

## PLANNING PROPOSAL

**LOCAL GOVERNMENT AREA:** The Hills Shire Council

**NAME OF PLANNING PROPOSAL:** The Hills Local Environmental Plan 2012 (Amendment No ( )) – Amendment to The Hills Local Environmental Plan 2012 (The Hills LEP 2012) to increase the height of buildings from 16m to 30m.

**ADDRESS OF LAND:** 27 North Rocks Road (Lot 2 DP 1158967, Lot 101 DP 617754), 29 North Rocks Road (Lot 2 DP 721567), 31-33 North Rocks Road (Lot 2 DP 22931, Lot 3 DP 22931 and Lot 1 DP 127003), North Rocks.

### SUMMARY OF HOUSING AND EMPLOYMENT YIELD

|           | EXISTING | PROPOSED | TOTAL YIELD |
|-----------|----------|----------|-------------|
| Dwellings | 0        | 150      | 150         |
| Jobs      | 0        | 0        | 0           |

### SUPPORTING MATERIAL:

Attachment A Assessment against State Environmental Planning Policies  
Attachment B Assessment against Section 117 Ministerial Directions  
Attachment C Council Report and Resolution, (11 June 2013)  
Attachment D Draft Amended Site Specific Development Control Plan

Map 1 Site Identification Map (Map Sheet 1)  
Map 2 Current Land Zoning Map (Map Sheet 2)  
Map 3 Current Building Height Map (Map Sheet 3)  
Map 4 Proposed Building Height Map (Map Sheet 4)

### THE SITE:

The site is comprised of six allotments, having an area of approximately 13,139.6m<sup>2</sup> and is bounded by Darling Mills Creek and Russell Walker Reserve to the north and west, James Ruse Drive to the south and North Rocks Road to the east. The site is irregular in shape and has a natural fall of approximately 15m from the north-eastern corner of North Rocks Road to the western boundary, near Darling Mills Creek. The eastern part of the site has been previously excavated for development and is relatively flat.

An existing vehicular access point is located on North Rocks Road which is restricted to left in/left out manoeuvres only. Recent Land and Environment proceedings involving the subject site and the adjacent Target Site No. 7 requires that a median turning lane be constructed on North Rocks Road to enable right in/right out manoeuvres to the site.

The subject site, previously occupied by the United Dairies Milk Depot, has been cleared of the structures associated with its former use; however, still remaining on site are five (5) underground storage tanks, concrete platform and a concrete driveway.

Caltex Australia Petroleum Pty Ltd has an easement located along the southern boundary for a pipeline which extends underground to the west to the adjoining Target Site No.7. The pipeline is currently used to transport petrol and diesel products and is licensed under the *Pipeline Act 1967* by the NSW Department of Water and Energy (formerly the Department of Energy).

There are a number of restrictions on the site relating to road setbacks, access requirements and riparian lands.

## **SURROUNDING DEVELOPMENT**



**Figure 1**  
The subject site and surrounds

The site is surrounded by areas of residential development to the north and east. To the west is target site No.7 which has access through the subject site and has approval for three (3) residential flat buildings ranging in height from five to 10 storeys. Northmead Shopping Centre is located on the corner of Windsor Road and Campbell Street and Northmead High School adjoins the subject site to the north (Figure 1).

## **PART 1 OBJECTIVES OR INTENDED OUTCOME**

The objective of the proposed LEP is to amend The Hills LEP 2012 to increase the height of buildings from 16m to 30m to facilitate a residential flat development comprising six buildings and a small multi dwelling housing development.

The proposal is supported on the grounds that the subject land was identified as a target site under Council's Residential Housing Strategy (1997) and has been zoned for high density residential development. The height increase will therefore facilitate increased housing yield and assist The Hills Shire in achieving residential housing targets established within the draft North West Subregional Strategy and Council's Local Strategy.

## **PART 2 EXPLANATION OF THE PROVISIONS**

The proposed outcomes will be achieved by amending the LEP 2012 Height of Buildings provisions as they currently apply to the site.

## SECTION A - NEED FOR THE PLANNING PROPOSAL

### 1. *Is the planning proposal a result of any strategic study or report*

Yes. The subject site was identified as a target site under Council's Residential Housing Strategy completed in 1997.

Prior to this, the subject site was rezoned from part Light Industrial 4(b) and Residential 2(a) to Residential 2 (a1) under the Baulkham Hills Local Environmental Plan 2005 (LEP 2005) on 26 September 2000. The rezoning was supported on the basis that the land was no longer required for industrial purposes and that it was better suited for residential development.

The site is currently zoned R4 – High Density Residential under The Hills LEP 2012 to reflect its target site status. The Hills Development Control Plan 2012 Part D Section 1 - 27-33 North Rocks Road, North Rocks currently applies and provides minimal controls in relation to setbacks, noise, access and contamination.

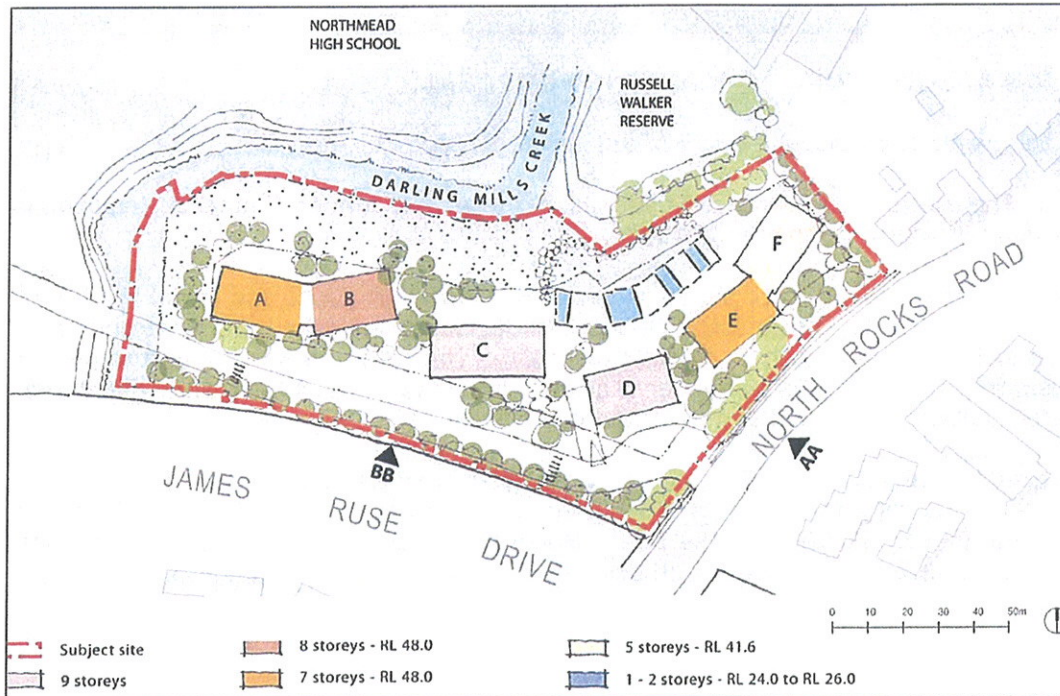
The draft DCP submitted that accompanies the planning proposal provides objectives and controls to support the proposed built form. Key features of the draft DCP are:

- Six (6) residential flat buildings and a small multi-dwelling housing development located at the northern portion of the site (adjacent to Russell Walker reserve). The development will result in 150 new dwellings on site;
- High density development located in proximity to public transport, major transport corridors and services;
- Vehicular access via median allowing right in/right out manoeuvres from North Rocks Road;
- A minimum building separation of between 9m to 12m between residential flat buildings;
- Regeneration of creek/riparian zone;
- Provision of semi-basement/basement level parking accommodating approximately 313 car parking spaces for occupants and visitors;
- Potential for pedestrian linkages through the site to Russell Walker Reserve; and
- Landscaping along James Ruse Drive and North Rocks Road.

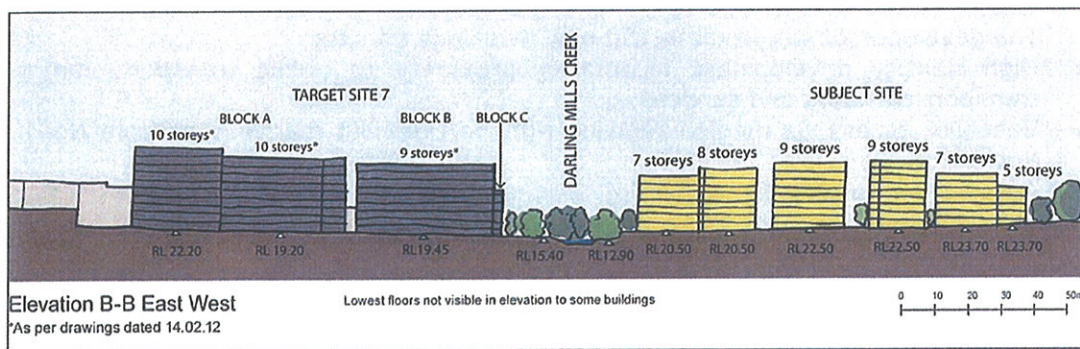
The concept master plan including an indication of building heights is set out below:

- Buildings A and B – 7 storeys
- Building C – 9 storeys
- Building D – 9 storeys
- Building E – 7 storeys
- Building F – 5 storeys
- Multi dwelling housing (north of Buildings D and E) – 1-2 storeys.

An elevation and sketch of how the proposed height plane responds to Target Site No.7 is provided in Figure 6.

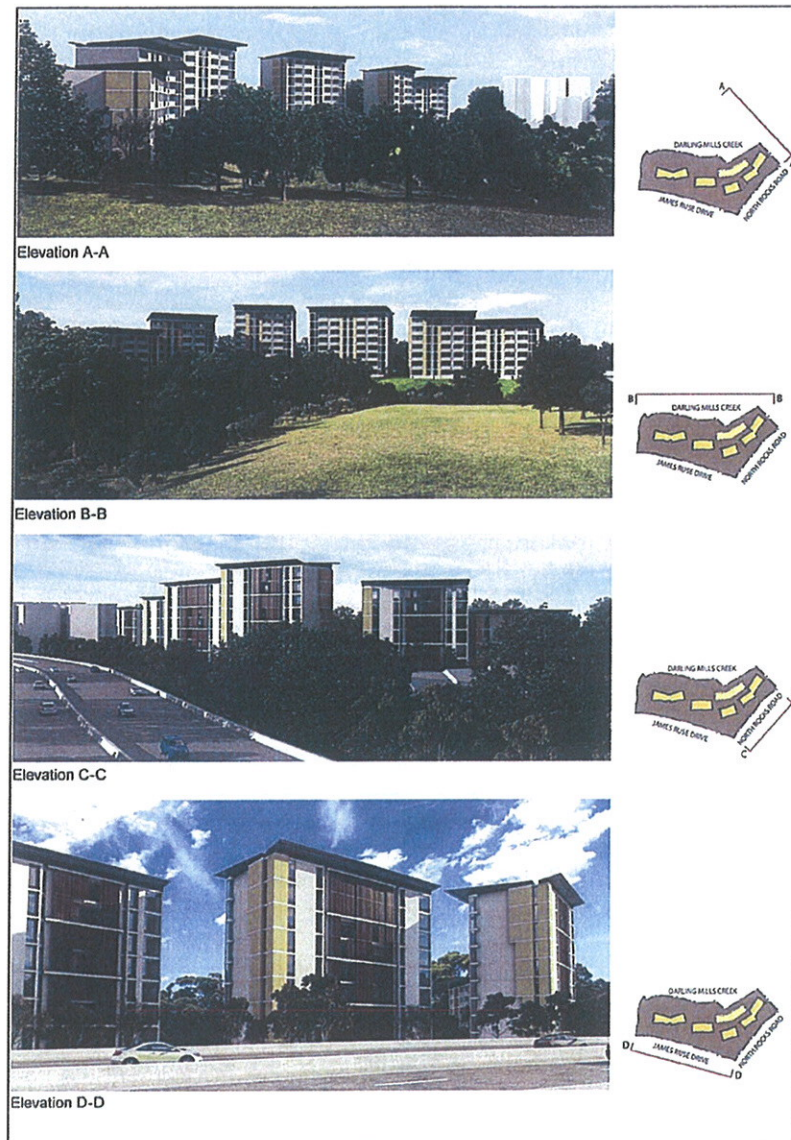


**Figure 2**  
Indicative Master Plan



**Figure 3**  
Indicative Heights in relation to Target Site 7 (19-21 Windsor Rd, North Rocks)

The following photomontages of the proposed development are provided, as viewed from the north-east (elevation A-A), the north (elevation B-B), the south-east (elevation C-C) and the south (elevation D-D).



