
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 8 November 2016

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

VOTING FOR THE MOTION

Clr Taylor MP
Clr Preston
Clr Harty OAM
Clr Tracey
Clr Thomas
Clr Dr Gangemi

VOTING AGAINST THE MOTION

Clr Dr M R Byrne
Clr Dr Lowe
Clr A N Haselden

MEETING ABSENT

Clr Keane
Clr Hay OAM

MATTER ARISING

A MOTION WAS MOVED BY COUNCILLOR THOMAS AND SECONDED BY COUNCILLOR HASELDEN THAT

1. Council review traffic volumes along Seven Hills Road to establish if it meets the classification of a local road.
2. The review take into account the impact of the traffic already generated from surrounding approved developments.
3. A review be carried out of traffic volumes through the Baulkham Hills Town Centre.

THE MOTION WAS PUT AND CARRIED.

610 RESOLUTION

1. Council review traffic volumes along Seven Hills Road to establish if it meets the classification of a local road.
2. The review take into account the impact of the traffic already generated from surrounding approved developments.
3. A review be carried out of traffic volumes through the Baulkham Hills Town Centre.

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR HARTY OAM AND SECONDED BY COUNCILLOR DR LOWE THAT Items 6, 7, 8, 9 and 10 be moved by exception and the Recommendations contained in the reports be adopted.

ITEM-5	PLANNING PROPOSAL - 360-378 WINDSOR ROAD, BAULKHAM HILLS (19/2016/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:	8 NOVEMBER 2016 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 to amend the zoning, building height and floor space ratio applicable to land at 360-378 Windsor Road, Baulkham Hills be forwarded to the Department of Planning and Environment for Gateway Determination. The planning proposal would seek to amend Local Environmental Plan 2012 as follows:

- Amend the Land Zoning Map to rezone the site from R1 General Residential to B2 Local Centre.
- Amend Part 7 of Local Environmental Plan 2012 to include a new local provision (Proposed Clause 7.12 Housing Diversity) which shall permit a floor space ratio of 3.2:1 and a maximum height of building of 49 metres if future development on the site wholly satisfies Council's standards for apartment mix, apartment size and car parking and also provides a minimum of 6,042m² of commercial and retail floor space and a minimum of 2,500m² of community floor space.
- Amend clause 4.6 Exceptions to development standards to specify that the new local provision cannot be varied under clause 4.6.

It is also recommended that Council proceed with discussions with the proponent to prepare a draft Voluntary Planning Agreement which secures the delivery of community floor space within the development (including a new community centre and library).

It is considered that there is strategic justification and merit for a mixed use development outcome on the site, having regard to the strategic location of the site within the Baulkham Hills Town Centre which benefits from high frequency bus services through the centre. Further, it is noted that there is a significant public benefit associated with the redevelopment of the site which includes the provision of a new community centre, public domain improvements and increased street activation.

The Gateway Process allows for some of the issues associated with the planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary. It is considered that the planning proposal is suitable for forwarding to the Department of Planning and Environment for Gateway Determination and subsequently, to be publicly exhibited.

APPLICANT

Dyldam Developments Pty Ltd

OWNERS

BNB 88 Pty Ltd & Windsor Entertainment Pty Ltd

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

	Existing	Proposed (as submitted)
Zone:	R1 General Residential	B2 Local Centre
Minimum Lot Size:	600m ²	600m ²
Maximum Height:	12 metres	55m
Maximum Floor Space Ratio:	1:1	3.2:1

POLITICAL DONATIONS

Yes

HISTORY

12/08/2014	At its meeting of 12 August 2014 Council considered a report on a draft Master Plan and Public Domain plan for the Baulkham Hills Town Centre and resolved to exhibit the draft plans. The draft master plan identified potential for approximately 200 units on the Bull and Bush site.
19/08/2014- 19/09/2014	Exhibition of the draft Master Plan and draft Public Domain Plan for the Baulkham Hills Town Centre.
28/10/2014	Council considered a report on the outcome of the exhibition of the draft Public Domain Plan and resolved to adopt the draft plan. The draft Master Plan was not reported back to Council at that time due to the uncertainty regarding the proposed grade separation of the intersection of Windsor Road/Seven Hills Road and Old Northern Road.
05/04/2016	Councillors briefed on the original planning proposal concept for the site which sought retention and enhancement of the existing Bull and Bush Hotel (660m ²), approximately 3,252m ² of additional commercial floor space and 25,706m ² of residential floor space (approximately 260 units). The built form consisted of two distinct tower elements, one being 18 storeys and the second being 15 storeys (above 2-3 storey podium elements).

02/08/2016

Councillors briefed on revised planning proposal concept for the site which sought approximately 2,150m² of commercial floor space, 2,684m² of community floor space and 30,728m² of residential floor space (294 units). The built form consisted of three towers, one being 20 storeys and the remaining two towers proposed to be 18 storeys each.

04/10/2016

Councillors briefed on current proposal which seeks approximately 6,042m² of commercial and retail floor space (including a hotel/pub), 2,502m² of community floor space (including library and community centre floor space) and 20,582m² of residential floor space (approximately 200 units). The built form is proposed to consist of three towers, two being 15 storeys and the remaining building being 8 storeys.

REPORT

The purpose of this report is to consider amendments to The Hills Local Environmental Plan 2012 (LEP 2012) to facilitate a mixed use commercial and residential development on the site of the Bull and Bush Hotel at 360-378 Windsor Road, Baulkham Hills (being Lots 1 and 2 DP783941).

1. THE SITE

The subject site has a total area of approximately 9,250m², and has two (2) main street frontages being a 56 metre frontage along Seven Hills Road and a 166 metre frontage along Windsor Road. The position of the site at the junction of Windsor Road, Seven Hills Road and Old Northern Road is considered to be a highly prominent location.

The site contains a pub known as the "Bull and Bush Hotel" which is listed as an item of environmental heritage within Schedule 5 of LEP 2012. Adjoining land uses include commercial strata development to the west, Conie Avenue Reserve to the north-west, and the Baulkham Hills Community Centre to the north. An aerial photograph of the site is included below.



Figure 1
Aerial Photograph - Subject Site

2. PLANNING PROPOSAL

The planning proposal, as submitted, seeks to amend LEP 2012 as follows:

- Amend the Land Zoning Map from the R1 General Residential zone to the B2 Local Centre zone;
- Amend the Height of Buildings Map from 12 metres to 55 metres; and
- Amend the Floor Space Ratio Map from 1:1 to 3.2:1.

It is noted that a number of concepts have been submitted to Council since the lodgement of the application in February 2016. An overview of the past concepts is provided in Attachment 2.

The current development concept proposes approximately 6,042m² of commercial and retail floor space (including a hotel/pub), 2,502m² of community floor space (including library and community centre floor space) and 20,582m² of residential floor space (approximately 200 units). The built form is proposed to consist of three towers, two being 15 storeys and the remaining building being 8 storeys.

The current concept also seeks the full demolition of the existing hotel with a commitment to the preparation of an Interpretation Strategy in accordance with the Guidelines of the NSW Heritage Office covering themes and material relating to the occupation of the site as a hotel. Details regarding the heritage impact and heritage recommendations are discussed further in this report. The proposed distribution of height and built form massing of the development are included on the following figure.

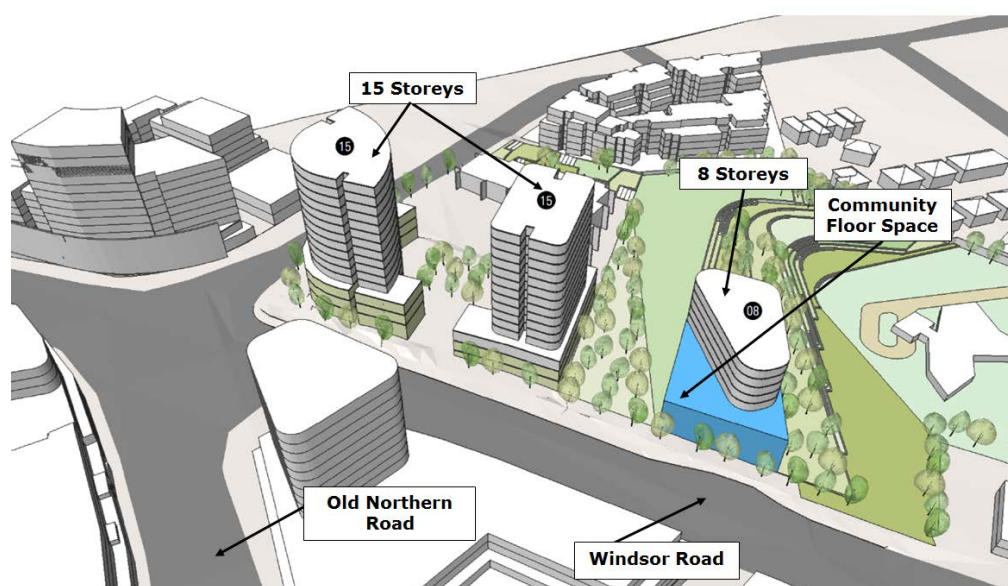


Figure 2
Built Form Photomontage

The developer has reiterated their intent to enter into a Voluntary Planning Agreement with Council with respect to the incorporation of an expanded library and community centre. If Council decides to proceed with a planning proposal based on the new concept, further negotiation would be undertaken with the developer to refine the specific details of this agreement.

3. STRATEGIC CONTEXT

The planning proposal is considered to be consistent with A Plan for Growing Sydney, Council's Local Strategy, and relevant State Environmental Planning Policies. The proposal's consistency with the Strategic Planning Framework is included within Attachment 2.

It is noted that Section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning to issue directions that Councils must address when preparing planning proposals for a new LEP. The relevant Section 117 Directions are:

- Direction 1.1 Business and Industrial Zones;
- Direction 2.3 Heritage Conservation;
- Direction 3.1 Residential Zones; and
- Direction 3.4 Integrating Land Use and Transport.

The planning proposal is generally consistent with the above Directions with the exception of Direction 2.3 Heritage Conservation.

Direction 2.3 Heritage Conservation aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance by requiring planning proposals to contain provisions that facilitate the conservation of environmental heritage. Whilst the planning proposal does not seek to amend any of the heritage provision within LEP 2012, or remove/amend the heritage listing of the item, the proposal is considered to be inconsistent with this Direction as the concept which is being sought through the proposal would involve the demolition of the existing heritage item.

The Direction provides that a planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning (or an officer of the Department nominated by the Secretary) that:

- (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
- (b) the provisions of the planning proposal that are inconsistent are of minor significance.

Any future redevelopment of the site would require the lodgement of a development application which would be subject to the heritage provisions of LEP 2012 and the heritage controls under DCP 2012. Further discussion on the heritage impact of the proposal and the appropriateness of the heritage recommendations are discussed within the following section of this report. It is considered that the planning proposal is justifiably inconsistent with this Direction.

4. MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

- a. Heritage Impact
- b. Impact on Adjoining Uses
- c. Public Benefit (Baulkham Hills Community Centre)
- d. Floor Space Ratio and Density
- e. Building Height
- f. Traffic and Transport

- g. Stormwater and Drainage
- h. Social Infrastructure
- i. Housing Diversity

An overview of the key issues affecting this proposal is detailed below.

a. Heritage Impact

The site currently contains a pub known as the 'Bull and Bush Hotel' which is listed as an item of environmental heritage within Schedule 5 of LEP 2012. The significance of the item lies in the site and its continuity of use from 1810 to the present as an inn at the junction of the two major roads which opened up the Hawkesbury, the Cumberland Plain and the Hunter to European Settlement.

The evolution of a tavern/pub on this site commenced with the construction of the first hotel building was in 1810, known as the 'The Lamb and The Lark' that operated until 1885. However, this was demolished and a second hotel, known as the 'Royal Hotel', was built in 1885. In the late 1930s, after the depression, a new more fashionable building (early English architectural style) that is currently known as the 'Bull and Bush' Hotel was constructed. This building was subject to damage during a fire event in October 1991, therefore the current building is not fully original. The restaurant at the front, gaming room, bar and bottle shop at rear are also not part of the original structure.

There are also a number of other heritage items and an archaeological site within the vicinity of the site (see following figure).

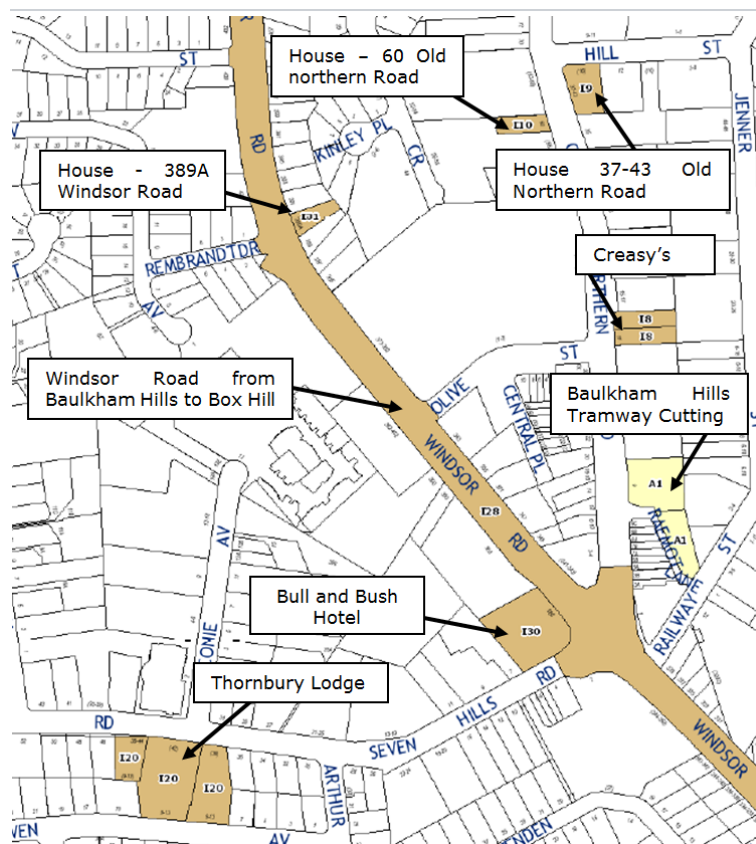


Figure 3
LEP 2012 – Heritage Map

A preliminary heritage assessment, prepared by NBRS + Partners was submitted with the proposal. The assessment was prepared to determine potential heritage impacts of development on the heritage listed Bull & Bush Hotel and other heritage items in the immediate vicinity.

The heritage assessment notes that the historic significance of the Bull and Bush Hotel is not in the built form of the development but rather its cultural importance from the continual use of the site as a hotel since the early 1800s. The built form of the Bull and Bush Hotel has changed considerably since the early 1800s, with the current building, being the third hotel located on the site with substantial modification resulting from fire damage and further additions by the hotel operator.

The second building on the site being the Royal Baulkham Hills Hotel c1880s (left) and the current Bull and Bush Inn c1930s is shown in the following figure. No images exist of the original building known as 'The Lamb and The Lark'.



Figure 4

Royal Baulkham Hills Hotel/Bull and Bush Evolution c1880s (left) and 1930s (right)

The proposal to demolish, reconstruct and incorporate the Bull and Bush Hotel within the redevelopment of the site will facilitate the continuation of the site's historic use with the new development forming part of the next evolution of the site.

A key recommendation of the heritage assessment is that future development should be preceded by appropriate archaeological investigation, archival photographic recording and the preparation and implementation of an interpretation strategy to identify significant aspects of the site to future users. Should the proposal be supported, appropriate controls are recommended to achieve the re-interpretation of the hotel on the site.

Further heritage assessment would be required as part of the lodgement of a future development application for the site.

b. Impact on Adjoining Uses

In determining the most appropriate land use and built form for the site it is important to consider the potential impact of the development on adjoining uses. In this regard consideration needs to be afforded to overshadowing, privacy, noise and integration with Conie Avenue Reserve.

Overshadowing

The following diagrams show the potential shadow impact of the development 9am, 12pm and 3pm on the winter solstice (21 June).



09:00



12:00



15:00

Figure 5
Shadow Diagrams – Winter Solstice (21 June)

As can be seen from the above shadow diagrams, the potential overshadowing impact on Conie Reserve and the adjoining strata development has been minimised by slender building forms and concentrating the higher building elements toward the southern portion of the site. Further considered will be undertaken on the final built form through the development assessment process to ensure that the overshadowing impact is acceptable.

Privacy

The subject site is located within the core of the town centre which will continue to develop into a highly urbanised environment. Conie Reserve provides a sufficient buffer between the site and the surrounding high density residential areas to the north and east. Privacy impacts are not expected to be significant due to the proximity of the site from the nearby residential area (ranging from 80—100 metres). Nonetheless, controls will be required to ensure that there is an appropriate transition of building height across the site, with the lower element located along the edges of the site, particularly along the sensitive interfaces.

Noise

The distance of the proposed development to the adjoining residential areas is considered to be sufficient to ensure that the potential impact of noise emanating from apartments is minimal. However, matters relating to acoustic privacy will be appropriately addressed at the development assessment stage.

Road Generated Noise

Windsor Road is a key arterial road connecting the North West region and the rest of Sydney. In light of the forecast growth which is projected to occur within the region, it is anticipated that this road will be required to accommodate additional traffic volume. Accordingly future increases in traffic related noise along this roadway will not be solely attributed to the potential traffic volume generated as part of this development.

The RMS recognises that the level of traffic noise from a road is directly related to the volume, type and speed of traffic, distance (unobstructed) from a road and the type of ground cover or road surface. The RMS has specific Guidelines applying to development within the vicinity of Classified Roads and Railway Corridors. These Guidelines support *State Environmental Planning Policy (Infrastructure) 2007* and require future development within the vicinity of these key corridors to incorporate measures to mitigate the impact of traffic noise such as double glazing, physical barriers, room and balcony arrangement and construction techniques of walls (sound absorbing material and the mass and stiffness of walls).

Potential Land Use Conflict (pub and residential)

It is noted that that the 'Bull and Bush' is a well-known live music venue and is ideally located having no direct residential neighbours. This location helps to minimise any adverse noise impacts from gigs/live music that are generally scheduled on Thursdays through to Sunday nights. Permitting the erection of new residential development within the vicinity of a live music venue will ultimately place pressure on the venue and the Office of Liquor and Gaming. Having such uses co-exist on a single site will require specific consideration in design of the building due to the potential conflict, although these can be dealt with at the development application stage.

If this proposal is supported, detailed acoustic assessment will be required as part of any future application for the site to ensure that the building, including the floor plans for the residential units, is designed having regard to the existence of the pub and beer garden. The acoustic report must consider the location of sensitive rooms (bedrooms and living areas), balconies and windows facing the pub and beer garden. The acoustic report

must also address section 102 of the State Environmental Planning Policy (Infrastructure) 2007 and demonstrate how compliance can be achieved.

Integration with Conie Reserve

The current built form and layout of development within the town centre, especially along Windsor Road, does not adequately address the Conie Reserve. As a result the reserve is hidden behind development and has minimal passive surveillance. This makes the park a less desirable place to visit and ultimately impacts on its ability to fulfil its role as an urban park.

