
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 15 December 2015

ITEM-6 **IPART REVIEW CONTRIBUTIONS PLAN NO.16 - BOX HILL NORTH (FP218)**

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

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY

670 RESOLUTION

Draft Contributions Plan No.16 – Box Hill North Precinct, as amended and provided in Attachment 1, be adopted.

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

VOTING FOR THE MOTION

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

VOTING AGAINST THE MOTION

None

ABSENT

Clr Dr Lowe

ITEM-7 **REVIEW OF SHOP TOP HOUSING CONTROLS (FP219)**

A MOTION WAS MOVED BY COUNCILLOR HARTY OAM AND SECONDED BY COUNCILLOR HAY OAM THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

671 RESOLUTION

1. A planning proposal to amend Local Environmental Plan 2012 and State Environmental Planning Policy (Sydney Region Growth Centres) 2006, in relation to shop top housing and mixed use developments comprising retail premises or business premises and residential flat buildings, be forwarded to the Department of Planning and Environment for a Gateway Determination.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 15 December 2015

Amendments to Local Environmental Plan 2012 to:

- Include a new provision, 7.11 Additional controls for shop top housing under Part 7 Additional Local Provisions providing that the maximum height of buildings for shop top housing within the B1 Neighbourhood Centre zone is 7 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 7.11 Additional controls for shop top housing under Part 7 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the B2 Local Centre zone is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.

Amendments to Appendix 2 North Kellyville Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to:

- Include a new provision, 6.6 Additional controls for shop top housing under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the B1 Neighbourhood Centre zone is 7 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 6.6 Additional controls for shop top housing under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the B2 Local Centre zone is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 6.6 Additional controls for shop top housing under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the R1 General Residential zone is 7 metres.

Amendments to Appendix 11 The Hills Growth Centre Precincts Plan (known as the Box Hill Precincts) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 include:

- Include a new provision, 6.8 Additional controls for shop top housing under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing within the B2 Local Centre zone, apart from Box Hill Town Centre, is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 6.8 Additional controls for shop top housing under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing within the Box Hill Town Centre is 20 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 15 December 2015

- Prohibit shop top housing within the R2 Low Density Residential and R3 Medium Density Residential zones.
2. Proposed amendments to Development Control Plan 2012 and the North Kellyville and Box Hill Development Control Plans, in relation to shop top housing and mixed use developments, be publicly 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

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

VOTING AGAINST THE MOTION

None

ABSENT

Clr Dr Lowe

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR HARTY OAM AND SECONDED BY COUNCILLOR TAYLOR THAT Items 9, 11, 12, 13, 15, 16, 17, 18, 20 and 22 be moved by exception and the recommendations contained in the reports be adopted.

THE MOTION WAS PUT AND CARRIED.

672 RESOLUTION

Items 9, 11, 12, 13, 15, 16, 17, 18, 20 and 22 be moved by exception and the recommendations contained in the reports be adopted.

ITEM-9

SUBURB RENAMING PART OF KELLYVILLE

673 RESOLUTION

1. Exhibit the proposal to rename a part of the suburb of Kellyville to '*Balmoral Hills*' for a period of 30 days commencing in February 2016;
2. The proposed area be from the intersection of Old Windsor Road & Windsor Road, southwards until the suburb of Bella Vista & Baulkham Hills as show in Attachment 2 of this report;

ITEM-7	REVIEW OF SHOP TOP HOUSING CONTROLS (FP219)
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	15 DECEMBER 2015 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	TOWN PLANNER ALICIA IORI
RESPONSIBLE OFFICER:	ACTING MANAGER FORWARD PLANNING MEGAN MUNARI

EXECUTIVE SUMMARY

This report recommends that a planning proposal to amend Local Environmental Plan 2012 (LEP 2012) and State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) be forwarded to the Department of Planning and Environment for a Gateway Determination, to limit the height of shop top housing and mixed use developments and require a minimum retail premises or business component. It is further recommended that related amendments to Development Control Plan 2012 (DCP 2012) and the North Kellyville and Box Hill Development Control Plans be publicly exhibited concurrently with the planning proposal.

