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<b>ITEM-6</b>	<b>REVIEW OF SMALL LOT HOUSING (INTEGRATED HOUSING) (FP232)</b>
<b>THEME:</b>	Balanced Urban Growth.
<b>OUTCOME:</b>	7 Responsible planning facilitates a desirable living environment and meets growth targets.
<b>STRATEGY:</b>	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.
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2018</b> COUNCIL MEETING
<b>GROUP:</b>	<b>STRATEGIC PLANNING</b>
<b>AUTHOR:</b>	<b>TOWN PLANNER</b> KAYLA ATKINS
<b>RESPONSIBLE OFFICER:</b>	<b>MANAGER FORWARD PLANNING</b> STEWART SEALE

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#### **EXECUTIVE SUMMARY**

Clause 4.1B of The Hills Local Environmental Plan 2012 (LEP 2012) currently enables small lot housing development (integrated housing) within all R3 Medium Density and R4 High Density residential zones throughout the Shire. Currently, this provision enables developers to seek approval to compress three (3) or more attached dwellings onto a standard single 720m<sup>2</sup> residential lot. Recent development applications have shown that the current provisions can deliver an undesirable outcome which is contrary to the intent of the clause, with minimal regard to street orientation, active frontages or open space areas of usable dimensions.

In response to this, Council resolved at its Meeting on 14 November 2017 that a report be prepared on a planning proposal relating to small lot housing development within the Shire, seeking to confine the permissibility of this form of development to the Rouse Hill Development Area (including Balmoral Road Release Area).

This report provides a review of the current implementation of Clause 4.1B, identification of optimal design outcomes for small lot housing and analysis of implications associated with limiting all forms of small lot housing to the Rouse Hill Development Area (including Balmoral Road Release Area). Having regard to this review, this report recommends that a planning proposal be forwarded to the Department of Planning and Environment to amend Clause 4.1B of The Hills Local Environmental Plan 2012 (LEP 2012) to mandate a minimum 'parent' lot size requirement of 1,800m<sup>2</sup> for development applications seeking consent for small lot housing (integrated housing) (there is currently no minimum parent lot size requirement).

The report also recommends that draft Development Control Plan (DCP) amendments be exhibited concurrently with the planning proposal to include new controls that address

built form, character and potential amenity impacts associated with small lot integrated housing and terrace development.

Having regard to the proposed amendments to Clause 4.1B, as well as the complementary DCP amendments which would provide improved guidance and outcomes for small lot housing development, it is considered appropriate to continue to allow this form of housing development throughout the Shire, in R3 Medium Density and R4 High Density residential zones. The planning proposal and DCP amendments provide the opportunity for Council to encourage and support a diverse housing alternative with high quality design elements throughout the Shire.

## BACKGROUND

Clause 4.1B (Exceptions to minimum lot sizes for certain residential development) of LEP 2012 is an optional model clause introduced by the Department of Planning and Environment for Standard Instrument Local Environmental Plans. In 2010, Council sought to limit the application of this clause to R3 Medium Density Residential land within the Rouse Hill Development Area (including Balmoral Road Release Area) only.

Strict provisions for standardising local instruments meant that Council was unable to limit the application of this provision to a specific geographic area and instead, Council was limited to nominating land use zones. At this time, Council opted to apply this provision to R3 Medium Density and R4 High Density residential zones, being areas considered appropriate to facilitate a small lot housing outcome.

As the Rouse Hill Development Area was the key location in which small lot housing outcomes were envisaged, specific controls for development under Clause 4.1B of LEP 2012 were included in The Hills Development Control Plan 2012 Part D Section 5 – Kellyville Rouse Hill Release Area. Other site specific controls for small lot housing are also contained within Part C Section 5 of the DCP, relating specifically to development on land at 64 Mackillop Drive, Baulkham Hills.

Development applications are now increasingly being received for small lot housing development outside of the area subject to this DCP. While this form of development is permissible on all land in the Shire zoned R3 Medium Density or R4 High Density residential, there are no development controls applicable to guide the design and assessment of this form of development. At its Meeting on 14 November 2017, Council considered a development application for land in Sherwin Avenue, Castle Hill, seeking approval for the demolition of existing structures, torrens title subdivision into three lots and the construction of a two storey dwelling on each lot (1806/2017/HA). As a Matter Arising, Council resolved that:

- "1. The General Manager provide a report on the preparation of a planning proposal to amend Local Environmental Plan 2012 to confine the permissibility of small lot integrated housing to land zoned R3 Medium Density Residential and R4 High Density Residential within the Rouse Hill Development Area (including Balmoral Road Release Area).*
- 2. The report also address Development Control Plan amendments in regard to the built form, character and potential amenity impacts of small lot integrated housing where permitted, including controls related to orientation of buildings to the street, site coverage, building setbacks, landscaping and open space requirements, visual and acoustic privacy, solar access, vehicular access and parking."*

Council officers are also in the process of undertaking a broader review of residential controls in the Hills DCP which seeks to simplify and consolidate the format and presentation of Sections 2-5 within Part B of The Hills DCP (Residential, Dual Occupancy, Multi Dwelling Housing and Residential Flat Buildings). The DCP amendments proposed within this report adopt a format consistent with this review.

## REPORT

The purpose of this report is to provide a review of the current implementation of Clause 4.1B, analyse the implications associated with limiting all forms of small lot housing to the Rouse Hill Development Area (including Balmoral Road Release Area) and propose LEP and DCP amendments to ensure future small lot housing development is high quality and contributes to the streetscape, neighbourhood character and amenity of the Shire.

### 1. CURRENT IMPLEMENTATION OF CLAUSE 4.1B

The objective of Clause 4.1B is to encourage housing diversity without adversely impacting on residential amenity. The clause currently applies to all land zoned R3 Medium Density and R4 High Density residential within the Hills Shire. Development consent may be granted under this clause for a single development application that is *both* of the following:

- (a) *“the subdivision of land into 3 or more lots,*
- (b) *the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than:*
  - (i) *for the erection of a dwelling house – 240 square metres; or*
  - (ii) *for the erection of an attached dwelling – 240 square metres”.*

Under LEP 2012, small lot housing development could take the form of either a *“dwelling house”* or *“attached dwelling”*. A dwelling house is defined as:

*“A building containing only one dwelling”.*

Development for the purposes of a *“dwelling house”* under Clause 4.1B would result in a detached small lot housing product. Rear lane vehicular access is not a requirement of this form of small lot housing.