**Figure 4**  
Indicative photomontages of the proposed development

Following Gateway Determination, it is proposed that the draft DCP would be exhibited concurrently with the planning proposal.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. The planning proposal for an increase in building height is required in order to achieve the desired form of development on the site.

## **SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

- **Metropolitan Plan for Sydney 2036**

The *Metropolitan Plan for Sydney 2036* aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036.

The proposal is consistent with this strategic direction as it will provide housing opportunities in locations highly accessible by public transport. The planning proposal is consistent with the following objectives:

- C2 Plan for a housing mix near jobs, transport and services; and
- D3 Influence travel choices to encourage more sustainable travel.

- **Draft Metropolitan Strategy for Sydney to 2031**

The *Draft Metropolitan Strategy for Sydney to 2031* seeks to provide at least 545,000 new homes, across Sydney along with at least 625,000 new jobs. These targets represent a substantial increase on previous strategies and are the most important driving force behind Sydney's planned economic growth.

The proposal is consistent with the strategy as it will facilitate increased residential yield which will contribute to The Hills Shire's overall residential targets. It will also provide for a greater diversity of housing types and sizes and locate new housing within existing urban areas.

- **Draft North West Subregional Strategy**

The *Draft North West Subregional Strategy* (December 2007) plans to accommodate some 130,000 jobs and 140,000 dwellings within the North West Subregion by 2031. Of these, 47,000 jobs (36%) and 36,000 dwellings (26%) are to be accommodated within The Hills Shire. An overarching theme of the Subregional Strategy is for dwelling and employment growth to be concentrated within centres and near to public transport hubs.

The planning proposal is consistent with this draft strategy as it is located in an area that provides housing opportunities to capitalise on existing strategic transport corridors, local bus routes and employment (commercial and industrial areas in Northmead, North Rocks and North Parramatta). In this regard, the planning proposal is consistent with the following Draft North West Subregional Strategy actions:

- C2.1.3 North West Councils to ensure location of new dwellings improves the subregion's performance against the target for State Plan Priority E5 – jobs closer to home.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

- **Hills 2026 Community Strategic Direction**

This Planning Proposal will assist with the implementation of Hills 2026 outcomes by increasing the variety of housing types in an area that is located in close proximity to a range of public transport modes and networks. The planning proposal is consistent with the following Hills 2026 Community Outcomes:

- BUG 1 – I can get where I need to go
- BUG 3 – I can work close to home

## • **Local Strategy**

In June 2008 Council adopted its Local Strategy to provide the basis for the future direction of land use planning in the Shire and within this context implement the key themes and outcomes of the 'Hills 2026 Looking Toward the Future'. The Residential and Integrated Transport Directions are the components of the Local Strategy which have relevance to the planning proposal.

### Residential Direction

The North West Subregional Strategy sets a target for the Shire to contribute an additional 36,000 dwellings from 2004 to 2031 to accommodate a share of Sydney's population growth. A total of 14,500 dwellings are to be located within the North West Growth Centre with the balance to be infill housing, located in existing urban areas and other release areas such as Kellyville/Rouse Hill and Balmoral Road Release Area. Council's Residential Direction indicates that there is sufficient capacity to accommodate these targets based on the existing framework and current projects.

Council's Residential Direction seeks to guide residential development with consideration of the objectives of the Local Strategy, by providing a diversity of housing choices, and locating housing in close proximity to services, jobs and transport such as around town centres. More intense development is identified for The Hills Shire, particularly with the future North West Rail Link likely to increase housing demand and focus on high density developments. The ultimate goal is to create housing options that promote sustainable economic, environmental and social outcomes for the residents of the Shire.

The subject site is identified in the Residential Direction and is consistent with the overriding objectives which relate to providing for housing choice in locations that are supported by infrastructure and that allow residents access to transport, shopping and employment.

### Integrated Transport Direction

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. Relevant actions include promoting the delivery of key rail infrastructure and planning for a concentration of and/or intensity of land use activities around major public transport nodes.

The proposal for a high density residential outcome on the subject site is consistent with the key objective and will facilitate the use of existing and proposed public transport.

More specifically, the subject site is serviced by bus routes operated by Westbus, Sydney Bus and Hillsbus. These services provide linkages to various centres in the locality and beyond, including Parramatta, North Rocks, Carlingford/Epping, Baulkham Hills, Castle Hill, Seven Hills, and Westmead and to Sydney Central Business District at the M2 pickup/drop off points between Northmead and Baulkham Hills.

## 5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The planning proposal is consistent with all applicable state environmental planning policies.

State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development

SEPP 65 controls were considered in the making of the proposed site specific DCP and have been consistently applied where relevant.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

Direction 3.1 Residential Zones

This aim of this Direction is to encourage a variety of housing choice, make efficient use of existing infrastructure and services and minimise the impact on the environment and resource lands.

The subject land is zoned R4 High Density Residential and has been identified by Council as a strategically located Target Site capable of providing high density development since 1997. The planning proposal is consistent with this Direction as it will encourage a variety of housing choice, improve existing infrastructure (see section 10) and take advantage of existing bus services in the area.

Direction 3.4 Integrating Land Use and Transport

This Direction aims to ensure that development improves access to housing, jobs and services, increase choice of available transport, reduce travel demand, and provide for the efficient movement of freight.

The planning proposal will facilitate a high density residential development in an area that is well serviced by public transport services and in close proximity to major regional roads such as the M2, M4, Windsor Road and James Ruse Drive. The proposal is therefore consistent with this Direction.

Direction 4.3 Flood Prone Land

The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

A flood study has been prepared for the planning proposal in accordance with this Direction. The flood study outlines the minimum floor levels required to develop the site for residential purposes. It is anticipated that this would be assessed in further detail at Development Application stage.

Direction 4.4 Planning for Bushfire Protection

This Direction aims to protect life property and the environment from bushfire hazards through the sound management of bush fire prone areas.

A bushfire assessment report has been prepared for the planning proposal in accordance with this Direction. The report recommends the establishment and ongoing management of an asset protection zone for the site which would be assessed in further detail at Development Application stage.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

The strategic plan prepared by the NSW Government titled the *Metropolitan Plan for Sydney 2036* aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036. The proposal is consistent with this strategic direction as it will provide housing opportunities in locations highly accessible by public transport.

## **SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The site is already zoned R4 High Density Residential and the planning proposal seeks only to increase the maximum building height on the site. The planning proposal will have no additional impact on the riparian corridor adjoining the site since it will be adequately protected as part of any future development by setbacks prescribed by the NSW Office of Environment and Heritage and the NSW Office of Water.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The existing deferred commencement consent for the site has given due consideration to the environmental effects of a residential flat development in this location and it is considered that the proposed increase in height from 16m to 30m will not result in any additional adverse environmental impacts.

The likely environmental impacts resulting from the proposed increase in height relate to overshadowing, traffic generation and vehicular access.

Though this proposal seeks to increase the building height, this will not preclude the subject site or adjoining development from achieving reasonable levels of solar access. Existing shadow diagrams indicate that the majority of shadowing will occur to James Ruse Drive, North Rocks Road and the private access road and will not adversely impact on the existing residential areas in proximity to the site due to the orientation of the site and physical separation by a laneway on the eastern boundary.

With respect to vehicular access and traffic, conditions were placed in the consents for both the subject site and Target Site 7, requiring that external roadworks be undertaken on North Rocks Road to improve local traffic conditions and site access (see section 10 for further details).

9. *How has the planning proposal adequately addressed any social and economic effects?*

The planning proposal is not anticipated to have any negative social or economic impact on the locality. The proposal will enable the provision of additional housing opportunities in an established area within reasonable distance of the North Rocks town centre and public transport linkages.

The development of the site will impact on demand for public amenities and services. In this regard Council has a Section 94 Contributions Plan in place which will assist in responding to such demand.

## SECTION D - STATE AND COMMONWEALTH INTERESTS

### *10. Is there adequate public infrastructure for the planning proposal?*

An existing vehicular access point is located on North Rocks Road which is restricted to left in/left out manoeuvres only. Recent Land and Environment proceedings involving the subject site and the adjacent Target Site No. 7 (Lot 100 DP 1128357, No. 19-21 Windsor Road, North Rocks) requires that a median turning lane be constructed on North Rocks Road to enable right in/right out manoeuvres to the site. (Condition 59 (ii) of deferred commencement consent 1137/2007/HC).

Condition 2 of consent 1137/2007/HC also requires that additional roadworks be undertaken at the corner of Windsor Road and North Rocks Road/Church Street (within the Parramatta Council Local Government Area) to improve capacity. The condition relates to an RMS letter (dated 24 December 2007) which recommends that the applicant extend the storage within the left turn slip lane along North Rocks Road in accordance with a concept plan provided as an attachment to that letter.

The Traffic Impact Statement submitted with the planning proposal found that the proposed development is supportable on traffic planning grounds given that the development would lead to improvements to existing traffic conditions in the local area.

All necessary services are already available to the site.

### *11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)*

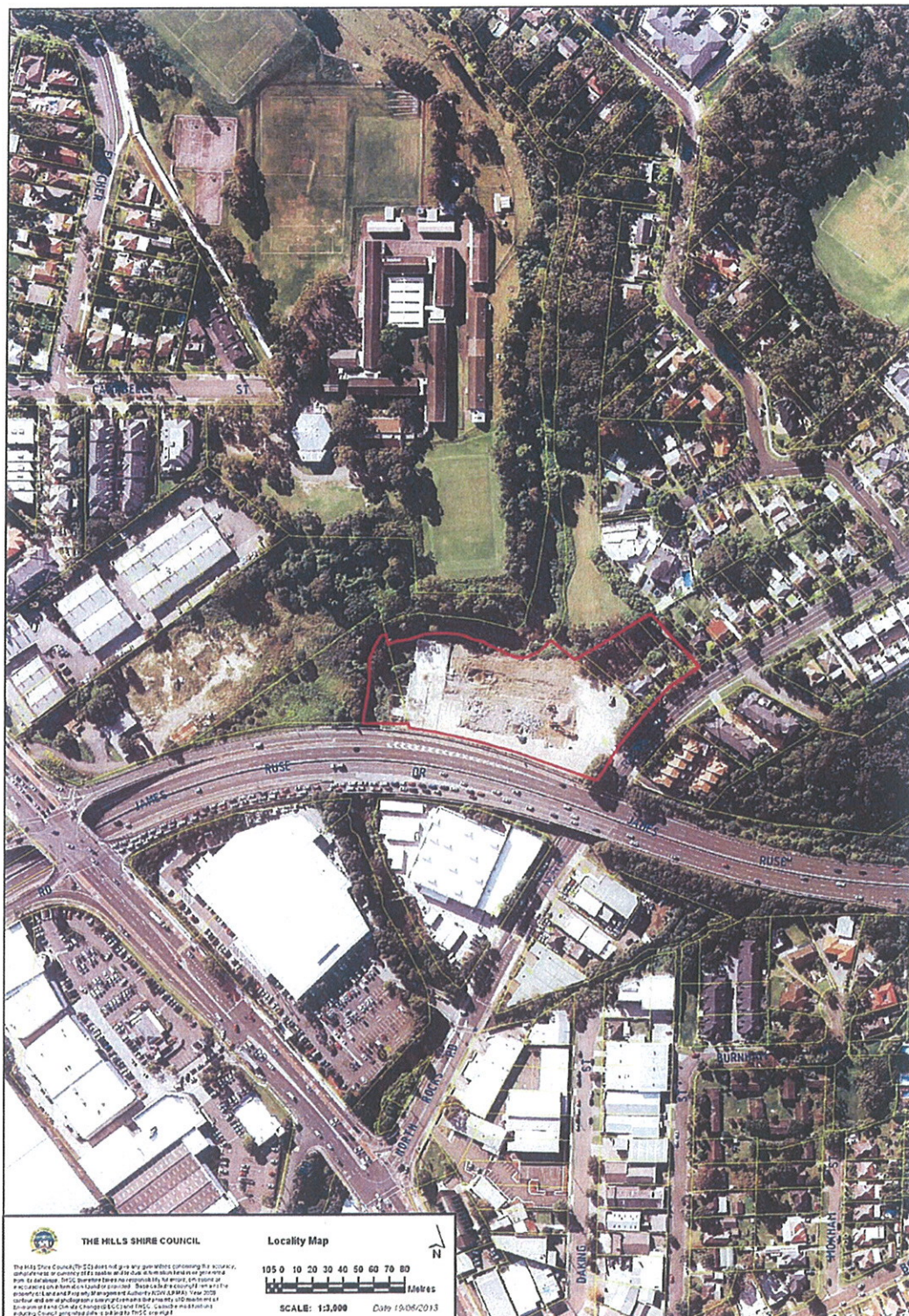
To be advised.