It is proposed to include a new local clause within LEP 2012 to limit the building height for shop top housing to 7 metres (two storeys) in B1 Neighbourhood Centre zone rather than 9 metres or 10 metres which is generally permitted within this zone. It is further proposed to limit the building height for shop top housing and residential flat buildings (where part of a mixed use development) to 10 metres (three storeys) in the B2 Local Centre zone rather than 12 metres which is generally permitted within this zone. The proposed heights are consistent with the maximum number of storeys permitted under the Business section of DCP 2012 and will ensure appropriate density and built form outcomes, particularly in relation to the lower scale development generally surrounding these centres. The proposed heights will ensure that the amenity of surrounding low and medium density development is maintained. It is further proposed to require a minimum provision of retail or business floor space (50% in the B1 Neighbourhood Centre zone and B2 Local Centre zone) to ensure the mix of uses reflects the primary business objectives of these zones and that residential densities do not place excessive pressure on existing infrastructure such as roads and open space.

It is proposed to consolidate and strengthen existing controls from the Business and Residential Flat Building sections of DCP 2012 within a new section for shop top housing. Additional controls are proposed where existing controls are not available or where

alternative controls are considered more suitable for mixed use development. The controls primarily relate to building height, setbacks, common open space, landscaping and access and seek to ensure that developments reflect the desired scale for shop top housing, are of a high quality and provide adequate amenity. Existing controls from other sections of the DCP will also apply, in particular controls within the Residential Flat Building section including unit size/mix, parking, visual privacy, solar access, private open space, ventilation and storage to ensure appropriate outcomes are achieved.

For the North Kellyville and Box Hill Growth Centres Precincts, it is generally proposed to align controls for the Growth Centres SEPP and the North Kellyville and Box Hill DCPs with those proposed for LEP 2012 and DCP 2012. Alternate controls are proposed for the Box Hill Town Centre (zoned B2 Local Centre) given this centre is envisaged to provide a higher order function and increased density and built form outcomes. The proposed amendments will have multiple benefits including reducing complexity, streamlining controls and ensuring developments across all land within the Shire are consistent with Council's strategic vision, particularly as articulated within its Centres Hierarchy.

APPLICANT

Council initiated

BACKGROUND

Council adopted its Centres Direction in 2009 to provide a clear strategy to protect and manage the Shire's centres to 2031. The Direction established a network of centres to provide places for residents to shop, work, and have social interaction and recreational opportunities. Centres are classified according to a centres hierarchy, providing a framework for their scale, location and function. This ensures that the population has access to a range of centres that meet their needs and are appropriate in scale and design for their location. A key issue identified in the Direction is the provision of sufficient retail space within centres to meet the needs of the community. A Retail Floor Space and Demand Analysis was undertaken by Hill PDA to assess supply and demand for retail floor space which found that there was sufficient land and opportunities available within existing centres to meet retail demand.

Council's Standard Instrument LEP came into force in October 2012. The Standard Instrument provides a consistent format for all new principal LEPs in NSW. It sets out certain mandated permissible land uses and identifies shop top housing as a mandated use within certain residential and business zones. Since LEP 2012 came into force, Council has experienced a growing number of shop top housing proposals across the Shire. This is predominantly due to recent market conditions and pressure to provide residential development to ease Sydney's housing shortage.

A number of recent development applications and development enquiries to undertake shop top housing and mixed use developments have proposed outcomes that are not in keeping with the objectives of Council's business and residential zones and are not of a scale compatible with surrounding development. Most of these have proposed relatively small amounts of retail space and higher than expected residential densities, compromising the retail and employment role of these centres and raising concern regarding capacity of existing infrastructure in these locations to support additional population. These issues have necessitated a review of the controls applying to shop top housing and mixed use developments across all zones throughout the Shire including land zoned under LEP 2012 and within the North Kellyville and Box Hill Precincts.