An attached dwelling is defined as:

*“A building containing 3 or more dwellings, where:*

- (a) *each dwelling is attached to another dwelling by a common wall, and*
- (b) *each dwelling is on its own lot of land, and*
- (c) *none of the dwellings is located above any part of another dwelling”.*

Development for the purpose of an *“attached dwelling”* under Clause 4.1B could take the form of either:

1. Attached front-loaded small lot housing; or
2. Terrace housing (torrens or community title with rear lane access)\*.

*\*Note: Terrace housing serviced by basement parking does not meet the definition of attached dwelling as it does not enable each dwelling to be on its own lot of land. Rather, it would represent a strata title development in line with the definition of Multi Dwelling Housing. Strata Title terrace housing would therefore not be assessed under Clause 4.1B.*

The current application of this clause enables small lot housing development outcomes in the form of detached small lot housing, attached front-loaded small lot housing or terrace housing (with rear lane access) on all R3 Medium Density or R4 High Density residential land within The Shire. Outside of the Rouse Hill Development Area, this form of development is not subject to any further development controls relating to local character, street orientation and activation and high quality open space areas. Accordingly, the current assessment would be based on the merits of each individual proposal in its context.

The current framework enables undesirable design outcomes where several attached dwellings are compressed onto a standard single residential lot (as small as 720m<sup>2</sup>). The intensification of a single residential lot rather than cohesive design and subdivision of larger amalgamated sites can result in undesirable urban design, streetscape and amenity outcomes with poor quality and unusable private open space, solar access issues, bulky and dominant built form and minimal activation through streetscape design elements and orientation of individual dwellings to the street.

## 2. DESIRED OUTCOMES

A discussion of desired outcomes for each form of small lot housing development is provided below, to inform potential LEP and DCP amendments.

### Detached small lot housing

The current controls applicable to detached small lot housing within the Rouse Hill Development Area promote a cohesive development outcome with each individual dwelling having orientation to the street. Opportunities to achieve this are heavily reliant on the size of the original 'parent' lot being adequate to accommodate this desired outcome and as a result, high quality detached small lot housing products are more commonly achievable and desired in less fragmented areas such as the Balmoral Road Release Area.

Notwithstanding this, it would be possible to achieve a high quality detached small lot housing in established infill areas, where a larger development site could be amalgamated. Figure 1 below demonstrates the application of the detached small lot housing controls applicable within the Rouse Hill Development Area to standard lot configuration and dimensions found in R3 Medium Density residential areas in Castle Hill.



Figure 1

Indicative floor plate and site plan for detached front loaded small lot housing

Critically, it relies on the amalgamation of several adjoining lots to achieve this outcome and would be unlikely to be achievable on a parent lot (development site) or any less than 1,800m<sup>2</sup>. Through the imposition of a minimum parent lot size of 1,800m<sup>2</sup> and the application of similar DCP control to those applicable in the Rouse Hill Development Area, it is considered that a high quality detached small lot housing product could be facilitated within established areas, with superior street activation, amenity and character outcomes in comparison to the type of development currently facilitated by Clause 4.1B.

*Attached Front-Loaded Small Lot Housing*

The current framework and controls for attached front-loaded small lot housing typically results in a garage-dominant streetscape that negatively impacts on street amenity and neighbourhood character. A more suitable outcome for this form of small lot housing could be achieved through limiting garages to single-width only, occupying no more than 50% of the building frontage.

Figure 2 below demonstrates a more appropriate design outcome for attached front-loaded small lot housing, applicable to standard lot configuration and dimensions found in R3 Medium Density residential areas in Castle Hill.



**Figure 2**

Indicative floor plate and site plan of attached front loaded small lot housing

Figure 2 demonstrates the ability for single-width garages as well as streetscape activation to promote a superior outcome compared to the type of development currently facilitated under the clause.

Critically, it relies on the amalgamation of several adjoining lots to achieve this outcome and would be unlikely to be achievable on a parent lot (development site) or any less than 1,800m<sup>2</sup>. Further, development controls relating to garage width and other matters would be required to promote this outcome at the detailed design and development application stage.

The outcomes demonstrated above have the ability to positively contribute to the streetscape amenity and neighbourhood character, with accentuated building entries and reduced bulk and dominance of garage elements. While take-up of front-loaded small lot



housing may be limited in the short-term, the imposition of a minimum parent lot size of 1,800m<sup>2</sup> and the application of suitable DCP controls would retain this as a potential high quality development option in established areas.

### *Terrace Housing*

Terrace housing presents high quality articulation of buildings to the street frontage and contributes to an active streetscape. Terraces are designed in rows, with each dwelling attached by common walls to present a continuous active frontage, generally 2-3 storeys in height. Torrens and Community Title terrace housing is usually serviced by rear laneway access to allow the removal of garages and vehicle entries from the primary frontage and improved articulation of built form to the street.

Figure 3 below demonstrates a potential Torrens or Community Title terrace development outcome under Clause 4.1B, if subject to a minimum parent lot size of 1,800m<sup>2</sup> and the proposed draft DCP controls. In comparison to the minimum lot size resulting from subdivision of 240m<sup>2</sup> for detached small lot housing and attached front-loaded small lot housing, terrace housing may be appropriate on minimum lot sizes resulting from subdivision of 180m<sup>2</sup> given the exclusion of vehicle access and driveways from the calculation of site area (as this is located on common property) and opportunity to incentivise this style of housing with rear lane access through the Sydney Metro Northwest station precincts.

The high-level concept below is based on typical lot configuration and dimensions within the Castle Hill Station Precinct where a terrace housing product is envisaged within the draft Precinct Structure Plan.



