
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 October 2015

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

VOTING FOR THE MOTION

Clr Dr M R Byrne Adjunct Professor
Clr Jefferies
Clr Thomas
Clr Preston
Clr Keane
Clr Dr Gangemi
Clr A N Haselden
Clr Harty OAM
Clr Hay OAM
Clr Tracey
Clr Taylor

VOTING AGAINST THE MOTION

None

ABSENT

Clr Dr Lowe

9.32pm *Councillor Preston left the meeting for Item 3 and returned at 9.38pm during Item 7.*

ITEM-3

**DA NO. 1024/2015/HB - PROPOSED ADDITIONAL
16 X 2 BEDROOM UNITS WITHIN AN ADDITIONAL
LEVEL IN BLOCK "A" OF AN APPROVED
RESIDENTIAL FLAT DEVELOPMENT- LOT 3 DP
1158967 & LOT 100 DP 1128357 - 23-25 NORTH
ROCKS ROAD, NORTH ROCKS**

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

THE MOTION WAS PUT AND CARRIED.

558 RESOLUTION

The Development Application be approved subject to the following conditions of consent.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

ITEM-6	PLANNING PROPOSAL 488-494 OLD NORTHERN ROAD DURAL (1/2016/PLP)
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	27 OCTOBER 2015 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	FORWARD PLANNING COORDINATOR BRENT WOODHAMS
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that a planning proposal for land at the southern entrance of Round Corner town centre be forwarded to the Department of Planning and Environment for Gateway Determination and that supporting draft Development Control Plan amendments be exhibited concurrently with the planning proposal. The planning proposal seeks to apply a floor space ratio of 1.22:1 to the part of the site zoned B2 Local Centre (Residential Apartments & Commercial/Retail Component) and apply a maximum height of buildings of 18 metres to the southern portion of the B2 Local Centre zoned land (Residential Apartment Component) and 14 metres for the northern portion of B2 Local Centre zoned land (Commercial/Retail Component).

A previous planning proposal for the site, finalised in July 2014, rezoned the land from RU6 Transition to part B2 Local Centre and part R3 Medium Density Residential and introduced a floor space ratio of 0.75:1 over part of the site. The intention at that time was to facilitate a mixed use development including a supermarket and specialty retail at the front of the site and townhouses at the rear of the site.

The current planning proposal changes the development concept for the site by consolidating retail and commercial floor space in the northern portion of the site and allowing for the construction of a residential flat building of up to five storeys at the southern end of the site. The concept also proposes 21 townhouses for the part of the site zoned R3 Medium Density Residential.

The current proposal is supported as it will provide for an improved outcome by locating the commercial and retail components closer to the existing town centre, and will provide for an increased diversity of housing types in a location close to the existing services and facilities of Round Corner.

To ensure a residential outcome consistent with the proponent's concept and Council's requirements, it is recommended that a provision be included in Local Environmental Plan 2012 to allow up to 80 apartments where they will meet Council's unit size, unit mix and car parking controls. Amendments to the Development Control Plan include separation and access controls to ensure appropriate amenity outcomes are achieved for future occupiers of the adjoining townhouse development on the site as well as changes necessary to reflect the revised concept outcome for the site.

APPLICANT

Calibre Consulting

OWNER

Australian United Securities Pty Ltd

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

	CURRENT	PROPOSED
Zone:	B2 Local Centre R3 Medium Density Residential	No change
Minimum Lot Size:	2 hectares	No change
Maximum Floor Space Ratio:	0.75:1 (On part zoned B2)	1.22:1 (On part zoned B2)
Maximum Height of Buildings:	10 metres	10 metres (On part zoned R3) 18 metres (On southern part zoned B2) 14 metres (On northern part zoned B2)

POLITICAL DONATIONS

Nil disclosures

HISTORY**13/07/2012**

Planning proposal lodged to rezone 488-494 Old Northern Road from RU6 Transition to part B2 Local Centre and part R3 Medium Density Residential and to introduce a Floor Space Ratio of 0.75:1 over the part of the site zoned B2 - Local Centre.

Council resolved in December 2012 to forward the proposal for gateway determination which was subsequently issued in March 2013.

**28/05/2013 –
28/06/2013**

Public exhibition of the previous planning proposal.