Redevelopment of the Bull and Bush site presents an opportunity to significantly improve the relationship between Conie Reserve and the overall Baulkham Hills Town Centre, through improved visibility of the Reserve from Windsor Road and the inclusion of pedestrian links and street level activation. Coupled with the future embellishment of the Reserve, the proposal presents a significant opportunity to improve the capacity and usability of the space.

As with any urban park, it is imperative that they integrate with the development which they adjoin. Preferably, development should be designed so as to enable the open space to bleed into the development through links (public and semi-public links) and architectural design features.

The plan for the site includes new physical and visual connections into Conie Reserve, to better connect the open space to the existing street network and the new public library/community centre within the northern portion of the site. As identified within the proposal, the development would include a civic square which will accommodate the new beer garden which will be activated by retail frontages. The demolition and relocation of the aging Conie Avenue Community Centre will provide an opportunity to enlarge the existing public park. The following figure shows how linkages could be developed to the reserve.



Figure 6
Open Space Summary Plan – Integration with Conie Reserve

The following artist's impression provides one idea of how future redevelopment on the site could potentially integrate with the open space. As can be seen the intent is to create a mutually beneficial outcome for both sites. Although it is emphasised that future embellishment of the open space, including the design of the park will ultimately be undertaken by Council as part of a separate planning process.



Figure 7
View Showing Connection of Park to Windsor Road

c. Public Benefit (Baulkham Hills Community Centre and Library)

The proposed concept for the site includes approximately 2,500m² of community floor space, capable of accommodating a new library and community centre. Relocating the community centre from Conie Reserve and including new floor space within a new development on the site will enable the existing community centre to be removed which will open up the entrance to the reserve and improve pedestrian connectivity from Windsor Road. Co-location of the new library and community centre will also assist in creating a civic precinct on the site. It is noted that the existing Northwest Disability Services building would be retained.

The new facility would result in approximately 689m² of additional community floor space within the town centre. The design and fit-out of these spaces will ensure that they are multi-functional and can cater for a broad range of user groups. The existing and proposed floor space comparison is included below.

	Existing (m ²)	Proposed (m ²)	Net Change (m ²)
Library	556	1,200	+644
Community Centre	1,255	1,300	+45
TOTAL	1,811	2,500	+689

Figure 8
Existing and Proposed Community Floor Space – Baulkham Hills Town Centre

The developer has reiterated their intent to enter into an Voluntary Planning Agreement with Council with respect to the incorporation of an expanded library and community centre. If Council decides to proceed with a planning proposal based on the new concept, further negotiation would be undertaken with the developer to refine the specific details of the Voluntary Planning Agreement.

d. Floor Space Ratio and Density

As part of the master planning that has previously been undertaken for the town centre, a higher density mixed use outcome has been anticipated on the Bull and Bush site. The draft master plan anticipated that approximately 200 dwellings (185 dwellings/ha) could potentially be achieved on the site. Accordingly, the current proposal, which seeks approximately 200 dwellings, would be consistent with the anticipated density within the draft Baulkham Hills Town Centre Master Plan.

The following figure provides a comparison of the densities of other high density developments that have been approved within the town centre.



Figure 9

Comparison Between Concept and Approved Densities within the Town Centre

Maximum floor space ratio is the primary control which limits the maximum yield and density of development on a site and controls the overall bulk and scale of the built form. Building controls (such a maximum building heights) establish an envelope within which future development may occur (but not necessarily 'fill'). Focussing on maximum floor space ratio rather than overly prescriptive building envelope controls provides for greater flexibility at the detailed design and development assessment stage and allows for the exploration of master planned development outcomes on any given land.

e. Building Height

When considering the appropriate heights of development it is necessary to consider the significance of the site in relation to overall context of the town centre, and also the relationship between the site and sensitive adjoining uses. By doing so, an appropriate maximum building height and transition of height across the site can be determined. The following figure shows the heights of development applications within the town centre that have been approved or which are under assessment.

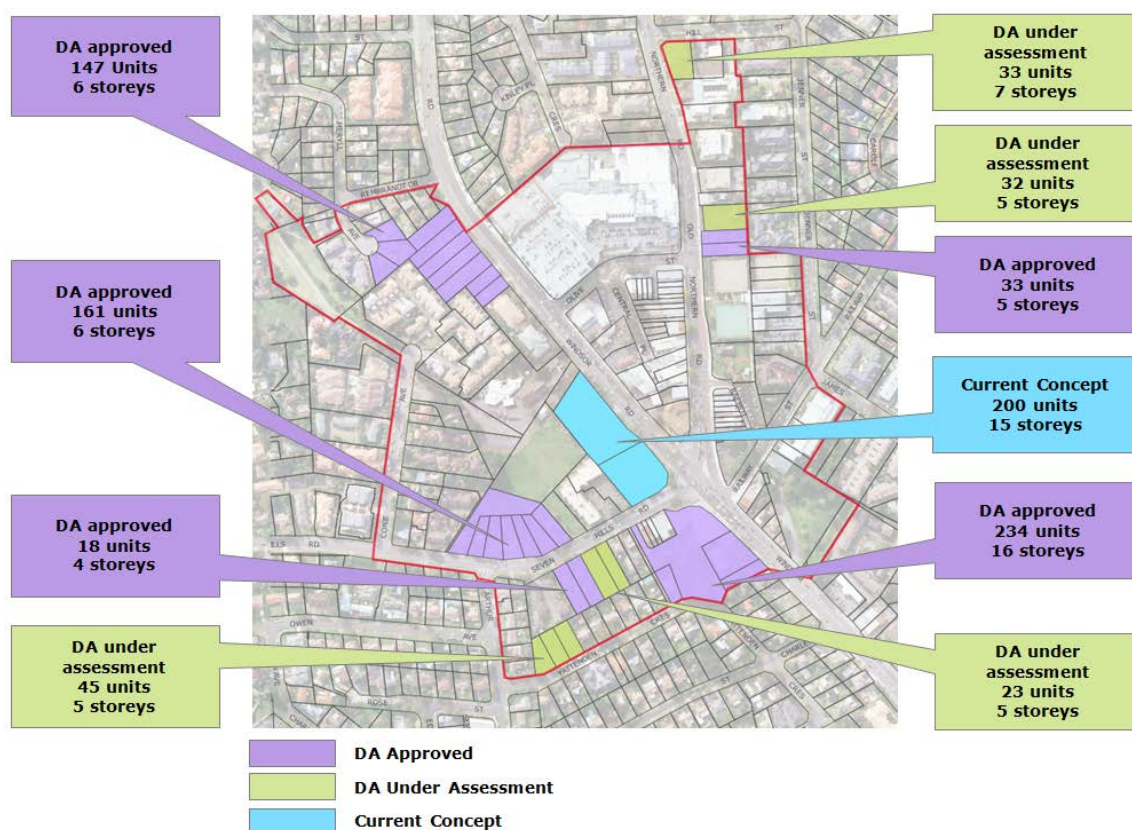


Figure 10
 Building Height
 Applications Approved and Under Assessment

The highest tower elements within the town centre should ideally be located surrounding the junction of Windsor Road, Seven Hills Road and Old Northern Road. This is a highly prominent location and signifies the core of the town centre. It is also considered that future development on the subject site should respond to the built form of development on the target site to the south.

The following image shows a cross section of the proposed development (right), including the approved target site development (left). The cross section includes the Reduced Level of the approved landmark element on the target site and the achievable RL based on the 55 metre height of buildings standard that has been requested. As can be seen the tallest element within the proposal would have an RL of 153.31 which is approximately 5 metres higher than the tallest element on the target site (148).

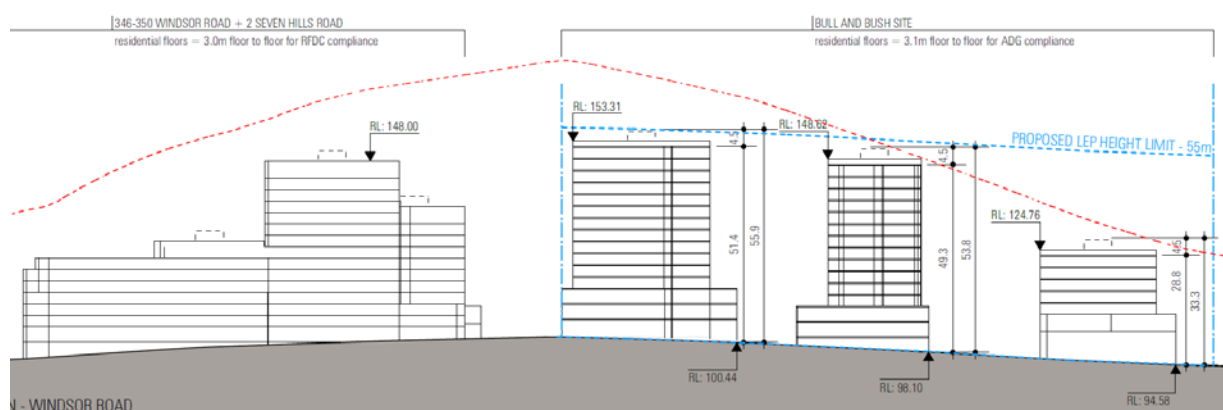


Figure 11
Cross Section (Proposed Development and Target Site)

It is considered appropriate that the two locations have similar maximum heights, with a transition of height away from the highest elements at the junction of Windsor Road and Seven Hills Road. In the case of the subject site, heights should transition downward from 15 storeys to 8 storeys in a northerly direction.

Whilst it is acknowledged that the proponent has sought a height of building requirement of 55 metres, this could facilitate an additional residential storey. Assuming three storeys of commercial/retail floor space at 4 metres per storey and 12 storeys of residential floor space at approximately 3 metres per storey, and an additional metre for flexibility, this would necessitate a height of building requirement of 49 metres. In the event that Council resolves to proceed with a planning proposal for the site, it is recommended that Council pursues a height of building requirement of 49 metres.

The proposed maximum height and floor space ratio would enable flexibility in the detailed design process to produce a variation in heights across the site, with the distribution and layout of height ultimately being determined based on consideration of all relevant controls including the proposed maximum floor space ratio and building height as well as other built form considerations such as landscaping, setbacks, building separation, privacy, solar access, design excellence and interface with adjoining development.

It is also noted that the amendments proposed to the existing design excellence clause within LEP 2012 as part of the precinct planning for Castle Hill North Precinct and the Priority Precincts would ensure that the design excellence will apply to future development on the subject site.

f. Traffic and Transport

A Traffic Impact Assessment, prepared by GTA Consultants, has been submitted in support of the planning proposal. It is noted that the assessment is based on a conservative dwelling yield of 200 units.

Vehicular access points

At present, the site is accessed from Windsor Road and Seven Hills Road. The existing Windsor Road access permits left-in and left-out as well as right-in traffic movements to and from Windsor Road. The proposed concept seeks to retain the primary vehicular access points to the site are proposed along Windsor Road, whilst the secondary access point, along Seven Hills Road, will be available for service vehicles.

This approach is considered to be reasonable as the Seven Hills Road access point is located too close to the Seven Hills Road/Windsor Road junction to enable its effective operation as a primary vehicular access point.

Traffic Generation

Based on the RMS Guide to Traffic Generating Development 2002 and the Guide to Traffic Generating Development Technical direction (TDT 2013/04), the projected vehicular movements from the site is 166 vehicles per hour during the morning peak and 336 vehicles per hour during the evening peak. This includes the residential, commercial and retail floor space.

Existing and Projected Level of Service (Excluding Proposed Development)

Based on SIDRA analysis the level of service of the key intersections surrounding the site have been assessed to enable consideration of the likely impact of future traffic generation from the development. Based on existing conditions, the following levels of service are identified for the key intersections.

Intersection	Intersection Type	Morning Peak Period		Evening Peak Period	
		Average Delays (s)	LoS	Average Delays (s)	LoS
Windsor Rd-Seven Hills Rd	Signal	50	D	70	E
Windsor Rd-Olive St	Signal	8	A	20	B
Seven Hills Rd-Conie Ave	Priority	49	D	68	E
Windsor Rd Access Intersection	Priority	22	B	24	B
Seven Hills Rd Access Intersection	Priority	6	A	6	A

Figure 12
Existing Level of Service

As can be seen the intersections of Windsor Road/Seven Hills Road and Seven Hills Road/Conie Avenue are at a level of service of E and is already at capacity. When projecting future regional increases in traffic volume (1% per annum), these intersections are projected to reduce to a level of service of F.

Proposed Level of Service

When factoring the broader increase in regional traffic and future traffic generation from the proposed development, the following levels of service would be experienced.

Intersection	Intersection Type	Morning Peak Period		Evening Peak Period	
		Average Delays (s)	LoS	Average Delays (s)	LoS
Windsor Rd-Seven Hills Rd	Signal	76	F	123	F
Windsor Rd-Olive St	Signal	13	A	33	C
Seven Hills Rd-Conie Ave	Priority	104	F	136	F
Windsor Rd Access Intersection	Priority	32	C	39	C
Seven Hills Rd Access Intersection	Priority	6	A	6	A

Figure 13
Proposed Level of Service

The results of the assessment indicates that following the completion of the proposed development the intersection of Windsor Road/Olive Street and the two site accesses points would continue to operate with acceptable traffic delays and level of service. Whereas, the Seven Hills Road/Conie Avenue intersection and Windsor Road/Seven Hills

Road intersection would continue to operate at an unacceptable level of service if these intersections continue to operate under existing configurations.

The report identifies that Council currently has plans for the signalisation of the Conie Avenue/Seven Hills Road intersection which would be undertaken through Section 94A funding. It is noted there are not any plans for the upgrade of this intersection to traffic signals as there is limited development opportunity remaining on Conie Avenue to warrant a full upgrade of this intersection. Rather, Council is currently in the process of planning for the signalisation of the Arthur Street/Seven Hills Road intersection. This intersection upgrade will be funded through Section 94A contributions.

Grade Separation

One of the principal issues affecting the town centre is that it is located at the junction of major regional roads being Seven Hills Road, Windsor Road and Old Northern Road. As a result the town centre currently experiences significant traffic congestion. However, it is important to note that the congestion is the result of regional through traffic that is passing through the centre rather than traffic that is generated from within the town centre. Whilst the efficiency of the arterial road network is a matter for the Roads and Maritime Services, Council has identified possible measures to improve the performance of the junction of Windsor Road, Seven Hills Road and Old Northern Road, including the preparation of a feasibility assessment for two potential grade separation solutions of the junction. The main option is for the construction of a tunnel along the Windsor Road alignment. However, a secondary option includes a tunnel for northbound right turn lanes onto Old Northern Road. This option may be more viable than the full grade separation option. The concepts have been provided to the Roads and Maritime Services for their consideration. Below are preliminary concepts which show the extent of land that would be required to facilitate both a partial and full grade separation of the intersection. Based on the concepts which have been submitted with the planning proposal, the proposed structure would not be impacted by any future roadwork.



Figure 14
Intersection Concept – Full Grade Separation

Whilst no commitment has been made by the State Government with respect to the funding or delivery of this intersection upgrade, it is important that any future development within the town centre has regard to the potential for this upgrade to occur in the future. New development should be located clear of any additional widening of the carriageway to accommodate the proposed upgrade.

g. Stormwater and Drainage

The proposal is largely silent on engineering matters related to stormwater management and water sensitive urban design (WSUD), although the landscape proposal and urban design report identify that WSUD shall be applied.

While it is unclear where the development will ultimately drain its stormwater, there is a stormwater system in Windsor Road, adjacent to the north-eastern corner of the site although it is noted that this system is managed by the Roads and Maritime Services. Roads and Maritime Services has strict design requirements with respect to the width and depth of gutter flows. Depending on the landform resulting from any future development of the land, it may be necessary to drain through Council's reserve, and connect to the stormwater system to the west of the site.

Should the proposal proceed, all of Council's existing policies related to stormwater management including Water Sensitive Urban Design, emphasising water re-use, and on-site detention shall be applied. It would also be necessary to modify the typical on-site requirements to make allowance for the capacity of the existing stormwater system, inclusive of pipes and overland flowpaths.

h. Social Infrastructure

The site is currently subject to The Hills Section 94A Development Contributions Plan. This plan levies development based on a percentage of the cost of works. However, it is noted that the proposed 200 additional dwellings were not originally envisaged on the site and as such have not been accounted for in the planning of local infrastructure within and within the vicinity of the town centre. Accordingly, any additional population on the subject site will generate additional demand, over and above the demand, originally forecast for the area.

Based on participation rates within The Hills Shire (from the 1995, 2005 and 2012 Recreation Plan household survey results), 2,000 additional dwellings within an area would typically generate the need for approximately:

- 1 (one) new sports fields;
- 1 (one) local park;
- 1 (one) netball court;
- 1 (one) tennis court; and
- 40% of a local community centre.

The 200 additional dwellings (over and above the amount catered for by existing and planned local infrastructure) proposed by the current planning proposal would generate the need for approximately:

- 10% of a new sports field;
- 10% of a local park;
- 10% of a netball court;
- 10% of a tennis court; and
- 4% of a local community centre.

When viewing the development in isolation, the additional demand generated by the future residents on this site would not be sufficient to trigger the threshold for a new facility. However consideration needs to be afforded to the cumulative impact of population growth within the broader town centre. As part of previous master planning undertaken it was identified that the town centre could generate between 1,500-2,000 additional dwellings. Accordingly the cumulative growth within the town centre, depending on uptake and the outcome of future landowner initiated proposals, could generate sufficient demand for the provision of an additional playing field.

As is currently being experienced within the Sydney Metro Northwest Corridor, achieving a higher amount of open space within the Precinct will present challenges due to the highly urbanised context and the cost of land. The cost of acquiring new land, within an established residential area such as Baulkham Hills will be cost prohibitive due to the high land values. Accordingly, alternative opportunities would need to be considered to meet this demand.

One option which could be considered is the potential resurfacing of one of the playing fields at Ted Horwood Reserve with a synthetic surface. This facility is currently being investigated and could contribute toward meeting the additional demand generated by the additional 1,500-2,000 additional dwellings which are forecast within the Baulkham Hills Town Centre.

Further consideration of the active recreation opportunities to cater for the demand generated by future redevelopment will be considered as part of the master planning for the broader Baulkham Hills Town Centre Master Plan.

i. Housing Diversity

Should Council resolve to proceed, it is recommended that the planning proposal include a local incentive provision which ensures that the uplift generated by the planning proposal can only be achieved where the development delivers the housing product that meets Council's apartment mix, apartment size and centres car parking rate. The proposed provision is very similar to the approach which the Department has agreed to for land within the Sydney Metro Northwest Corridor. The base Floor Space Ratio would be the existing 1:1 which currently applies to the site. This is consistent with the agreed position for proposals within the Sydney Metro Northwest Corridor, where 1:1 was considered to be an appropriate base FSR provision for land between 400m-800m of a railway station. Whilst the subject site is not located within walking distance of a railway station it is located within a centre which is serviced by high frequency public transport services.