**Figure 3**  
Indicative Terrace Housing Site Plan and Floor Plate

Terrace housing is envisaged as a key housing product to deliver housing diversity and character outcomes within and around a number of Sydney Metro Northwest rail precincts. Terrace housing can also contribute to housing diversity and improved streetscape and character outcomes within established infill areas of the Shire, as an alternative to standard townhouse development or residential flat buildings.

Draft controls for terrace housing that would be assessed under Clause 4.1B have been included within the publicly exhibited draft DCPs for Castle Hill North Precinct and

Showground Station Precinct. However, should this form of housing be anticipated more broadly across the Shire, development controls would be required for terrace development outside of these precincts as detailed further in this report.

### **3. PROPOSED LEP AMENDMENTS**

Having regard to Council's resolution of 14 November 2017, analysis of the current implementation of Clause 4.1B and consideration of desired outcomes for small lot housing development (including terraces), two (2) planning proposal options are detailed below for consideration:

1. Amend Clause 4.1B to limit the application of the clause to the Rouse Hill Development Area (including Balmoral Road Release Area) only, require a minimum parent lot size of 1,800m<sup>2</sup> for small lot housing development, retain the existing minimum lot size resulting from subdivision of 240m<sup>2</sup> for detached small lot housing and attached front-loaded small lot housing and include a new minimum lot size resulting from subdivision of 180m<sup>2</sup> for terrace housing with rear lane access; or
2. Retain the current application of Clause 4.1B to all R3 Medium Density and R4 High Density residential land within the Shire and amend Clause 4.1B to require a minimum parent lot size of 1,800m<sup>2</sup> for small lot housing development, retain the existing minimum lot size resulting from subdivision of 240m<sup>2</sup> for detached small lot housing and attached front-loaded small lot housing and include a new minimum lot size resulting from subdivision of 180m<sup>2</sup> for terrace housing with rear lane access.

#### Option 1

In accordance with Council's resolution on 14 November 2017, Option 1 would seek to confine the application of Clause 4.1B to a specific nominated area (the Rouse Hill Development Area including Balmoral Road Release Area) and as a result detached small lot housing, attached front-loaded small lot housing and terrace housing would only be permissible within this nominated area.

In addition to this amendment and having regard to the desired outcomes for small lot housing, it is also recommended that Clause 4.1B be amended to introduce a minimum parent lot size of 1,800m<sup>2</sup> and a minimum lot size resulting from subdivision for terrace housing of 180m<sup>2</sup> (the existing minimum of 240m<sup>2</sup> would be retained for other forms of small lot housing).

Amending Clause 4.1B to confine its application to the Rouse Hill Development Area (including Balmoral Road Release Area) is problematic given:

1. It would limit the permissibility of all small lot housing (including terraces) to this area and effectively prohibit the use in other areas of the Shire, including within the Sydney Metro Northwest corridor where terrace housing has been envisaged within the precinct planning;
2. It may inadvertently prevent superior development outcomes in established infill areas where an appropriate small lot housing development (which would be subject to the proposed amendments to Clause 4.1B and proposed DCP controls) has the potential to positively contribute to housing diversity and streetscape, amenity and character outcomes; and

3. Mapping the application of Clause 4.1B would require variation to the Standard Instrument model clause and approval from the Department of Planning and Environment. Council previously sought to confine the application of Clause 4.1B to this area in 2010 however this approach was not allowed by the Department. While there may be greater flexibility in the application of the Standard Instrument LEP now (rather than when it was first adopted), it is anticipated that the Department would remain hesitant to support such a variation, especially given it would limit infill redevelopment opportunities contrary in the current housing diversity and supply agenda within NSW.

### Option 2

Option 2 would retain the current application of Clause 4.1B to all R3 Medium Density and R4 High Density residential land within the Shire, however seek to ensure that small lot housing development can only occur on appropriate development sites and in an appropriate form, by introducing a minimum parent lot size of 1,800m<sup>2</sup> and a minimum lot size resulting from subdivision for terrace housing of 180m<sup>2</sup> (the existing minimum of 240m<sup>2</sup> would be retained for other forms of small lot housing).

Currently there is no specified minimum parent lot size for the land to be subdivided under Clause 4.1B. This allows for undesirable development outcomes where unsuitable development sites (such as individual standard lots as small as 720m<sup>2</sup>) can be intensified to accommodate three (3) new dwellings, without any cohesive or coordinated subdivision design or regard to surrounding character and streetscape amenity.

It is considered that introducing a minimum parent lot size along with appropriate complementary DCP controls will discourage the overdevelopment of standard single residential lots and ensure that small lot housing development is only permissible where a larger block of land exists (or can be amalgamated). The imposition of a minimum parent lot size of 1,800m<sup>2</sup> and introduction of complementary DCP controls (discussed further within this report) is considered adequate to ensure that small lot housing product can only be delivered in a form that is suitable for all land zoned R3 Medium Density Residential and R4 High Density Residential within the Shire.

While these controls may result in limited take-up of small lot housing development opportunities in infill areas in the short-term, it is appropriate to retain this option (where adequately controlled by the DCP) as a potential development opportunity and contributor to housing diversity within the Shire (especially on land within the Sydney Metro Northwest corridor).

Option 2 is considered to be the most appropriate option for LEP amendments to address the issues associated with the current application of Clause 4.1B, without unreasonably preventing good development outcomes across the Shire (including but not limited to terrace housing within the Sydney Metro Northwest corridor). Further, Option 2 would be achievable within the parameters of the Standard Instrument LEP model provision for small lot housing.

Ultimately, amendments to the LEP in accordance with Option 2 would largely negate the need to confine this form of housing to the Rouse Hill Development Area as it provides Council and the community with greater certainty and guidance that small lot housing can only occur where appropriate development outcomes will result, regardless of location.



It is therefore recommended that Option 2 be pursued and a planning proposal be forwarded to the Department of Planning and Environment seeking to amend Clause 4.1B as detailed in Attachment 1.