25/02/2014

Council considered a report on the outcomes of exhibition of the previous planning proposal and resolved that it be adopted and proceed to finalisation and that draft amendments to the Business section of Development Control Plan 2012 be exhibited.

13/05/2014

Council considered a report on the outcomes of exhibition of the amendments to Development Control Plan 2012 and resolved that the amendments be adopted and come into force following the notification of the planning proposal.

11/07/2014 Amendment of Local Environmental Plan 2012 was notified on the NSW legislation website and came into force as did the supporting amendments to the Development Control Plan.

05/08/2015 Current Planning Proposal lodged.

BACKGROUND

The previous planning proposal for the site was lodged by Brown Consulting (now Calibre Consulting) to facilitate a mixed use development of the site. The original development concept provided for 9,000m² retail floor area at the front of the site comprising 3,000m² of supermarket floor space and a restaurant and specialty shops across two levels together with 22 townhouses behind the mixed use development.

Following exhibition, a revised development concept was submitted to respond to concerns raised during the exhibition including connectivity and access, view corridor preservation, the provision of active and civic space and gateway opportunities. The revised concept provided for a mixed use development including 6,500m² retail floor area comprising 2,500m² of supermarket floor space, 1,600m² of specialty shops and 2,400m² of commercial floor space together with 21 townhouses. Key features of the revised concept include a central civic space, view corridor preservation across the Shire and beyond to the Blue Mountains and active uses at ground level (Figure 1).

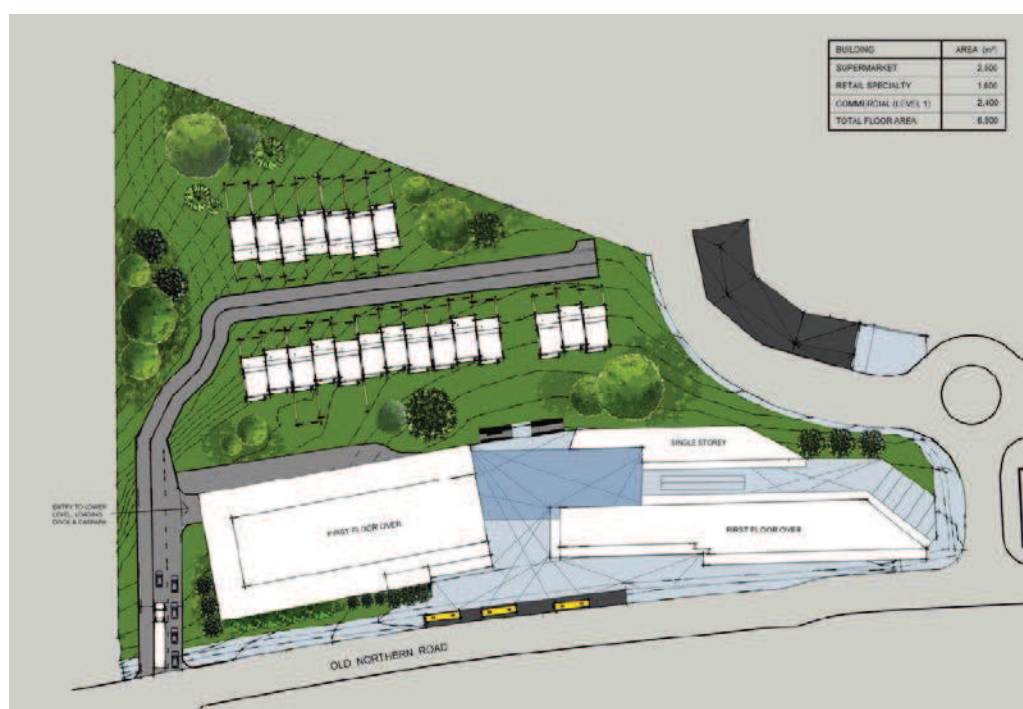


Figure 1
Indicative Site Plan – previous concept

Council at its meeting of 25 February 2014 supported the planning proposal as it provided for an appropriate and logical expansion of the Town Centre and provided for central civic space that would allow for both community interaction and preservation of significant views. Additionally, accessibility by way of a controlled four-way intersection at the southernmost end of the site was seen to facilitate safe and efficient access for the site. It was resolved that the planning proposal proceed to finalisation and that draft development controls for the site be exhibited.