REPORT

The purpose of this report is to outline existing issues being experienced in relation to shop top housing and mixed use proposals across the Shire, consider existing controls applying to these forms of development and propose a number of amendments to LEP 2012, DCP 2012, the Growth Centres SEPP and the North Kellyville and Box Hill DCPs.

The report is structured within two main sections including:

- Local Environmental Plan 2012 and Development Control Plan 2012.
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and North Kellyville and Box Hill Development Control Plans.

Within these sections, a summary is provided of the existing controls applying to shop top housing across all zones where permitted. An analysis is then provided of the existing situation, desired outcomes and proposed controls for each zone.

A summary of the proposed approach by zone for LEP 2012 and the Growth Centres SEPP is given as a further final section to clearly indicate and compare each of the proposed planning instrument changes.

1. LOCAL ENVIRONMENTAL PLAN 2012 AND DEVELOPMENT CONTROL PLAN 2012

This section outlines the relevant existing zoning, standards and controls under LEP 2012 and DCP 2012. It also provides an overview of the type of shop top and mixed use proposals which are currently being lodged with Council. It then recommends a number of LEP and DCP amendments to ensure that the type and scale of development within these areas is appropriate.

1.1 Summary of Existing Controls

Local Environmental Plan

Under LEP 2012 shop top housing is defined as "*one or more dwellings located above ground floor retail premises or business premises*". It is permitted with consent in a number of business and residential zones as outlined in Table 1 below. In each zone, shop top housing is mandated as a permitted use under the State Government's Standard Instrument LEP. Development standards applying in these zones are also summarised in Table 1.

Zone	Floor Space Ratio	Height
B1 Neighbourhood Centre	1:1	9m or 10m
B2 Local Centre	1:1	12m
B4 Mixed Use	Range of controls	Range of controls
R1 General Residential	1:1	12m or 16m
R4 High Density Residential	n/a	16m

Table 1

Permissibility of shop top housing and applicable controls under LEP 2012

Under LEP 2012, mixed use development is defined as "*a building or place comprising 2 or more different land uses*". Mixed use proposals containing retail or business premises and residential flat buildings are permissible within all of the above zones apart from the B1 Neighbourhood Centre zone where residential flat buildings are prohibited.

Development Control Plan

Applications for shop top housing and residential flat buildings as part of a mixed use development are subject to the Business and Residential Flat Building sections of DCP 2012. However, the Residential Flat Building section only applies to land where residential flat buildings are permissible and therefore does not apply to shop top housing in the B1 Neighbourhood Centre zone. A summary of the existing key controls within these DCP sections is provided as Attachment 1.

Site specific controls have also been applied to many of the Shire's centres and occur throughout various sections of DCP 2012. Some centres are subject to one or two controls such as setbacks or access whilst other centres such as the Rouse Hill Regional Centre have been subject to detailed planning and are subject to a range of controls within a site specific section of the DCP.

SEPP No.65 Design Quality of Residential Apartment Development

Recent amendments to SEPP 65 Design Quality of Residential Apartment Development have expanded the application of the SEPP to apply to shop top housing and mixed use development with a residential component.

The changes update the design principles which are applied both to the design of new apartments and the way they are assessed. The principles are: context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

The changes are supported by a new Apartment Design Guide which override local development controls related to visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage. Car parking standards have also been added to standards that cannot be used to refuse a development application and minimum apartment size has been retained.

It is noted that SEPP 65 only applies to residential flat buildings and shop top housing where the developments is three or more storeys and contains four or more dwellings.

1.2 Recent shop top housing proposals and proposed planning control amendments

- **B1 Neighbourhood Centre Zone (LEP 2012)**

Existing situation and recent proposals

There are currently 18 centres zoned B1 Neighbourhood Centre under LEP 2012. These are generally small, walkable centres containing low scale strip retailing to meet the daily needs of local residents, for example buying milk or a newspaper. They provide convenient access to goods and services, support local employment and contribute to neighbourhood lifestyle, character and amenity. Many of these centres are located in older parts of the Shire surrounded by single lot housing and an established low density character.