## **PART 4 PLANNING**

The planning proposal seeks to amend to increase the height of buildings from 16m to 30m to facilitate six residential flat buildings and a small multi-dwelling housing development.

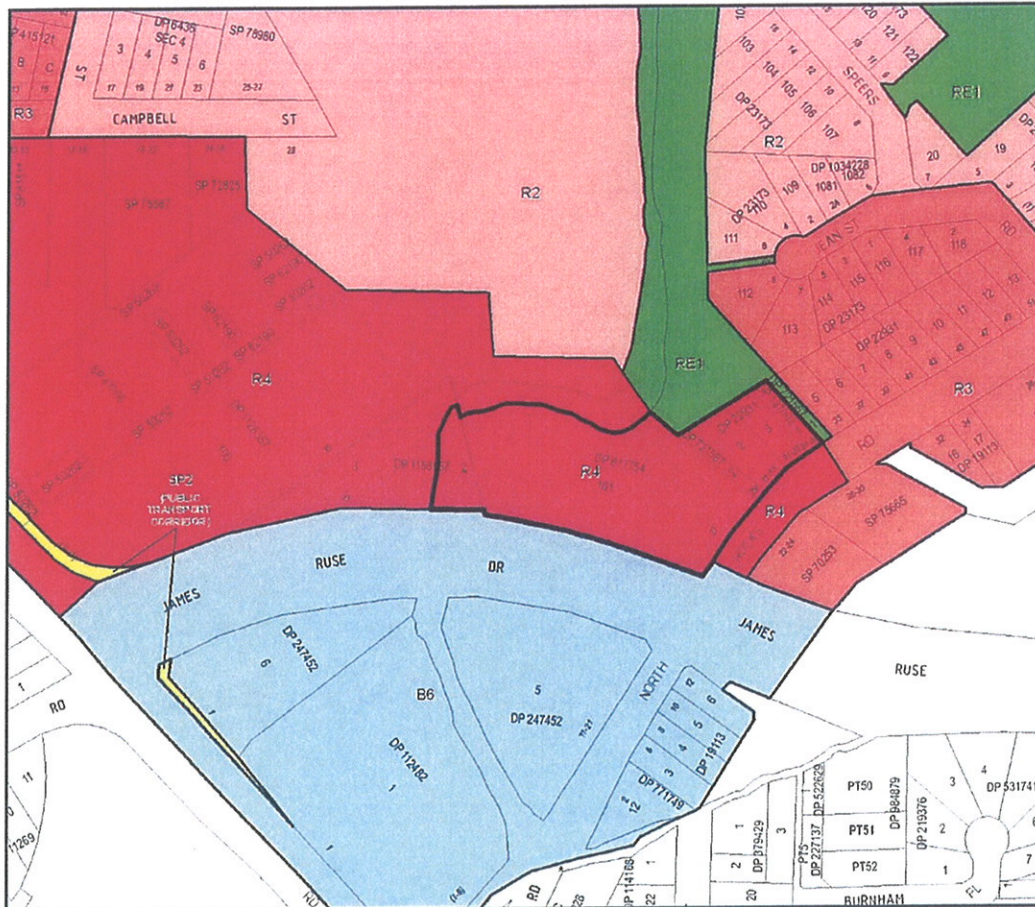
The following maps, in the format specified by the Standard Technical Requirements for LEP maps are included as Attachment C of this proposal.

|       |                              |
|-------|------------------------------|
| Map 1 | Site Identification Map      |
| Map 2 | Current Land Zoning Map      |
| Map 3 | Current Building Height Map  |
| Map 4 | Proposed Building Height Map |



Map 2

Current Land Zoning Map (Map Sheet 2)



**Land Zoning (LZN)**

|           |                         |           |                            |            |                   |
|-----------|-------------------------|-----------|----------------------------|------------|-------------------|
| <b>B6</b> | Enterprise Corridor     | <b>R3</b> | Medium Density Residential | <b>RE1</b> | Public Recreation |
| <b>R2</b> | Low Density Residential | <b>R4</b> | High Density Residential   | <b>SP2</b> | Infrastructure    |

Map 3

Current Building Height Map (Map Sheet 3)



Height of Building m (HOB)



9.0



16.0

Map 4

Proposed Building Height Map (Map Sheet 4)



Height of Building m (HOB)

|    |      |    |      |
|----|------|----|------|
| J  | 9.0  | U1 | 30.0 |
| O2 | 16.0 |    |      |

The planning proposal will be advertised in local newspapers and on display at Council's administration building located at No.129 Showground Road, Castle Hill, Vinegar Hill Memorial Library located at No.29 Main Street, Rouse Hill Town Centre and Carlingford Library at Lloyds Avenue, Carlingford.

The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners advising them of the planning proposal.

| STAGE                                                                   | DATE           |
|-------------------------------------------------------------------------|----------------|
| Commencement Date (Gateway Determination)                               | July 2013      |
| Completion of Required studies                                          | August 2013    |
| Pre exhibition government agency consultation                           | September 2013 |
| Post exhibition government agency consultation                          | September 2013 |
| Commencement of public exhibition period                                | October 2013   |
| Completion of public exhibition period                                  | November 2013  |
| Dates for Public Hearing (if required)                                  |                |
| Timeframe for consideration of submissions                              | November 2013  |
| Timeframe for consideration of proposal post exhibition                 | November 2013  |
| Report to Council on submissions                                        | December 2013  |
| Date Council will make the plan (if delegated)                          | February 2014  |
| Date Council will forward to department for notification (if delegated) | February 2014  |

# ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

| STATE ENVIRONMENTAL PLANNING POLICY (SEPP) |                                                                              | APPLICABLE | RELEVANT ?<br>(YES/NO) | (IF RELEVANT)<br>INCONSISTENT/<br>CONSISTENT |
|--------------------------------------------|------------------------------------------------------------------------------|------------|------------------------|----------------------------------------------|
| No. 1                                      | Development Standards                                                        | YES        | NO                     | -                                            |
| No. 4                                      | Development without Consent and Miscellaneous Exempt & Complying Development | NO         | NO                     | -                                            |
| No. 6                                      | Number of Storeys in a Building                                              | YES        | NO                     | -                                            |
| No. 14                                     | Coastal Wetlands                                                             | NO         | NO                     | -                                            |
| No. 15                                     | Rural Landsharing Communities                                                | NO         | NO                     | -                                            |
| No. 19                                     | Bushland in Urban Areas                                                      | YES        | NO                     | -                                            |
| No. 21                                     | Caravan Parks                                                                | NO         | NO                     | -                                            |
| No. 22                                     | Shops and Commercial Premises                                                | NO         | NO                     | -                                            |
| No. 26                                     | Littoral Rainforests                                                         | NO         | NO                     | -                                            |
| No. 29                                     | Western Sydney Recreation Area                                               | NO         | NO                     | -                                            |
| No. 30                                     | Intensive Agriculture                                                        | NO         | NO                     | -                                            |
| No. 32                                     | Urban Consolidation (Redevelopment of Urban Land)                            | NO         | NO                     | -                                            |
| No. 33                                     | Hazardous and Offensive Development                                          | NO         | NO                     | -                                            |
| No. 36                                     | Manufactured Home Estates                                                    | NO         | NO                     | -                                            |
| No. 39                                     | Spit Island Bird Habitat                                                     | NO         | NO                     | -                                            |
| No. 41                                     | Casino Entertainment Complex                                                 | NO         | NO                     | -                                            |
| No. 44                                     | Koala Habitat Protection                                                     | NO         | NO                     | -                                            |
| No. 47                                     | Moore Park Showground                                                        | NO         | NO                     | -                                            |
| No. 50                                     | Canal Estate Development                                                     | NO         | NO                     | -                                            |
| No. 52                                     | Farm Dams and Other Works in Land and Water Management Plan Areas            | NO         | NO                     | -                                            |
| No. 55                                     | Remediation of Land                                                          | NO         | NO                     | -                                            |
| No. 59                                     | Central Western Sydney Regional Open Space and Residential                   | NO         | NO                     | -                                            |
| No. 60                                     | Exempt and Complying                                                         | NO         | NO                     | -                                            |
| No. 62                                     | Sustainable Aquaculture                                                      | NO         | NO                     | -                                            |
| No. 64                                     | Advertising and Signage                                                      | NO         | NO                     | -                                            |
| No. 65                                     | Design Quality of Residential Flat Development                               | YES        | YES                    | CONSISTENT                                   |
| No. 70                                     | Affordable Housing (Revised Schemes)                                         | NO         | -                      | -                                            |
| Affordable Rental Housing (2009)           |                                                                              | NO         | -                      | -                                            |
| Building Sustainability Index: BASIX       |                                                                              | YES        | NO                     | -                                            |

| <b>STATE ENVIRONMENTAL<br/>PLANNING POLICY (SEPP)</b>         | <b>APPLICABLE</b> | <b>RELEVANT<br/>?<br/>(YES/NO)</b> | <b>(IF RELEVANT)<br/>INCONSISTENT/<br/>CONSISTENT</b> |
|---------------------------------------------------------------|-------------------|------------------------------------|-------------------------------------------------------|
| 2004                                                          |                   |                                    |                                                       |
| Exempt and Complying Development Codes (2008)                 | NO                | NO                                 | -                                                     |
| Housing for Seniors or People with a Disability (2004)        | NO                | NO                                 | -                                                     |
| Infrastructure (2007)                                         | NO                | NO                                 | -                                                     |
| Kosciuszko National Park – Alpine Resorts (2007)              | NO                | NO                                 | -                                                     |
| Kurnell Peninsula (1989)                                      | NO                | NO                                 | -                                                     |
| Major Development (2005)                                      | YES               | NO                                 | -                                                     |
| Mining, Petroleum Production and Extractive Industries (2007) | NO                | NO                                 | -                                                     |
| Rural Lands (2008)                                            | NO                | NO                                 | -                                                     |
| SEPP 53 Transitional Provisions (2011)                        | NO                | NO                                 | -                                                     |
| Sydney Drinking Water Catchment (2011)                        | NO                | NO                                 | -                                                     |
| Sydney Region Growth Centres (2006)                           | NO                | NO                                 | -                                                     |
| Temporary Structures (2007)                                   | NO                | NO                                 | -                                                     |
| Urban Renewal (2010)                                          | NO                | NO                                 | -                                                     |
| Western Sydney Employment Area (2009)                         | NO                | NO                                 | -                                                     |
| Western Sydney Parklands (2009)                               | NO                | NO                                 | -                                                     |
| <b>Deemed SEPPs</b>                                           |                   |                                    |                                                       |
| SREP No.9 – Extractive Industry (No 2 – 1995)                 | NO                | NO                                 | -                                                     |
| SREP No.18 – Public Transport Corridor                        | NO                | NO                                 | -                                                     |
| SREP No.19 – Rouse Hill Development Area                      | NO                | NO                                 | -                                                     |
| SREP No.20 – Hawkesbury – Nepean River (No 2 – 1997)          | NO                | NO                                 | -                                                     |