The provision will give Council certainty that the following breakdown would be provided:

- A maximum of 25% of apartments are to contain 1 bedroom;
- A minimum of 20% of apartments are to contain 3 or more bedrooms;
- At least 40% of 2 bedroom dwellings are to have a minimum internal floor area of 110m²; and
- At least 40% of 3 bedroom dwellings are to have a minimum internal floor area of 135m².

Under the existing Floor Space Ratio of 1:1 which currently applies to the site a total Gross Floor Area (GFA) of 9,250m² could be achieved. Assuming an average SEPP 65 apartment size of around 80m² (excluding 10% for articulation and circulation), the site could accommodate around 104 units at SEPP 65 apartment sizes.

The incentive provision being sought through this proposal would apply a Floor Space Ratio of 3.2:1 to the site. This would facilitate a GFA of around 29,600m². Excluding 8,544m² of commercial, retail and community floor space, the remaining 21,056m² of floor space would be available for residential development. Assuming an average incentive apartment size of around 90-95m² (excluding 10% for articulation and circulation), the site could accommodate around 200-210 units through the incentive provision.

The following table provides a mix and size breakdown of the anticipated apartment yield on the site.

Total Units	Unit Mix			Unit Size			% of Total Units	
	Unit Type	Mix	No. Units	Unit Size	% of Unit Type	No. Units		
200	1 Bed	25%	50	SEPP 65	100%	50	25%	
				Council	0%	0	0%	
	2 Bed	55%	110	SEPP 65	60%	66	33%	
				Council	40%	44	22%	
	3 Bed	20%	40	SEPP 65	60%	24	12%	
				Council	40%	16	8%	
					Total Units		200	100%
					Total SEPP 65 Sized Units		140	70%
				Total Council Sized Units		60	30%	

As can be seen, of the 200 units achievable on the site, approximately 140 units (70%) will still be SEPP 65 apartments, which is almost 35% more than the number of SEPP 65 apartments achievable under the existing controls.

5. RECOMMENDED AMENDMENTS TO LEP 2012

In recognition of the matters raised within this report, it is recommended that the planning proposal seek the following amendment to LEP 2012:

- Amend the Land Zoning Map to rezone the site from R1 General Residential to B2 Local Centre;
- Retain the existing floor space ratio of 1:1 on the Floor Space Ratio Map. No change will be proposed to the Floor Space Ratio Map;
- Retain the existing 12 metre height of building requirement on the Height of Buildings Map. No change will be proposed to the Height of Buildings Map;
- Amend Part 7 of Local Environmental Plan 2012 to include a new local provision (Proposed Clause 7.12 Housing Diversity);
- Amend Local Environmental Plan 2012 Key Sites Map to identify the site as 'Area Q'; and
- *Amend Clause 4.6 Exceptions to development standards to specify that the proposed clause (Clause 7.12 Housing Diversity) cannot be varied.*

The maximum development potential on the site, being a floor space ratio of 3.2:1 and a maximum height of building of 49 metres will be written into the additional local provision under Part 7 of LEP 2012.

The only way in which the proponent will be able to achieve the incentivised height and floor space will be through the new local provision. If the specifications within the provision are not fully met, then the maximum development potential achievable on the site will be what is achievable under the existing height requirement of 12 metres and a floor space ratio requirement of 1:1. This would yield approximately 104 units.

A minimum quantum of commercial and retail floor space (6,042m² GFA) and community floor space (2,502m² GFA) has also been built into the provision to ensure that future applications do not seek to increase the residential yield by reducing the proposed employment floor space.

The recommended wording for the local provision is included below.

Part 7 Additional Local Provisions

7.12 Housing Diversity and Social Interaction

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

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

(2) Despite Clause 4.4, development on land identified within Column 1 may have a maximum permitted floor space ratio and height of buildings identified in Column 2, where the development complies with all of the criteria identified within Column 3.

Column 1 <i>Area on the Key Sites Map</i>	Column 2 <i>Maximum Permitted Floor Space Ratio and Height of Buildings</i>	Column 3 <i>Specifications relating to the Area</i>
"Area Q"	A maximum building height of 49 metres and a maximum floor space ratio of 3.2:1.	The development provides a minimum of 6,042m² of commercial and retail floor space (including the hotel/pub); The development provides a minimum of 2,502m² of community floor space; The development provides a Family Friendly Dwelling Mix; The development provides a Diversity of Housing; The provision of car parking shall not be less than the following: 1 space per 1 bedroom unit 1.5 spaces per 2 bedroom unit 2 spaces per 3 bedroom unit 2 visitor spaces per 5 units

(3) In this clause:

Family Friendly Dwelling Mix means a mix of apartment types, providing housing choice for different demographics, living needs and household budgets. In The Hills Shire, based on the demographic profile of the area, a development is considered to provide Family Friendly Dwelling Mix if no more than 25% of all dwellings are studio or 1 bedroom dwellings and at least 20% of all dwellings are 3 or more bedroom dwellings.

Diversity of Housing means a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. In The Hills Shire, a development is considered to provide **Diversity of Housing** if at least 40% of all 2 bedroom dwellings and 40% of all 3 bedroom dwellings have a minimum internal floor area of 110 square metres and 135 square metres respectively.

It is also recommended that subclause (8) of 'Clause 4.6 Exceptions to development standards' be amended to specify that the new local provision cannot be varied. The maximum development potential should only be permitted if future development fully complies with the criteria listed within the provision. Neither the incentivised development standards nor the specifications to achieve the incentive shall be permitted to be varied.

6. RECOMMENDED DEVELOPMENT CONTROL PLAN AMENDMENTS

In recognition of the need for a site specific development response, draft development controls have been prepared and included as an amendment to Part D Section 10 – Baulkham Hills Town Centre of DCP 2012 (Attachment 1). The purpose of the development controls is to regulate future development so as to ensure that the

objectives of the zone and the desired future character for the site are achieved. The development controls relate to the following key matters:

- Function and Uses;
- Tower and Podium Height;
- Building Setbacks and Separation;
- Active Frontages;
- Pedestrian Access
- Public Open Space and Plazas;
- Communal Open Space;
- Vehicular Access; and
- Solar Access and Overshadowing; and
- Public Domain Improvements.

It is recommended that the draft development controls be exhibited concurrently with the planning proposal, if the proposal progresses to public exhibition.

CONCLUSION

It is considered that there is adequate strategic justification for higher density mixed use development on the site having regard to the prominent location of the site and the significant public benefit which would arise from the provision of consolidated community facilities and improved integration with Conie Reserve.

Having regard to the strategic planning framework as well as the context of the site, this report recommends that Council forward the planning proposal to the Department of Planning and Environment for Gateway Determination subject to amendments which:

- Amend the Land Zoning Map to rezone the site from R1 General Residential to B2 Local Centre;
- Amend Part 7 of *The Hills Local Environmental Plan 2012* to include a new local provision (Proposed Clause 7.12 Housing Diversity);
- Amend Local Environmental Plan 2012 Key Sites Map to identify the site as 'Area Q'; and
- Amend Clause 4.6 Exceptions to development standards to specify that the proposed clause (Clause 7.12 Housing Diversity) cannot be varied.

The maximum development potential on the site, being a floor space ratio of 3.2:1 and a maximum height of buildings of 49 metres will be written into the additional local provision under Part 7 of LEP 2012.

The Gateway Process allows for the strategic merits of a planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary. It is considered that the planning proposal is suitable for forwarding to the Department of Planning and Environment for Gateway Determination and subsequently, to be publicly exhibited.

Should Council resolve to forward the planning proposal to the Department of Planning and Environment, this report also recommends that Council enter into negotiations with the applicant with respect to a draft Voluntary Planning Agreement which adequately resolves the issues relating to the increased demand for local infrastructure. While it is considered that the planning proposal may be forwarded to the Department of Planning and Environment for Gateway Determination in advance of these negotiations, it is recommended that the planning proposal should not proceed to public exhibition until

Council is satisfied that the draft Voluntary Planning Agreement adequately addresses these issues.

IMPACTS**Financial**

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

The Hills Future - Community Strategic Plan

The planning proposal seeks to promote the better usage of existing land and capitalise on the strategic location of the site.

RECOMMENDATION

1. A planning proposal applying to land at 360-378 Windsor Road, Baulkham Hills (Lots 1 and 2 DP783941) be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Local Environmental Plan 2012 as follows:
 - a) Amend the Land Zoning Map to rezone the site from R1 General Residential to B2 Local Centre.
 - b) Amend Part 7 of Local Environmental Plan 2012 to include a new local provision (Proposed Clause 7.12 Housing Diversity) which shall permit a floor space ratio of 3.2:1 and a maximum height of buildings of 49 metres if future development on the site wholly satisfies Council's standards for apartment mix, apartment size and car parking and also provides at a minimum of 6,042m² of commercial and retail floor space and a minimum of 2,502m² of community floor space.
 - c) Amend the Key Sites Map to identify the site as 'Area Q'.
 - d) Amend clause 4.6 Exceptions to development standards to specify that the new local provision cannot be varied under clause 4.6.
2. Draft The Hills Development Control Plan 2012 Part D Section 10 Baulkham Hills Town Centre, as detailed in Attachment 1, be exhibited concurrently with the planning proposal.
3. Council proceed to discuss with the Proponent the preparation a draft Voluntary Planning Agreement which resolves the issues relating to the increased demand for local infrastructure generated by the additional residential density; and
4. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.

ATTACHMENTS

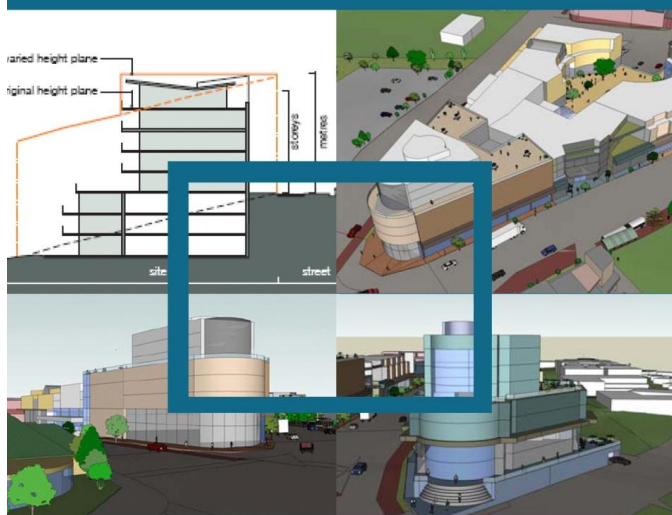
1. Draft the Hills DCP 2012 PDS10 – Baulkham Hills Town Centre (19/2016/PLP) (38 pages)
2. Background and Strategic Context (5 pages)

ATTACHMENT 1

The Hills Development Control Plan (DCP) 2012

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THE
HILLS
Sydney's Garden Shire



Part D Section 10
Baulkham Hills Town Centre

D10

INDEX

1. INTRODUCTION	3
1.1. LAND TO WHICH THIS SECTION OF THE PLAN APPLIES	2
1.2. AIMS AND OBJECTIVES OF THIS SECTION OF THE DCP.....	2
1.3. RELATIONSHIP WITH OTHER PLANS POLICIES AND DOCUMENTS	2
2. DEVELOPMENT CONTROLS	3
2.1. DESIRED PLANNING OUTCOMES FOR THE TOWN CENTRE	3
2.2. URBAN STRUCTURE	4
2.3. BUILDING FORM.....	4
2.4. STREETScape	5
2.5. ARTICULATION	5
2.6. AWNINGS	5
2.7. CORNER BUILDINGS	6
2.8. PEDESTRIAN ENTRANCES & EXITS	7
2.9. ROOF DESIGN	7
2.10. BUILDING HEIGHT	8
2.11. CEILING HEIGHTS.....	8
2.12. FINISHES.....	9
2.13. OUTDOOR EATING.....	9
2.14. CULTURE AND PUBLIC ART	9
2.15. MIXED USE COURTYARD BUILDINGS.....	9
2.16. SAFETY & SECURITY	11
2.17. LIGHTING.....	11
2.18. ACOUSTIC	11
2.19. SITE FACILITIES AND SERVICING	11
2.20. SOLAR ACCESS	11
3. PRECINCT CONTROLS.....	12
3.0. PRECINCT OBJECTIVES	12
3.1. CENTRAL PLACE PRECINCT.....	14
3.2. STOCKLAND MALL PRECINCT	18
3.3. RAILWAY STREET PRECINCT	20
3.4. OLD NORTHERN ROAD PRECINCT	23
3.5. CONIE AVENUE RESERVE PRECINCT	25
3.6. WINDSOR ROAD PRECINCT	28
3.7. BULL AND BUSH PRECINCT	33
4. DEFINITIONS.....	37

1. INTRODUCTION

The Shire of Baulkham Hills is a rapidly expanding Local Government area. The Shire has experienced significant growth over the past decade, including re-development within established areas for medium density housing and the development of the Kellyville/Rouse Hill Release Area. This high rate of growth is likely to continue with the rezoning of the Balmoral Road Release Area and the anticipated North West Land Release.

The Baulkham Hills Town Centre is located approximately 23 kilometres to the north west of the Sydney CBD. The centre consists of a wide and sustainable mix of land uses which are suited to the functioning of a centre of this size. The town centre is ideally located as a district centre, being sufficiently removed from other district centres and sub-regional centres to provide a focus for the surrounding community.

Key boundaries of the study area include: Stockland Mall and Hill Street to the north; the rear of the

Part D Section 10

Baulkham Hills Town Centre

commercial zone (fronting Old Northern Road), Jenner Street, the commercial and open space lands adjacent to Railway Street to the east; the commercial land and existing car park on the south western corner of Windsor Road and Seven Hills Road to the south, and the open space lands and community facilities to the rear of the Bull and Bush Hotel to the west.

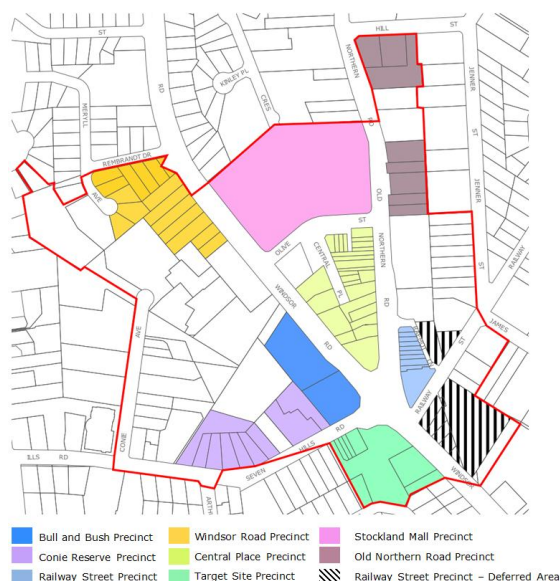


Figure 1 Land to which this Plan applies

1.1. LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This Section of the plan applies to land within the Town Centre as indicated in Figure 1.

1.2. AIMS AND OBJECTIVES OF THIS SECTION OF THE DCP

- (i) *Ensure that all development supports the designated functions of the town centre;*
- (ii) *Encourage a high standard of aesthetically pleasing and functional retail, commercial and mixed use developments that sympathetically relate to adjoining and nearby developments;*
- (iii) *Ensure that development will not detrimentally affect the environment of any adjoining lands and ensure that satisfactory measures are incorporated to ameliorate any impacts arising from the proposed development;*

- (iv) *Ensure that development will promote and support the role of the Baulkham Hills Town Centre as a district centre;*
- (v) *Encourage innovative and imaginative designs that add to the character of the Town Centre with particular emphasis on the integration of buildings, landscaped areas, public art and public space;*
- (vi) *To ensure that new development moderate the demand for travel, support the efficient and viable operation of public transport and improve accessibility to housing and employment.*
- (vii) *Provide safe and high quality useable environments for the employees, visitors and residents using the Town Centre; and*
- (viii) *Ensure that all developments incorporate the principles of Ecologically Sustainable Development.*
- (ix) *Ensure that water management is a material planning consideration.*

1.3. RELATIONSHIP WITH OTHER PLANS POLICIES AND DOCUMENTS

In addition to those documents listed in Part A, Section 1.4, this Section of the DCP is to read in conjunction to the following:-

- Part B Section 5 – Residential Flat Buildings
- Part B Section 6 – Business
- Part C Section 1 – Parking
- Part C Section 2 – Signage
- Part C Section 3 – Landscaping
- Part C Section 4 – Heritage
- Part C Section 6 – Flood Controlled Land
- Baulkham Hills Town Centre Masterplan. - 2004
- Planning Guidelines for Walking and Cycling (NSW Government, 2004)
- Best Practice Guidelines for NSW Public Transport Signage and Information Displays (Transport NSW)
- Pedestrian Access and Mobility Plan (2001)
- Cultural Plan for Baulkham Hills Shire Council 2005-2010;
- Baulkham Hills Shire Council Bike Plan (1994)
- Development Contributions Plan No.7 – Southern Precincts;
- Section 94A Contributions Plan 2007;

Where any provision of this Section of the DCP is inconsistent with any provisions of another Section of the DCP, the provisions of this Section shall prevail.

2. DEVELOPMENT CONTROLS

2.1. DESIRED PLANNING OUTCOMES FOR THE TOWN CENTRE

"To create a vibrant, safe and attractive town centre that provides a range of living, shopping, working, transport and leisure activities"

A VIBRANT TOWN CENTRE

- A district retail, commercial and service centre for the southern areas of the Shire.
- A liveable town centre with increased residential and employment opportunities.
- A balanced variety of land uses and a satisfactory relationship with the surrounding residential interface.
- A sustainable town centre, with a compact land use pattern, coherent redevelopment and sensitive adaptive reuse of prominent heritage items.
- A focal point for community facilities, cultural events and leisure activities.
- A public transport oriented centre with a bus interchange for direct access to the City and Parramatta.

QUALITY BUILT FORM

- Identifiable Precincts within the town centre, based on land use, location and character.
- An attractive town centre with high quality architectural detail and consistent, logical pattern of development.
- Corner elements and design features on buildings to define important aspects of the town centre including local themes and character and to create visual landmarks and meeting places.
- Building height and scale that is appropriate within a town centre, providing a concentration of a variety of suitable land uses.
- Active edges to all development to reduce the visual impact of development, stimulate interaction and enhance safety at the street level. The provision of public art may be used to achieve this outcome.

- Development of an appropriate scale to create a sense of place and community focus.
- Integration of development with adjoining bus stops.

ACCESS AND AMENITY

- A town centre supported by a centrally located bus interchange reducing car dependency whilst retaining the existing supply of public parking within new development.
- A coherent and safe road network with improvements to the intersection of Windsor Road / Old Northern Road to enhance the efficiency of bus movements.
- Limited vehicular access to development to reduce vehicle conflict and the visual impact of entrances.
- Embellished and attractive streetscapes and good connectivity between precincts.
- A vibrant mixed-use character, activating all areas of the town centre and providing opportunities for casual surveillance, enhancing safety.

LANDSCAPING AND OPEN SPACE

- A consistent approach to landscaping and public domain embellishments.
- A variety of high quality, landscaped and functional outdoor pedestrian squares for the enjoyment of residents, employees and visitors.
- Design responses incorporating interactive design components which utilise public art and design methodologies.