The site was rezoned from RU6 Transition to part B2 Local Centre and part R3 Medium Density Residential on 11 July 2014 (Figure 2) and a maximum floor space ratio of 0.75:1 was applied to the part of the site zoned B2 Local Centre. Site specific development controls were also adopted to guide future character and built form, ensure the provision of civic space, and secure the future delivery of traffic signals on the corner of Old Northern Road and Franlee Road, and public bus facilities along the frontage of the site.

The applicant has indicated that the current planning proposal is the result of feedback received by the local community including the local Chamber of Commerce and residents group who support a reduction in retail floor space and the inclusion of a residential flat building on the site.

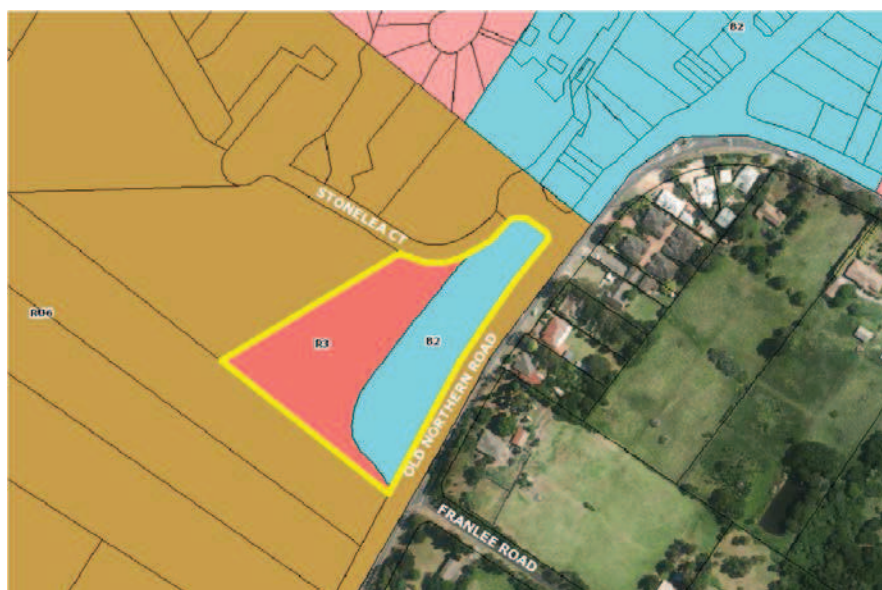


Figure 2
Existing Site Zoning

REPORT

The purpose of this report is to consider a planning proposal to amend the height of buildings and floor space ratio maps applying to the portion of land zoned B2 Local Centre at 488-494 Old Northern Road Dural (Lot 2 DP 839151) in order to accommodate a revised development concept for the site.

1. THE SITE

The site is at the corner of Old Northern Road and Stonelea Court and forms the southern gateway to Round Corner Town Centre. The Mountainview Retreat Retirement Village and BUPA nursing home complex are located directly to the north-west of the site and the residential areas of the village are located to the north. The land is also adjacent to the potential future urban release area of South Dural, located within the Hornsby Shire Local Government Area (refer Figure 3).



Figure 3
Locality Plan

2. PLANNING PROPOSAL

The planning proposal seeks to make the following amendments:

- Amend the Height of Buildings Map from 10 metres to 18 metres for the southern portion of the land zoned B2 Local Centre and 14 metres for the northern portion of the land zoned B2 Local Centre; and
- Amend the Floor Space Ratio Map from 0.75:1 to 1.22:1 across the whole of the land zoned B2 Local Centre.

No change is proposed to the zoning of the site or to the development standards applying to that part of the site zoned R3 Medium Density Residential. The existing and proposed Height of Buildings and Floor Space Ratio maps are shown in the following figures.