## ATTACHMENT B: LIST OF SECTION 117 DIRECTIONS

| DIRECTION                                                                    | APPLICABLE | RELEVANT?<br>(YES/NO) | (IF RELEVANT)<br>INCONSISTENT/<br>CONSISTENT |
|------------------------------------------------------------------------------|------------|-----------------------|----------------------------------------------|
| <b>1. Employment and Resources</b>                                           |            |                       |                                              |
| 1.1 Business and Industrial Zones                                            | NO         | NO                    | -                                            |
| 1.2 Rural Zones                                                              | NO         | NO                    | -                                            |
| 1.3 Mining, Petroleum Production and Extractive Industries                   | NO         | NO                    | -                                            |
| 1.4 Oyster Aquaculture                                                       | NO         | NO                    | -                                            |
| 1.5 Rural Lands                                                              | NO         | NO                    | -                                            |
| <b>2. Environment and Heritage</b>                                           |            |                       |                                              |
| 2.1 Environment Protection Zone                                              | YES        | NO                    | -                                            |
| 2.2 Coastal Protection                                                       | NO         | NO                    | -                                            |
| 2.3 Heritage Conservation                                                    | YES        | NO                    | -                                            |
| 2.4 Recreation Vehicle Area                                                  | NO         | NO                    | -                                            |
| <b>3. Housing, Infrastructure and Urban Development</b>                      |            |                       |                                              |
| 3.1 Residential Zones                                                        | YES        | YES                   | CONSISTENT                                   |
| 3.2 Caravan Parks and Manufactured Home Estates                              | NO         | NO                    | -                                            |
| 3.3 Home Occupations                                                         | YES        | NO                    | -                                            |
| 3.4 Integrating Land Use and Transport                                       | YES        | YES                   | CONSISTENT                                   |
| 3.5 Development Near Licensed Aerodomes                                      | YES        | NO                    | -                                            |
| 3.6 Shooting Ranges                                                          | YES        | NO                    | -                                            |
| <b>4. Hazard and Risk</b>                                                    |            |                       |                                              |
| 4.1 Acid Sulfate Soils                                                       | YES        | NO                    | -                                            |
| 4.2 Mine Subsidence and Unstable Land                                        | YES        | NO                    | -                                            |
| 4.3 Flood Prone Land                                                         | YES        | YES                   | CONSISTENT                                   |
| 4.4 Planning for Bushfire Protection                                         | YES        | YES                   | CONSISTENT                                   |
| <b>5. Regional Planning</b>                                                  |            |                       |                                              |
| 5.1 Implementation of Regional Strategies                                    | NO         | NO                    | -                                            |
| 5.2 Sydney Drinking Water Catchment                                          | NO         | NO                    | -                                            |
| 5.3 Farmland of State and Regional Significance on the SNW Far North Coast   | NO         | NO                    | -                                            |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | NO         | NO                    | -                                            |
| 5.8 Second Sydney Airport:                                                   | NO         | NO                    | -                                            |

| DIRECTION                       |                                                         | APPLICABLE | RELEVANT?<br>(YES/NO) | (IF RELEVANT)<br>INCONSISTENT/<br>CONSISTENT |
|---------------------------------|---------------------------------------------------------|------------|-----------------------|----------------------------------------------|
| Badgerys Creek                  |                                                         |            |                       |                                              |
| <b>6. Local Plan Making</b>     |                                                         |            |                       |                                              |
| 6.1                             | Approval and Referral Requirements                      | YES        | NO                    | -                                            |
| 6.2                             | Reserving Land for Public Purposes                      | YES        | NO                    | -                                            |
| 6.3                             | Site Specific Provisions                                | YES        | NO                    | -                                            |
| <b>7. Metropolitan Planning</b> |                                                         |            |                       |                                              |
| 7.1                             | Implementation of the Metropolitan Plan for Sydney 2036 | YES        | YES                   | CONSISTENT                                   |

**ATTACHMENT C:** COUNCIL REPORT AND ATTACHMENT (DRAFT DCP) – SEE ENCLOSED  
AND ON CD.

**ATTACHMENT D:** COUNCIL RESOLUTION (11 June 2013) – SEE ENCLOSED AND ON CD.

|                              |                                                                                                                              |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>ITEM-3</b>                | <b>EXHIBITION PLANNING PROPOSAL 27-33 NORTH ROCKS ROAD, NORTH ROCKS (5/2012/PLP)</b>                                         |
| <b>THEME:</b>                | Balanced Urban Growth                                                                                                        |
| <b>HILLS 2026 OUTCOME/S:</b> | BUG 2 Lifestyle options that reflect our natural beauty.                                                                     |
| <b>COUNCIL STRATEGY/S:</b>   | BUG 2.1 Facilitate the provision of diverse, connected and sustainable housing options through integrated land use planning. |
| <b>GROUP:</b>                | <b>STRATEGIC PLANNING</b>                                                                                                    |
| <b>AUTHOR:</b>               | <b>SENIOR TOWN PLANNER</b><br>CAMERON BYRNE                                                                                  |
| <b>RESPONSIBLE OFFICER:</b>  | <b>MANAGER FORWARD PLANNING</b><br>STEWART SEALE                                                                             |

---

**EXECUTIVE SUMMARY**

This report recommends that an amendment to The Hills Local Environmental Plan 2012 (The Hills LEP 2012) to increase the height from 16m to 30m be supported and a planning proposal be forwarded to the Department of Planning and Infrastructure for a Gateway Determination. It is further recommended that the draft Development Control Plan (DCP) prepared by the applicant to guide the development of the site be exhibited concurrently.

The proposed height amendment is consistent with Council's vision for the precinct which was identified as a target site (high density residential development) under Council's Residential Housing Strategy (2000) and has been zoned accordingly. The proposal will assist Council achieve its residential housing targets established within the North West Subregional Strategy and Council's Residential Direction.

The planning proposal was the subject of numerous Target Site Panel meetings. At the most recent meeting, the panel recommended that the planning proposal and draft DCP be adopted subject to issues being satisfactorily addressed (as discussed in Section 4 of this report). An amended DCP has since been submitted (Attachment 2) which is considered to provide a satisfactory framework for the future development of the site.

**APPLICANT**

Mecone Pty Limited

**OWNER**

Austcorp Pty Limited

**THE HILLS LEP 2012**

|                    |                                      |
|--------------------|--------------------------------------|
| Zone:              | R4 High Density Residential          |
| Lot Size:          | 1800m <sup>2</sup>                   |
| Height:            | 16m                                  |
| Floor Space Ratio: | No floor space ratio control applies |

**POLITICAL DONATIONS**

Nil disclosures.

**HISTORY**

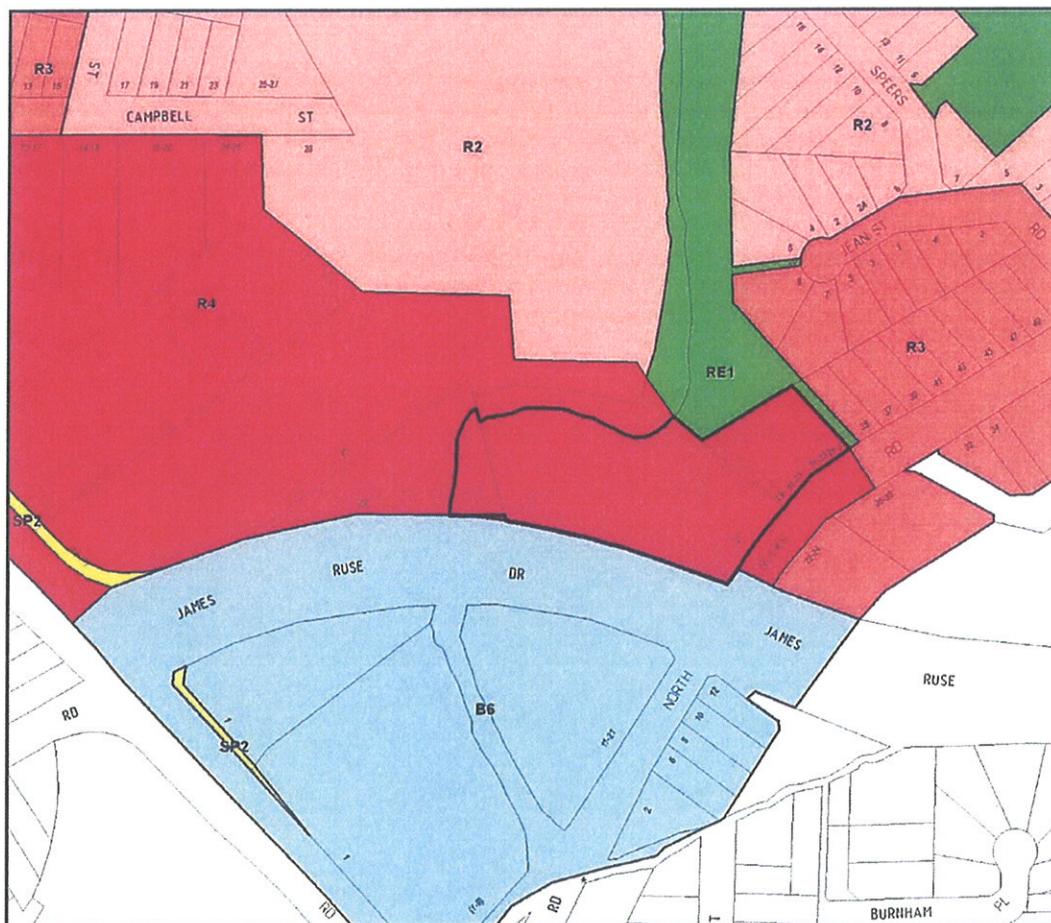
- 23/01/2012** Development Application 776/2012/JP lodged seeking approval for seven x five storey apartment buildings with associated basement parking. The application was referred by Council to the Joint Regional Planning Panel for determination as it exceeded the capital investment value of \$10 million.
- 10/02/2012** Planning Proposal 5/2012/PLP lodged by Mecone Pty Ltd seeking an increase in height from 16m to 27m.
- 22/03/2012** Target Site Panel Meeting held. The Panel recommended, in part that:
- "The Draft DCP and supporting documentation be subject to further review, given that there appears to be significant opportunity to enhance the built form on the subject site, enhance visual linkages to and from the subject site, enhance the relationship with the riparian corridor and Target Site 7, minimise the extent of excavation and 'sunken' development and enhance the ground floor environment.*
- The Review would also provide an opportunity to provide consistency between the overall DCP and supporting documentation, as well as clearly establishing the extent to which variation is sought from development standards set out in Part C Section 7 of Council's DCP."*
- 12/11/2012** Further Target Site Panel Meeting held. The panel recommended:
- "The Panel was of the view that the Draft Development Control Plan for Target Site 7(27 to 33 North Rocks Road) at the Panel's meeting held on 12 November 2012, prepared by GM Urban Designers and Architects, together with Mecone (Planning) and Candalepas Associates (Architecture), together with the supporting studies, provides a satisfactory framework for the future development of the site.*
- Accordingly, the Panel recommends adoption, in principle, of the submitted Draft Development Control Plan, subject to the issues raised in this report being satisfactorily addressed and incorporated into a revised draft DCP."*
- 09/05/2013** Meeting held with the applicant, who confirmed that a 30m height limit (instead of the 27m originally sought) would be required to accommodate the nine storey buildings (Buildings C and D) in the master plan (Figure 4).