WATER MANAGEMENT

- A Town Centre that is recognised as having incorporated sustainable technologies and best water management practices during its design and development.



Figure 2 Structure Plan

2.2. URBAN STRUCTURE

Forming the gateway location for the Shire, the Town Centre structure is defined by the historic thoroughfares of Old Northern Road, Windsor Road and Seven Hills Road. This Section describes the built form outcomes that will contribute to Baulkham Hills becoming a more liveable town centre.

OBJECTIVES

- To create a unified centre;
- To enhance the qualities that attract people to the town centre;
- To create a vibrant pedestrian and public transport orientated centre with a healthy mix of commercial, retail, residential and community facilities.

DEVELOPMENT CONTROLS

- All new development must contribute to and support all of the designated functions of the town centre as listed in Section 2.1.
- Future development to reinforce the main street character of Old Northern Road. New development shall accommodate the provision of an improved bus interchange and public domain.
- New development must not isolate, disconnect and/ or restrict access and development potential of any other precinct.
- All new development must have regard to the Movement Strategy (Figure 5) and maintain and enhance the existing pedestrian and cyclist links and existing public open space.
- Ensure that pedestrian and public transport movements are given priority in building design.

2.3. BUILDING FORM

Building form shall have regard to the design principles and controls for each Precinct.

OBJECTIVES

- To create a suitable area in which development may occur, having regard to the constraints, opportunities and character of each precinct; and

- (ii) *To set an appropriate scale and bulk for development in each precinct.*

DEVELOPMENT CONTROLS

- (a) Development is to occur in accordance with the design principles provided in Section 3 - Precinct Controls.

2.4. STREETScape

OBJECTIVES

- (i) *To provide a range of uses to engage and activate the street and contribute to the economic viability of the town centre.*
- (ii) *To maximise building openings and minimise the extent of blank walls facing the street.*

DEVELOPMENT CONTROLS

- (a) Where buildings (including dual aspect or corner lots) adjoin any public road, lane or pedestrian space they shall present an active frontage, incorporating shop entries, display windows, outdoor eating and allow direct interaction with the pedestrian.
- (b) Align the ground floor level with the corresponding level of the footpath, lane way or outdoor space.
- (c) Roller shutter doors facing onto the street or public space are not permitted. Appropriate security (if required) can be provided through the use of retractable security grilles (minimum 70% transparency) on the inside of the shop windows to create an open shopfront/window display area.
- (d) Where possible, deliveries and space for deliveries should be made from the lesser street.
- (e) Retail and commercial premises fronting Old Northern Road within the Central Place and Railway St Precincts shall be 5m – 15m wide to maintain the specialised small shop character of this area.

2.5. ARTICULATION

OBJECTIVES

- (i) *To achieve design excellence and innovation.*
- (ii) *To achieve a desirable, healthy, modern environment.*
- (iii) *To ensure new buildings are of a human scale and to promote an active street frontage.*
- (iv) *To clearly delineate pedestrian access.*
- (v) *To address topography and site constraints.*

DEVELOPMENT CONTROLS

- (a) Buildings should have an architecturally distinct bottom, middle and top and not have the same façade simply projected upwards.
- (b) The elevation of a building along the Old Northern Road frontage of both Central Place and Railway Street Precinct shall incorporate architectural measures to reduce the horizontal emphasis of the building, in order to reflect the traditional narrow shop fronts and to break up the bulk and scale of the building.
- (c) Blank walls and opaque glass are to be avoided. Where a blank wall is unavoidable, the elevation is to be suitably articulated through the use of awnings, recesses, architectural detail, landscaping and / or public art. Billboard advertising and the like are not suitable in this situation.
- (d) Ground floors must incorporate windows and other such openings for at least 60% of the street or public street frontages.
- (e) Changes in colour and texture should compliment façade articulation.
- (f) Roof materials within each precinct, or block within a precinct, must be consistent to help create a continuous built form and to reduce the visual impact for overlooking properties.

2.6. AWNINGS

OBJECTIVES

- (i) *To provide weather protection for pedestrians.*
- (ii) *To retain awnings as a visual feature of the town centre.*

- (iii) To encourage awnings appropriate to the building style.

DEVELOPMENT CONTROLS

- (a) Awnings are to be provided at the street frontage where indicated in Figure 3.
- (b) Awnings or other forms of weather protection must wrap around corners.
- (c) Awnings should be cantilevered to avoid the need for poles along the footpath. Posts and column supports are permitted where it can be shown that they will not be a pedestrian or vehicular hindrance.
- (d) Awnings should be stepped in response to the topography.
- (e) Adequate lighting should be provided under the awnings in accordance with Council's Designing Safer Communities: Safer by Design Guidelines.
- (f) Canvas blinds are not permitted.
- (g) Colonnades are not permitted where awnings are specified in Figure 3.
- (h) Colonnades must be a minimum of 2.5 metres wide to allow for adequate pedestrian movements.
- (i) Colonnade 'posts' must be evenly spaced.
- (j) The minimum height of a colonnade must be the same as the adjacent floor to ceiling height.
- (k) The colonnade must be integrated into the building design and not obscure sight lines, safety or street activities.

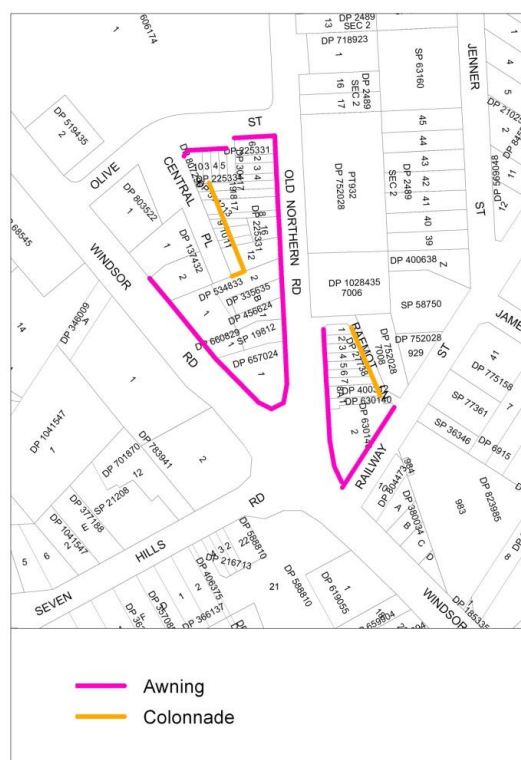


Figure 3 Awnings and Colonnades

2.7. CORNER BUILDINGS

OBJECTIVES

- (i) To create visually significant elements in order to orient the visitor and provide land marks and meeting places.
- (ii) To clearly delineate building entries, important intersections within the town centre and the extent of the built form.

DEVELOPMENT CONTROLS

- (a) Where shown in the Precinct controls and illustrations, corner elements may exceed the height of the remainder of the building in order to emphasise the landmark location and add architectural interest to the facade and skyline.
- (b) Corner aspects of any building are to be articulated with building mass and other design features.
- (c) Corner should add interest through the use of splays, curves, entries and other features.

- (d) Corners buildings must address all frontages, including those facing streets, lanes or pedestrian areas.

2.8. PEDESTRIAN ENTRANCES & EXITS

OBJECTIVES

- (i) *To provide appropriate, safe and convenient access and egress points for pedestrians.*
- (ii) *To incorporate entrances and exits into the overall architectural design of a development.*

DEVELOPMENT CONTROLS

- (a) Main entrances and exits are to be located at the front of the site and be visible from the street.
- (b) Entrances are not to be obscured by landscaping or other obstacles and shall have clear sight lines.
- (c) 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.
- (d) All specifications relating to doors and circulation spaces are to be in accordance with AS 1428.1 (Design for Access and Mobility) and AS1428.2 (Enhanced and Additional Requirements) as a minimum.

- (b) Parapets are to be used along the main street to create appropriate sight lines.
- (c) Lift over-runs and all other service equipment shall be incorporated into the roof design and be obscured from general view.
- (d) The roof form for each block should be consistent. Roof top gardens (open space) and parapets may be used to provide interest.
- (e) Roof forms should not add excessive bulk to the building.
- (f) Roof areas should incorporate space for skylights to upper levels and solar panels.



Figure 4 Public Domain Strategy

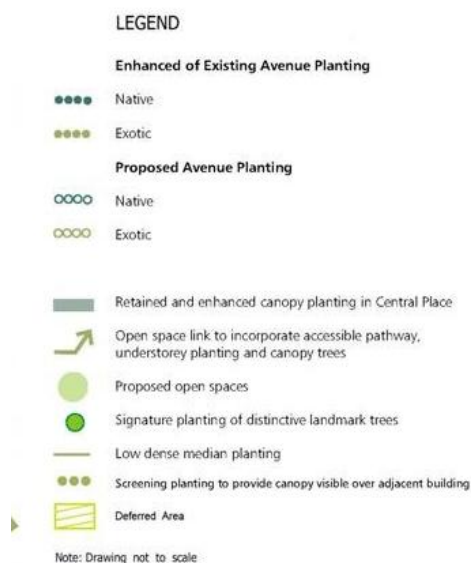
2.9. ROOF DESIGN

OBJECTIVES

- (i) *To ensure roof form contributes to the character of the town centre in providing visual interest and continuity within individual blocks.*
- (ii) *To add visual interest to the town centre skyline when viewed from street level or surrounding key vantage points.*

DEVELOPMENT CONTROLS

- (a) Roofs should be designed to generate an interesting skyline and enhance views from adjoining developments and surrounding areas.



Source: Residential Flat Design Code

- In terms of sites with greater slopes or sharp changes in levels, the height plane will vary to facilitate appropriate building forms.



Source: Residential Flat Design Code

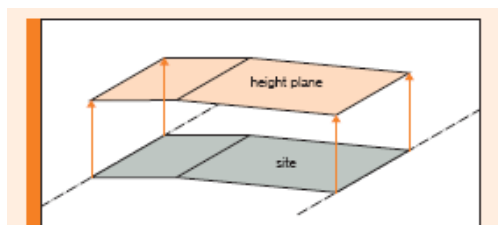
2.10. BUILDING HEIGHT

OBJECTIVES

- To minimise the adverse overlooking and overshadowing of surrounding properties.
- To control the visual bulk and scale of development.
- To minimise loss of views.

DEVELOPMENT CONTROLS

- Development is to occur in accordance with the permitted number of storeys and height plane controls identified in Section 3 – Precinct Controls
 - Height plane follows the topography of the site and is measured along the site boundaries.



Source: Residential Flat Design Code

- On gently sloping sites the site plane follows the slope of the site.

- Developments on sloping sites are to be stepped so that the ground floor does not exceed one metre above natural ground level immediately below any point on the ground floor.
- The floor level of any residential room must be no lower than 1 metre below natural ground level.

2.11. CEILING HEIGHTS

OBJECTIVES

- To provide maximum flexibility for alternate uses at ground floor level.
- To allow building elevations to respond to the street context.
- To increase environmental performance and amenity of buildings.

DEVELOPMENT CONTROLS

- a) Floor to ceiling heights shall be a minimum of 3.6m at ground floor level to allow for a range of uses, including retail and commercial.
- b) Floor to ceiling heights shall be a minimum of 2.7m at upper storeys of buildings, where possible, to allow for a range of uses and to improve environmental performance and amenity of buildings.

2.12. FINISHES**OBJECTIVES**

- (i) *To achieve a stylish, coherent streetscape.*
- (ii) *To ensure materials require minimum maintenance and support the ESD Principles.*

DEVELOPMENT CONTROLS

- (a) All developments must use high quality and durable materials that are easily maintained.
- (b) Opaque windows may only be used for privacy reasons, transparent glass should be used in all other windows to promote natural surveillance.
- (c) Use pastel and earthy tones and avoid corporate and bright, incompatible colours.
- (d) Avoid reflective and/or overly textured surfaces.
- (e) Colours and materials should contribute to a coherent town centre.
- (f) Where development occurs in stages, any visible external surfaces of future common walls must be adequately painted or finished until the adjacent development has been undertaken.

2.13. OUTDOOR EATING**OBJECTIVES**

- (i) *To encourage active use of the street.*
- (ii) *To generate after hours activity in the town centre and passive surveillance.*

DEVELOPMENT CONTROLS

- a) Outdoor eating areas should not impact on pedestrian movements and adequate area must be allowed to access tables. A minimum

width of 2.5 metres is to be kept free for a pedestrian walkway.

- b) Tables must be located in front of shop rather than near the gutter, unless adequate landscaping or other elements can form a suitable barrier between the tables and the road.
- c) Outdoor eating facilities must comply with all codes and policies associated with the serving of food.

2.14. CULTURE AND PUBLIC ART**OBJECTIVES**

- (i) *To recognise and respond to social and cultural identity and diversity in the design of development.*
- (ii) *To promote development that is unique to the town centre and that reflects social, cultural and historical significance of the town centre.*
- (iii) *to promote the inclusion and integration of public artworks within development which are:*
 - accessible to the public;
 - make a positive contribution to the urban environment; and
 - add to the cultural development of the City.

DEVELOPMENT CONTROLS

- a) The following development sites in the town centre shall prepare and implement an Arts and Cultural Plan as part of the overall development:
 - Block 4 - Central Precinct
 - Block 10 - Railway Street Precinct

Plans are required to include the provision of high quality artwork within the development in a publicly accessible location.

- b) Arts and Cultural Plans are to be prepared having regard to any social, cultural historical significance of the site to the town centre. The character and design of development on such sites should be integrated with artworks.

2.15. MIXED USE COURTYARD BUILDINGS**OBJECTIVES**

- (i) To encourage the provision of publicly accessible communal / semi private court yard spaces, in suitable locations, which supplement the public open space network in Baulkham Hills.
- (ii) To design communal / private court yards as focal spaces incorporating quality mixed use perimeter type buildings integrating non-residential uses at ground level with through site links and landscape elements.
- (c) Courtyards are to function as semi-public mixed use commercial spaces. They are privately maintained but are publicly accessible.
- (d) The minimum area of courtyards shall comply with the common open space rate of Part B Section 5 – Residential Flat Buildings.

DEVELOPMENT CONTROLS

- (a) Communal / semi private space court yards are to be provided on sites identified in Section 3 - Precinct Controls.
- (b) All courtyards are to be designed to permit a high degree of accessibility by the public. Pedestrian linkages, through links from adjacent sites and surrounding street networks is to be provided by multiple entries and pedestrian responsive design.

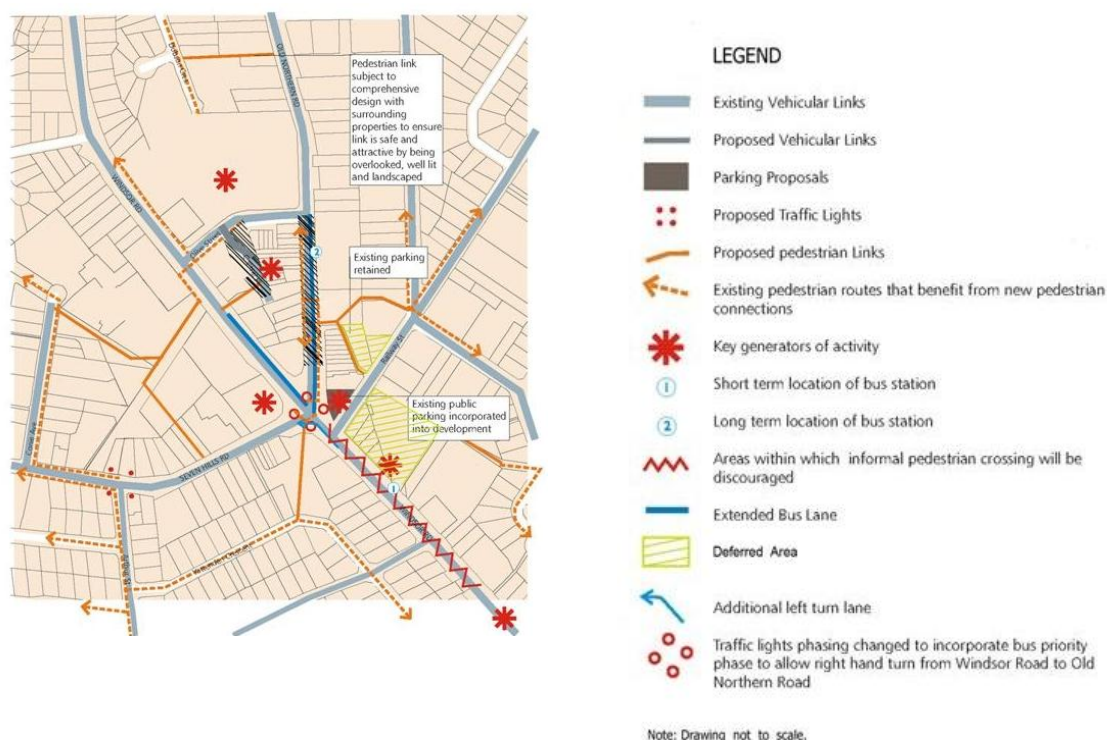


Figure 5 Movement Strategy

2.16. SAFETY & SECURITY**OBJECTIVES**

- (i) *To ensure that the town centre is safe and secure for residents and visitors by incorporating crime prevention through environmental design.*

DEVELOPMENT CONTROLS

- (a) All development shall be designed to ensure the safety and security of residents and visitors within individual developments and in the public domain during the day and at night.
- (b) All development applications shall refer to Council's Designing Safer Communities: Safer by Design Guidelines (2002) and demonstrate how the proposed development incorporates measures to increase safety and reduce opportunities for crime through building design, landscaping, lighting, surveillance etc.
- (c) Certain developments due to their size, function or location may be referred to NSW Police for comment. These types of developments include, but are not limited to:
- Transportation facilities
 - Large residential flat buildings and multi dwelling housing (50 or more dwellings)
 - Large mixed use developments (50 or more dwellings)
 - Major shopping centre developments
 - New schools and hospitals
 - Large sport facilities
 - Clubs and hotels
 - Service stations, convenience stores and other high-risk businesses.

2.17. LIGHTING**OBJECTIVES**

- (i) *To ensure that all site lighting is adequate for the safety of the site without interfering with nearby residents or traffic.*

2.18. ACOUSTIC

Acoustic privacy is an important consideration for the design of buildings. Appropriate siting, design and use of the noise ameliorating materials for development will ensure suitable acoustic amenity for residential development.

OBJECTIVES

- (i) *To provide a reasonable acoustic environment for residents,*
- (ii) *To protect residents from noise intrusions,*
- (iii) *To ensure the design of the dwellings on site has regard to the impacts of the major roads adjoining the site,*
- (iv) *To ensure that the siting and design of residential building minimises noise transmission from major noise-generating land uses.*

2.19. SITE FACILITIES AND SERVICING**OBJECTIVES**

- (i) *To ensure that site facilities (such as clothes drying areas, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units and communication structures) are effectively integrated into the development and are unobtrusive.*
- (ii) *To ensure that site services and facilities are adequate for the nature of the development*
- (iii) *To establish appropriate access and location requirements for servicing, and*
- (iv) *To ensure service requirements do not have adverse amenity impacts*

2.20. SOLAR ACCESS**OBJECTIVES**

- (i) *Buildings should be designed and sited to minimise loss of sunlight to adjacent dwellings.*
- (ii) *Private open space areas and primary habitable rooms such as living and family rooms are to maximise access to winter sun.*

- (iii) To provide living spaces within dwellings and open space around dwellings with reasonable access to sunlight.