#### **4. PROPOSED DCP AMENDMENTS**

A review of The Hills DCP 2012 has been undertaken to identify the constraints of existing small lot housing controls and determine proposed amendments to better guide and control development outcomes for small lot and terrace housing.

##### **(a) Existing Small Lot Housing Controls**

Part D Section 5 of The Hills Development Control Plan provides controls for small lot housing under Clause 4.1B for land in the Kellyville Rouse Hill Release Area. These controls relate to private open space, setbacks, fencing and zero lot line development and while these are largely appropriate and effective, their application is limited to this specific area. Should Council proceed with Option 2 to amend LEP 2012, it is recommended that these controls be consolidated and applied more broadly across the Shire, within a new DCP section relating specifically to detached small lot housing and attached front-loaded small lot housing, collectively referred to as Small Lot Housing (Integrated Housing).

##### **(b) Proposed Small Lot Housing Controls**

In addition to the existing controls, it is recommended that new controls be included within the DCP for small lot housing, including the requirement for all dwellings to address public road frontages and side boundaries with a built form compatible with adjoining development in terms of street facade, bulk and scale and individual ground floor building entries. For front-loaded attached dwellings, controls that minimise garage dominance to a maximum percentage of the front façade should also be included.

The proposed new controls aim to facilitate a built form outcome that has regard to the amenity of adjoining development, provides outdoor living spaces with usable dimensions and high quality landscaping and privacy, achieves an attractive and pleasant streetscape through coordinated siting of dwellings and contributes to a residential environment with clear character and identity that is not dominated by garage and driveway elements.

These development controls will minimise impact on residential amenity and have been designed to support the larger minimum parent lot size.

The proposed draft DCP for Small Lot Housing (Integrated Housing) is provided as Attachment 2 to this report.

##### **(c) Proposed Terrace Housing Controls**

There are currently no adopted controls relating to terrace housing within the Shire. However, terrace housing is envisaged as a key housing product to be delivered within the Sydney Metro Northwest corridor to provide a transition of densities and varying built forms, to activate ground floor developments and to promote well-articulated streetscapes. Draft DCP controls for terrace development have been prepared and publicly exhibited for both the Castle Hill North Precinct and Showground Station Precinct, however have not yet been adopted by Council.

Should Council proceed with Option 2 to amend LEP 2012, this process would enable Council to introduce development controls for terrace development across the Shire

(including the Sydney Metro Northwest corridor) and implement controls to ensure future terrace development achieves the desired outcomes for this form of development.

It is recommended that new controls be included within a new DCP section for terrace housing, relating to private open space, landscaped areas within the front setback, maximum building length, minimum lot width, individual entries from street level with activated front setbacks, visual and acoustic privacy, solar access, waste servicing and storage requirements. The proposed controls will ensure that the desired built form outcome is clearly articulated to proponents and that clear assessment criteria are available through the development assessment process.

These controls will promote the objectives for terrace development to achieve a height and scale that closer aligns with the future neighbourhood character, attractive and diverse neighbourhoods characterised by tree-lined streets, high quality landscaping and innovative building design, a high level of amenity through usable open space dimensions and solar access and strong definition to the public domain to create a more consistent streetscape character.

Requirements for rear laneways for terrace housing will remove garages and vehicle access from primary street frontages to provide better street activation through a continuous frontage characterised by high quality landscaped setbacks visible in the public domain.

The draft controls proposed are based on similar controls publicly exhibited for the Castle Hill North and Showground Station Precincts. The proposed draft DCP for Terrace Housing is provided as Attachment 3 to this report.

#### **(d) Proposed Amendment to Part B Section 4 Multi Dwelling Housing DCP**

As small lot housing and terrace housing may produce a similar density and form as some medium density (townhouse) development, it is recommended that a minor amendment is made to the introduction section of the Multi Dwelling Housing DCP to refer proponents and Council Officers to the proposed new controls for small lot housing and terrace housing and avoid confusion surrounding the potential application existing development controls for medium density and townhouse development to small lot housing development.

The draft amendment to the existing Multi Dwelling Housing DCP is provided as Attachment 4.

### **IMPACTS**

#### **Financial**

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

#### **The Hills Future – Community Strategic Plan**

Community Strategic Direction 7.2 requires Council to manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations. This planning proposal will ensure that Council legislation and policy responds to undesirable development outcomes to ensure appropriate future built form and design outcomes.

**RECOMMENDATION**

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Clause 4.1B of The Hills Local Environmental Plan 2012 in accordance with Option 2 in this report and Attachment 1 (ECM Doc. #171044598).
2. Draft The Hills Development Control Plan 2012 Part F – Small Lot Housing (Integrated Housing (Attachment 2), Part G – Medium Density Residential (Terraces) (Attachment 3) and Part B Section 4 – Multi Dwelling Housing (Attachment 4) be exhibited concurrently with the planning proposal.

**ATTACHMENTS**

1. Draft Clause 4.1B – The Hills Local Environmental Plan 2012 (1 page)
2. Draft The Hills DCP Part F Small Lot Housing (Integrated Housing) (5 pages)
3. Draft The Hills DCP Part G Medium Density Residential (Terraces) (5 pages)
4. Draft The Hills DCP Part B Section 4 Multi Dwelling Housing (3 pages)

**THE HILLS LOCAL ENVIRONMENTAL PLAN 2012**

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Proposed Amendments to Model Clause 4.1B

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**4.1B Exceptions to minimum lot sizes for certain residential development**

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land in the following zones:
  - (a) Zone R3 Medium Density Residential
  - (b) Zone R4 High Density Residential
- (3) Development consent may be granted to a single development application for development on land that is both of the following:
  - (a) The land to be subdivided is not less than 1800 square metres,
  - (b) The subdivision results in the erection of a dwelling house or attached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than:
    - (i) For the erection of a dwelling house – 240 square metres, or
    - (ii) For the erection of an attached dwelling – 240 square metres, or
    - (iii) For the erection of an attached dwelling where rear lane access is provided – 180 square metres.