Figure 4
Existing and Proposed Height of Buildings Map



Figure 5
Existing and Proposed Floor Space Ratio Map

The purpose of the proposal is to facilitate an amended development concept for a part four (4) and part five (5) storey residential flat building and ground floor retail uses on the southern portion of the site. Residential flat buildings are permitted with consent in the B2 Local Centre zone. The revised concept includes a 4,500m² retail/commercial building at the northern end of the site comprising a supermarket, specialty stores, office suites, restaurant and central plaza area. All customer and residential parking areas are proposed to be contained within three (3) levels of basement parking. The submitted concept also integrates the development of 21 townhouses at the rear of the development on the adjacent R3 Medium Density Residential zoned land.

The previous concept for the site identified all vehicular access (residential, retail and truck loading) via the future road connection at the intersection of Old Northern Road and Franlee Road. The architectural plans have been amended to show the southern intersection for residential and retail use (including customer parking) and a separate loading dock access off Stonelea Court for delivery and waste trucks.

As a separate access lane is no longer required from the southern entry point to the loading dock, there will be additional space for a new roadway to be located further down the site to service the future townhouses on the land zoned R3 Medium Density Residential. The relocation of the loading dock would include a turntable within the loading dock which was not possible with the previous design. The turntable ensures that all reversing movements are contained within the building which will assist in alleviating any acoustic impact on adjoining residential uses.

The increased building height and amended floor space ratio will apply to the extent of the area zoned B2 Local Centre. The proposed floor space ratio of 1.22:1 represents the total floor area of both the retail and apartment components of the development. Based on this floor space ratio and the area proposed for apartment development, the concept would yield up to 80 apartments based on Council's apartment size and mix controls. The proposal retains key elements of the former proposal such as the provision of a central plaza area and active frontages to Old Northern Road. The following figures illustrate the indicative outcomes for the site.



Figure 6
Site Plan of Proposed Concept



Figure 7
Development concept view from Old Northern Road looking south



Figure 8
Plaza view



Figure 9
Elevation view - Old Northern Road

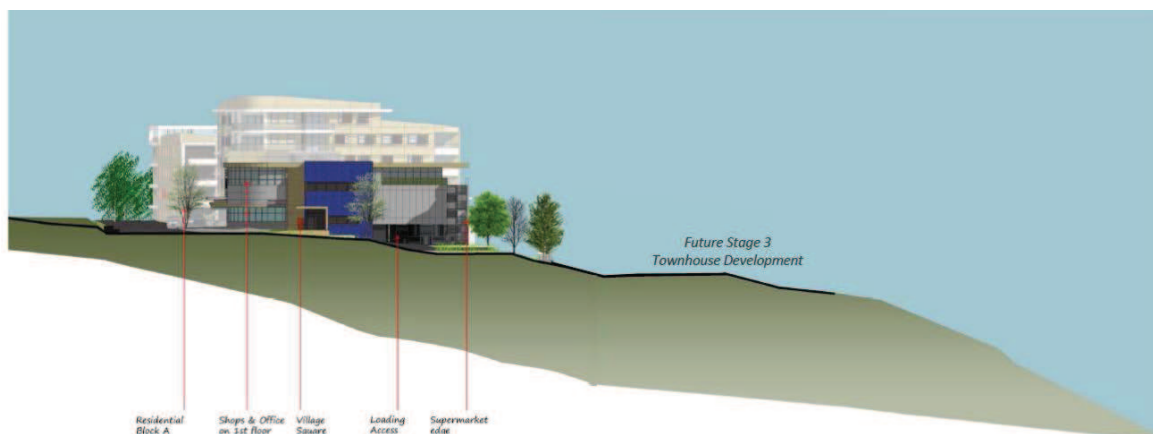


Figure 10
Northern Elevation

3. STRATEGIC CONTEXT

A Plan for Growing Sydney

On 14 December 2014, the NSW Minister for Planning released Sydney's updated Metropolitan Strategy, 'A Plan for Growing Sydney'. The Plan is intended to guide land use planning decisions for the next 20 years and presents a way forward for accommodating Sydney's forecast population growth over this time. The Plan sets out four (4) main goals, being:

- A competitive economy with world-class services and transport;
- A City of housing choice with homes that meet our needs and lifestyles;
- A great place to live with strong, healthy and well-connected communities, and;
- A sustainable and resilient City that protects the natural environment and has a balanced approach to the use of land and resources.

In relation to centres, The Plan identifies the importance of creating mixed-use environments that provide a convenient focus for daily activities. In addition there is a focus on creating centres that are vibrant and well connected, have an interesting street life and an improved public domain.