**BACKGROUND**

The subject site was rezoned from part Light Industrial 4(b) and Residential 2(a) to Residential 2 (a1) under the Baulkham Hills Local Environmental Plan 2005 (LEP 2005) on 26 September 2000. The rezoning was supported on the basis that the land was no longer required for industrial purposes and that it was better suited for residential development. The subject site was identified as a target site under Council's amended Residential Housing Strategy.

The site is currently zoned R4 – High Density Residential under The Hills LEP 2012 to reflect its target site status. The Hills Development Control Plan 2012 Part D Section 1 27-33 North Rocks Road, North Rocks currently applies and provides minimal controls in relation to setbacks, noise, access and contamination.

The applicant has prepared a draft DCP to replace the current DCP and address the future development of the site with an increased height.



**Figure 1**  
The subject site

**REPORT**

The purpose of this report is to consider a planning proposal request lodged by Mecone Pty Ltd, to amend The Hills LEP 2012 to increase the maximum building height from 16m (4-5 storeys) to 30m (maximum 9 storeys in this proposal).

A site specific development control plan supporting the proposed development has been lodged by the applicant and has been considered as part of this report.

**1. THE SITE**

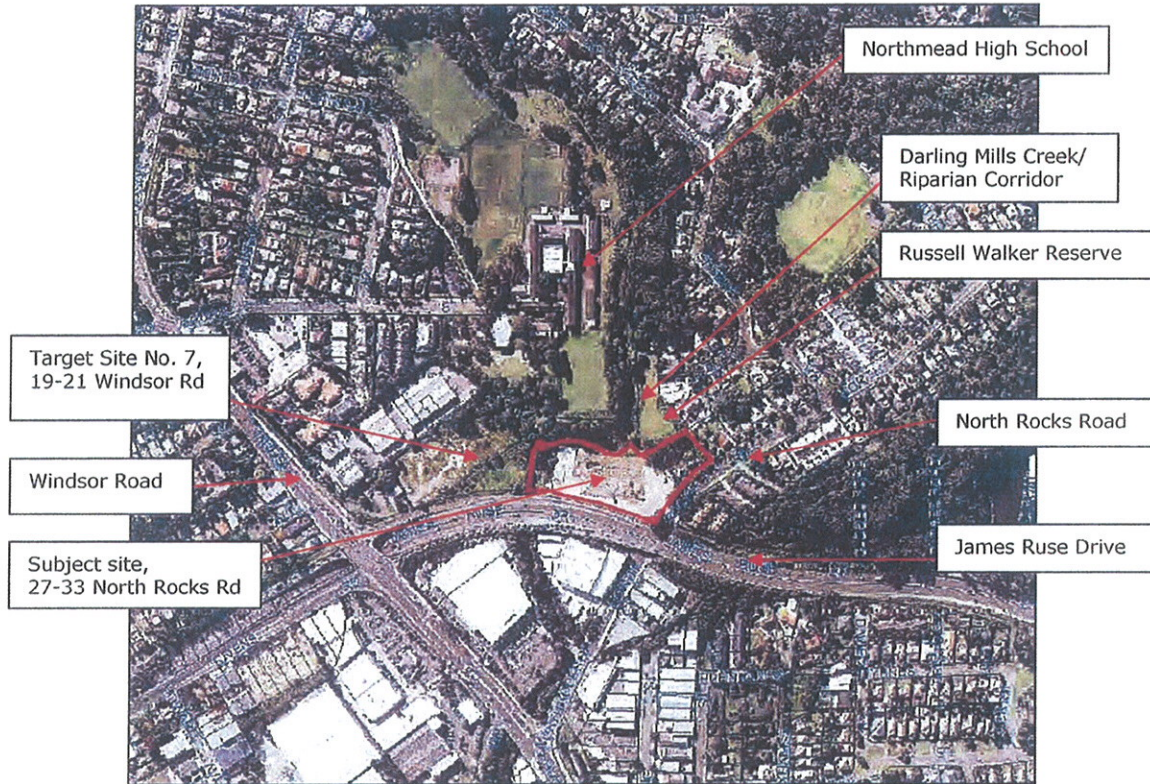
The site is comprised of six allotments, having an area of approximately 13,139.6m<sup>2</sup> and is bounded by Darling Mills Creek and Russell Walker Reserve to the north and west, James Ruse Drive to the south and North Rocks Road to the east. The site is irregular in shape and has a natural fall of approximately 15 metres from the north-eastern corner of North Rocks Road to the western boundary, near Darling Mills Creek. The eastern part of the site has been previously excavated for development and is relatively flat.

An existing vehicular access point is located on North Rocks Road which is restricted to left in/left out manoeuvres only. Recent Land and Environment proceedings involving the subject site and the adjacent Target Site No. 7 requires that a median turning lane be constructed on North Rocks Road to enable right in/right out manoeuvres to the site.

The subject site, previously occupied by the United Dairies Milk Depot, has been cleared of the structures associated with its former use; however, still remaining on site are five (5) underground storage tanks, concrete platform and a concrete driveway.

Caltex Australia Petroleum Pty Ltd has an easement located along the southern boundary for a pipeline which extends underground to the west to the adjoining Target Site No.7. The pipeline is currently used to transport petrol and diesel products and is licensed under the *Pipeline Act 1967* by the NSW Department of Water and Energy (formerly the Department of Energy).

There are a number of restrictions on the site relating to road setbacks, access requirements and riparian lands.

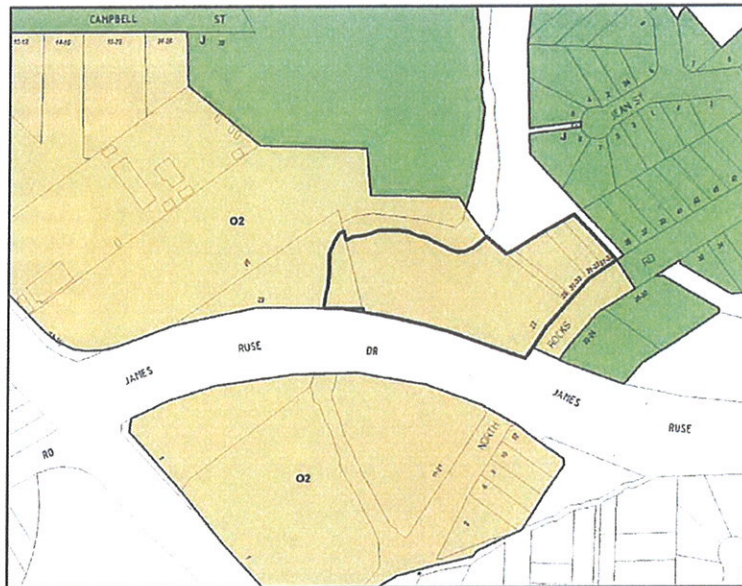
**SURROUNDING DEVELOPMENT**

**Figure 2**  
The subject site and surrounds

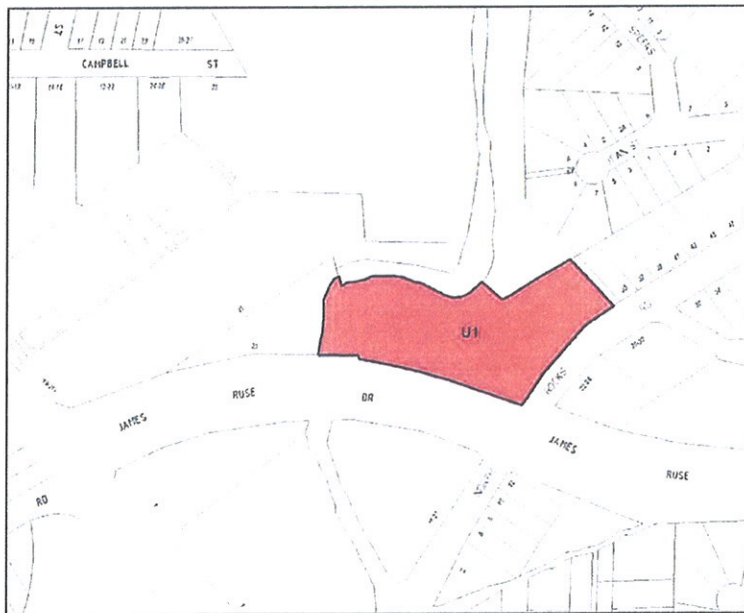
The site is surrounded by areas of residential development to the north and east. To the west is target site No.7 which has access through the subject site and has approval for three (3) residential flat buildings ranging in height from five to 10 storeys. Northmead Shopping Centre is located on the corner of Windsor Road and Campbell Street and Northmead High School adjoins the subject site to the north (Figure 2).

**2. PLANNING PROPOSAL**

The planning proposal is to amend The Hills Local Environmental Plan 2012 to increase the maximum building height from 16m to 30m. No other amendment to the LEP is proposed. Existing and proposed Height of Building maps are provided below:



**Figure 3**  
Existing Height of Building Map (16m)



**Figure 4**  
Proposed Height of Building Map (30m)

The draft DCP submitted that accompanies the planning proposal provides objectives and controls to support the proposed built form. Key features of the draft DCP are:

- Six (6) residential flat buildings and multi-dwelling housing located at the northern portion of the site (adjacent to Russell Walker reserve). The development will result in 150 new dwellings on site;
- High density development located in proximity to public transport, major transport corridors and services;

- Vehicular access via median allowing right in/right out manoeuvres from North Rocks Road;
- A minimum building separation of between 9m to 12m between residential flat buildings;
- Regeneration of creek/riparian zone;
- Provision of semi-basement/basement level parking accommodating approximately 313 car parking spaces for occupants and visitors;
- Potential for pedestrian linkages through the site to Russell Walker Reserve; and
- Landscaping along James Ruse Drive and North Rocks Road.

The concept master plan including an indication of building heights is set out below:

- Buildings A and B – 7 storeys
- Building C – 9 storeys
- Building D – 9 storeys
- Building E – 7 storeys
- Building F – 5 storeys
- Multi dwelling housing (north of Buildings D and E) – 1-2 storeys.

An elevation and sketch of how the proposed height plane responds to Target Site No.7 is provided in Figure 6.