3. PRECINCT CONTROLS

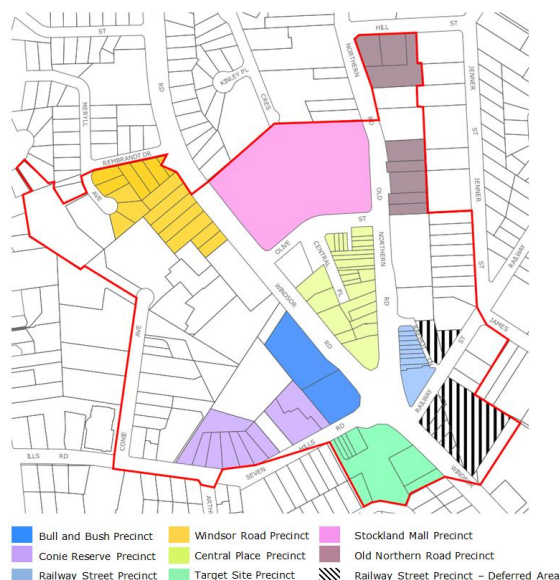


Figure 6 Town Centre Precincts

The town centre has been divided into five precincts based on the location and individual character of each area and its redevelopment potential. The Precinct objectives and development controls are to be read in conjunction with the general objectives and development controls in Section 2 and any other relevant Section of this DCP. The Precincts are:

- Railway Street
- Conie Avenue Reserve
- Central Place
- Stockland Mall
- Old Northern Road
- Windsor Road Precinct
- Bull and Bush Precinct

The purpose of the precinct section of this DCP is to identify the existing and desired future character of each precinct, and to provide suitable controls that reflect the constraints and opportunities within each precinct.

All development must comply with the development controls outlined for each precinct. Where any variation is proposed, the development must demonstrate that it achieves the overall Precinct objectives (outlined below) and identified desired character. The applicant must submit written

justification to support any request for a variation to the DCP.



Figure 7 Baulkham Hills Town centre

3.0. PRECINCT OBJECTIVES

The following Precinct objectives apply to all Precincts within the Baulkham Hills Town Centre, and must be considered in conjunction with the development controls for each Precinct.

LAND USE

- (i) To achieve a vibrant and viable mixed-use town centre, providing a variety of retail, commercial, residential, open space and parking opportunities.
- (ii) To locate particular land uses in appropriate locations having regard for heritage items, the future location of a bus interchange on Old Northern Road and the adjoining land uses at the edge of the town centre.
- (iii) Stockland Mall and Central Place Precincts to remain as the retail core of the Town Centre.
- (iv) To promote continuous activity within the town centre, encouraging pedestrian movement and active uses at street level.

BUILDING HEIGHT

- (i) To permit higher forms of development that are appropriate within a town centre and that reflect the importance of Baulkham Hills Town Centre as the southern gateway to the Shire.
- (ii) To accommodate the foreseeable expansion of retail, commercial and residential development within the town centre.
- (iii) To ensure appropriate scale relationships between new development and adjoining land

uses, particularly lower forms of residential development on the periphery, and heritage items.

- (iv) To provide visually significant building elements in selected locations to create landmarks, add interest to the skyline, orient the visitor and to delineate important intersections.

BUILDING SETBACKS

- (i) To ensure that buildings are suitably set back to maximise street level interaction and minimise the impact of the town centre development on the periphery where it adjoins residential land.
- (ii) To set back development to create interest and variation in built form.
- (iii) To provide visual and acoustic privacy between adjoining developments and the street, and to provide opportunities for balconies.

BUILT FORM

- (i) To ensure that the town centre develops in a cohesive and logical manner in accordance with the Precinct diagrams and illustrations.
- (ii) To improve pedestrian amenity and linkages within the town centre by the provision of awnings, courtyard buildings and pedestrian links.
- (iii) To enhance the appearance of the town centre by providing architectural features and façade articulation.
- (iv) To emphasise important locations and intersections in the town centre by incorporating landmark corner buildings.
- (v) To ensure that the bus interchange on Old Northern Road can be easily integrated into the town centre.

HERITAGE

- (i) To protect the town centre's heritage.
- (ii) To revitalise and enhance the heritage buildings through landscaped pedestrian areas and suitable adaptive reuses.
- (iii) To ensure that surrounding built forms respect the heritage curtilage.
- (iv) To ensure that the history of heritage buildings is accessible to the public through interpretive signage.

- (v) To enable heritage items are appropriately interpreted through redevelopment.

ACCESS

- (i) To improve the permeability and accessibility of the town centre by providing pedestrian linkages through the town centre.
- (ii) To encourage pedestrian activity and enhance the public domain.
- (iii) To provide high quality, safe and pleasant walking environments.
- (iv) To ensure equitable and unimpeded access.
- (v) To provide safe, clear and convenient vehicular access to developments.
- (vi) To minimise traffic congestion.

LANDSCAPING

- (i) To enhance the amenity and appearance of all streetscapes and development within the town centre.
- (ii) To ensure that setback areas are treated as extensions of the public pedestrian area.
- (iii) To ensure that landscaping is suitable to the function of each site.

OPEN SPACE

- (i) To provide functional open space areas within the town centre for the use of residents, visitors and employees.

STORMWATER MANAGEMENT

- (i) Ensure waterways and downstream drainage systems are protected during construction and post construction phases of development.
- (ii) Ensure new developments do not place an increased flood risk to private and public property, and where possible, reduce the impacts of nuisance flooding to a level acceptable to the community.
- (iii) Reduce potable water demand through water sensitive urban design initiatives

3.1. CENTRAL PLACE PRECINCT



Figure 8 Central Place Precinct – Aerial View

EXISTING CHARACTER

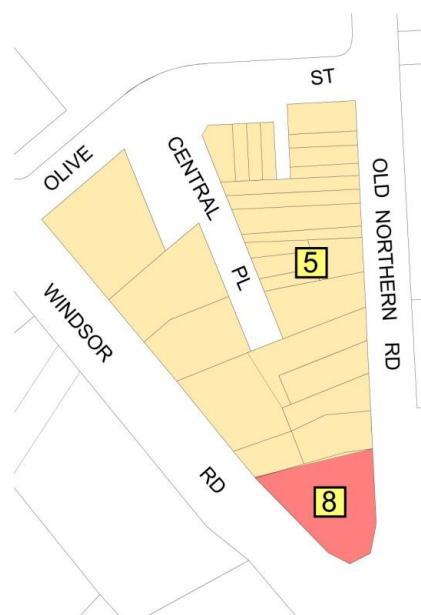
The precinct is triangular in shape and is bounded by Old Northern Road, Windsor Road and Olive Street. Central Place and a public car park are situated off Olive Street.

The retail strip that adjoins Old Northern Road significantly contributes to the town centre character of the locality. An arcade that is located mid block permits pedestrian access to Central Place, however is located off line with the existing pedestrian crossing which conveniently links to the proposed Old Northern Road bus stop and Council's library. Adjoining Windsor Road are more recent retail and commercial activities that enjoy good vehicular access and exposure.

DESIRED CHARACTER

LAND USES

- Mixed use strip shops adjoining Old Northern Road and Windsor Road with residential uses above.
- Land mark feature buildings (Illustrated in Figure 10) on the corner of:-
 - Old Northern Road and Windsor Road
 - Olive Street and Central Place



All heights in storeys (equivalent)

- 5 General maximum height
- 8 Landmark locations where maximum heights are encouraged

Figure 9 Central Place Precinct – Building Height

STREET FRONTAGE

- Encourage active retail development contributing to the vibrant activity conducted in the precinct.
- All development should address the street with active frontages, colonnades, awnings, and landscaping to provide a high quality pedestrian amenity.
- Provide continuous awnings along shop fronts and colonnades adjoining Central Place.

BUILT FORM

- Landmark buildings are to be of an appropriate architectural quality that use a variety of physical and design elements to achieve buildings of character and interest.
- Levels above two storeys with a direct street frontage to Old Northern Road should be stepped back to minimise the bulk and scale when viewed from the street.
- Buildings will be set back on Old Northern Road to enable broad awnings and landscape planting.

- The continuous building line on Old Northern Road is to be retained to reinforce the traditional main street character of the strip.
- Roof forms to incorporate elements to create an interesting roof scape and skyline; saw-toothed, pitched roofs, innovative skillion curved or floating roof forms are encouraged.
- Building floor plans should locate sensitive areas of use such as bedrooms away from busy roads.
- The built form should allow opportunities for passive surveillance and an active interface with publicly accessible areas.

ACCESS

- Vehicular access to be from Central Place and Olive Street in accordance with the structure plan illustrated in Figure 10.
- A 24 hour publicly accessible pedestrian plaza link is to be provided to central place via the existing mid block pedestrian link on Old Northern Road

DEVELOPMENT CONTROLS

3.1.1. LAND USE

- Ground floor uses are to be occupied by retail / commercial uses.
- First floor uses are to be occupied by commercial / residential uses.

3.1.2. FLOOR SPACE RATIO

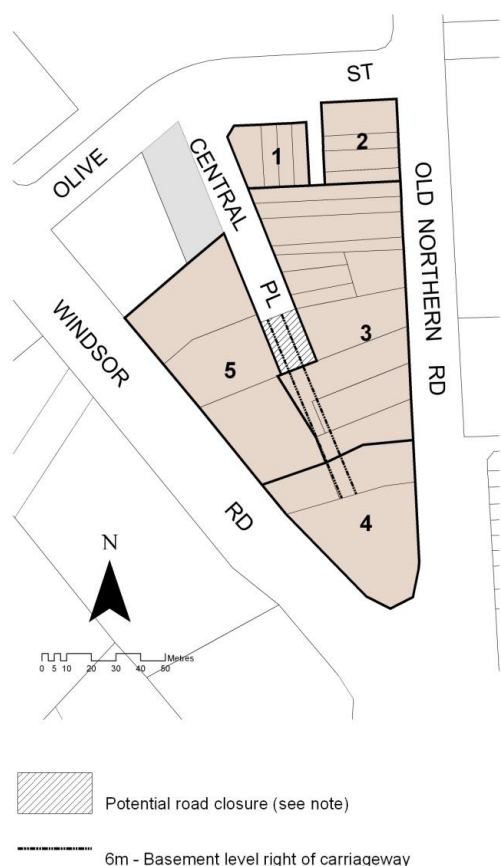
- Refer to Clause 4.4 *Floor Space Ratio* of The Hills LEP 2012 and Floor Space Ratio Maps.



- Central Place Precinct
 - Block
 - Potential road closure (see note)
 - Council Carpark
 - courtyards
 - Setbacks
 - Driveway access
 - Pedestrian links
 - Major landmark element
 - Minor landmark element
 - Avenue tree planting
- Active Frontages:**
- Residential - Orientation of doors & windows of habitable rooms
 - Commercial - Orientation of doors & display windows
 - Secondary active frontage - display windows

Note. The part closure of Central Place is subject to the agreement of Council.

Figure 10 Central Place Precinct - Structure Plan



Note. The part closure of Central Place is subject to the agreement of Council.

Figure 11 Central Place Precinct – Right of Way

3.1.3. BUILDING HEIGHT

- a) Refer to Clause 4.3 *Height of buildings* of The Hills LEP 2012, the LEP Height of Buildings Maps and the table below:

	Storeys
Blocks 1-3 & 5	5
Block 4	8

- b) Buildings should respect the height of adjoining development and must not exceed the maximum number of levels identified in Figure 9.
- c) Consideration will be given to increased heights at the landmark corner(s) where it can be demonstrated that it will enhance the design of the building but may not contain any habitable living or business space.

3.1.4. SETBACKS

- a) Setbacks shall be in accordance with the following table:-

Block 1 - Olive Street / Central Place	
Front Setback - Olive Street:	
Ground, First & Second Level	5m
Additional Levels	7.5m
Side Setback	0m
Central Place - Ground, First and Second	5m
Additional Levels	7.5m
Rear Setback	0m

Block 2 - Olive Street / Old Northern Road	
Front Setback - Old Northern Road	
Ground, First Levels	0m
Second & Third Levels	2.5m
Additional Levels	5m
Side Setback	0m
Olive Street Frontage - Ground, First and Second Levels	5m
Additional Levels	7.5m
Rear Setback	0m

Block 3: Old Northern Road	
Front Setback - Ground & First Levels	0m
Second & Third	2.5m
Additional Levels	5m
Rear Setback:	0m
Central Place - Ground, First & Second Levels	10m
Additional Levels	20m
Side Setback	0m

Block 4: Old Northern Road / Windsor Road	
Front Setback - Old Northern Road: Ground & First and Second Levels	0m
Additional Levels	2.5m
Side Setback - Windsor Road: Ground, First and Second Levels	5m
Additional Levels	7.5m
Rear Setback Ground to Fifth Level	0m
Additional Levels	25m

Block 5: Windsor Road	
Front Setback - Windsor Road	
Ground, First and Second Levels	5m

Additional Levels	7.5m
Side Setback	0m
Rear	0m
Central Place - Ground and First Levels	5m
Second & Third Levels	7.5m
Additional Levels	9.5m

3.1.5. BUILDING DESIGN

- Architectural features and façade articulation are encouraged, particularly on the landmark corners.
- An awning must be provided for pedestrian amenity along Old Northern Road.
- Residential dwellings shall be dual aspect to improve solar access and amenity.
- Active edges must be provided at ground levels to both internal public spaces and street frontages.
- All development must provide a high level of natural surveillance over the public domain.
- Each block should be designed with a common theme, including a common colour, materials, balconies, signage and façade for each block.

3.1.6. ACCESS

- Vehicular access to the precinct is only permitted from Central Place or as specified in Figure 10.
- All parking is to be underground and must be incorporated into each individual Block.
- A 6m right of way carriageway is to be provided in favour of Lot 1 DP 657025, Lot 1 DP 660829 and SP 19812 for access to basement parking from Central Place as identified in Figure 11.
- Pedestrian connections through the site must have regard to the structure plan illustrated in Figure 10.



Figure 12 Strip shops – Old Northern Road



Figure 13 Olive Street



Figure 14 Central Place

3.1.7. LANDSCAPING

- Development adjoining Central Place shall integrate publicly accessible courtyards within the building design. Courtyards are to function as mixed use commercial / retail spaces, providing an attractive and district focal space.

3.1.8. WATER SENSITIVE URBAN DESIGN

- The best practice principles of WSUD are to be applied during the construction and post construction phases of development. Schemes that promote water capture, reuse initiatives and water quality management measures, as described in documents including, but not limited to:
 - *On-site Stormwater Detention Handbook, Version 4 2005, UPRCT;*
 - *Australian Runoff Quality, Engineers Australia, 2006;*
 - *Water Sensitive Urban Design – Technical Guidelines for Western Sydney, May 2004, Prepared for UPRCT by URS.*

are required for all new commercial and residential developments, or where the increase in impervious area over a site is greater than 150m². Common open space and publicly accessible courtyard areas may be utilised for WSUD initiatives.



Figure 15 Central Place Precinct – Illustrative Design



Figure 16 Central Place Precinct – View of landmark corner building

3.2. STOCKLAND MALL PRECINCT

EXISTING CHARACTER

The precinct is bounded by Old Northern Road, Windsor Road and Olive Street with residential development to the rear in Dobson Crescent. The precinct is currently occupied by Stockland Mall shopping centre and an extensive system of car parking.

Primary vehicular access to the site is via Olive Street. Pedestrian amenity and the public domain of Olive Street is poor due to high traffic volumes and its poor interface with Olive Street.

The precinct is the retail heart of Baulkham Hills, accommodating approximately 56% of retail floorspace within the Town Centre. The current configuration of the shopping centre isolates it from the Town Centre by its extensive parking area and lack of street interaction.



Figure 17 Stockland Mall Precinct – Aerial View



Figure 18 Stockland Mall Precinct – Olive Street Car park

DESIRED CHARACTER

LAND USES

- Expansion of retail floor space.
- Encourage active retail development on Olive Street.
- Provision of improved pedestrian links to the shopping centre, from Olive Street and Old Northern Road.
- Improved vehicular access to the site and consolidation of existing parking levels to improve vehicle circulation.
- Provision of a separate service access road from Windsor Road.

BUILT FORM

- Building design should ensure adequate solar access to Olive Street and use a variety of physical and design elements to achieve a building of character and interest.
- Public art is encouraged to add interest to the streetscape of Olive Street.
- The built form should respond to the topography of Olive Street.
- Lower floors should provide good street definition.
- Greater height limits at the corners of Olive St will be considered to create a landmark corner feature.

STREET FRONTAGE

- Sufficient setbacks are required on Olive Street and Windsor Road frontages to provide broader footpaths and landscaping to enhance the public domain.
- Olive Street frontage shall be embellished to provide a welcoming face and pedestrian friendly environment for the shopping centre.
- Building corners at either end of Olive Street should incorporate a landmark feature.

ACCESS

- Vehicular access shall be via Olive Street and Windsor Road, with service access via Windsor Road.
- Ensure that future development is sympathetic to pedestrian desire lines, particularly to and from the pedestrian entrances to Stockland Mall, and the main retail strip along Old Northern Road.

DEVELOPMENT CONTROLS**3.2.1. LAND USE**

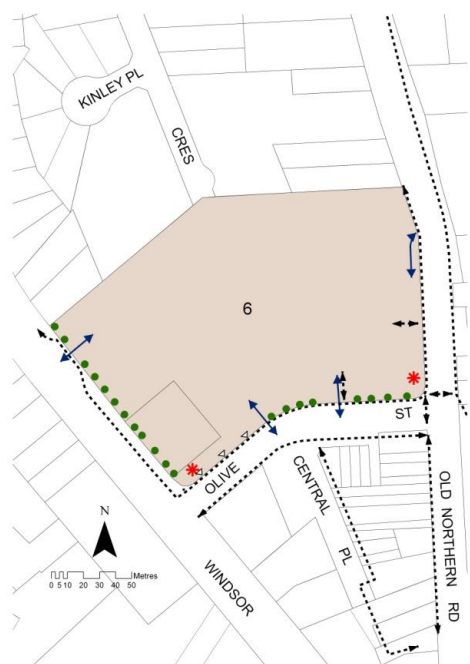
- Mixed retail / commercial uses appropriate to a district level shopping centre;
- Commercial / retail uses adjacent to Olive Street to maximise street level interaction.

3.2.2. FLOOR SPACE RATIO

- Floor space ratio shall be in accordance with Part B Section 6 – Business.

3.2.3. BUILDING HEIGHT

- Building Height shall be in accordance with Part B Section 6 – Business.



- Stockland Mall Precinct
- Setbacks
- * Minor landmark
- Avenue Tree Planting
- ↔ Driveway Access
- ➡ ➡ Pedestrian Access
- Active Frontages:**
- Commercial - Orientation of doors & display windows

Figure 19 Stockland Mall Precinct – Structure Plan

3.2.4. SETBACKS

- Setbacks shall be in accordance with Part B Section 6 – Business.

