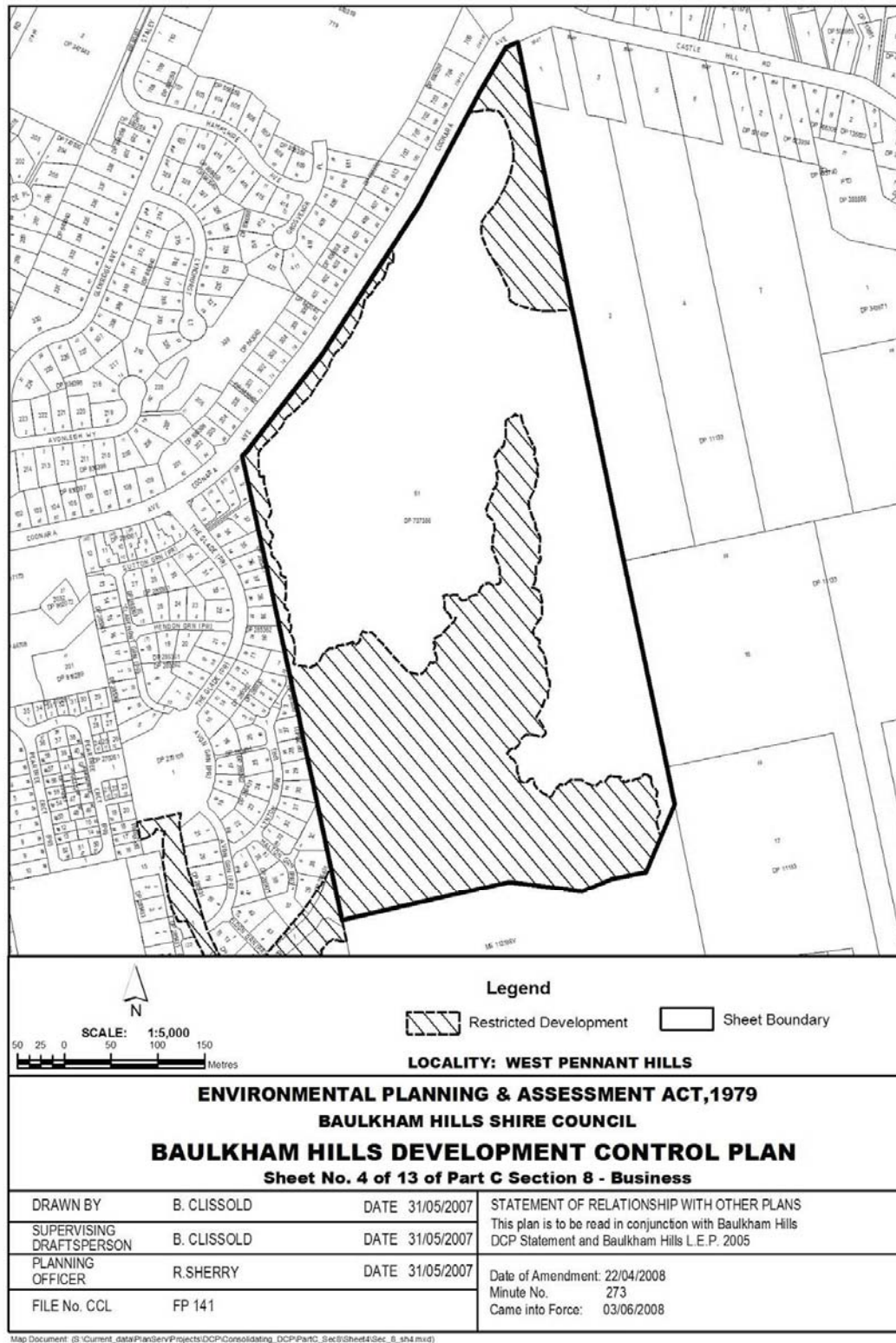
Donovan I, Cameron C, and Coombes P (1999). Water Sensitive Urban Development: Model Planning Provisions. Lake Macquarie City Council, Speers Point, on behalf of the Lower Hunter and Central Coast Environmental Management Strategy.