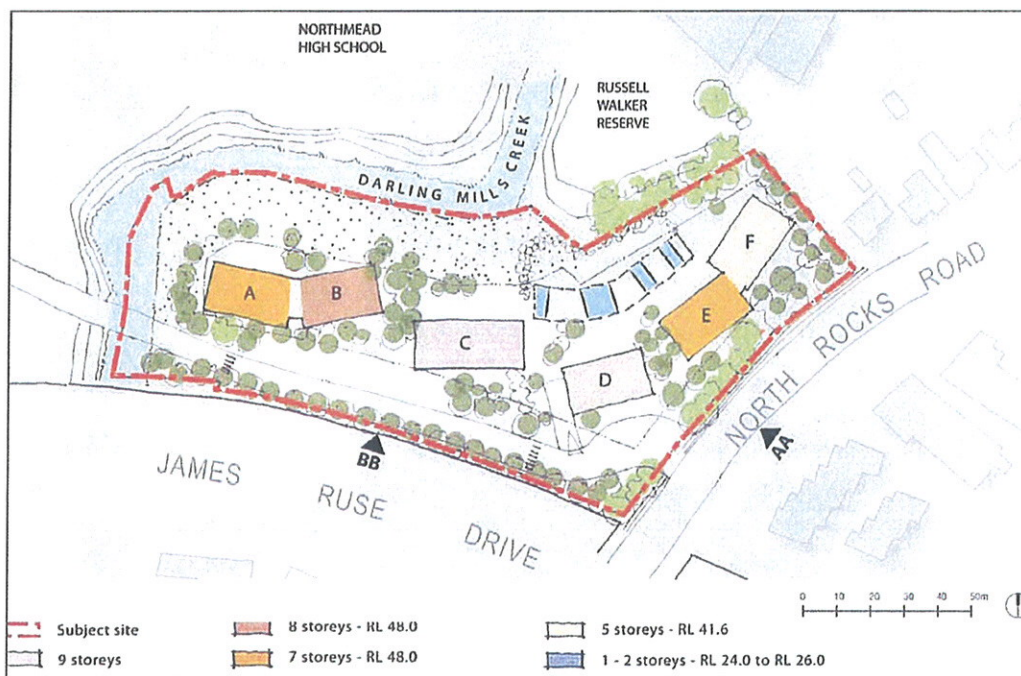


Figure 5  
Indicative Master Plan

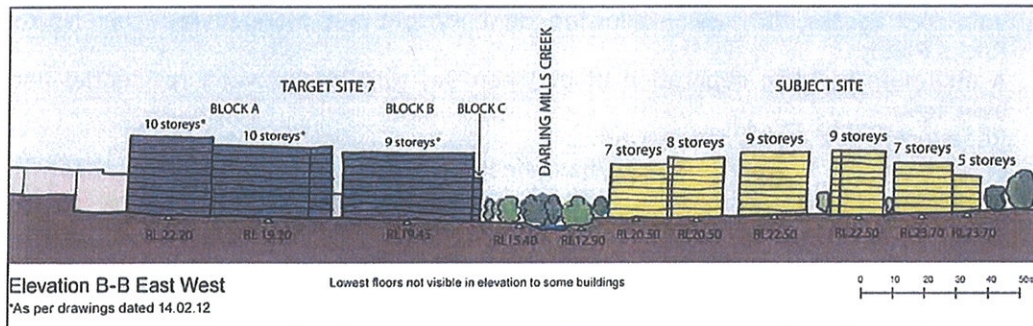


Figure 6

Indicative Heights in relation to Target Site 7 (19-21 Windsor Rd, North Rocks)

The following photomontages of the proposed development are provided, as viewed from the north-east (elevation A-A), the north (elevation B-B), the south-east (elevation C-C) and the south (elevation D-D).

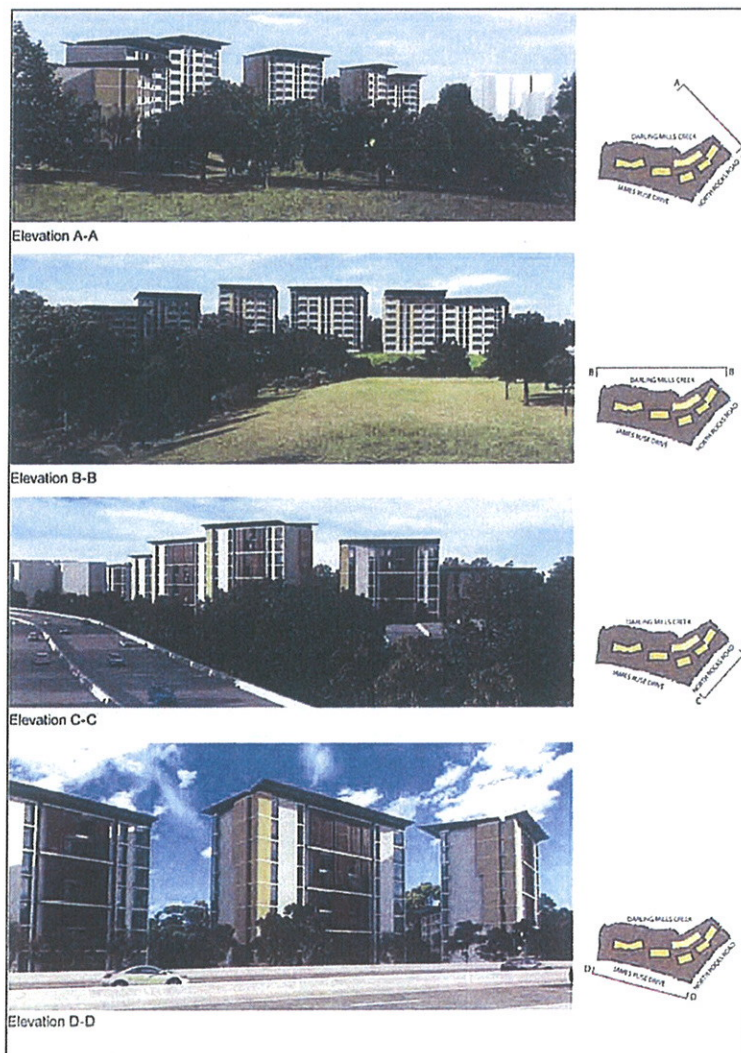


Figure 7

Indicative photomontages of the proposed development

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

The strategic plan prepared by the NSW Government entitled the *Metropolitan Plan for Sydney 2036* aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036. The proposal is consistent with this strategic direction as it will provide housing opportunities in locations highly accessible by public transport.

**Draft North West Subregional Strategy**

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

The planning proposal is consistent with this draft strategy as it located in a position that provides housing opportunities to capitalise on existing strategic transport corridors and local bus routes.

**Local Strategy**

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

– Residential Direction

Council's Residential Direction seeks to guide residential development with consideration of the objectives of the Local Strategy, by providing a diversity of housing choices, and locating housing in close proximity to services, jobs and transport such as around town centres. More intense development is identified for The Hills Shire, particularly with the future North West Metro likely to increase housing demand and focus on high density developments. The ultimate goal is to create housing options that promote sustainable economic, environmental and social outcomes for the residents of the Shire.

The North West Subregional Strategy sets a target for the Shire to contribute an additional 36,000 dwellings from 2004 to 2031 to accommodate a share of Sydney's population growth.

The Residential Direction indicates that there is sufficient capacity to accommodate these targets based on the existing framework and current projects.

The subject site is identified in the Residential Direction and is consistent with the overriding objectives which relate to providing for housing choice in locations that are supported by infrastructure and that allow residents access to transport, shopping and employment.

– Integrated Transport Direction

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. Relevant actions include promoting the delivery of key rail infrastructure and planning for a concentration of and/or intensity of land use activities around major public transport nodes.

The proposal for a high density residential outcome on the subject site is consistent with the key objective and will facilitate the use of existing and proposed public transport.

More specifically, the subject site is serviced by bus routes operated by Westbus, Sydney Bus and Hillsbus. These bus services provide public transport services and linkages to the various centres in the locality and beyond, including Parramatta, North Rocks, Carlingford/Epping, Baulkham Hills, Castle Hill, Seven Hills, and Westmead and to Sydney Central Business District at the M2 pickup/drop off points between Northmead and Baulkham Hills.

– Centres Direction

The Centres Direction aims to support the development of the shire's centres as places where the community have access to services, jobs, shopping and public transport. The provision for a variety of housing types within and surrounding these centres supports these functions and increases lifestyle options for the Shires residents.

The proposal for a high density residential outcome on the subject is consistent with this direction and is ideally located with respect to employment and transport opportunities.

#### **4. MATTERS FOR CONSIDERATION**

On 12 November 2012, the applicant made a presentation to the Target Site Panel describing the key features of the planning proposal and the draft DCP. Following the meeting, the panel recommended in part that that the proposal and the accompanying draft DCP be adopted subject to amending the following controls:

1. Unit sizes and open space;
2. Height; and
3. Waste servicing.

Each of these matters is discussed below in further detail.

*1. Unit sizes, common open space and private open space*

The applicant proposed controls for unit sizes and open space that deviated from Council's existing residential flat building controls. Council's existing controls provide for larger units and require a greater provision of open space for the development. The applicant was advised that the proposed controls would not be supported on the grounds that they would not to achieve satisfactory development outcomes and that they were inconsistent with Council's existing controls. Importantly, it was also considered that the amenity of the site would be unnecessarily compromised based on the proposed controls.

The applicant has deleted the proposed controls relating to unit size and open space and it is now proposed that Part B Section 5 – Residential Flat Buildings of The Hills DCP 2012 would apply.

*2. Height*

In March 2012, the applicant submitted a revised master plan and draft DCP for the site. The revised master plan proposes a concept design with building heights of 9 storeys for Buildings C and D, which requires an increase in the height from 27m to 30m. Whilst these buildings would be limited to a height of 30m, the roof elements in the concept design would exceed the maximum height by approximately 700mm.

Rather than seeking an additional increase in height to accommodate the roof, this matter can be addressed at development application stage when the final designs can be considered pursuant to Clause 5.6 (Architectural Features) of The Hills LEP 2012. Clause 5.6 allows roof features to exceed the height limits specified in LEP 2012 where the applicant can demonstrate that the design is well integrated with the building and provides a high quality built form. The proposed development has been designed to provide a 'gateway' to North Rocks by accentuating the built form and height at the corner of North Rocks Road and James Ruse Drive. Therefore, the use of Clause 5.6 will encourage an interesting built form and architectural features that are appropriate in this location.

The proposed development also provides an appropriate response in terms of height with regard to adjoining properties. The height plane provides a continuation in the built form from adjoining Target Site No.7 which ranges in height from five to 10 storeys (through Buildings A and B) and accentuates the height of the development at the corner of North Rocks Road and James Ruse Drive (in Buildings C and D). The concentration of the height toward the centre of the site is a deliberate design feature to accentuate the gateway function of the site. Further north along North Rocks Road, the height is reduced to a height of five storeys (Building F) to respond to the existing scale of single dwellings in the street.

In addition to being consistent with the current height limit that applies to the site (16m) Building F is set back a minimum of 6m from the north eastern boundary. Adjacent to this boundary is a 6m wide pedestrian laneway providing access to Russell Walker Reserve. Together, the setback and laneway provide a minimum separation distance of 12m which will maintain reasonable visual amenity and privacy to nearby properties.

Furthermore, the master plan also provides for deep soil planting along the north eastern boundary which will contribute to the interface between the site and adjoining development. Given that buildings within the proposed development are predominately oriented north-south, existing dwellings in North Rocks Road will also maintain acceptable levels of solar access.

### *3. Waste Servicing*

Original designs utilised the proposed adjoining development (Target Site No.7) for waste servicing with a turning circle be provided within adjoining development turning waste vehicles (10m rigid truck). It was proposed that the waste collection vehicle would enter the subject site via North Rocks Road and service Target Site No.7 before turning within that site and servicing the subject site.

As there is no certainty that Target Site 7 will be completed before the development on the subject site, the applicant was advised that a turning circle would be required on site. The turning circle is provided at the centre of the development, with temporary bin storage areas provided at the western portion of the site. The turning circle responds to the panel's comments, which suggested that a central drop off area/porte cochere be established for the site to distinguish a common entry to the development for visitors. It is noted that the temporary bin storage areas are not located at the porte cochere. The applicant has proposed that a caretaker will wheel the bins to the porte cochere on pick-up days to ensure waste servicing is appropriately managed on site. It is considered that this matter could be resolved through the development application process.

## **5. LOCAL ENVIRONMENTAL PLAN CHANGES**

The planning proposal will amend the existing height of buildings map for the site from 16m to 30m. There are no other changes sought or required by the planning proposal.

**6. DEVELOPMENT CONTROLS**

The draft DCP will replace Part D Section 1 - 27-33 North Rocks Road of The Hills DCP 2012 and will provide a framework for residential development that addresses the particular site characteristics and the surrounding residential area.