**Definition**

**Rear Lane Access** a share way that may or may not be dedicated, designed to provide rear access to compact lots that each have individual frontage to the street, and with the primary purpose of providing vehicular access through the rear of a lot by removing garages and driveways from residential street frontages.

**The Hills**  
*Development Control*  
**Plan (DCP) 2012**

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

ATTACHMENT 2

**THE  
HILLS**  
Sydney's Garden Shire

**DRAFT**  
**3. RESIDENTIAL**



## F. SMALL LOT HOUSING (INTEGRATED HOUSING)

Note: This section of the DCP applies to development for the purposes of all forms of small lot housing.

### 1. Site Planning

#### STATEMENT OF OUTCOMES

- Small lot housing provides an attractive, interesting and pleasant streetscape through the coordinated siting of buildings.
- Small lot housing is designed and sited having regard to the amenity of adjoining development and surrounding properties.
- Small lot housing includes outdoor living spaces with usable dimensions and high quality landscaping and privacy.

#### DEVELOPMENT CONTROLS

Minimum Site Depth	<ul style="list-style-type: none"> <li>• 25m</li> </ul>
Setbacks Primary Frontage <ul style="list-style-type: none"> <li>• Front-loaded</li> </ul> Secondary Street Frontage Side Setback (detached)  Rear boundary <ul style="list-style-type: none"> <li>• 1 storey</li> <li>• 2 storey</li> </ul>	<ul style="list-style-type: none"> <li>• 4.5m except where an existing setback is already established</li> <li>• 2m</li> <li>• 1.2m</li> <li>• 0m on zero lot line</li> <li>• 6m</li> <li>• 8m</li> </ul>
Zero Lot Line Housing	<ul style="list-style-type: none"> <li>• Shall only be permitted for detached housing.</li> <li>• Shall only be permitted on the southern side boundary of east west allotments and either side boundary (not both) of north south allotments.</li> <li>• Must not abut another zero lot line wall.</li> <li>• Must not have windows along boundary wall.</li> <li>• Must be constructed of maintenance free materials such as face brick or masonry.</li> <li>• Gutters, eaves and fascia's are to be constructed of colorbond steel or similar with no visible downpipes.</li> <li>• A restriction as to user is created for one metre wide maintenance easement over the adjoining property.</li> </ul>
Private Open Space	<ul style="list-style-type: none"> <li>• Minimum area of 20% of each allotment area of the individual dwellings, with a minimum area of 24m<sup>2</sup> and have a minimum dimension of 4m</li> <li>• Private open space shall be directly accessible from the primary living areas.</li> <li>• May comprise a combination of paved and non-paved areas however hard space areas are to be limited to 15% of the site area.</li> <li>• Located and oriented to ensure it is not directly overlooked from adjoining lots or buildings.</li> </ul>

	<ul style="list-style-type: none"> <li>• Located on relatively flat land to ensure it is useable as open space.</li> <li>• 50% of the private open space is to receive 2 hours of direct sunlight between 9am and 3pm on 21 July.</li> </ul>
Landscaped Open Space	<ul style="list-style-type: none"> <li>• Minimum 40% of the site is to be landscaped.</li> <li>• All landscaped areas are to have a minimum width of 2m.</li> <li>• Landscaped open space can be considered as part of private open space calculation, however hard surfaces are to be limited to 15% of the site area.</li> <li>• All paved surfaces are to be of a light or neutral colour.</li> <li>• Existing trees are to be preserved where possible.</li> <li>• Where practicable, front gardens are to include a minimum of two small trees between 8 and 15 metres at maturity.</li> <li>• Rear gardens are to include a minimum of one large deciduous tree. Lots in excess of 30m depth to have a minimum of two large deciduous trees in the rear garden.</li> <li>• Garden beds to be provided between driveway and side fence.</li> </ul>
Other Controls	<ul style="list-style-type: none"> <li>• Applications for small lot housing should be accompanied by a streetscape plan and typical street elevations.</li> <li>• Larger dwellings are preferable for north-south allotments.</li> </ul>

#### Variations

- a) Nil

## 2. Building Design and Streetscape

#### STATEMENT OF OUTCOMES

- Small lot housing forms are of a high visual quality by addressing road frontage, enhancing the streetscape and are compatible with the existing streetscape.
- Developments contribute to an attractive residential environment with clear character and identity.
- Developments minimise overshadowing, loss of privacy on adjoining properties and open space areas.

#### DEVELOPMENT CONTROLS

Maximum Building Height	<ul style="list-style-type: none"> <li>• 2 storeys</li> </ul>
Minimum Lot Width <ul style="list-style-type: none"> <li>• Attached</li> <li>• Detached</li> </ul>	<ul style="list-style-type: none"> <li>• 8m</li> <li>• 9m</li> </ul>
Maximum Length of Continuous Frontage	<ul style="list-style-type: none"> <li>• 50m</li> <li>• 4m gap between frontages</li> <li>• 2m side setback to adjoining property</li> </ul>
Maximum Length of Upper Storey	<ul style="list-style-type: none"> <li>• 10m</li> </ul>

Individual Street Entries	<ul style="list-style-type: none"> <li>Each dwelling is to provide individual access from the main street frontage and be integrated with building façade design.</li> </ul>
Streetscape	<ul style="list-style-type: none"> <li>Development is to address the public road frontage and side boundaries with a building form compatible with adjoining development in terms of street elevation, bulk and scale, quality materials and finishes.</li> <li>The following design elements can be included along street frontages: <ul style="list-style-type: none"> <li>Verandas;</li> <li>Gables;</li> <li>Vertical elements to reduce the horizontal emphasis of the façade;</li> <li>Entry feature or portico;</li> <li>Balcony/window boxes or similar elements; and</li> <li>Landscaping/fencing compatible with the frontage status of elevation.</li> </ul> </li> </ul>
Visual and Acoustic Privacy	<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> <li>Dwellings shall minimise overlooking into living areas and private open spaces of adjoining properties using measures such as window placement, screening devices and landscaping where appropriate.</li> <li>First floor balconies will not be permitted where they overlook living areas or private open spaces of adjoining properties.</li> </ul> <p><u>Acoustic Privacy</u></p> <ul style="list-style-type: none"> <li>Dwellings shall limit potential for noise transmission to the living and sleeping areas within the development as well as adjacent existing and future development.</li> <li>Consideration shall be given to the location of air-conditioning systems, swimming pools, entertaining areas and the like to minimise the impact on the amenity of adjoining properties.</li> </ul>
Solar Access	<ul style="list-style-type: none"> <li>Dwellings should be sited to allow adequate provision of direct sunlight to the private open space of adjacent properties.</li> <li>At least 50% of the private open space within the subject property shall receive direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June.</li> <li>Collapsible or permanent clothes drying device is to be provided within private open space areas and located to maximise the amount of direct sunlight received.</li> </ul>
Roofs	<ul style="list-style-type: none"> <li>Dark roof colours are to be avoided.</li> <li>Eaves to be a minimum of 450mm from external wall except where walls are built to the boundary/zero lot line.</li> </ul>