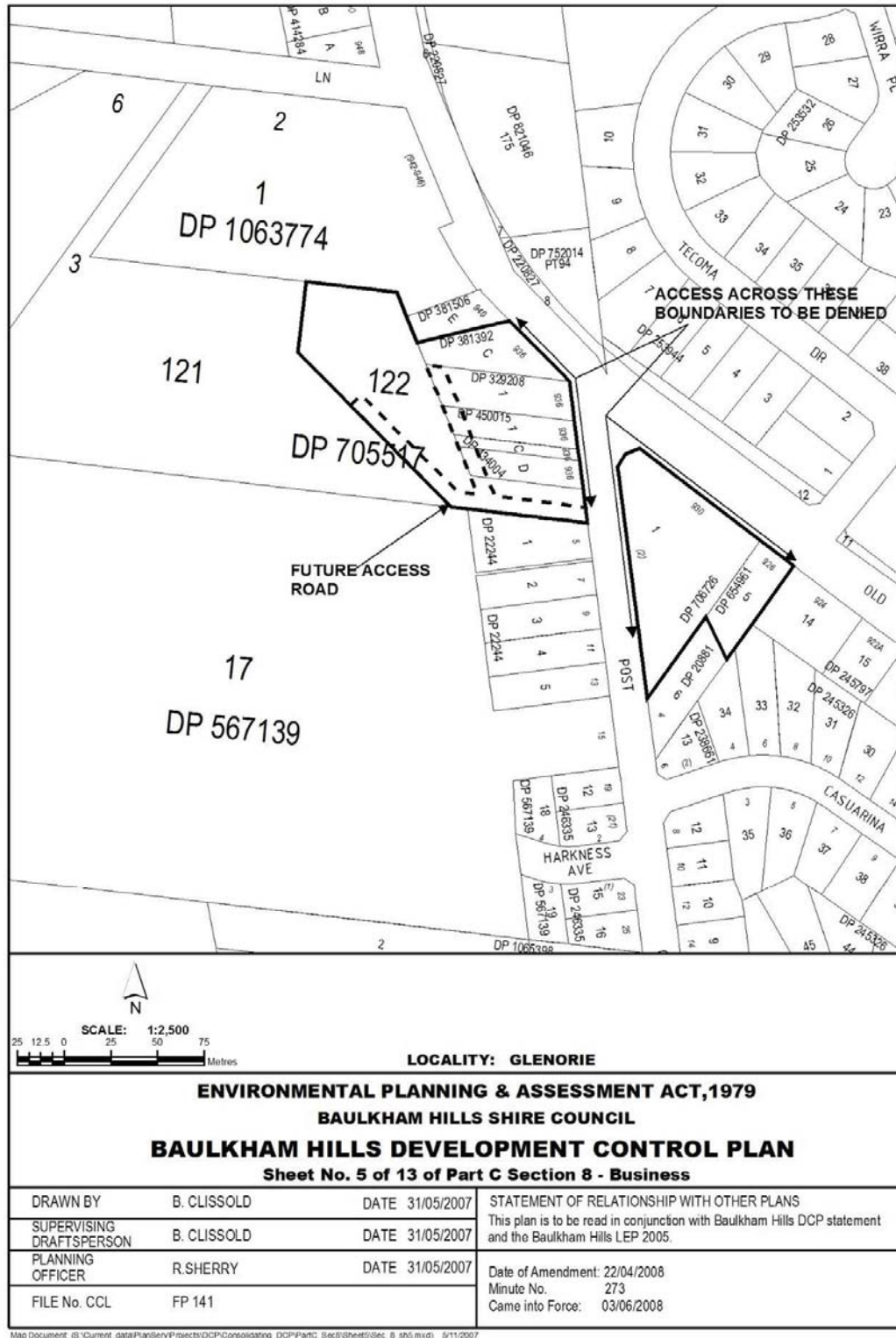
APPENDIX 1 - PRECINCT PLAN MAPS

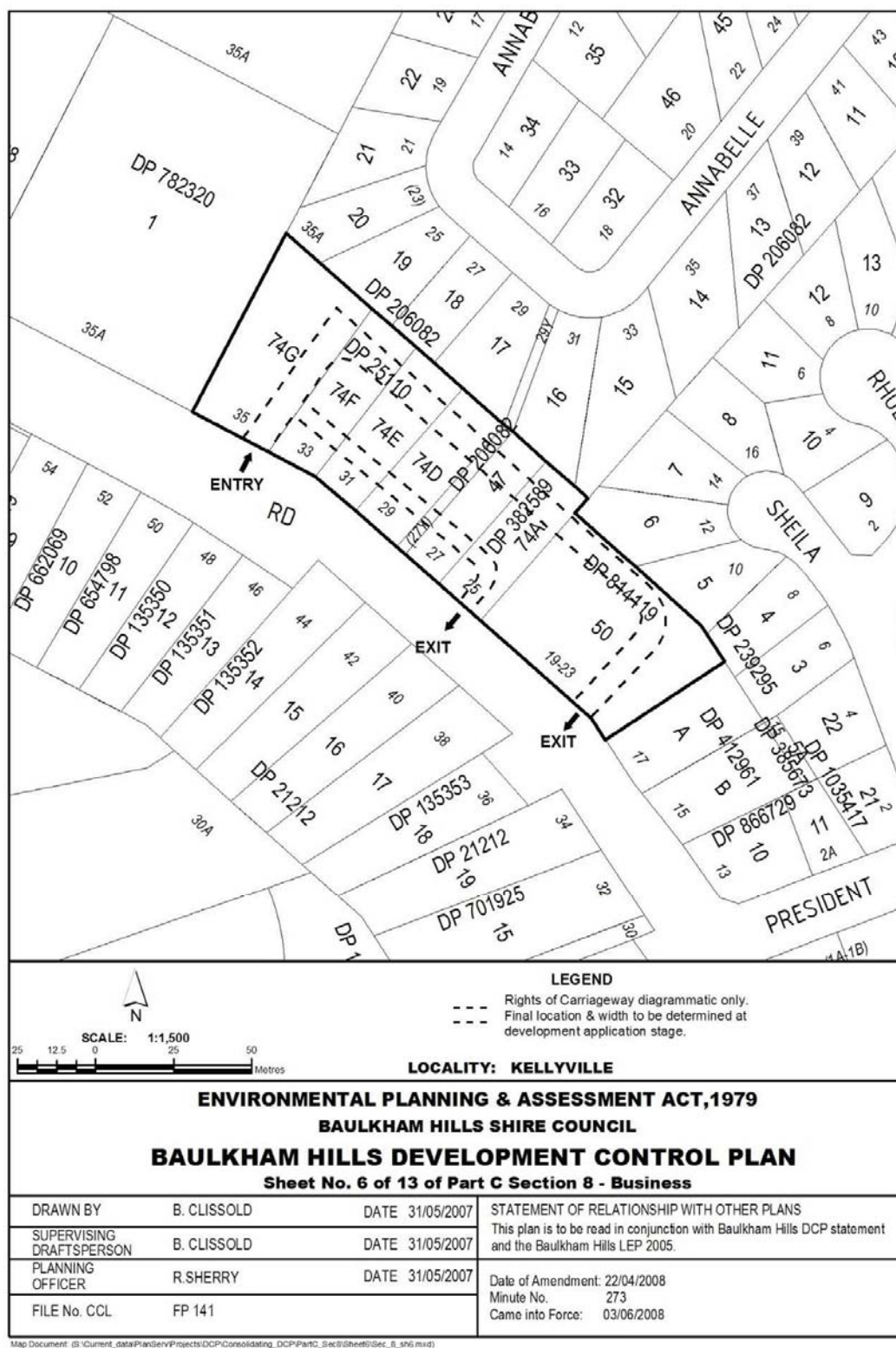


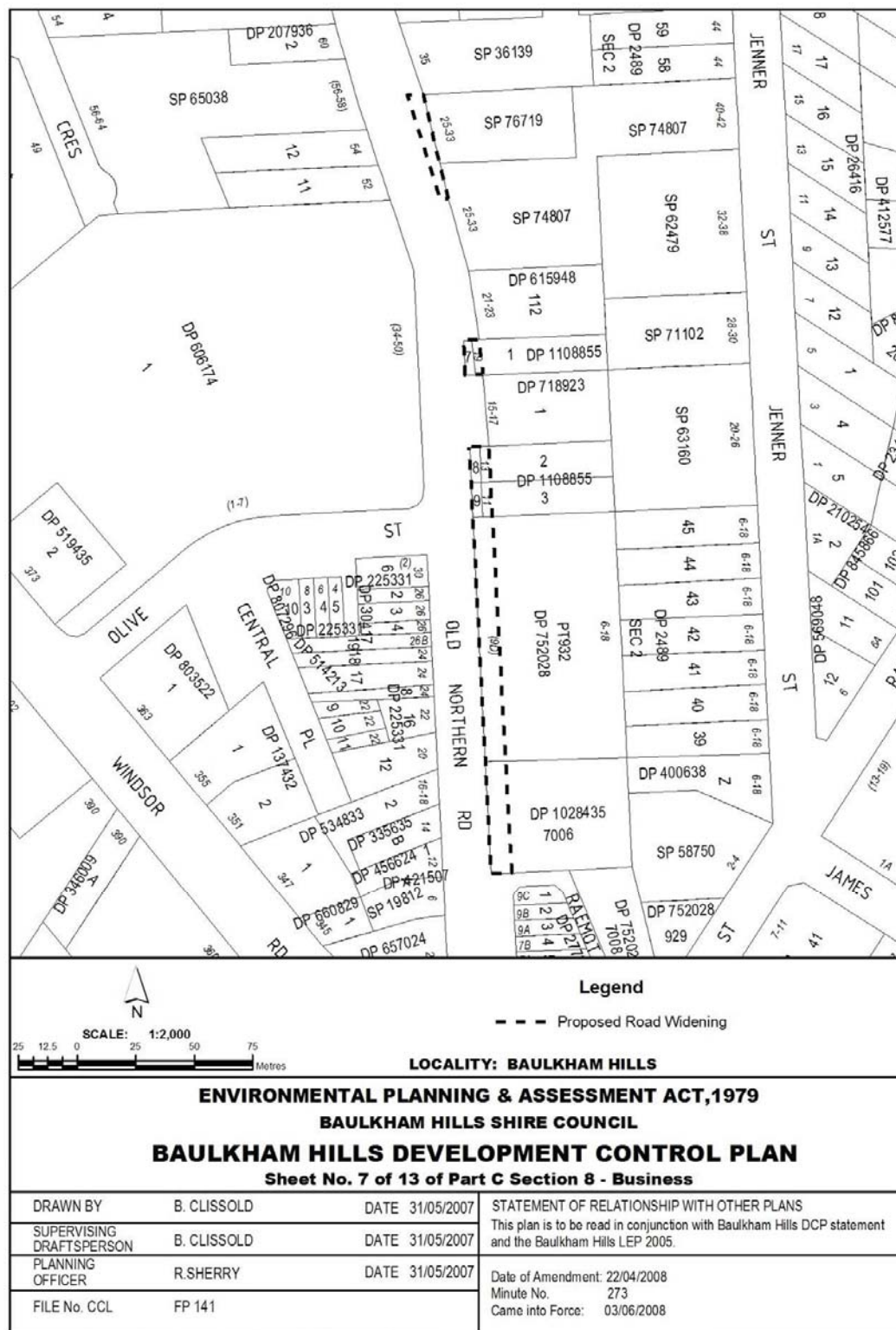


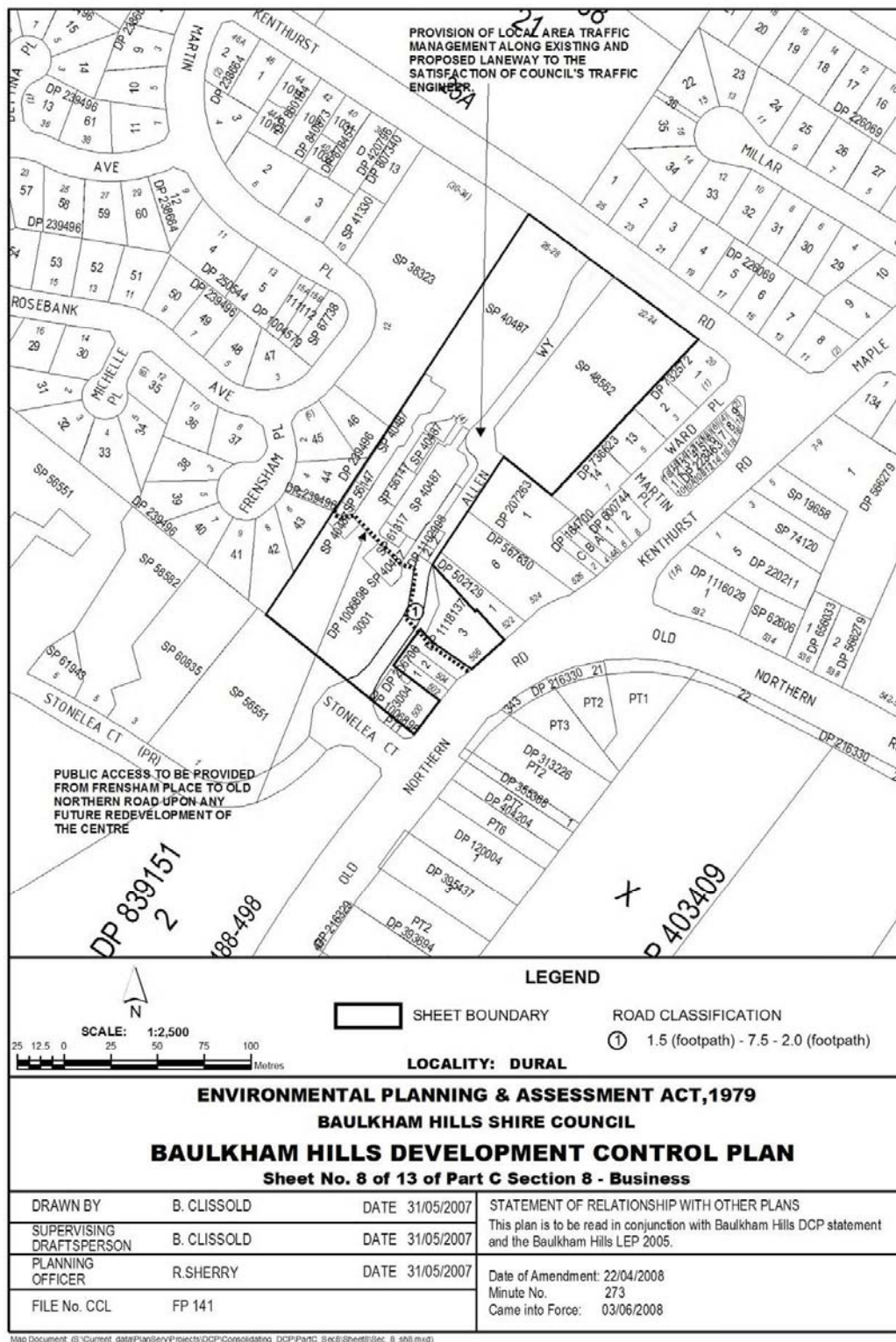


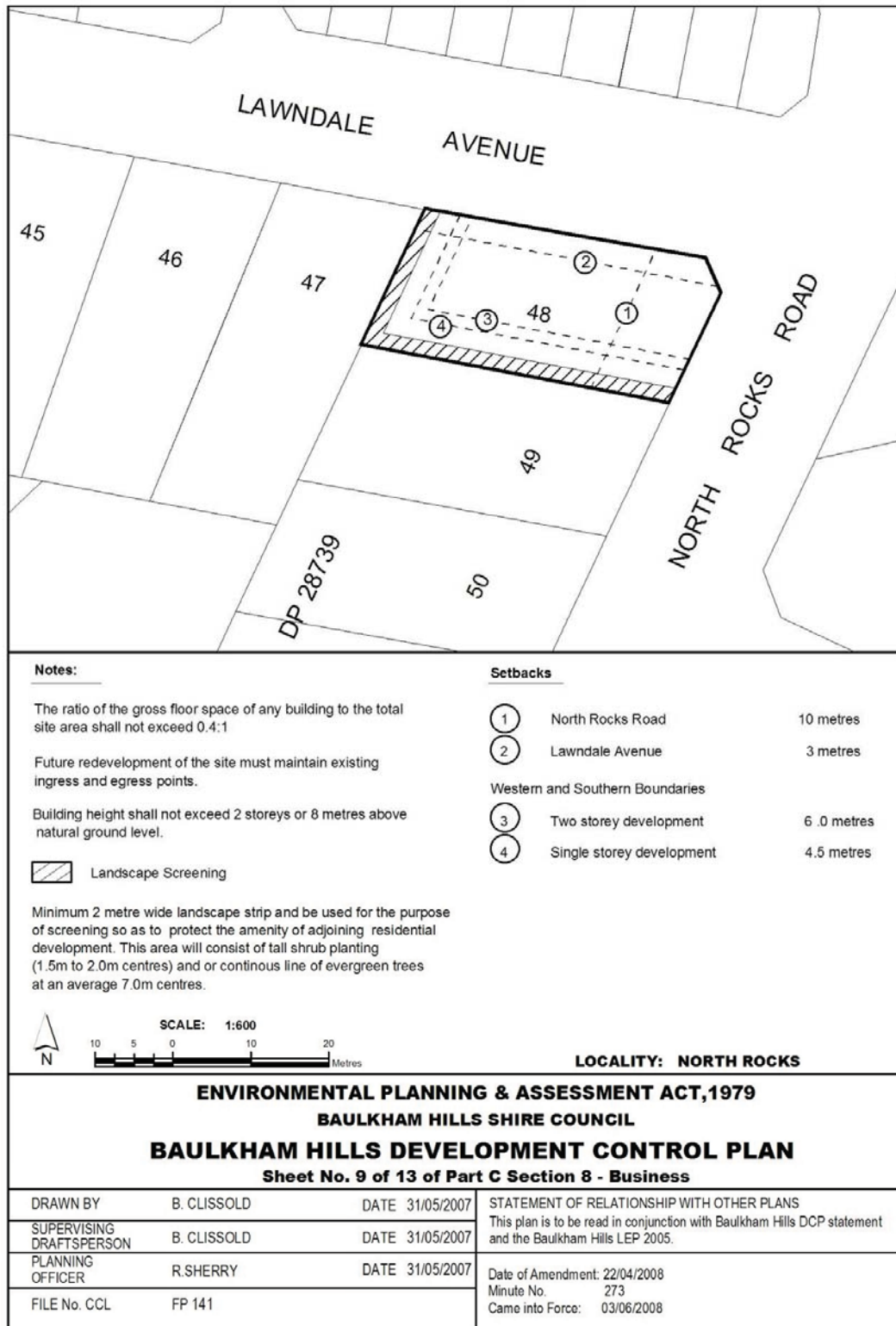


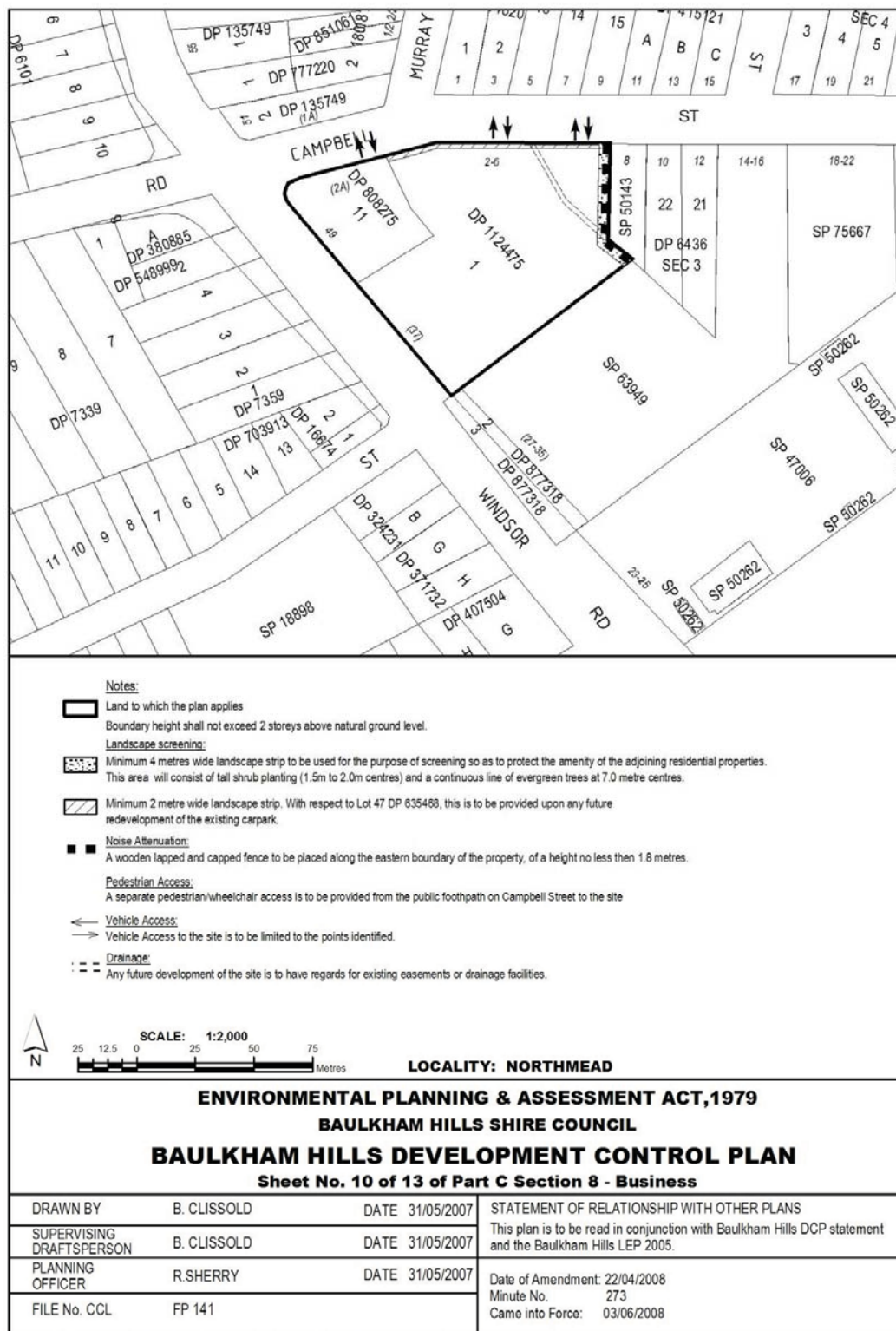


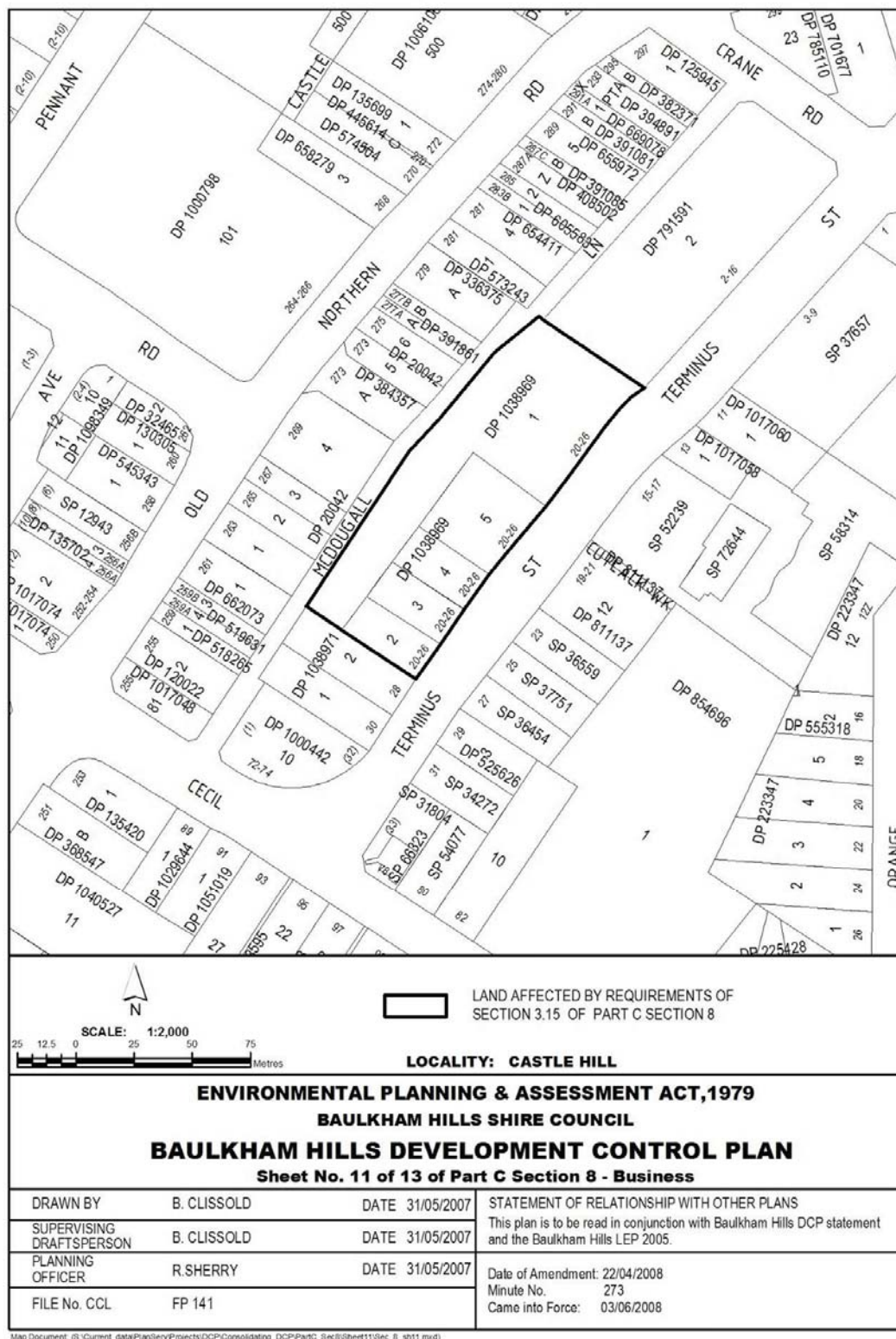


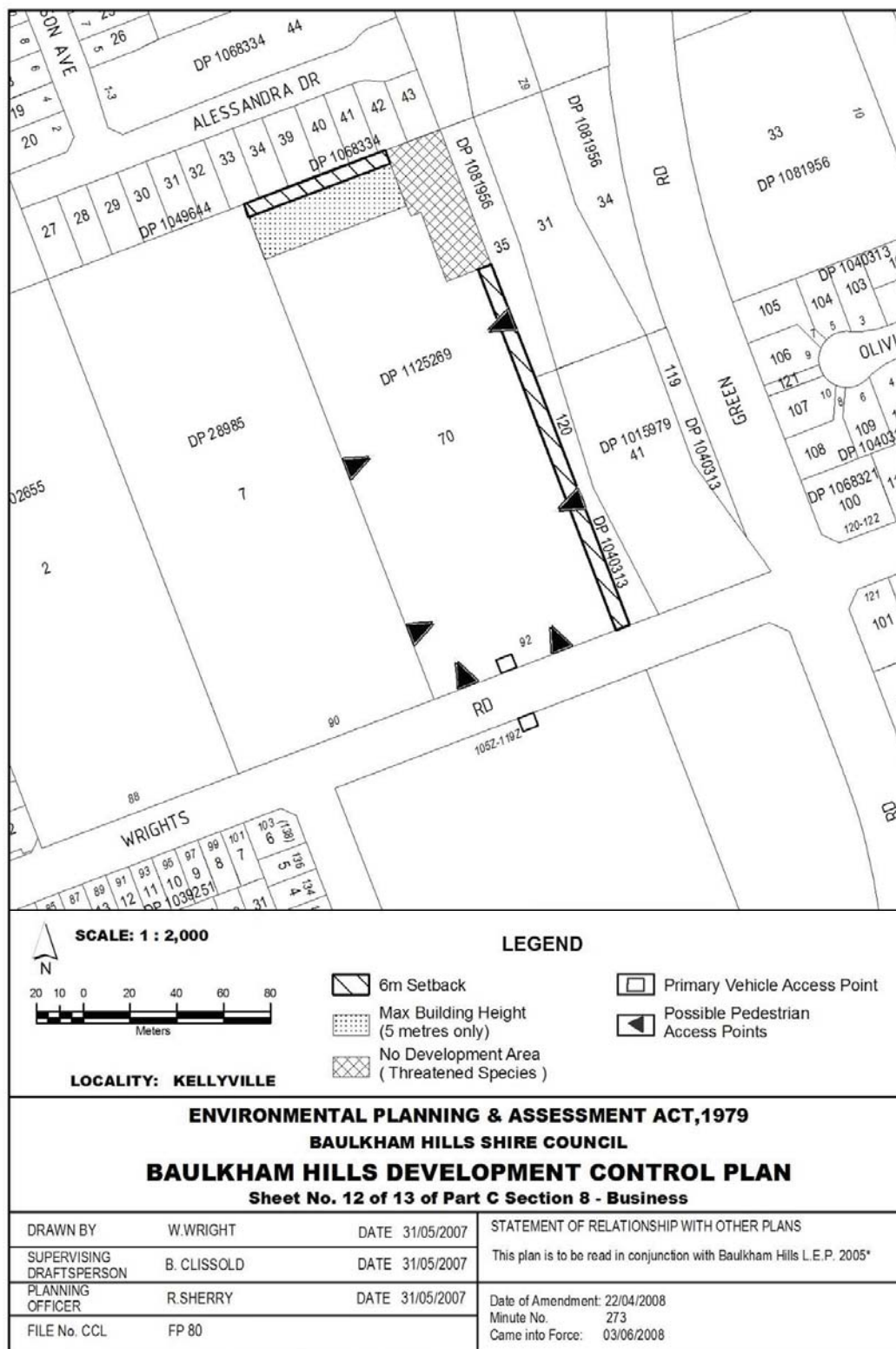


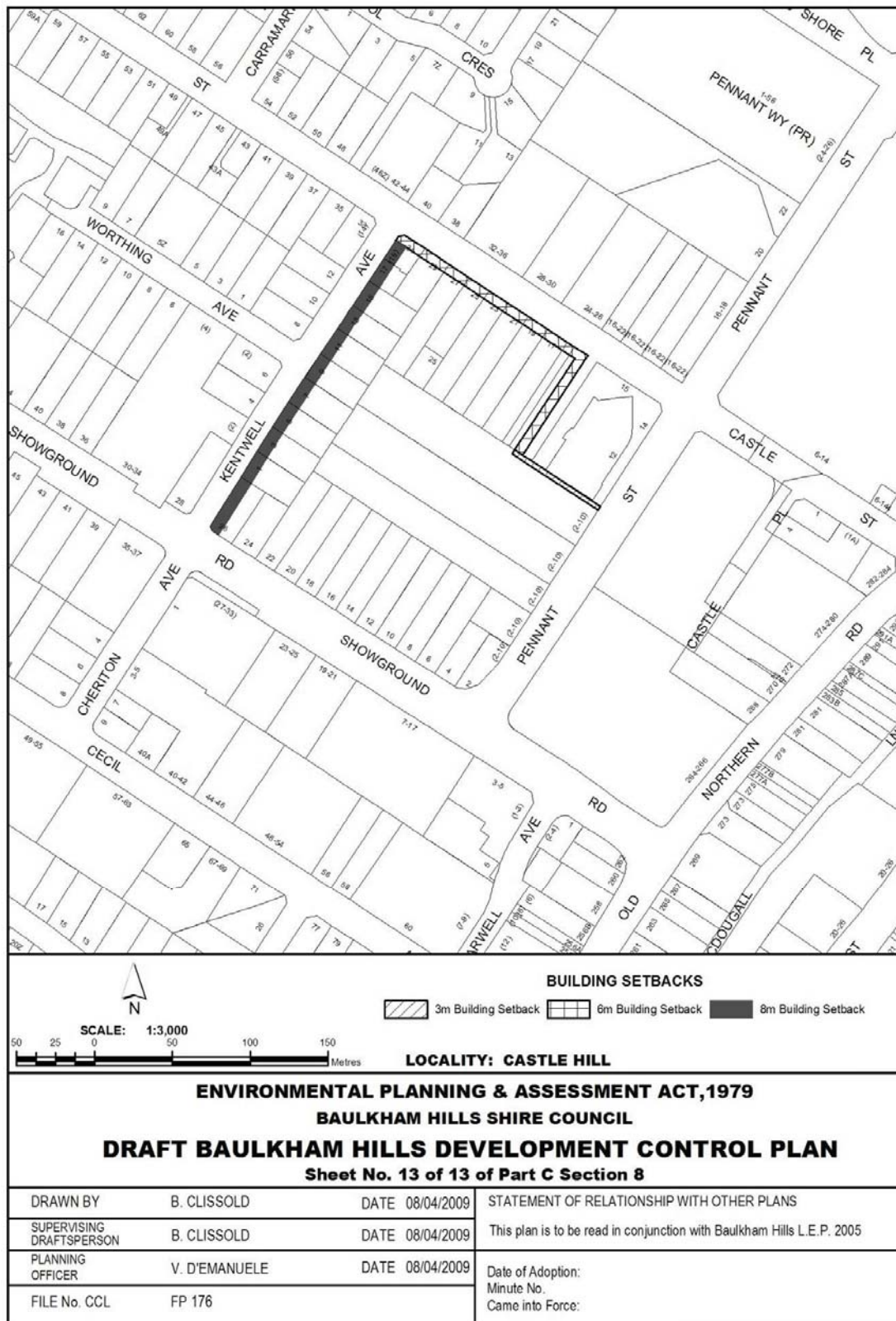












MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers, Castle Hill on 10 May 2011

ITEM-1 CONFIRMATION OF MINUTES