The format of draft DCP is consistent with The Hills DCP 2012. It is envisaged that all the other relevant and applicable provisions (e.g. parking, multi-dwelling housing etc.) under The Hills DCP 2012 will continue apply to the proposed development.

**7. NEXT STEPS**

Should Council resolve to support the planning proposal for the site, it will then be forwarded to the Department of Planning and Infrastructure for a Gateway Determination. The Gateway Determination is likely to contain conditions which must be satisfied before public exhibition can commence. Following exhibition, the matter will be reported back to Council for determination.

**CONCLUSION**

The planning proposal seeks to increase the height of buildings from 16m to 30m on land that has been previously identified as suitable for high density residential development. The planning proposal has been subject of numerous Target Site Panel meetings to achieve a master plan that responds well to the constraints of the site.

The planning proposal is consistent with the aims of Council's Local Strategy, in particular the Residential Direction and will contribute to Council achieving its housing targets that have been set by regional and state plans.

While a 30m height limit will apply to the whole of the site, it will only relate to two of the seven buildings proposed in the concept design (Buildings C and D). These buildings are located closer to the corner of North Rocks Road and James Ruse Drive and have been purposely accentuated to provide higher built form elements to act as a gateway feature to North Rocks.

The site is well-served by existing transport routes, being in close proximity to a number of local bus routes and will provide a variety of travel options to residents.

The accompanying draft DCP provides a sound framework to guide the development of the site and provide a high level of amenity. An increase to the height of buildings together with the adoption of the draft DCP will facilitate an appropriate development outcome for the site.

**IMPACTS****Financial**

No direct financial impact.

**Hills 2026**

This Planning Proposal will assist with the implementation of Hills 2026 outcomes by increasing the variety of housing types in an area that is located in proximity to a range of public transport modes and networks.

**RECOMMENDATION**

1. A planning proposal be forwarded to the Department of Planning and Infrastructure for a Gateway Determination to amend the Height of Buildings Map for the site from 16m to 30m as detailed in Attachment 1.
2. Draft Part D Section 1 of The Hills Development Control Plan 27-33 North Rocks Road, North Rocks be exhibited concurrently with the planning proposal.

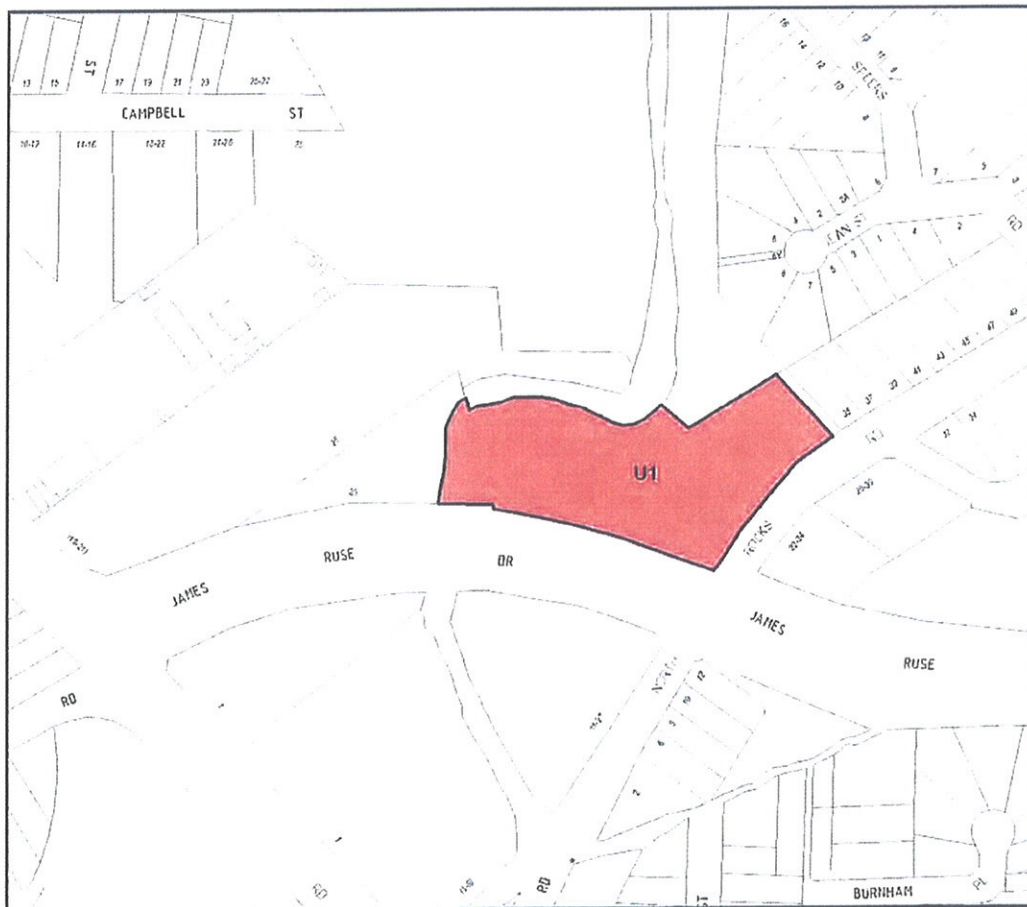
**ATTACHMENTS**

1. Proposed amendments to The Hills LEP 2012 Height of Building Map Sheet (1 page)
2. Draft The Hills DCP 2012 Part D Section 1, 27-33 North Rocks Road, North Rocks (21 pages)

ATTACHMENT 1

**PROPOSED AMENDMENTS TO THE HILLS LEP 2012 MAPS**

**HEIGHT OF BUILDINGS**



**MAXIMUM BUILDING HEIGHT U1 – 30M**

ATTACHMENT 2

# The Hills Development Control Plan (DCP) 2012

[www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au)

THE  
HILLS  
Sydney's Garden Shire



**Part D Section 1**  
27-33 North Rocks Road  
North Rocks

# D1

**INDEX**

|                                                    |          |
|----------------------------------------------------|----------|
| <b>1. INTRODUCTION .....</b>                       | <b>1</b> |
| 1.2. AIMS AND OBJECTIVES OF THIS SECTION .....     | 2        |
| 1.3. BACKGROUND TO THIS PLAN.....                  | 2        |
| 1.4. STRUCTURE OF THIS SECTION.....                | 2        |
| 1.5. RELATIONSHIP TO OTHER PLANS .....             | 2        |
| <b>2. DEVELOPMENT STRATEGY .....</b>               | <b>2</b> |
| 2.1. DESIGN PRINCIPLES .....                       | 5        |
| <b>3. OBJECTIVES AND DEVELOPMENT CONTROLS.....</b> | <b>5</b> |
| 3.1. SITE PLANNING .....                           | 5        |
| 3.5. DESIGN EXCELLENCE .....                       | 6        |
| 3.6. SETBACKS AND SEPARATION .....                 | 10       |
| 3.7. PEDESTRIAN ACCESS .....                       | 10       |
| 3.8. VEHICLE ACCESS .....                          | 11       |
| 3.9. CAR PARKING .....                             | 11       |
| 3.10. LANDSCAPE AND OPEN SPACE .....               | 13       |
| 3.11. DEEP SOIL .....                              | 14       |
| 3.12. PLANTING ON STRUCTURES .....                 | 17       |
| 3.13. FLOODING.....                                | 17       |
| 3.14. SOLAR ACCESS AND OVERSHADOWING .....         | 17       |
| 3.15. NATURAL VENTILATION .....                    | 18       |
| 3.16. NOISE AND VISUAL PRIVACY .....               | 18       |
| 3.17. APARTMENT LAYOUT .....                       | 18       |
| 3.18. BUSH FIRE .....                              | 19       |
| 3.19. CONTAMINATION .....                          | 19       |
| 3.20. WASTE STORAGE AND REMOVAL .....              | 19       |
| 3.21. STAGING OF DEVELOPMENT .....                 | 19       |

## 1. INTRODUCTION

This section of the DCP must be read in conjunction with Part A - Introduction of this DCP.

This section of the DCP has been prepared to guide future residential development at Target Site, 27-33 North Rocks Road, North Rocks (subject site) in The Hills Shire.

### 1.1. LAND TO WHICH THIS SECTION APPLIES

This section applies to all land commonly referred to as the "Target Site" within this chapter, comprising of those lots identified in Figure 1 below and legally identified as:

- Lot 1 DP 127003;
- Lots 2 and 3 in DP 22931;
- Lot 2 DP 721567;
- Lot 101 DP 617754; and
- Lots 2 DP 1158967.

This site has a total area of 13,139.6 square metres.

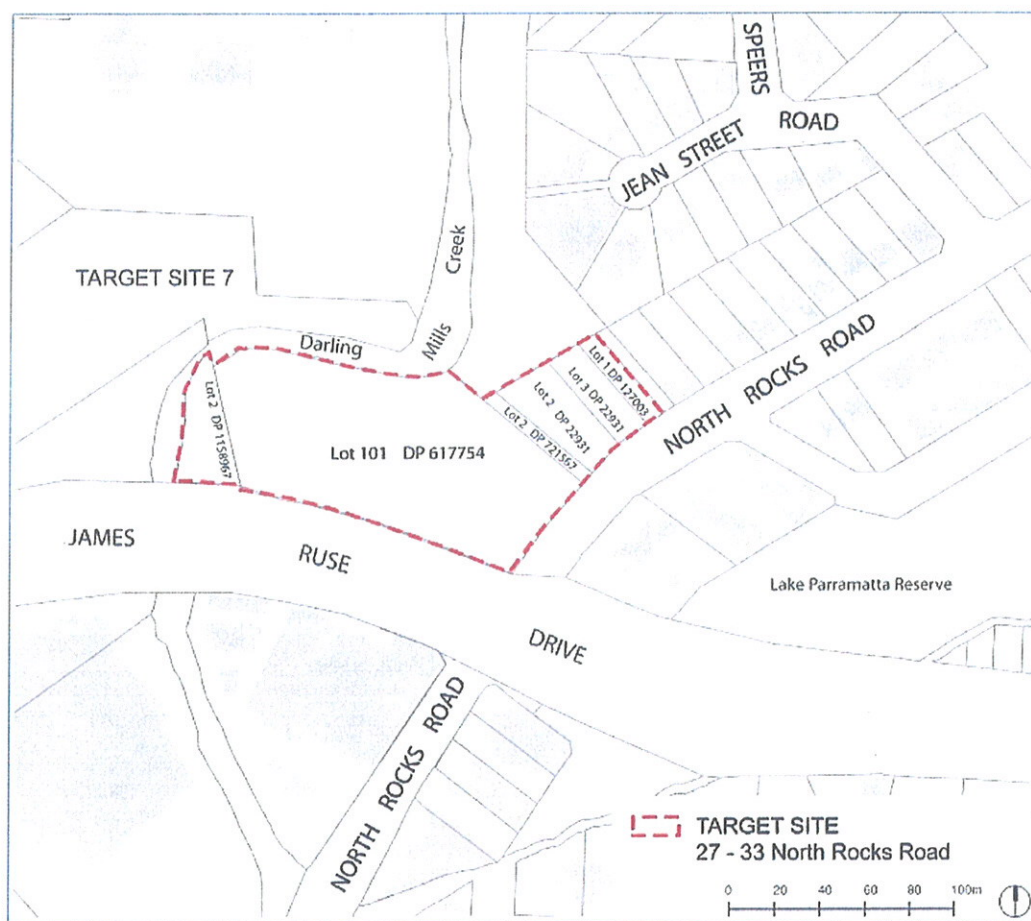


Figure 1: Target site 27-33, North Rocks Road, North Rocks

## 1.2. AIMS AND OBJECTIVES OF THIS SECTION

The aim of this Section of the DCP is to ensure high quality residential development on the subject site.