#### Variations

- a) Nil

### 3. Access and Parking

#### STATEMENT OF OUTCOMES

- Developments provide an acceptable level of vehicular access, safety and convenience for all users of the development.
- Internal roadway design can satisfactorily accommodate the expected traffic volumes of the development.
- Developments provide a safe, direct and legible means of vehicular and pedestrian access and circulation within the development.
- Developments reduce dominance of garages and minimise their impact on streetscape character.

#### DEVELOPMENT CONTROLS

Vehicular Access	<ul style="list-style-type: none"> <li>• Minimum width of internal roadways 6m</li> <li>• Internal roadways should be separated from any adjoining property boundaries by a landscaped verge at least 2m in width</li> <li>• Internal roadway design shall make provision for service vehicles</li> </ul>
Garages <ul style="list-style-type: none"> <li>• Attached</li> <li>• Detached</li> </ul>	<ul style="list-style-type: none"> <li>• Garage doors are not to exceed 2.4m in height.</li> <li>• Garages on corner lots to be accessed from the secondary street.</li> <li>• Garages facing a public place are to extend less than 50% of the property frontage.</li> <li>• Double garages will not be permitted.</li> <li>• Single-width garages must be setback 1.5m behind building entry.</li> <li>• Double garages in the front façade will only be considered for detached small lot housing where they do not extend more than 50% of the property frontage.</li> </ul>
Visitor Parking	<ul style="list-style-type: none"> <li>• Minimum carriageway width of 8.5m where visitor parking is dedicated.</li> </ul>

#### Variations

- a) Nil

**The Hills**  
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**Plan (DCP) 2012**

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ATTACHMENT 3

THE  
HILLS  
Sydney's Garden Shire

**DRAFT**  
**3. RESIDENTIAL**



## G. MEDIUM DENSITY RESIDENTIAL (TERRACES)

Note: This DCP applies to development for the purposes of terrace development on Torrens and Community Title subdivision and multi-dwelling housing with a terrace built form outcome.

### 1. Site Planning

#### STATEMENT OF OUTCOMES

- The height and scale of terrace development reinforces the desired future neighbourhood character.
- Developments achieve an attractive and diverse neighbourhood characterised by tree-lined streets, high quality landscaping and innovative building design.
- Developments provide a high level of amenity to residents through the provision of private open space areas with usable dimensions.

#### DEVELOPMENT CONTROLS

Minimum Site Depth	<ul style="list-style-type: none"> <li>• 30m (for east-west allotments)</li> <li>• 37m where rear laneway access is to be provided</li> </ul>
Front Setback <ul style="list-style-type: none"> <li>• First and second storey</li> <li>• Third storey</li> </ul>	<ul style="list-style-type: none"> <li>• 3m to front building line</li> <li>• 4m to front building line</li> <li>• Minor façade elements such as balconies, porches or verandas may be 1m forward of building line but shall extend no more than 50% of the building frontage.</li> </ul>
Side Setback	<ul style="list-style-type: none"> <li>• 0m between terraces</li> <li>• 5m from side property boundary (end terrace)</li> </ul>
Rear Setback <ul style="list-style-type: none"> <li>• 1-2 storey element</li> <li>• 3 storey element</li> <li>• Garages of rear lanes</li> </ul>	<ul style="list-style-type: none"> <li>• 8m</li> <li>• 10m</li> <li>• 0.5m</li> </ul>
Private Open Space and Landscaped Areas	<ul style="list-style-type: none"> <li>• Minimum 16m<sup>2</sup> of private open space for each dwelling (with minimum dimension of 4m). Must be located at rear of dwelling and may comprise a combination of paved and non-paved elements. Hard surface elements are to be limited to 15% of the site area.</li> <li>• All paved surfaces are to be of a light or neutral colour.</li> <li>• Private open space shall be directly accessible from the primary living areas.</li> <li>• 60% of the private open space area shall comprise deep soil planting and be located such that a canopy tree can be planted.</li> <li>• 30% of front setback area shall comprise soft landscaping.</li> <li>• Where practicable, front gardens are to include a minimum of two small trees between 8 and 15 metres at maturity.</li> <li>• Landscaped areas within front setback are to have a minimum width of 2m.</li> </ul>

	<ul style="list-style-type: none"> <li>Roof terraces and roof gardens are encouraged where privacy of adjoining properties can be maintained.</li> </ul>
Other Controls	<ul style="list-style-type: none"> <li>Larger dwellings are preferable on north-south allotments.</li> </ul>

## 2. Building Design and Streetscape

### STATEMENT OF OUTCOMES

- Developments integrate with the character of surrounding development and are of a high architectural quality.
- Developments reduce the visual bulk of buildings from the street with regard to clear and identifiable building entry.
- Developments achieve a high level of amenity for residents through the provision of sufficient solar access, natural ventilation and privacy.
- Developments provide strong definition to the public domain and create a consistent streetscape character