Several recent applications within the B1 Neighbourhood Centre zone have proposed development that is primarily a residential flat building with only limited ground floor retail premises. These proposals have drawn concern both from Council and the community due to their excessive scale, incompatibility with surrounding development and potential impacts on local infrastructure and services. An example of one such application is the proposal for a three storey building containing two ground floor shops and 18 residential units at 40 Merindah Road, Baulkham Hills (245/2015/HB). Over 200 submissions were received objecting to the proposal and the application was refused by

Council in December 2014 on the basis of excessive scale and inconsistency with the zone objectives.

Plans of the Merindah Road proposal are provided in the figures below.

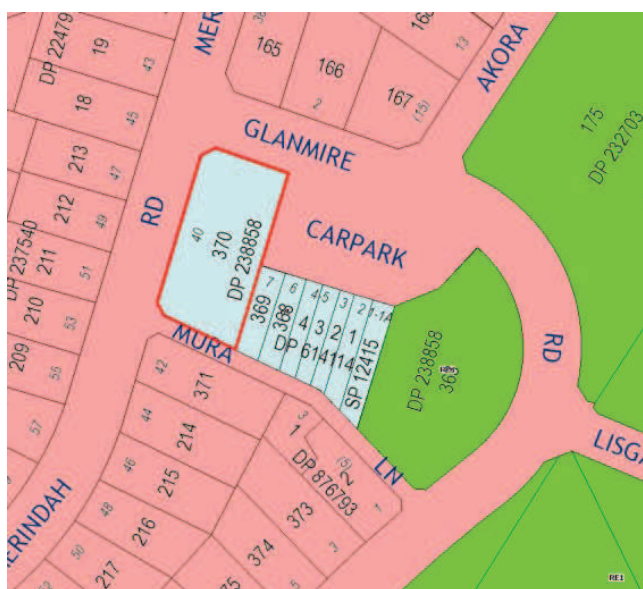


Figure 1
40 Merindah Road, Baulkham Hills



Figure 2
Perspective from corner of Merindah Road and Glanmire Road

Desired outcomes

Department of Planning and Environment Practice Note PN11-002 provides advice on the purpose of Standard Instrument zones and advises that the B1 Neighbourhood Centre zone should include small-scale convenience retail premises that serve the day-to-day needs of residents. Shop top housing is permitted in the zone, however where there is increasing housing density and demand for local retail and business services, the B2 Local Centre or B4 Mixed Use zone is more appropriate. This advice acknowledges that a small amount of residential development may be appropriate within neighbourhood centres to provide conveniently located housing and support ongoing viability of these

centres. However, it is important to recognise that the scale of shop top housing will vary based on the role and objectives of the zone in which it is located.

Objectives for the B1 Neighbourhood Centre zone under LEP 2012 are:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure the scale and type of development is compatible with the character and amenity of a neighbourhood centre.*
- *To allow for residential development that contributes to the economic and social vitality of the neighbourhood centre and does not detract from the primary objective of the zone.*
- *To promote commercial activities in locations that encourage walking and cycling to and from the neighbourhood centre.*

The zone objectives provide opportunity for some residential development provided the density does not detract from the primary business focus of the zone and is in keeping with the scale and character of surrounding development. In line with these objectives, it is important to ensure that shop top housing within neighbourhood centres is appropriately balanced with convenience retail and business premises and that the scale of development protects the character and amenity expected by Hills Shire residents.

Some examples of shop top housing from other Local Government Areas which demonstrate the desired scale and density of the Shire's neighbourhood centres are provided in the figures below.