3.2.5. BUILDING DESIGN

- Additional height and bulk is permitted at the Olive St intersections to provide a visual landmark feature.

3.2.6. ACCESS

- Vehicular access is to be from Windsor Rd and Olive St with egress from the existing driveway on Old Northern Road.
- The location of the western driveway on Olive Street shall be located opposite Central Place

to accommodate any future intersection improvements required to address intersection performance at this location.

- c) Existing parking decks are to be consolidated to improve building appearance and vehicle circulation.
- d) All development must have regard to Councils Safer By Design Guidelines and Access for All documents.
- e) Pedestrian links are to be in accordance with the design principles illustrated in Figure 19 – Structure Plan.

3.2.7. LANDSCAPING

- a) Olive Street is to be of high architectural quality involving a mix of hard and soft landscaping, public art and sufficient lighting to promote street interaction and a sense of place.

3.2.8. WATER SENSITIVE URBAN DESIGN

- a) The best practice principles of WSUD are to be applied during the construction and post construction phases of development. Schemes that promote water capture, reuse initiatives and water quality management measures, as described in documents including, but not limited to:

- *On-site Stormwater Detention Handbook, Version 4 2005, UPRCT;*
- *Australian Runoff Quality, Engineers Australia, 2006;*
- *Water Sensitive Urban Design – Technical Guidelines for Western Sydney, May 2004, Prepared for UPRCT by URS.*

are required for all new commercial and residential developments, or where the increase in impervious area over a site is greater than 150m². Common open space and publicly accessible courtyard areas may be utilised for WSUD initiatives.

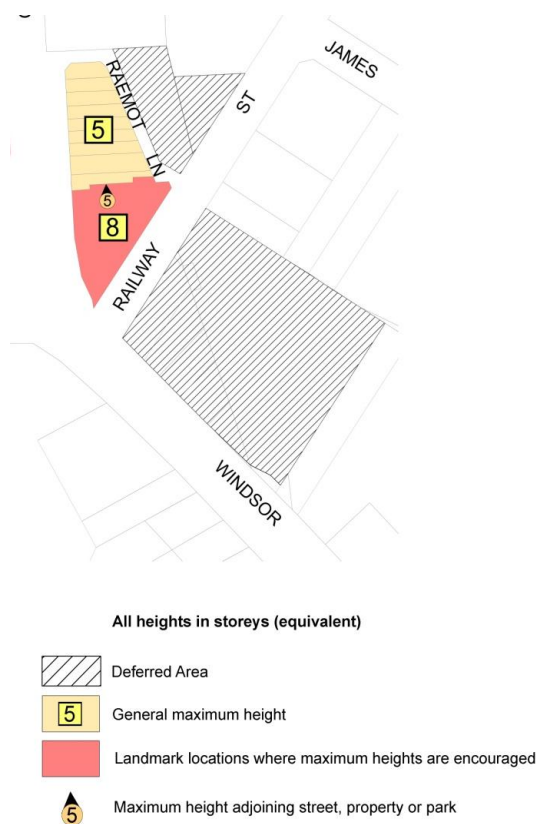


Figure 20 Railway Street Precinct – Building Height

3.3. RAILWAY STREET PRECINCT

EXISTING CHARACTER

The Railway Street Reserve Precinct has frontage to Railway St and Old Northern Road. Currently the precinct is zoned for commercial/residential and open space/recreation uses. The area is occupied by several businesses fronting Windsor Road, the Council library, a telecommunications tower and a underutilised park.

The existing businesses have varying setbacks with little landscaping. The Reserve at the rear is currently also used as a parking/loading area for the businesses.

DESIRED CHARACTER

LAND USES

- Promote commercial/ residential development given the central location of the precinct and its proximity to the bus interchange.
- Retail uses conducive to development adjacent to a transport interchange on Old Northern Road.

BUILT FORM

- The corner of Railway St and Old Northern Rd should provide a landmark feature to address this major intersection.
- Levels above two storeys should be stepped back to minimise bulk and scale when view from the street
- The built form should allow opportunities for passive surveillance and an active interface with the public open space.
- Courtyards are to be designed to overcome conflicts between public access needs and the private needs of residents having regard to visual and acoustic privacy, and the need for private open space.

STREET FRONTAGE

- All development should address the street with active frontages, colonnades and awnings, and landscaping to provide a high quality pedestrian amenity.
- Setbacks will allow for the proposed bus lay-by on Old Northern Road.

ACCESS

- Pedestrian footpaths should be upgraded with suitable street furniture and landscaping.
- Inappropriate pedestrian movements across Old Northern Road will be discouraged.
- Vehicular access shall be restricted to Railway Street or Raemot Lane only.



Figure 21 Railway Street Precinct – Landmark Corner building

DEVELOPMENT CONTROLS

3.3.1. LAND USE

- a) Ground and first levels are to be occupied by retail / commercial uses.
- b) Residential and commercial uses are encouraged on the upper levels.

3.3.2. FLOOR SPACE RATIO

- a) Floor space ratio shall be in accordance with the following table:-

Block 9	3:1
Block 10	2:5:1

3.3.3. BUILDING HEIGHT

- a) Building height shall be in accordance with the following table:-

	Storeys	Height Plane
Block 9	8	30m
Block 10	5	20m

- b) Buildings should respect the height of adjoining development and must not exceed the maximum number of levels identified in Figure 20.
- c) Consideration will be given to increased heights at the landmark corner where it can be demonstrated that it will enhance the design of the building but may not contain any habitable living or business space.

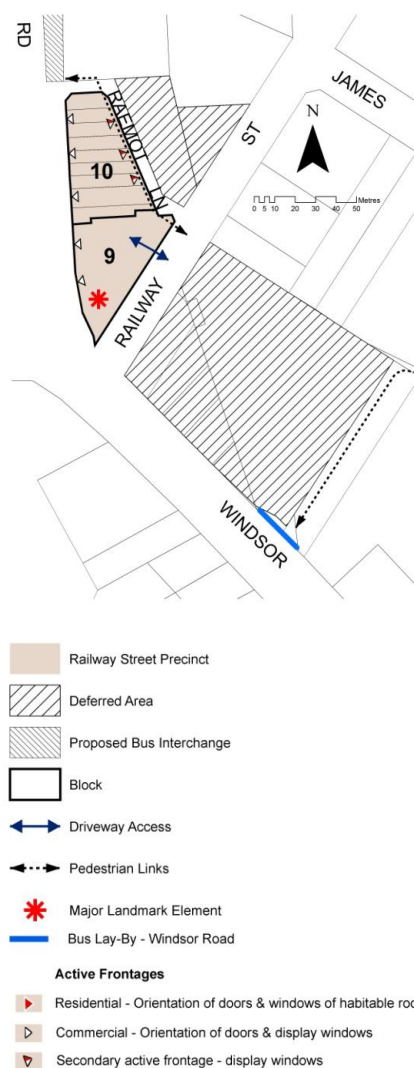


Figure 22 Railway Street Precinct – Structure Plan

3.3.4. BUILDING SETBACKS

- a) Building setbacks shall be in accordance with the following tables:-

Block 9	
Front Setback: Ground, First & Second Levels	0m
Additional Levels	2.5m
Side setback	0m
Railway Street - Ground, First & Second Levels	0m
Additional Levels	2.5m
Rear setback - Ground to Fifth Level	0m
Additional Levels	20m
Block 10	

Front Setback - Ground & First Levels	0m
Second & Third Levels	2.5m
Additional Levels	5m
Rear Setback - Ground & First Levels	0m
Additional Levels	2.5m
Side setback	0m

3.3.5. BUILDING DESIGN

- An awning must be provided for pedestrian amenity along Windsor Road and Railway Street.
- Architectural features and façade articulation are encouraged, particularly on the landmark corner.
- Buildings should be designed to integrate with adjoining public spaces and the proposed bus interchange on Old Northern Road.
- Residential dwellings shall be dual aspect to improve solar access and amenity.

3.3.6. ACCESS

- All parking is to be underground and incorporated into each individual development.
- Vehicular access to Block 10 shall be achieved from Raemot Lane.
- Pedestrian movement to the rear of Blocks 9 & 10 shall be contained within a colonnade addressing Raemot Lane with active uses along its length.
- Pedestrian connections must have regard to the pedestrian movement strategy in Figure 21.

3.3.7. LANDSCAPING

- The landscaping on the eastern elevation of Block 9 & 10, opposite Raemot Land Carpark is to form an extension of the public footpath reservation. The main function of this area is to provide a pedestrianised plaza that links the main activity nodes through the centre.

3.3.8. WATER SENSITIVE URBAN DESIGN

- The best practice principles of WSUD are to be applied during the construction and post construction phases of development. Schemes

that promote water capture, reuse initiatives and water quality management measures, as described in documents including, but not limited to:

- *On-site Stormwater Detention Handbook, Version 4 2005, UPRCT;*
- *Australian Runoff Quality, Engineers Australia, 2006;*
- *Water Sensitive Urban Design – Technical Guidelines for Western Sydney, May 2004, Prepared for UPRCT by URS.*

are required for all new commercial and residential developments, or where the increase in impervious area over a site is greater than 150m². Common open space and publicly accessible courtyard areas may be utilised for WSUD initiatives.

3.4. OLD NORTHERN ROAD PRECINCT

EXISTING CHARACTER

The Old Northern Road Precinct extends from the Hills District Bowling Club to the intersection of Hills Street with Old Northern Road.

The precinct is comprised of a number of heritage listed items at 11-19 and 37-43 Old Northern Road. A number of commercial uses that are well setback from the street are in operation with some renewal projects in progress.

The Hills District Bowling Club is a significant activity node and is the only recreation facility within the centre.



Figure 23 Old Northern Road Precinct



All heights in storeys (equivalent)



General maximum height



Maximum height adjoining street, property or park

Figure 24 Old Northern Road – Building Height

FUTURE CHARACTER

LAND USES

- Mixed use development adjacent to heritage items to include ground level commercial activities with residential uses above.

STREET FRONTAGE

- Buildings to feature a strong street edge, with awnings to provide sheltered access to residential lobbies and ground floor commercial premises on Old Northern Road.
- Buildings are to be consistent with respect to setbacks, building form and materials.
- Where appropriate, heritage items are to be incorporated as an active element within future development to promote an active streetscape.
- Setbacks will allow for the proposed road widening and bus lay-by on Old Northern Road.

BUILT FORM

- New buildings are to be of an appropriate architectural quality that uses a variety of physical and design elements to achieve a building of character and interest.
- Levels above two storeys with a direct street frontage to Old Northern Road should be stepped back to minimise the bulk and scale when viewed from the street.
- The built form should allow opportunities for passive surveillance and an active interface with publicly accessible areas.
- Roof forms to incorporate elements to create an interesting roof-scape and skyline; saw-toothed, pitched roofs, innovative skillion curved or floating roof forms are encouraged.
- Building floor plans should locate sensitive areas of use such as bedrooms away from busy roads.

HERITAGE

- Relate to heritage buildings with low rise podiums, horizontal cornices and other scale breaking devices, in adjacent development.
- Relate to heritage buildings with attention to facade composition, proportions and materials.

ACCESS

- Pedestrian footpaths should be upgraded with suitable street furniture and landscaping.
- Vehicular access points to old northern road should be minimised.

DEVELOPMENT CONTROLS**3.4.1. LAND USE**

Blocks 12 & 13

- Ground Floor uses to be occupied by commercial uses. First floor and above to be occupied by commercial / residential uses.

3.4.2. FLOOR SPACE RATIO

- Floor space ratio shall be in accordance with the following table:-

Blocks 12 & 13 - Old Northern Road	2:1
------------------------------------	------------

- The floorspace component of a heritage item may be excluded from the floorspace calculation.



Figure 25 Old Northern Road – Structure Plan

3.4.3. BUILDING HEIGHT

- Building Height shall be in accordance with the following table:-

	Storeys	Height Plane
Blocks 12 - 13	5	20m

- b) Buildings should respect the height of adjoining development and must not exceed the maximum no of levels identified in Figure 23

3.4.4. BUILDING SETBACKS

- a) Building Setbacks shall be in accordance with the following table:-

Block 12	
Front Setback: Ground & First Levels	6m
Additional Levels	8.5m
Rear Setback: Ground, First and Second Levels	6m
Additional Levels	12.5m
Side setback	0m
Southern Boundary (Bowling Club)	4m

Block 13	
Front Setback - Old Northern Road	6m
Ground & First Levels	8.5m
Additional Levels	
Side Setback - Hills Street	8m
Ground & First Levels	10.5m
Additional Levels	
Side Setback - Southern Boundary	0m
Rear Setback	
Ground & first levels	6m
Additional levels	8.5m

3.4.5. BUILDING DESIGN

- Buildings should compliment and not visually dominate adjoining heritage buildings.
- Residential dwellings shall be dual aspect to improve solar access and amenity.
- Each block within the precinct should adopt a consistent yet individual architectural character and be uniform in terms of awnings, lighting and signage.
- Adaptive reuse of heritage buildings is encouraged within building design.

3.4.6. ACCESS

- All parking is to be underground and incorporated into each individual development.
- Vehicular access points are to be provided as shown in Figure 24.

- c) Improvement of pedestrian access within the Precinct via connecting Old Northern Road with Jenner Street as illustrated in Figure 24.

3.4.7. LANDSCAPING

- a) The provision of tree plantings along pedestrian and vehicular links.

3.4.8. WATER SENSITIVE URBAN DESIGN

- a) The best practice principles of WSUD are to be applied during the construction and post construction phases of development. Schemes that promote water capture, reuse initiatives and water quality management measures, as described in documents including, but not limited to:

- *On-site Stormwater Detention Handbook, Version 4 2005, UPRCT;*
- *Australian Runoff Quality, Engineers Australia, 2006;*
- *Water Sensitive Urban Design – Technical Guidelines for Western Sydney, May 2004, Prepared for UPRCT by URS.*

are required for all new commercial and residential developments, or where the increase in impervious area over a site is greater than 150m². Common open space and publicly accessible courtyard areas may be utilised for WSUD initiatives.

3.5. CONIE AVENUE RESERVE PRECINCT

EXISTING CHARACTER

The Conie Avenue Reserve Precinct is located on the western edge of the town centre and is bounded by Seven Hills and Windsor Roads. The Bull and Bush Hotel is a landmark heritage feature of this precinct and is a major activity centre within the precinct.

A large, poorly embellished open space area known as Conie Avenue Reserve is centrally located within the precinct. The reserve is bounded by the Baulkham Hills Community Centre on Windsor Road and detached dwellings on Seven Hills Road.



Figure 26 Conie Avenue Reserve – Aerial View

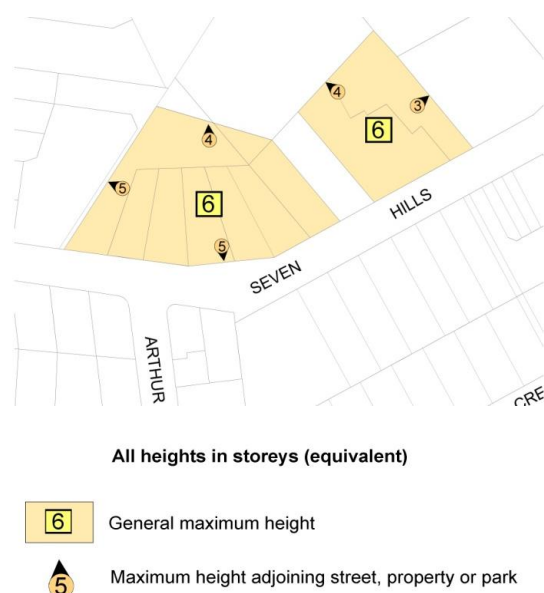


Figure 27 Conie Avenue Reserve Precinct – Building Height

DESIRED CHARACTER

LAND USES

- Consolidation of adjoining residential dwellings on Seven Hills Road and redevelopment to address the central public open space area.
- Open space provided centrally in this location and community facilities to be accessed within this precinct.
- Building designs promote casual surveillance of the adjoining open space area.

STREET FRONTAGES

- The Seven Hills Road frontage should provide generous landscaped setback and articulated façade treatment.
- Setbacks will allow for the proposed road widening on Seven Hills Road.

BUILT FORM

- Residential units are to have cross ventilation or be dual aspect.
- New buildings are to be of an appropriate architectural quality that uses a variety of physical and design elements to achieve a building of character and interest.
- The built form should allow opportunities for passive surveillance and an active interface with publicly accessible areas.
- Roof forms to incorporate elements to create an interesting roofscape and skyline; saw-toothed, pitched roofs, innovative skillion curved or floating roof forms are encouraged.
- Building floor plans should locate sensitive areas of use such as bedrooms away from busy roads.

HERITAGE

- Respect the scale of the heritage building on the corner of Windsor Road and Seven Hills Road with complementary adjacent development.

ACCESS

- Pedestrian links are to be provided in the locations identified in the structure plan.
- Vehicular access to Block 14 to be located from the proposed signalised intersection of Seven Hills Road and Arthur Street.
- To ensure that appropriate provision has been made for road widening along Seven Hills Road.

DEVELOPMENT CONTROLS

3.5.1. LAND USE

Block 14

- Residential uses only.

Block 15

- Ground floor uses are to be occupied by commercial / residential uses.

Part D Section 10

Baulkham Hills Town Centre

- c) First floor and above to be occupied by residential uses.

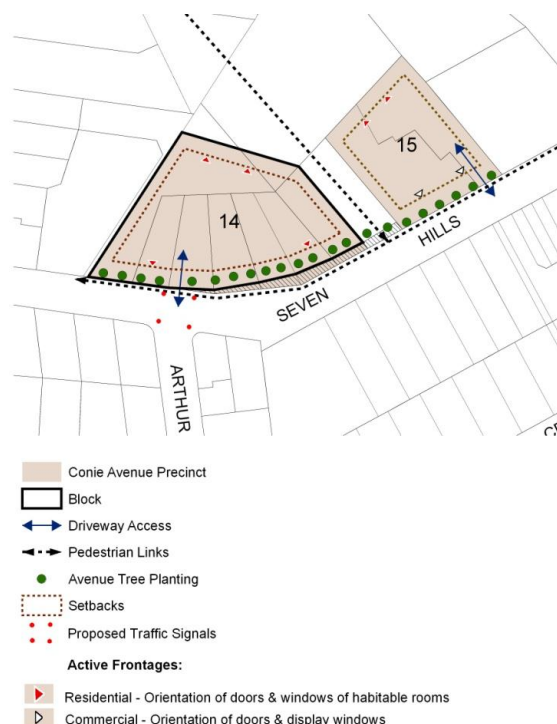


Figure 28 Conie Avenue Reserve Precinct – Structure Plan

3.5.2. FLOOR SPACE RATIO

- a) The floor space ratio shall be in accordance with Clause 4.4 *Floor Space Ratio* of The Hills LEP 2012 and Floor Space Ratio Map.

3.5.3. BUILDING HEIGHT

- (a) Building height shall be in accordance with Clause 4.3 *Height of Buildings* of The Hills LEP 2012 and LEP Height of Buildings Maps.
- (b) Buildings should respect the height of adjoining development and must not exceed the maximum number of storeys identified in Figure 26.