### DEVELOPMENT CONTROLS

Maximum building height	<ul style="list-style-type: none"> <li>3 storeys</li> </ul>
Minimum lot width	<ul style="list-style-type: none"> <li>6m (east-west allotments)</li> <li>8m (north-south allotments)</li> </ul>
Maximum length of continuous frontage	<ul style="list-style-type: none"> <li>50m</li> <li>4m gap between frontages</li> <li>2m side setback to adjoining property</li> </ul>
Individual Street Entries	<ul style="list-style-type: none"> <li>Each dwelling is to provide individual access from the main street frontage and be integrated with building façade design.</li> </ul>
Solar Access	<ul style="list-style-type: none"> <li>Dwellings should be sited to allow adequate provision of direct sunlight to the private open space of adjacent properties.</li> <li>At least 50% of the required private open space for each dwelling is to receive direct sunlight for a minimum of 3 hours between 9am and 3pm on 21 June.</li> <li>Collapsible or permanent clothes drying device is to be provided within private open space areas and located to maximise the amount of direct sunlight received.</li> </ul>
Visual and Acoustic Privacy	<ul style="list-style-type: none"> <li>Minimise direct overlooking of main internal living areas and private open space of dwellings both within and adjoining the development through building design, window locations and sizes, landscaping and other screening devices.</li> <li>Private areas are to be clearly recognisable and distinguished from the landscaped public domain.</li> </ul>
Storage	<ul style="list-style-type: none"> <li>In strata developments minimum 10m<sup>3</sup> per dwelling with 5m<sup>2</sup> base and 2m width to be provided in either lockable garage or a basement.</li> </ul>
Waste Collection <ul style="list-style-type: none"> <li>Where rear laneway provided</li> <li>Where rear laneway not provided</li> </ul>	<ul style="list-style-type: none"> <li>To be undertaken from the rear laneway.</li> <li>To be undertaken from basement carpark.</li> </ul>

Waste Storage	<ul style="list-style-type: none"> <li>Bin storage areas must be located so that bins can be easily wheeled to the kerb or basement car park for collection.</li> <li>Bin storage areas shall not have any adverse impact on the appearance and amenity of developments.</li> </ul>
Streetscape and the Public Realm	<ul style="list-style-type: none"> <li>The siting and design of dwellings should take advantage of any views to open space, public reserves and bushland to promote natural surveillance and to enhance the visual amenity of residents. Blank courtyard walls along boundaries shared with open space or reserves should be avoided and opportunities to create and orient dwellings to permit direct views from living areas into the open space/reserve should be pursued in design.</li> </ul>
Fencing <ul style="list-style-type: none"> <li>Front fencing</li> <li>Side and rear fencing</li> </ul>	<ul style="list-style-type: none"> <li>0.9m maximum for solid masonry fences</li> <li>1.2m maximum for open or transparent style fences</li> <li>Hedge and shrub planting is preferred along street frontage</li> <li>Maximum of 1.8m</li> <li>Courtyard walls are only permitted on secondary frontage to corner lots</li> <li>Sheet metal and chain link fencing not permitted.</li> </ul>
Roofs	<ul style="list-style-type: none"> <li>Dark roof colours are to be avoided.</li> </ul>

#### Variations

- a) Nil

### 3. Access and Parking

#### STATEMENT OF OUTCOMES

- Vehicle entrances are well designed and located to facilitate pedestrian safety.
- Vehicular access points do not detract from the visual character of the streetscape.
- Developments provide sufficient car parking for residents and visitors.

#### DEVELOPMENT CONTROLS

Vehicular Access and Basement Parking	<ul style="list-style-type: none"> <li>Parking is to be provided in accordance with Multi Dwelling Housing in Part C Section 1 – Parking.</li> <li>Car parking is to be provided via a rear laneway or common basement.</li> <li>Basement car parking is to be accessed by a single front driveway. The car park entry is to be integrated with the building design.</li> <li>Basement car parking is to be consolidated under building footprints to maximise opportunities for deep-soil planting on the site.</li> <li>Basement car parking must not protrude more than 0.5m above the natural ground level.</li> </ul>
Rear Laneways	<ul style="list-style-type: none"> <li>Minimum 7m carriageway</li> <li>1.5m planting zones at end of sightlines in entry ways</li> <li>Garages are to face rear lane.</li> <li>Passive surveillance of laneways to be maximised</li> </ul>

	through positioning of windows and balconies facing the laneway. <ul style="list-style-type: none"><li>• Provision of car parking in rear laneways is prohibited.</li></ul>
Bicycle Parking	<ul style="list-style-type: none"><li>• Where basement parking is provided, parking spaces for bicycles is required.</li></ul>

**Variations**

- a) Nil

# The Hills Development Control Plan (DCP) 2012

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ATTACHMENT 4

THE  
HILLS  
Sydney's Garden Shire



**Part B Section 4**  
Multi Dwelling Housing

# B4



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## 1. INTRODUCTION

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

**Note:** For medium density development assessed under clause 4.1B of The Hills Local Environmental Plan 2012 please refer to Part F Small Lot Housing (Integrated Housing) and Part G Medium Density Residential (Terraces) for suitable development controls.

### 1.1. LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This Section of the DCP applies to land where multi dwelling housing is permissible, pursuant to The Hills LEP 2012.

## 2. AIMS AND OBJECTIVES OF THIS SECTION OF THE DCP

### OBJECTIVES

Council's objectives for multi dwelling housing development are:

- (i) *Encourage a high standard of aesthetically pleasing and functional multi dwelling housing developments that sympathetically relate to adjoining and nearby developments.*
- (ii) *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.*
- (iii) *Encourage innovative and imaginative design with particular emphasis on the integration of buildings and landscaped areas that add to the character of the neighbourhood.*
- (iv) *Provide high levels of amenity and safety for future residents of any multi dwelling housing development.*
- (v) *To ensure that multi dwelling housing developments integrate the principles of Ecologically Sustainable Development.*

## 3. OBJECTIVES AND DEVELOPMENT CONTROLS

The controls in this Section are not an exhaustive list of the controls applicable to multi dwelling housing. In addition to the policies, guidelines and documents specified in section 1.4 of Part A - Introduction, this Section is to be read in conjunction with other relevant Sections including:

- Part B Section 2 - Residential
- 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

A checklist summarising the controls described in this section is included in Appendix A – Development Control Compliance Checklist to this Section.