A MOTION WAS MOVED BY COUNCILLOR BYRNE AND SECONDED BY COUNCILLOR BURTON THAT the Minutes of the Ordinary Meeting of Council held on 12 April 2011 be confirmed.

THE MOTION WAS PUT AND CARRIED.

223 RESOLUTION

The Minutes of the Ordinary Meeting of Council held on 12 April 2011 be confirmed.

APOLOGIES

A MOTION WAS MOVED BY COUNCILLOR DIMBROWSKY AND SECONDED BY COUNCILLOR BENTHAM THAT the apology from Councillors Bolitho, Harty, Hay and Burnett be accepted and leave of absence granted.

THE MOTION WAS PUT AND CARRIED.

224 RESOLUTION

The apology from Councillors Bolitho, Harty, Hay and Burnett be accepted and leave of absence granted.

COMMUNITY FORUM

225 FUNDS FOR SEWERAGE WORKS - CATTAI CREEK

Mrs Shirley Schumacher of Kellyville asked was Council aware that money that was supposed to be used for 2/3 of the North Kellyville Rezoning area, namely Cattai Creek sewerage, was transferred by Sydney Water at the request of the NSW Planning Department to areas in Box Hill that have been purchased by developers including Landcom but not as yet rezoned for development, leaving North Kellyville area without sewerage until 2020. The resulting outcome is 2200 building sites that could have been well on the way to have houses built as well as rates for Council. She feels that this is a scandal and asked did Council know