3.5.4. BUILDING SETBACKS

- (c) Building setbacks shall be in accordance with the following table:-

Block 14	
Front Setback: Ground - Fifth Level	10m
Additional Levels	12.5m
Rear Setback: Ground - Forth Level	8m
Additional Levels	16.5m
Side - Ground - Fifth Level	6m
Additional Levels	15m

Block 15	
Front Setback: Ground- Fifth Level	10m
Additional Levels	12.5m
Rear Setback: Ground - Forth Level	8m
Additional Levels	17m
Side Setback: Ground - Third Level	6m
Additional Levels	15m

3.5.5. BUILDING DESIGN

- (d) Residential dwellings shall be dual aspect to improve solar access and amenity.
- (e) Buildings should compliment and not visually dominate adjoining heritage buildings.
- (f) Buildings should address Seven Hills Road and pedestrian spaces with active edges. Active edges must also be provided along the internal Conie Avenue Reserve.

3.5.6. ACCESS

- (g) All parking is to be underground and incorporated into each individual development.
- (h) Vehicular access to the precinct is only permitted in accordance with the points identified in the structure plan illustrated in Figure 27.
- (i) Pedestrian connections through the site must have regard to the structure plan illustrated in Figure 27.

3.5.7. LANDSCAPING

- (j) Common open space adjoining the Conie Avenue Reserve should be terraced and landscaped to provide change of grade and be fenced with piers and solid elements to comprise less than 40% of the fence.

3.5.8. WATER SENSITIVE URBAN DESIGN

- a) The best practice principles of WSUD are to be applied during the construction and post construction phases of development. Schemes that promote water capture, reuse initiatives and water quality management measures, as described in documents including, but not limited to:

- *On-site Stormwater Detention Handbook, Version 4 2005, UPRCT;*
- *Australian Runoff Quality, Engineers Australia, 2006;*
- *Water Sensitive Urban Design – Technical Guidelines for Western Sydney, May 2004, Prepared for UPRCT by URS.*

are required for all new commercial and residential developments, or where the increase in impervious area over a site is greater than 150m². Common open space and publicly accessible courtyard areas may be utilised for WSUD initiatives.

3.6. WINDSOR ROAD PRECINCT

EXISTING CHARACTER

The Windsor Road Precinct is located within the northern frame of the Town Centre on the western side of Windsor Road opposite Stockland Mall. The precinct completes the western side of the Town Centre and consists of fifteen (15) properties, six of which are vacant, eight of which contain single storey dwellings and one which is currently used as a medical centre.

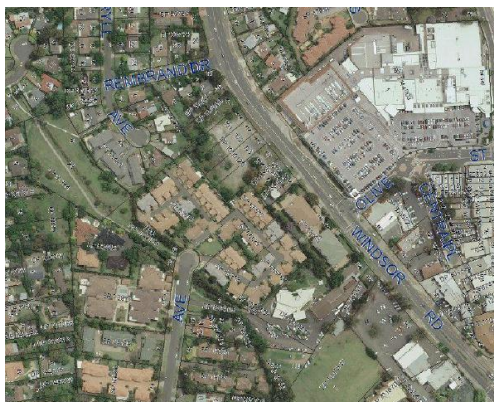


Figure 29 Windsor Road Precinct – Aerial View



Figure 30 Windsor Road Precinct – Illustration

OBJECTIVES OF WINDSOR ROAD PRECINCT

- (i) *to understand the evolving character of the Shire's town centres contained within the precinct and identify their influences on economic development and development of adjoining residential areas,*
- (ii) *to prepare a suite of design guidelines for different forms of housing that protect and enhance the Shire's gardenesque character and reflect the evolving form of the Shire's town centres,*
- (iii) *to achieve well designed residential development that offers a high standard of amenity for its residents and adjoining property owners,*
- (iv) *to facilitate the development of building design excellence appropriate to a precinct,*
- (v) *require car parking and servicing provisions to be contained within the development site to an amount and rate adequate for the economic and sustainable growth of the town centre, and*
- (vi) *provide safe and secure access.*

DESIRED FUTURE CHARACTER STATEMENT

The development controls will facilitate a unique development that seeks to balance quality, higher density residential living with leafy, green suburban character of the Shire. In so doing this, the development will seek to;

- (a) Establish a strong green character to offset higher residential densities,
- (b) Be well connected and integrated with the surrounding areas,

- (c) Mitigate adverse off-site impacts to surrounding residential properties,
- (d) Support the functioning of the Baulkham Hills centre and create a high quality, landmark building, and
- (e) In addition to helping to diversify the centre, the development will deliver substantial residential floorspace in the area and contribute to increased housing diversity in the Shire.

STREET FRONTAGE

- Windsor Road frontage should provide generous landscaped setback to allow for an enhanced pedestrian area as well as privacy for dwellings.
- Setbacks should allow for any proposed road widening of Windsor Road.
- Screening and partial enclosure of balconies is limited to provide privacy for neighbours and comfort for residents without resulting in unattractive buildings or an appearance of excessive bulk or restricting opportunities for passive surveillance of the street.
- to provide setbacks that complement the setting and contribute to the streetscape and character of the street while allowing flexibility in siting of buildings.
- to ensure that the space in front of the building is sufficient to permit landscaping that will complement the building form and enhance the landscape character of the street.
- side and rear setbacks are to be proportioned to the slope of the site having regard to the height and relationship of the buildings on adjoining properties.
- the setbacks of proposed buildings are to minimise any adverse impacts such as overshadowing and privacy on adjacent and adjoining properties.

BUILT FORM

- Built form is to define the western edge of Baulkham Hills Town Centre known as the Windsor Road Precinct
- The Windsor Road Precinct should provide a prominent feature that signifies the edge of the Town Centre.
- A built form on the Windsor Road precinct that is well designed will create a feeling of arrival at the Town Centre as a destination point with the

potential to stimulate both residential and economic development in the Town Centre.

- New buildings to have appropriate architectural quality that uses a variety of physical and design elements to achieve buildings of character and interest.
- The built form should allow opportunities for passive surveillance and an active interface with publicly accessible areas.
- Buildings are to support and be integrated into the public domain network to achieve coherence and purpose.
- The integrity of heritage items and significant landscape elements in the vicinity are to be protected and enhanced.

ACCESS

Provide through site links which allow safe and convenient movement for vehicles and residents through on site links.

DEVELOPMENT CONTROLS

3.6.1. LAND USES

- a) Landmark building to be located at the corner of Rembrandt Drive and Windsor Road.

3.6.2. FLOOR SPACE RATIO

- a) The maximum floor space ratio is 2.3:1 identified in Figure 30 - Windsor Road Precinct Structure Plan.

3.6.3. BUILDING HEIGHT

- a) Building height shall be in accordance with Figure 31 below.

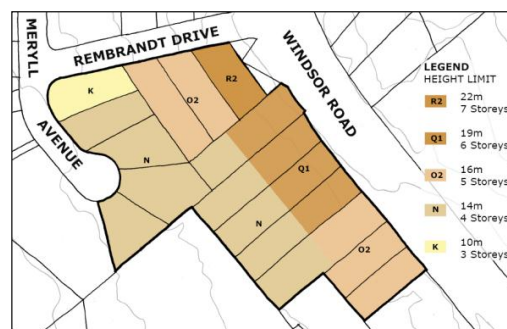


Figure 31 Windsor Road Precinct – Building Height

3.6.4. BUILDING SETBACKS AND SEPARATION

Notwithstanding the controls in this section for residential development additional setbacks maybe necessary to satisfy building separation, solar access and amenity requirements of State Environmental Planning Policy No. 65 –Design Quality of Residential Flat Development. Applicants will need to be in accordance with these requirements.

- (a) Building setbacks shall be in accordance with the following table and Figures 32 & 33:

3.6.5. BUILDING SETBACKS

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

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

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

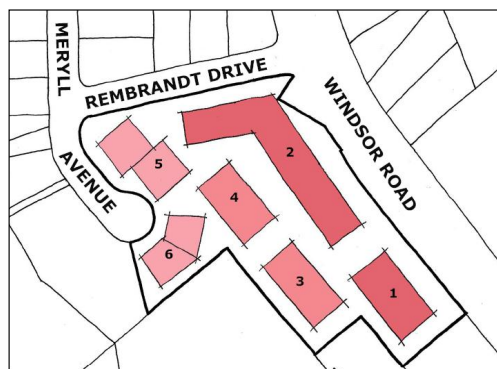


Figure 32 Windsor Road Precinct – Building Setbacks Key Diagram

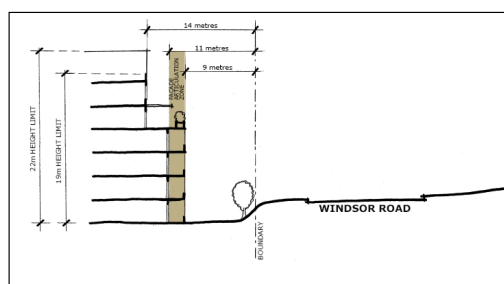


Figure 33 Rembrandt Drive & Windsor Road Facade Articulation Zone

- a) Building separation shall be in accordance with the following:

Up to four storeys / 12 metres

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

Five to seven storeys/up to 22 metres

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

3.6.6. BUILDING DESIGN

- a) Residential dwellings shall be dual aspect to improve solar access and amenity. Single aspect units, must not be used unless:-

- Four (4) hours of direct sunlight is available for windows of primary living areas between 9am and 3pm on 21 June; and
 - adequate ventilation can be achieved
- b) Buildings should compliment and not visually dominate adjoining buildings.
 - c) Where shown in the Precinct controls and illustrations, corner elements may exceed the height of the remainder of the building in order to emphasise the landmark location and add architectural interest to the facade and skyline.
 - d) Corner aspects of any building are to be articulated with building mass and other design features.
 - e) Corner should add interest through the use of splays, curves, entries and other features. Corners buildings must address all frontages, including those facing streets or lanes.
 - f) Building facades are to be acoustically treated along Windsor Road with double glazing.
 - g) Balconies facing Windsor Road shall be partially screened and acoustically treated through shutters and louvers.
 - h) Where neighbourhood shops are located at ground level, active street edges/frontages are encouraged.
 - i) Roof forms to incorporate elements to create an interesting roof-scape and skyline; saw-toothed, pitched roofs, innovative skillion curved or floating roof forms are encouraged.
 - j) Buildings where possible shall be set around the shared central open space to improve their visual amenity and increase the natural surveillance of these areas.

3.6.7. ACCESS

- a) All parking is to be underground and incorporated into each individual development.
- b) Pedestrian footpaths are to be provided across the Meryll Avenue frontage, Windsor Road frontage and Rembrandt Drive frontage of the development.

3.6.8. ROADS & TRAFFIC AUTHORITY (RTA) REQUIREMENTS

- a) The Windsor Road Precinct is affected by road widening order notification in Government Gazette No.97 of 7 September 1956 folio 2602. Any future development application of the site shall demonstrate consistency with road widening plans along Windsor Road.
- b) Future improvement works at the intersection of Windsor Road and Rembrandt Drive would require relocation of the bus stop and the shelter further south along Windsor Road. Architectural plans and pedestrian access arrangements for the site should consider the possible relocation of the bus stop.
- c) Extension of the existing median on Windsor Road to restrict the traffic movements to left-in and left-out only at the intersection of Windsor Road and Rembrandt Drive. This will require a Traffic Management Plan (TMP) to address potential traffic impacts and community concerns. The TMP will be submitted to the RTA and Council for approval prior to the implementation of works.
- d) Consultation with the Roads & Traffic Authority (RTA) shall be undertaken and written evidence submitted to Council.

3.6.9. LANDSCAPING

Council requires landscape plans to be prepared by a suitably qualified landscape architect or experienced horticulturists. Objectives and development controls for landscaping development are set out in Part D Section 3 – Landscaping of Baulkham Hills Development Control Plan (BHDCP), and must be complied with. In addition the following development controls apply to this precinct:

- a) Landscaping of the Windsor Road frontage should provide avenue planting of native species.
- b) High, solid concrete or masonry fences should be avoided.
- c) Boundaries adjoining existing developments are to be landscaped to provide privacy.
- d) Lots 27 and 28 DP 30744 Rembrandt Street must to provide feature landscaping.
- e) Central open space area shall be incorporated into the design of the precinct with through on site pedestrian links.

3.6.10. WATER SENSITIVE URBAN DESIGN

- a) The best practice principles of WSUD are to be applied during the construction and post construction phases of development. Schemes that promote water capture, reuse initiatives and water quality management measures, as described in documents including, but not limited to:

- *On-site Stormwater Detention Handbook, Version 4 2005, UPRCT;*
- *Australian Runoff Quality, Engineers Australia, 2006;*
- *Water Sensitive Urban Design – Technical Guidelines for Western Sydney, May 2004, Prepared for UPRCT by URS.*

are required for all new commercial and residential developments, or where the increase in impervious area over a site is greater than 150m². Common open space and publicly accessible courtyard areas may be utilised for WSUD initiatives.

3.6.11. SITE FACILITIES AND SERVICING

MAIL BOXES

- Provide letterboxes for residential building tenancies in one accessible location adjacent to the main entrance to the development and designed to allow protection for use from inclement weather
- Mail boxes shall be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building
- Letterboxes shall be secure and large enough to accommodate articles such as newspapers.

COMMUNICATION STRUCTURES, AIR CONDITIONERS AND SERVICE VENTS

- A master antenna must be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from public areas.
- Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures, away from the street frontage integrated into the roof design and in a position where such facilities will not become a skyline feature at the top of the development adequately setback from the perimeter wall or roof edge of the buildings.

3.6.12. WASTE (GARBAGE) STORAGE AND COLLECTION

Garbage bins and recycling bins take up a large area near the street. Bin structures should be well designed and considered as part of the appearance of the overall development.

DEVELOPMENT CONTROLS

- Bin storage should be integrated with the streetscape and landscape of the residential development
- Enclosures should be durable accessible and easy to maintain
- Bin storage structures should be appropriately enclosed and screened for visual amenity

3.6.13. ACOUSTIC

Acoustic report which assess the design of dwellings and external noise attenuation devices combined shall be demonstrated to be able to achieve a maximum ambient noise level of 40 dB(A) in any habitable room.

- Council will require the submission of an acoustical assessment, by a suitably qualified acoustical engineer, with any development application for the erection of dwellings within the precinct.
- Acoustic walls to busy arterial roads needs to be designed to avoid blank painted surfaces and monotonous appearances
- Walls should be constructed of more than one material and colour
- Walls and roofs must be designed to achieve maximum insulation and reduce noise transmission, while contributing at the same time to the streetscape and character
- Appropriate materials with acoustic properties should be incorporated into design of the development.
- Appropriate separation distance must be provided between dwellings and noise sources; the use of landscape buffers and other barriers, where appropriate, must be considered
- Fencing or mounding shall be implemented to reduce noise levels from external sources such as the major roads surrounding the site.
- Council may require a noise and vibration assessment to be undertaken for the development

3.6.14. LIGHTING

The details of all proposed lighting including a light spill diagram for external lighting and the hours of operation of any lighting is to be provided with the development application.

- Adequate on site lighting is to be provided to ensure worker and customer safety.
- All lighting is to be erected to ensure that lights do not interfere with traffic movement both on the site and on nearby roads.
- Adequate lights are to be provided to assist with the security of the site.
- No lights are to interfere with the enjoyment of nearby properties.

3.6.15. SOLAR ACCESS

- Dwellings should be designed to allow at least 4 hours of sunshine within living areas of buildings and 50% of their open space, between 9.00 a.m. and 3.00 p.m. mid winter, and
- Building forms should provide a maximum northerly exposure for as many rooms as possible to each dwelling.

3.7. BULL AND BUSH PRECINCT**EXISTING CHARACTER**

The Bull and Bush Site at 360-378 Windsor Road (Lots 1 and 2 DP 783941) has a total area of approximately 9,250m², and has two main street frontages being a 56 metre frontage along Seven Hills Road and a 166 metre frontage along Windsor Road. The position of the site at the junction of Windsor Road, Seven Hills Road and Old Northern Road is considered to be a highly prominent location.

The site contains a pub known as the "Bull and Bush Hotel" which is listed as an item of environmental heritage within Schedule 5 of LEP 2012. Adjoining land uses include commercial strata development to the west, Conie Avenue Reserve to the north-west, and the Baulkham Hills Community Centre to the north. An aerial photograph of the site is included below.



Figure 34 Windsor Road Precinct – Aerial View

OBJECTIVES OF BULL AND BUSH PRECINCT

- The site shall provide a high density mixed use development that exhibits design excellence and offers a high standard of amenity for its residents, visitors and adjoining property owners,
- To incorporate a density and transition of height that reflects the significance and prominence of the site and also responds to sensitive interfaces and adjoining uses,
- Development shall contribute to the delivery of a rejuvenated hub of retail, commercial, residential, civic and passive recreational activity which will reinforce the role of Baulkham Hills as a Local Centre,
- The Bull and Bush Hotel shall be reinterpreted into the future development on the site, in a manner which respects and responds to the heritage significance of the site and the role that the site has played as a cultural landmark for the broader Baulkham Hills and Hills Shire community,
- Through the co-location of the new library and community centre, the site will become a civic sub-precinct,
- The function and legibility of Conie Avenue Reserve as a public park will be enhanced through the provision of activated edges and through the delivery of physical and visual connections to the surrounding streets,
- Through setbacks and building layouts development shall accommodate possible grade separation of the Windsor Road, Seven Hills Road and Old Northern Road intersection,

3.7.1 LAND USES

- a) Development shall include a minimum of 6,042m² (GFA) of retail and commercial floor space (including 1,150m² (GFA) for an upgraded Bull and Bush Hotel).
- b) Development shall include a minimum of 2,500m² (GFA) of floor space capable of accommodating a new library and community centre.
- c) The community centre and library shall have direct ground floor access.
- d) Distribution of land uses is to be as shown in the following figure.

**Figure 35** Land Use Distribution**3.7.2 STREET FRONTAGE**

- a) Active frontages are to be provided along the Seven Hills Road, Windsor Road and Conie Reserve frontages.

3.7.2. ADDRESSING THE PUBLIC DOMAIN

- a) Active frontages are to be provided along all frontages to Conie Avenue Reserve.
- b) Residential development shall be oriented in a manner which facilitates passive surveillance over Conie Avenue Reserve.