As the planning proposal seeks to facilitate the delivery of additional housing, retail facilities and civic space within a town centre it is consistent with the key goals and outcomes of the plan.

Local Strategy and Centres Direction

Council's Draft Local Strategy was adopted in 2008, and is the principal document for communicating the future planning of the Shire. It includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The Strategy identifies a demand for 36,000 dwellings to meet the Shire's needs by 2031.

With respect to Round Corner, the Centres Direction promotes the revitalisation and redevelopment of the centre to address issues of appearance, fragmentation, accessibility and connectivity. Master planning work for the centre to address these matters is ongoing, however the proposal is consistent with overall principles to improve and revitalise the centre, particularly through new development, civic space and an improved public domain.

The proposed residential flat building will support the economic functioning of Round Corner by providing for an increase in residential population directly within the main trade area of the centre.

4. MATTERS FOR CONSIDERATION**Residential Yield**

The scheme as submitted would yield 80 apartments which would generally comply with Council's size and mix controls within the development control plan. The size and mix of the proposed apartments is considered appropriate in the context of the surrounding Dural and Kenthurst localities which have a high proportion of family households.

In order to ensure these outcomes are achieved at the development application stage, and to allow for some flexibility in the overall design, it is proposed to insert a provision within the Local Environmental Plan, consistent with that recently proposed for the site at Spurway Drive, Baulkham Hills to cap the overall number of apartments on the site to 80 consistent with the outcome proposed by the applicant. The clause will ensure that future apartment development proposed on the site is either:

- Limited to the yield achievable under current controls (being 30 dwellings under a height of buildings of 10 metres and floor space ratio of 0.75:1); or
- A maximum of 80 dwellings and the maximum height and floor space ratio where the dwellings are compliant with Council's standards for apartment mix, size and car parking.

By way of comparison, a development compliant with SEPP 65 apartment sizes within the same floor area as the proposal could potentially yield between 90 - 100 dwellings.

To ensure additional apartment yield is not obtained on the part of the site proposed for retail and commercial development, the proposed provision would apply to the whole part of the site zoned B2 Local Centre and is set out below:

Part 7 Additional Local Provisions***7.10 Residential Development Yield***

(1) The objectives of this clause are as follows:

- (a) To ensure that residential flat building development does not over-tax existing and planned services, facilities and infrastructure;*
- (b) To provide opportunities for a suitable density housing form that is compatible with existing development and the future character of the surrounding area;*
- (c) To ensure the provision of a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets; and*
- (d) To promote development that suits larger household sizes and family household structures which are expected for The Hills Shire into the future.*

(2) This clause applies to land identified as "Area C" on the Key Sites Map.

(3) Residential development on whole of the land specified in Column 1 of the Table is not to exceed the criteria and standards specified in Column 2.
or

(4) Residential development on the whole of the land specified in Column 1 of the Table may be less or equal to that specified in Column 3, where the development complies with all criteria and standards specified in Column 4.

Column 1	Column 2	Column 3	Column 4																											
Land zoned B2 – Local Centre on Lot 2 DP 839151, known as 488-494 Old Northern Road, Dural	30 dwellings and a maximum building height of 10 metres and a floor space ratio of 0.75:1.	80 dwellings and a maximum height and floor space ratio as shown on the "Height of Buildings Map" and "Floor Space Ratio Map".	Apartment mix No more than 25% of the dwelling yield is to comprise either studio or one bedroom units. No less than 10% of the dwelling yield is to comprise units with three or more bedrooms. Internal floor areas The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following: <table><tr><td colspan="2">Type 1</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 or more bedrooms</td><td>95m²</td></tr><tr><td colspan="2">Type 2</td></tr><tr><td>1 bedroom</td><td>65m²</td></tr><tr><td>2 bedroom</td><td>90m²</td></tr><tr><td>3 or more bedrooms</td><td>120m²</td></tr><tr><td colspan="2">Type 3</td></tr><tr><td>1 bedroom</td><td>75m²</td></tr><tr><td>2 bedroom</td><td>110m²</td></tr><tr><td>3 or more bedrooms</td><td>135m²</td></tr></table> Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments. Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments. All remaining apartments are to comply with the Type 3 apartment sizes. Car parking The provision of car parking shall not be less than the following: <table><tr><td>1 space per 1 bedroom unit</td></tr><tr><td>2 spaces per 2 or 3 bedroom unit</td></tr><tr><td>2 visitor spaces per 5 units</td></tr></table>	Type 1		1 bedroom	50m ²	2 bedroom	70m ²	3 or more bedrooms	95m ²	Type 2		1 bedroom	65m ²	2 bedroom	90m ²	3 or more bedrooms	120m ²	Type 3		1 bedroom	75m ²	2 bedroom	110m ²	3 or more bedrooms	135m ²	1 space per 1 bedroom unit	2 spaces per 2 or 3 bedroom unit	2 visitor spaces per 5 units
Type 1																														
1 bedroom	50m ²																													
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1 space per 1 bedroom unit																														
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2 visitor spaces per 5 units																														