about this and what are they going to do about this? Mrs Schumacher also asked if this was done before the last State Election or afterwards? *The Acting General Manager believes that Council does have some information on that, but would take the question on notice.*

ITEM-2 PLANNING PROPOSAL FOR HOME IMPROVEMENT CENTRE AND BULKY GOODS RETAILING AT LOTS 1021 AND 1022 DP1091484 COMMERCIAL ROAD, ROUSE HILL (FP 176)

A MOTION WAS MOVED BY COUNCILLOR DIMBROWSKY AND SECONDED BY COUNCILLOR PRESTON THAT the Recommendation contained in the report be adopted.

226 RESOLUTION

1. A planning proposal be prepared and submitted to the Department of Planning to amend Schedule 6 of *Baulkham Hills Local Environmental Plan 2005* to enable a range of additional permitted uses being: bulky goods premises; landscape

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers, Castle Hill on 10 May 2011

supply establishment; and office warehouse over Lots 1021 and 1022 DP1091484 Commercial Road, Rouse Hill.

2. Baulkham Hills Development Control Plan be amended with the introduction of development controls to guide and improve the design of bulky goods premises.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Councillors M.G.Thomas, P. Dimbrowsky, R.A. Preston, J. D. Taunton, MR Byrne, A.C. Jefferies, D.R. Bentham, B. Burton

VOTING AGAINST THE MOTION

None

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR DIMBROWSKY AND SECONDED BY COUNCILLOR BENTHAM THAT Items 3,5,6 and 7, be moved by exception and the recommendations contained in the reports be adopted.

THE MOTION WAS PUT AND CARRIED.

227 RESOLUTION

Items 3,5,6 and 7 be moved by exception and the recommendations contained in the reports be adopted.

ITEM-3

MILLCROFT WAY, KELLYVILLE - PROPOSED TRAFFIC SIGNALS

228 RESOLUTION

1. The amended Deed of Agreement between Council and Kellyville Pets to facilitate payment of Council's financial contribution toward the construction of traffic signals at the intersection of Windsor Road and Millcroft Way, Kellyville, be authorised for execution under seal.
2. Council's contribution to the project be included in the Strategic Plan and introduced into the relevant Delivery Plan.

ITEM-5

AUDIT SERVICES FOR PERIOD 2010/2011-2015/2016

229 RESOLUTION

Council appoint PricewaterhouseCoopers as Auditors for the period 1 July 2010 to 30 June 2011 at the tendered price of \$70,000 + GST, with the fee to be reviewed on an annual basis in line with the CPI increases for a further five years.