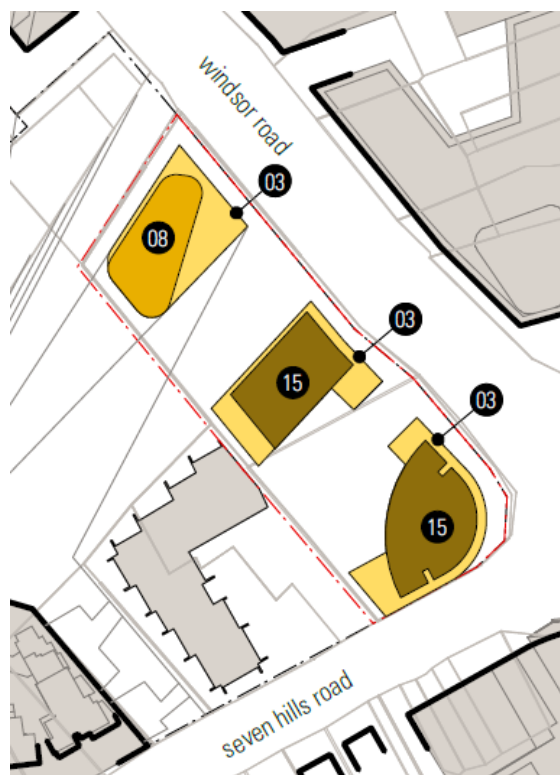
3.7.3. HERITAGE - BULL AND BUSH HOTEL

- a) The Bull and Bush Hotel shall be re-interpreted on the site.
- b) The Bull and Bush Hotel shall be located at the southern portion of the site fronting Seven Hills Road and Windsor Road.
- c) Any application for redevelopment of the site is to be supported by a Heritage Impact Statement.

- d) As part of any works involving the demolition of the existing structures on the site the following mitigation actions should be undertaken:
 - i. Archival photographic recording of the site in accordance with the NSW Heritage Office Guidelines and lodging of the resulting reports in public archives for future research and reference.
 - ii. An archaeological excavation research study shall be prepared for the site given its long occupation and use and the likelihood of potential archaeological material being recovered during the process of demolition and excavation. This process is covered by the relics provisions of the NSW Heritage Act. Any relics uncovered in the process should be incorporated into the proposed site interpretation or stored on site for future reference and research.
 - iii. An Interpretation Strategy in accordance with the Guidelines of the NSW Heritage Office shall be prepared and implemented covering themes and material relating to the long occupation of the site as a hotel and may also deal with the general location as an important intersection on the Windsor Road.
 - iv. Any new hotel component of the new development should retain the name Bull & Bush as part of its identification.

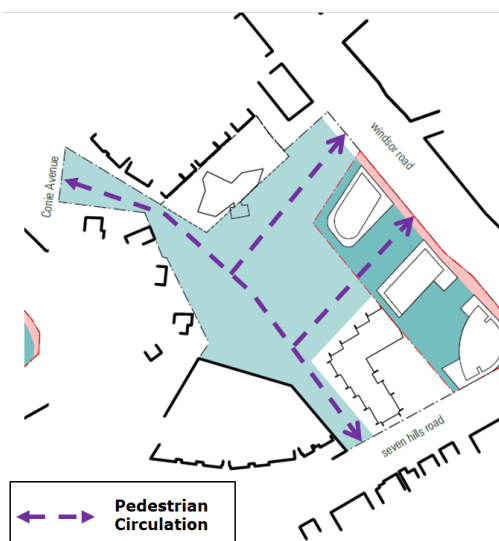
3.7.4. TOWER AND PODIUM HEIGHT

- a) Building heights are to be varied over the site to ensure a visually interesting skyline.
- b) The podiums and tower elements shall have building height transition as identified in the following figure.

[illegible]

3.7.6. PEDESTRIAN ACCESS

- a) Pedestrian connections are to be provided through the site, by way of legal access.
- b) Pedestrian connections shall be provided as shown in the following figure so as to improve pedestrian connections between Windsor Road, Seven Hills Road, Conie Avenue, Conie Reserve.



3.7.7. VEHICULAR ACCESS

Baulkham Hills Town Centre Public Domain Plan.

- a) Vehicular access to and from the site shall be in accordance with figure 39.
- b) The Left and right in from Windsor Road shall be maintained.
- c) Existing left out to Windsor Road shall be maintained.
- d) Existing left-in and left-out access from Seven Hills Road shall be maintained.

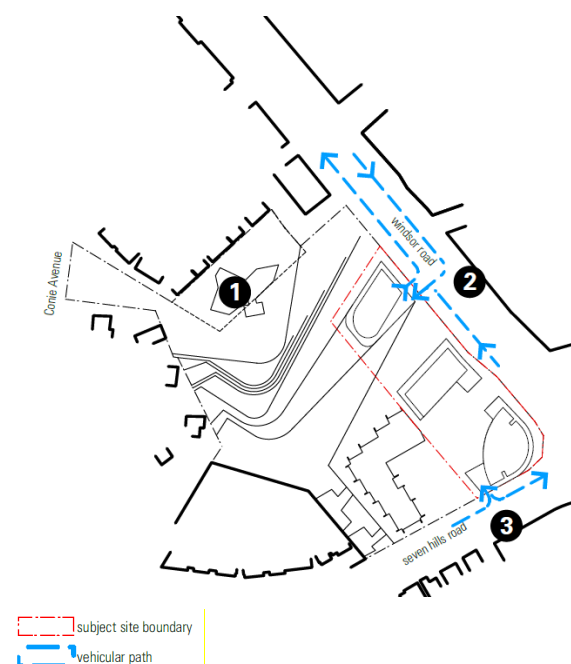


Figure 39 Vehicular Circulation

3.7.8. PUBLIC OPEN SPACE AND PLAZAS

- a) A minimum of 45% of the site shall be a plaza space that is accessible to be public.
- b) The plaza space shall integrate with the redeveloped Bull and Bush Hotel in the form of a beer garden or outdoor dining area.

3.7.9. COMMUNAL OPEN SPACE

- a) A minimum of 25% of the communal open space shall be provided at ground level.

3.7.10. PUBLIC DOMAIN IMPROVEMENTS

- a) Development shall incorporate improvements to the public domain in accordance within the

4. DEFINITIONS

Apartment buildings - means a building containing 3 or more dwellings where each dwelling does not necessarily have direct access to private open space at natural ground level.

DCP - Development Control Plan

Objectives - identify the desired outcomes relating to each environmental issue. These objectives may be achieved by meeting the controls.

Development Controls - set out both numerical parameters and a broad/flexible framework capable of achieving the Development Objectives. They also encourage innovative design approaches that can adapt to the site specific characteristics and/or technological advances in the industry.

Building Depth – is the horizontal cross section dimension of a building (building plan and depth + articulation zone = building envelope depth). Generally refers to the dimension measured from front to back (from street to the inside of the site). Where buildings are oriented differently, the depth will be the dimension of the shorter axis.

Building Setback - means the minimum distance that a wall, window or outer most part of the building is required to be from a property boundary. It is measured as the horizontal distance between the proposed wall, window or outer most part of the building and the boundary.

Floor Space Ratio - Floor space ratio is the total floor area of all buildings, divided by the total area of the development site. The only areas to be excluded from the floor area calculations are spaces used for lift towers, cooling towers, plant rooms and built car parking structures required to meet Council's parking standards, and loading bays. The site area excludes land required for road widening or any other public purpose.

Existing Trees - any tree with a height over 5.0 metre and/or spread of 3.0 metres and/or a trunk diameter of 150 millimetres measured 1.0 metre from the base of the tree.

Storey - means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- a. a space that contains only a lift shaft, stairway or meter room, or
- b. a mezzanine, or
- c. an attic.

Building height (or height of building) - means the vertical distance between ground level (existing) at any point to highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

ATTACHMENT 2**BACKGROUND AND STRATEGIC JUSTIFICATION****Background (Past Concepts)****Previous Concept (as submitted)**

The planning proposal was first submitted to Council in February 2016. The original concept for the site included sought retention and enhancement of the existing Bull and Bush Hotel (660m²), approximately 3,252m² of additional commercial floor space and 25,706m² of residential floor space (approximately 260 units). The concept incorporated two distinct tower elements, one being 18 storeys and the second being 15 storeys (above 2-3 storey podium elements). A photomontage of the concept is included in the following figure.

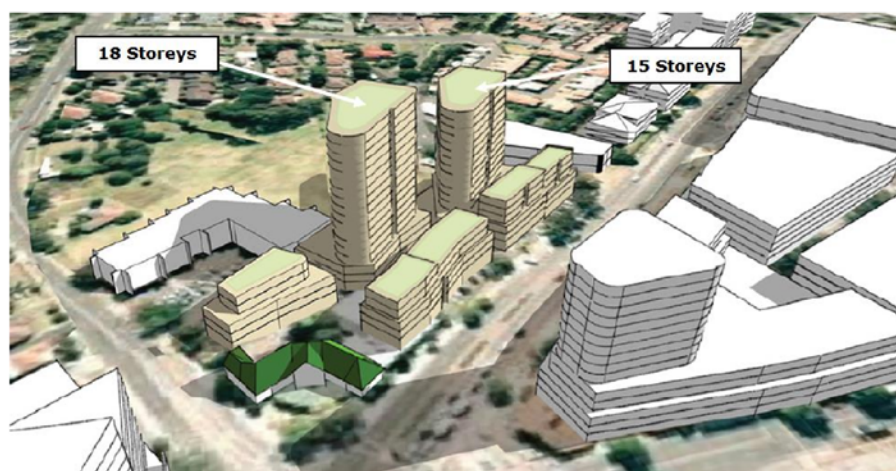


Figure 1
Built Form Photomontage – Original Concept

Since the lodgement of the proposal, significant discussions have been held with the proponent. These discussions have principally related to integration of future development with Conie Reserve, impact on social infrastructure (public benefit), potential overshadowing of adjoining sites, vehicular access to the site and the impact of traffic generation on the surrounding road network.

In July 2016 the proponent submitted a revised concept which proposed approximately 2,150m² of commercial floor space, 2,684m² of community floor space and 30,728m² of residential floor space (294 units). The built form consisted of three towers, one being 20 storeys and the remaining two towers proposed to be 18 storeys each. The proposed built form massing is included within the following figure. The proposed community floor space is highlighted in blue.

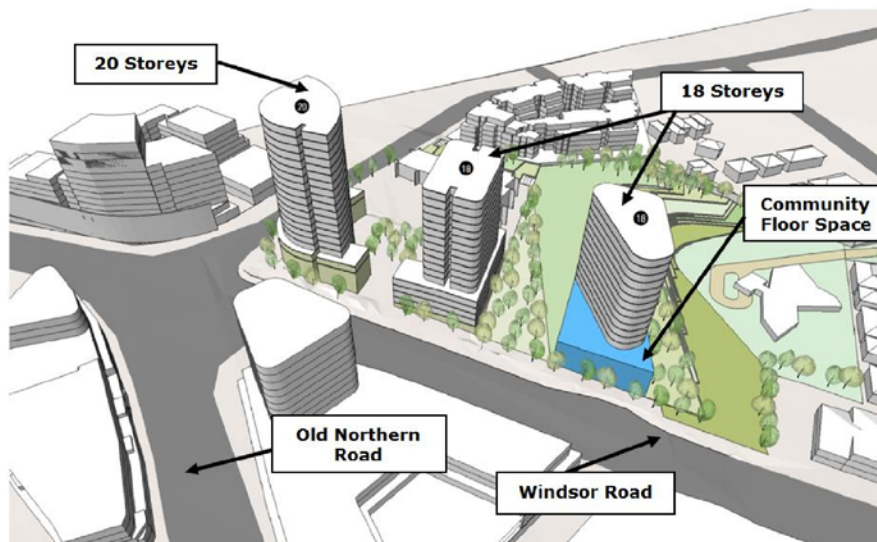


Figure 2
Built Form Photomontage – Revised Concept

The revised concept included the full demolition of the existing hotel with a commitment to the preparation of an Interpretation Strategy in accordance with the Guidelines of the NSW Heritage Office covering themes and material relating to the occupation of the site as a hotel. The revised concept sought to include of a new community centre and library into the development.

Following further discussions with the Proponent, during which significant concerns were raised with respect to the height and density of the development, impact on infrastructure, inadequate integration with Conie Reserve and potential overshadowing of adjoining uses. In recognition of these concerns, the proponent submitted a new concept (the current concept) for consideration in September 2016.

The current concept also seeks the full demolition of the existing hotel with a commitment to the preparation of an Interpretation Strategy in accordance with the Guidelines of the NSW Heritage Office covering themes and material relating to the occupation of the site as a hotel. Details regarding the heritage impact and heritage recommendations are discussed further in this report. The proposed distribution of height and built form massing of the development are included on the following figure.

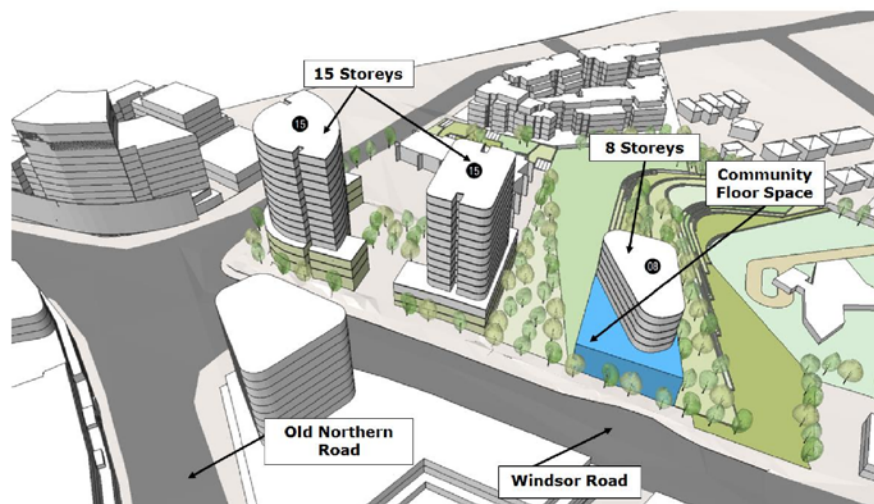


Figure 3
Built Form Photomontage

The developer has reiterated their intent to enter into a Voluntary Planning Agreement with Council with respect to the incorporation of an expanded library and community centre. If Council decides to proceed with a planning proposal based on the new concept, further negotiation would be undertaken with the developer to refine the specific details of this agreement.

Strategic Context

A Plan for Growing Sydney

On 14 December 2014, the NSW Minister for Planning released 'A Plan for Growing Sydney'. The Plan is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. A key principle for growth includes increasing and improving housing choice around centres. The planning proposal seeks to facilitate the delivery of housing and employment outcomes within the Baulkham Hills Town Centre.

Local Strategy

Council's Draft Local Strategy was adopted in 2008, it is the principal document for communicating the future planning of the Shire and 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 Local Strategy continues to provide a clear statement of the overall strategic land use management and planning objectives for the Hills Shire. However, it is noted that the dwelling and job growth targets detailed within the Local Strategy represent Council's projected growth targets as at June 2008.

- Residential Direction

The planning proposal is consistent with the principles of the Residential Direction as it seeks to provide additional residential accommodation within the Baulkham Hills Town Centre. Notwithstanding the strategic justification for a mixed use outcome on the site, it is noted that residential development on the site is not specifically required to meet Council's projected housing growth targets within the Local Strategy.

The Residential Direction recognises the need to promote the revitalisation of the Baulkham Hills Town Centre by accommodating the expansion of retail, commercial and residential development within a setting that promotes pedestrian movement, public transport and an improved public domain. The Direction notes that further investigation of opportunities is warranted to facilitate the uptake of mixed residential/commercial opportunities within the town centre. This included the Bull and Bush site which was identified as a target site as part of Council's previous Residential Development Strategy 1998. The target sites were identified as they were suitable for development at higher densities and in need of site specific development requirements. In this regard the current proposal is considered to be consistent with this approach as it will facilitate a master planned outcome which will have regard to, and carefully manage, the existing constraints which affect the site.

With respect to the broader approach toward accommodating population growth, Council has consistently sought to achieve a balanced approach, which makes use of existing infrastructure and extends the lifestyle opportunities of its residents. This approach focuses high density development in precincts that show capacity to accommodate further growth, with the result being increased population around town centres and major transport nodes. The planning proposal is consistent with this philosophy.

- Centres Direction

The proposal for a mixed use development on the site is considered to be consistent with the objectives and actions of the Centres Direction. The critical issue for consideration is whether the scale of development being proposed on the site is appropriate and whether there is sufficient infrastructure to support the additional demand generated by future residents on the site.

An additional objective of the Centres Direction is for the early incorporation of heritage items into the planning of centres in order to assist in retaining a 'sense of place' and cultural links to the Shire's past. Strategies to achieve this include the strengthening of development controls to facilitate the suitable adaptive re-use of heritage items and ensuring that surrounding development in centres is sympathetic to heritage items and their curtilage. In this regard careful consideration of the impact of the development on the Bull and Bush Hotel is required to ensure that the significance of the heritage item is maintained.

Draft Baulkham Hills Town Centre Master Plan

The draft Baulkham Hills Town Centre Master Plan was developed to guide the renewal and rejuvenation of the Baulkham Hills Town Centre and set the framework for future infrastructure and land use planning including the built form of future development. In recognition of the landownership pattern, allotment fragmentation and other site constraints within certain parts of the town centre a number of 'Strategic Investigation Sites' were identified. Whilst these sites were considered to have significant development opportunity, it was recognised that they have unique characteristics which would need to be carefully addressed as part of future planning proposals/applications. One of these sites included the Bull and Bush Hotel.

At its meeting of 12 August 2014 Council considered a report on a draft master plan and public domain plan for the Baulkham Hills Town Centre and resolved to exhibit the draft plans. The draft plans were subsequently exhibited from Tuesday 19 August 2014 to Friday 19 September 2014.

At its meeting of 28 October 2014 Council considered a report on the outcome of the exhibition of the draft public domain plan and resolved to adopt the draft public domain plan. The draft master plan was not reported back to Council at that time due to the uncertainty regarding the proposed grade separation of the intersection of Windsor

Road/ Seven Hills Road and Old Northern Road. If this intersection was subject to either a full or partial grade separation, then it would have a significant impact on how the town centre develops.

Notwithstanding the above uncertainty, the draft master plan did envisage a high density mixed use outcome on the site. Preliminary analysis undertaken as part of the master planning process indicated approximately 200 dwellings with approximately 4,000m² of retail and commercial floor space on the site.

Ministerial Section 117 Directions

Section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning to issue directions that Councils must address when preparing planning proposals for a new LEP. The relevant Section 117 Directions are:

- Direction 1.1 Business and Industrial Zones
- Direction 2.3 Heritage Conservation
- Direction 3.1 Residential Zones
- Direction 3.4 Integrating Land Use and Transport

The planning proposal is generally consistent with the above Directions with the exception of Direction 2.3 Heritage Conservation.

Direction 2.3 Heritage Conservation aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance by requiring planning proposals to contain provisions that facilitate the conservation of environmental heritage. Whilst the planning proposal does not seek to amend any of the heritage provision within LEP 2012, or remove/amend the heritage listing of the item, the proposal is considered to be inconsistent with this Direction as the concept which is being sought through the proposal would involve the demolition of the existing heritage item.

The Direction provides that a planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning (or an officer of the Department nominated by the Secretary) that:

- (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
- (b) the provisions of the planning proposal that are inconsistent are of minor significance.

Any future redevelopment of the site would require the lodgement of a development application which would be subject to the heritage provisions of LEP 2012 and the heritage controls under DCP 2012. Accordingly it is considered that the planning proposal is justifiably inconsistent with this Direction.