### 3.1. SITE REQUIREMENTS

#### OBJECTIVES

- (i) *To ensure development sites have sufficient areas to provide adequate access, parking, landscaping and building separation.*
- (ii) *To provide for the orderly development of residential land through the consolidation of lots.*
- (iii) *To ensure development on a particular site has due regard to adjoining developments.*

#### DEVELOPMENT CONTROLS

- (a) The site shall have a minimum road frontage of 28 metres.
- (b) The site shall have an average width of 30 metres.
- (c) The site shall not be accessed via a battle-axe driveway.
- (d) The site shall not isolate adjoining lots so that they are incapable of multi dwelling housing development, meaning there will be insufficient area to meet the minimum site area specified for multi dwelling housing pursuant to Clause 4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings of The Hills LEP 2012.

---

**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 13 February 2018**

---

**VOTING AGAINST THE MOTION**

Clr Dr P J Gangemi

8.44pm Mayor Dr Byrne left the meeting during Item 6 and Deputy Mayor Councillor Preston assumed the Chair.

8.46pm Mayor Dr Byrne returned to the meeting during Item 6 and resumed the Chair.

**ITEM-6 REVIEW OF SMALL LOT HOUSING (INTEGRATED HOUSING) (FP232)**

A MOTION WAS MOVED BY COUNCILLOR UNO AND SECONDED BY COUNCILLOR COLLINS OAM THAT

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Clause 4.1B of The Hills Local Environmental Plan 2012 in accordance with Option 2 in this report and Attachment 1 (ECM Doc. #171044598) with the exception that the land to be subdivided is not less than 1400 square metres.
2. Draft The Hills Development Control Plan 2012 Part F – Small Lot Housing (Integrated Housing (Attachment 2), Part G – Medium Density Residential (Terraces) (Attachment 3) and Part B Section 4 – Multi Dwelling Housing (Attachment 4) be exhibited concurrently with the planning proposal.

AN AMENDMENT WAS MOVED BY COUNCILLOR HAY OAM AND SECONDED BY COUNCILLOR PRESTON THAT the Recommendation contained in the report be adopted.

THE AMENDMENT WAS PUT AND CARRIED AND BECAME THE MOTION.

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

**VOTING FOR THE MOTION**

Mayor Dr M R Byrne

Clr R A Preston

Clr R M Tracey

Clr R Jethi

Clr A J Hay OAM

Clr F P De Masi

Clr S P Uno

**VOTING AGAINST THE MOTION**

Clr Dr P J Gangemi

Clr B L Collins OAM

Clr M G Thomas

Clr R K Harty OAM

Clr A N Haselden

Clr E M Russo

THE MOTION WAS PUT AND CARRIED.

## **20 RESOLUTION**

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Clause 4.1B of The Hills Local Environmental Plan 2012 in accordance with Option 2 in this report and Attachment 1 (ECM Doc. #171044598).
2. Draft The Hills Development Control Plan 2012 Part F – Small Lot Housing (Integrated Housing (Attachment 2), Part G – Medium Density Residential (Terraces) (Attachment 3) and Part B Section 4 – Multi Dwelling Housing (Attachment 4) be exhibited concurrently with the planning proposal.

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

### **VOTING FOR THE MOTION**

Mayor Dr M R Byrne  
Clr R A Preston  
Clr R M Tracey  
Clr R Jethi  
Clr A J Hay OAM  
Clr F P De Masi  
Clr S P Uno  
Clr A N Haselden  
Clr B L Collins OAM

### **VOTING AGAINST THE MOTION**

Clr Dr P J Gangemi  
Clr M G Thomas  
Clr R K Harty OAM  
Clr E M Russo

*(A Rescission Motion has since been lodged in respect to this matter)*

9.06pm Councillor Jethi left the meeting and returned at 9.08pm during Item 7.

## **ITEM-7**

### **INDEPENDENT HEARING AND ASSESSMENT PANELS (IHAPS)**

A MOTION WAS MOVED BY COUNCILLOR HASELDEN AND SECONDED BY COUNCILLOR COLLINS OAM THAT the report be received.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

## **21 RESOLUTION**

The report be received.

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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 February 2018**

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**ITEM-2** **NOTICE OF RESCISSION - ITEM 6 - REVIEW OF SMALL LOT HOUSING (INTEGRATED HOUSING) (FP232)**

A MOTION WAS MOVED BY COUNCILLOR UNO AND SECONDED BY COUNCILLOR THOMAS THAT the decision of the Ordinary Meeting of Council held on 13 February 2018 in respect of Item 6 – Review of Small Lot Housing (Integrated Housing) (FP232) be rescinded.

THE MOTION WAS PUT AND LOST

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

**VOTING FOR THE MOTION**

Clr E M Russo  
Clr S P Uno  
Clr M G Thomas  
Clr Dr P J Gangemi

**VOTING AGAINST THE MOTION**

Mayor Dr M R Byrne  
Clr R A Preston  
Clr R Jethi  
Clr B L Collins OAM  
Clr F P De Masi  
Clr R M Tracey  
Clr A J Hay OAM  
Clr R K Harty OAM

**ABSENT**

Clr A N Haselden

**ITEM-3** **MATTER REFERRED - DA 1542/2017/HA - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF AN ATTACHED DUAL OCCUPANCY LOT 214 DP 248615, 3 LARRA CRESCENT, NORTH ROCKS**

**Proceedings in Brief**

*Lawrence Nagy (Objector) of Larra Crescent, North Rocks addressed Council regarding this matter.*

A MOTION WAS MOVED BY COUNCILLOR TRACEY AND SECONDED BY COUNCILLOR HAY OAM THAT

The Development Application be refused on the following grounds:

1. The proposal is incompatible with the bush character of the Mill Drive estate. It is considered that the proposal will significantly impact on the existing natural and built environment. (Environmental Planning & Assessment Act, 1979, Section 79C(1)(b)).