Proposed Land Use and Built Form

The revised proposal locates the core retail components of the development at the northern end of the site, adjacent to the existing commercial centre. This provides for an improved outcome over the previous proposal as it will contribute to a more

consolidated and accessible retail offering across the town centre, particularly for pedestrians.

The proposed residential flat building on the southern end of the site will provide the opportunity for a unique gateway marker for the entrance to the town centre and deliver increased housing diversity and choice for the locality. The increased residential population will have positive benefits in supporting and activating the town centre, particularly out of normal business hours. Whilst it will reach five (5) storeys at its highest point, this portion of the development is adjacent to the commercial area and will not impact on adjoining residential amenity.

For the part of the site adjacent to rural zoned land, a four storey building element is proposed. The impacts of this will however be mitigated by existing controls within the Development Control Plan that provide for the retention and enhancement of the existing mature native vegetation and landscaping along this site boundary.

The concept, submitted by the proponent, indicates that the commercial/retail building (located in the northern portion of land zoned B2 Local Centre) would exceed the existing 10 metre height restriction. The slope of the site impacts on the ability for future development to comply with the existing height plane. A cross section of the commercial building is included in the following figure.

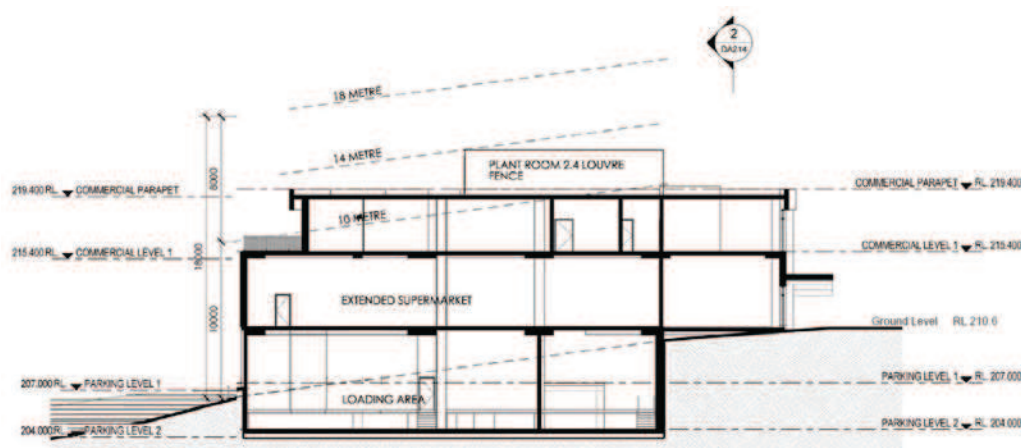


Figure 11
Commercial Cross Section

To reflect the new concept the proposal seeks to increase the height restriction to 14 metres at this location. There is some concern that increasing the height of the commercial component will impact on the ability for the apartment building to act as a gateway marker for the centre. However, the higher elements of the commercial building are primarily located to the rear of the B2 Local Centre zone. This will ensure that the commercial element will appear at 10 metres when viewed from Old Northern Road.

It is recognised that 14 metres at this location may increase the visual impact of the development when viewed from Stonelea Court. However, this impact is considered to be reasonable in this instance as the additional height will be seen in the context of the broader commercial/residential development. Existing development controls relating to overshadowing and privacy are in place to ensure that the amenity of the adjoining residential uses is appropriately maintained.