The objectives of this Section are to:

- (i) *Provide an appropriate built form envelope and Development Controls for the subject site that realise its potential for greater density.*
- (ii) *Achieve a high quality development that is responsive to the existing natural and built form environment around the site.*
- (iii) *Achieve a design solution that demonstrates best practice urban design and architecture;*
- (iv) *Require a design that responds to the amenity impacts created by James Ruse Drive and North Rocks Road.*
- (v) *Achieve a well considered and attractive landscape and built form interface to the Darling Mills Creek.*
- (vi) *Provide affordable housing choices for the local community close to services and facilities.*

## 1.3. BACKGROUND TO THIS PLAN

The preparation of this plan has relied on information from reports prepared in respect of relevant State and Regional environmental policy and plans and as a result of consultation with Council's Target Site Review Panel and planning staff.

## 1.4. STRUCTURE OF THIS SECTION

This document has been divided into three parts:

1. Introduction;
2. Development Strategy; and
3. Objectives and Development Controls.

## 2. DEVELOPMENT STRATEGY

Part 2 contains the vision, indicative master plan (See Figure 2: Indicative Master Plan) and design principles (See Figure 3: Principles for Development) for the site. These principles underpin the Development Controls in Part 3.

Appendix A to this DCP includes preliminary analysis of the site and its context that was used to inform the objectives and development controls put forward in the DCP as discussed in the following chapter.

## 1.5. RELATIONSHIP TO OTHER PLANS

Where there is any inconsistency between this section of the DCP and any applicable section of the General DCP, the provisions of this section of the DCP shall prevail.

This plan amends The Hills Development Control Plan 2012, Part D Section 1 - Target Site 27-33 North Rocks Road, North Rocks.

This plan should be read in conjunction with:

- The Hills Local Environmental Plan 2012;
- The Hills Development Control Plan 2012;
- The Hills Bush Fire Prone Land Maps; and
- The Hills Vegetation Classification Mapping.

## 1.6. THE VISION

The vision for the site is to create a sustainable development that will set a new benchmark in architectural excellence in the North Rocks area.

The development will enhance the amenity and visual quality of the North Rocks Road streetscape, the southern and eastern edge of Russell Walker Reserve and the natural character of the riparian corridor along Darling Mills Creek.

The development will provide a built form landmark at the approach to North Rocks Road.

The development will buffer the creek corridor and reserve from the noise and visual impacts of James Ruse Drive whilst allowing generous view corridors to the reserve beyond. The development will provide greater diversity in dwelling types and housing choice close to public transport.

The development will improve the interface to North Rocks Road, the creek and reserve through additional landscaping.



Figure 2: Indicative master plan

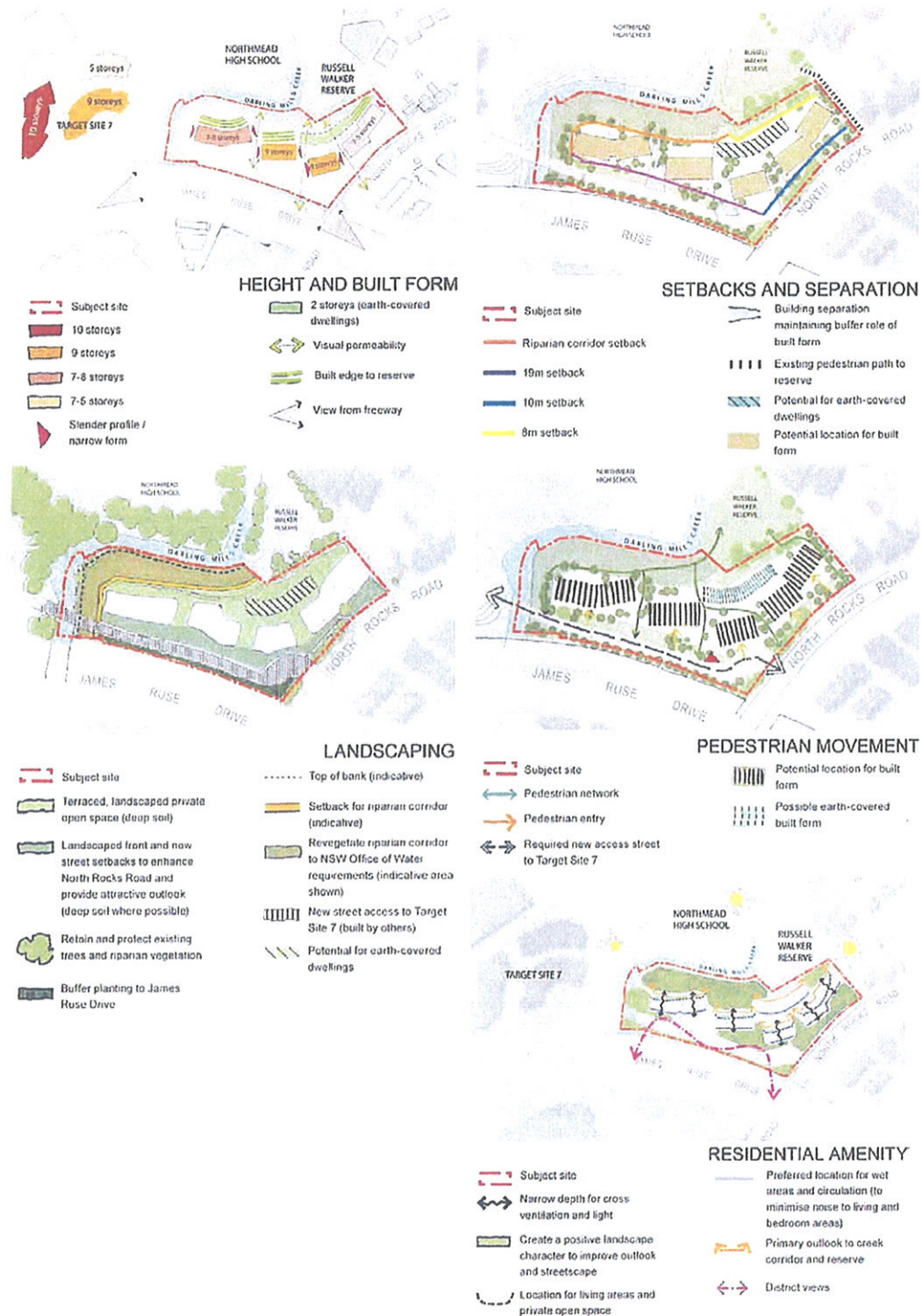


Figure 3: Design Principles

**2.1. DESIGN PRINCIPLES**

The design principles to realise this vision for the site are as follows:

- (i) *Repair and enhance the riparian corridor of Darling Mills Creek and buffer to Russell Walker Reserve.*
- (ii) *Extend and enhance the existing landscape character of North Rocks Road.*
- (iii) *Maximise the landscape setting between the creek and any new development.*
- (iv) *Maintain some visual connection from North Rocks Road footpath through the site to Russell Walker Reserve and the creek corridor.*
- (v) *Provide a built form that responds to adjoining development and accentuates the corner of James Ruse Drive and North Rocks Road.*
- (vi) *Respond to the view from James Ruse Drive towards the site through architectural excellence and a more dominant and stronger form, especially on approach from the east.*
- (vii) *Achieve generous view corridors to the creek and reserve between built form.*
- (viii) *Improve the amenity and outlook of the wall to James Ruse Drive through landscape and maximising opportunities for landscaped spaces.*
- (ix) *Minimise the visual and amenity impacts of James Ruse Drive through orientation, design and built form.*
- (x) *Maximise opportunities for high quality creek and reserve outlooks and northern solar access to dwellings.*
- (xi) *Connect the new site access road for the Target Site 7 to the west with the existing informal walking track by the creek.*
- (xii) *Create a strong sense of address for the development to North Rocks Road and the new access street to the adjacent target site through the use and placement of a taller built form.*
- (xiii) *Minimise vehicle entry impacts to North Rocks Road.*

**3. OBJECTIVES AND DEVELOPMENT CONTROLS**

The objectives and development controls for any new development on this Target Site are set out in this section. This section is to be read in conjunction with the remainder of the DCP including other relevant sections of Council's DCP:

- Part B Section 4 – Multi Dwelling Housing
- Part B Section 5 - Residential Flat Buildings
- Part C Section 1 – Parking

**3.1. SITE PLANNING****OBJECTIVES**

- (i) *To ensure appropriate placement of development on the site to minimise impact to the creek line, reserve and neighbouring properties.*
- (ii) *To ensure appropriate distribution of built form across the site to maximise view corridors to the reserve from James Ruse Drive.*
- (iii) *To minimise adverse impacts from the proximity of James Ruse Drive on future apartments within the development.*
- (iv) *To achieve a landscape transition that responds to the natural features and topography of the site.*

**DEVELOPMENT CONTROLS**

- (a) Future development to be located generally in accordance with Figure 4.
- (b) Building depth is to be a maximum of 18m from glass line to glass line excluding balconies.

**3.2. HUNTER PIPELINE EASEMENT & AGL GAS MAIN**

The applicant is required to consult with Caltex Australia Petroleum Pty Ltd and AGL with respect to the location of any proposed structure or building on or in the vicinity of the pipeline or gas main.

Evidence of consultation and the concurrence of Caltex Australia Petroleum Pty Ltd and AGL is to be submitted with any development application.

**3.3. LAND CONTAMINATION****OBJECTIVE**

- (i) *To respond to the role of this site as a Target Site for greater residential density.*
- (ii) *To ensure that development on the subject site complements without challenging the role of Target Site 7 as a gateway site.*
- (iii) *To provide recognition through the allowable height of the visual prominence of the site for*

drivers on James Ruse Drive arriving from the east.

- (iv) To ensure that the new development does provide a high quality address to James Ruse Drive from the east and to North Rocks Road.
- (v) To ensure the new development provides a built form buffer for the creek corridor and development to the north from the noise and visual impacts of James Ruse Drive whilst allowing generous north-south view corridors across the site.

#### DEVELOPMENT CONTROLS

- (a) Buildings heights are not to exceed the maximum number of storeys shown in Figures 2 and 3.
  - Building A - 7 storeys
  - Building B - 8 storeys
  - Building C - 9 storeys
  - Building D - 9 storeys
  - Building E - 6 storeys
  - Building F - 5 storeys (with only 4 storeys visible from the footpath along North Rocks Road)
- (b) Mezzanine levels will be counted as storeys.
- (c) Car parking levels that are located above ground for a distance of more than 1m will be counted as a storey.

#### 3.4. DENSITY

##### OBJECTIVES

- (i) To provide a dwelling density that reflects the target site status of the land.
- (ii) To provide high density residential development in proximity to public transport.
- (iii) To ensure that an appropriate level of development is provided on the site that does not dominate the adjoining Target Site 7 or the lower scale development along North Rocks Road.

##### DEVELOPMENT CONTROLS

- (a) No more than 150 dwellings may be provided on the site.

NOTE: The maximum density should not be considered as the desired yield for the site. The final yield will be dependent on identifying designs that

address all of the objectives of this development control plan.

#### 3.5. DESIGN EXCELLENCE

##### OBJECTIVES

- (i) To achieve design excellence in the architecture and landscape design of any new development.
- (ii) To ensure high quality materials and detailing is provided which are sustainable and minimise on-going maintenance costs to the development.

##### DEVELOPMENT CONTROLS

- (a) New development is to provide a high quality architectural response to the site in terms of:
  - Articulation and visual interest within the massing and height required.
  - Use of high quality, low maintenance materials.
  - Interesting roof forms and silhouettes to the buildings.
  - Treatment of side walls using high quality materials and visual interest, if fenestration is not provided.
  - High quality landscape design solutions maximising the use of native vegetation.
  - Presentation to James Ruse Drive in terms of facade treatment, materials and colours and articulation.
- (b) Elevation treatment is to be generally consistent with Figure 6.