Traffic Generation

The site specific development controls prepared for the site as part of the previous proposal require a future developer to enter into a Deed of Agreement with NSW Roads and Maritime Services for the provision of four way traffic signals at the intersection of Old Northern Road and Franlee Road prior to the issuing of development consent. The Deed of Agreement would detail the works to be carried out in relation to the proposed traffic signals and identify timing and funding requirements. The provision of signals at this location would address the impacts of the proposal on Old Northern Road and maintain the functioning of surrounding intersections.

It is noted however that the revised concept decreases the scale of commercial development on the site from 9,000m² to approximately 4,500m². Based on RMS traffic generation guidelines, this would reduce the expected traffic impacts of the proposal during the peak shopping times of Thursday evening and Saturday morning by approximately 553 and 733 trips respectively. For the proposed residential apartments, the total weekday peak trips generation would be approximately 40 each morning and afternoon. This level of trips would have reduced impact on the wider road network and is likely to be further reduced given the close proximity of the site to the Old Northern Road bus corridor.

Despite the total number of trips arising from the development is likely to be reduced, the control relating to the provision of traffic signals is still warranted to ensure safe and efficient access is provided to and from the development.

Western Road Connection

As part of the previous proposal for this site one of the key design principles was the provision of a road connection along the southern boundary to facilitate efficient and orderly development of land to the west (including 4 and 6 Stonlea Court). The only alternative access to these sites would be Stonelea Court which is a private road. Any intensification of development on these sites would be restricted by the existing access entitlements.

The DCP currently contains a control which requires an access road along the southern boundary of the site to be constructed to Council's specifications for local roads as contained within The Hills Shire Council Subdivision and Development Design Guidelines. This would require a 15.5 metre unobstructed road reserve. At this specification the road could be dedicated as a public road.

The concept submitted as part of this proposal indicates that the access road will be under community title arrangement. This will impact on the potential for the future road connection as the adjoining sites will be relying on a private community title road for vehicular access to Old Northern Road which would not be a desirable outcome. In order to ensure that future redevelopment of this site does not impact on the development potential of 4 and 6 Stonlea Court, it is considered appropriate that the control requiring this road connection be retained and that the key principles figures within the DCP be updated. This figure will retain the future road connection through the site in a more central location that has regard to topographic constraints along the southern boundary. The existing and proposed key principles figures from the DCP are included below.

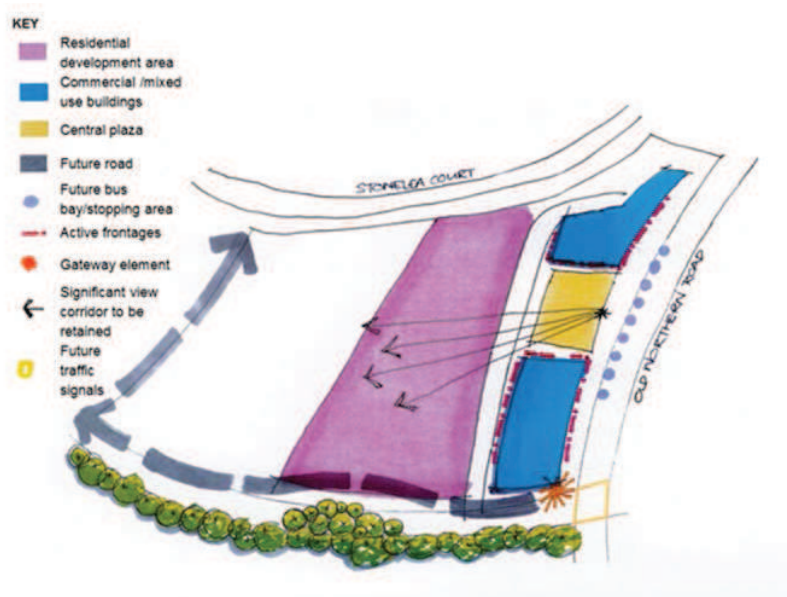


Figure 12
Existing – Key Principles for Development

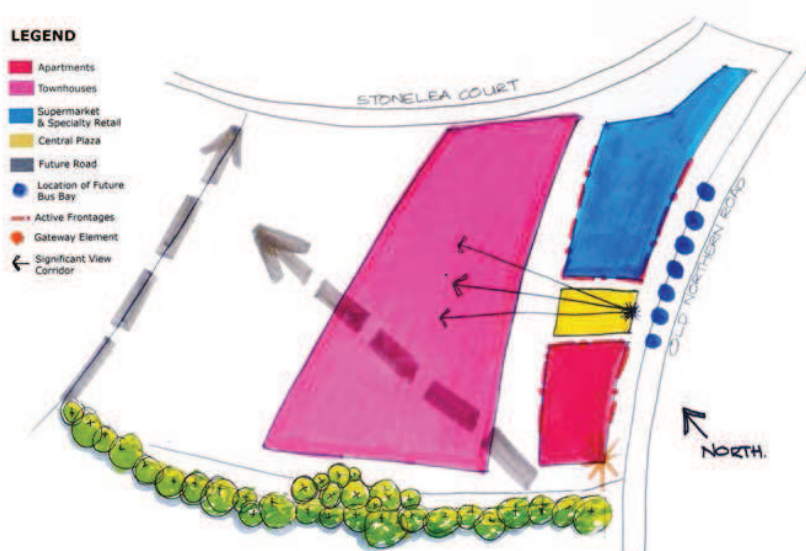


Figure 13
Proposed – Key Principles for Development

5. DEVELOPMENT CONTROL PLAN AMENDMENTS

Given the revised proposal alters the future land use and built form outcomes on the site, amendments to the development controls prepared under Section 2.31 of Part B Section 6 Business of Councils Development Control Plan are necessary to ensure consistency. This includes the updating of images, diagrams and commentary to reflect the reduced area for retail development and the proposed apartment building.

The submitted development concept proposes the development of 21 townhouses to the rear of the retail and apartment building components. Access to the townhouses would be via an elevated ramp that would provide residential and retail/commercial parking.

It is proposed to insert a new control within the plan to ensure adequate separation of 8 metres inclusive of 2 metres of deep soil landscape screening between the

commercial/apartment and townhouse components. A control specifying vehicular and pedestrian access to the townhouses must be independent from the commercial or apartment building component of any future development is also proposed to ensure visible and legible entry ways are provided to each dwelling.

As mentioned previously, the key principles figures within the DCP are proposed to be updated to reflect the new concept, and will retain the future road connection through the site in a more central location that has regard to topographic constraints along the southern boundary.

The proposed amendments to the Development Control Plan are provided in Attachment 1.

CONCLUSION

It is recommended that a planning proposal to amend to the height of buildings and floor space ratio maps for the part of the site zoned B2 Local Centre be forwarded to the Department of Planning and Environment for Gateway Determination. It is also recommended that supporting Development Control Plan amendments be exhibited concurrently with the planning proposal.

The amendments will facilitate an improved retail and commercial development outcome on the site that is consistent with overall objectives for the revitalisation of Round Corner Town Centre. The provision of a residential flat building on the southern portion of the site will act as entry marker to the town centre, increase housing diversity and choice to the locality and support existing and new business activity through increased population.

The density of residential development is proposed to be capped at 80 apartments, subject to the development fully complying with key development standards including apartment size, mix and car parking.

Draft Development Control Plan changes will provide certainty that the apartment development on the site is contained within acceptable limits for the site, future occupiers of the townhouses have a high standard of amenity and liveability, and the opportunity for a western connection be maintained.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future - Community Strategic Plan

The proposal is consistent with the vision and objectives of The Hills Future – Community Strategic Plan as it will facilitate a desirable living environment and meets growth targets. It is also consistent with the key strategy of managing new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.

RECOMMENDATION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination for the site at 488-494 Old Northern Road Dural to apply a floor space ratio of 1.22:1 to the part of the site zoned B2 Local Centre and apply a maximum height of buildings of 18 metres to the southern portion of the B2 Local Centre zoned land and 14 metres for the northern portion of the B2 Local Centre zoned land.

2. The draft Development Control Plan amendments as set out in Attachment 1 be exhibited concurrently with the planning proposal.

ATTACHMENTS

1. Draft Development Control Plan amendments (Part B Section 6 Business) (78 pages)