Figure 3

Example of two storey shop top housing – Randwick

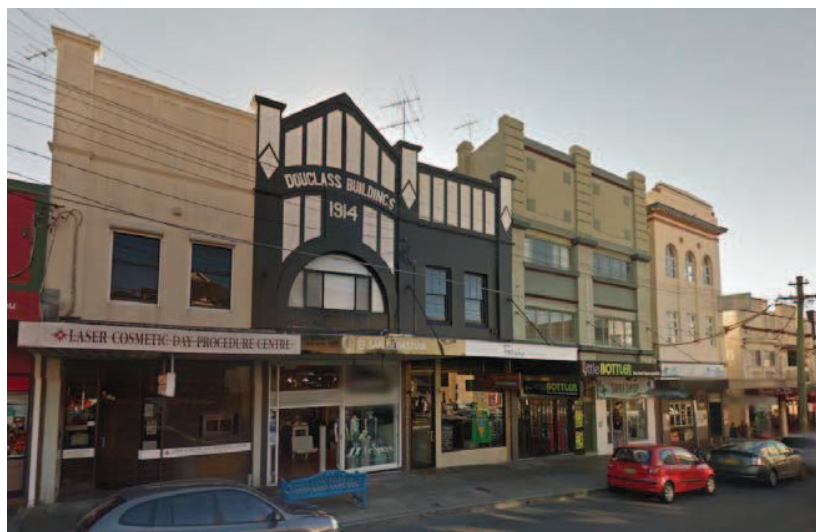


Figure 4

Example of two storey shop top housing – Coogee

Proposed Amendments to LEP 2012

It is proposed to include a new local clause within LEP 2012 to limit the building height for shop top housing developments within the B1 Neighbourhood Centre zone to 7 metres (maximum two storeys). A maximum of two storeys is currently permitted within the B1 Neighbourhood Centre zone under the Business section of DCP 2012. This height recognises and responds to the low density context in which the majority of these centres are located. It also helps to ensure that developments respond appropriately to the surrounding neighbourhood, protect the privacy and amenity of surrounding residential development and minimise overshadowing impacts.

It is further proposed that a minimum of 50% of the total floor area within shop top housing is be used for retail and/or business premises. For two storey buildings, this provision will facilitate approximately one level of retail/business premises and one level of residential apartments. An equal mix of retail/business and residential floor space is considered reasonable for a neighbourhood centre given the primary objective of the zone is the provision of retail, business and community uses to serve the need of people living in the surrounding neighbourhood. The proposed mix provides opportunity for a reasonable scale of residential development whilst ensuring the viability and diversity of business activities in neighbourhood centres is maintained in accordance with the role and objectives for these centres under LEP 2012 and the Centres Direction.

The proposed draft provision would be included within Part 7 Additional Local Provisions of LEP 2012 as outlined below:

7.11 Additional controls applying to shop top housing

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

- (a) To reinforce Council's established centres hierarchy and ensure neighbourhood centres are appropriate in scale and design for their location.*
- (b) To ensure buildings containing shop top housing are compatible with the prevailing character and amenity of surrounding land.*

- (2) This clause applies to applications for new buildings containing shop top housing or the conversion of an existing building to contain shop top housing on land zoned B1 Neighbourhood Centre under this plan.*
- (3) Despite any other provision of this plan, the maximum height of buildings for development to which this clause applies shall be 7 metres.*
- (4) Despite any other provision of this plan, a development application for development to which this clause applies shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.*
- (5) In this clause, non-residential floor area means the gross floor area of the development used for any purpose other than residential accommodation.*

Proposed Amendments to DCP 2012

It is proposed to consolidate and strengthen existing controls from Council's Business and Residential Flat Building sections of DCP 2012 into a new section for shop top housing. Additional controls are proposed where existing controls are not available or where alternative controls are considered more suitable for mixed use development.

In summary, the key proposed DCP controls include:

- A maximum building height of two storeys, consistent with the proposed LEP Height of Buildings Standard, to ensure the bulk and scale of developments better reflects the low density character predominantly surrounding these zones.
- A floor to ceiling height control of 3.3 metres for retail/business floors and 2.7 metres for residential floors, consistent with industry standards and SEPP 65, to ensure developments provide appropriate vertical space and amenity for future occupants.
- A zero street setback to encourage street level activation. Where no active frontages are proposed, a setback of 3 metres to ensure sufficient space for landscaping to soften the visual impact of the development.
- Side and rear setbacks of 6 metres where developments adjoin a residential zone and 3 metres where developments do not adjoin a residential zone. Zero side setbacks may be considered where a site adjoins a business zone or a public street or laneway.
- A requirement for facade articulation to add interest and reduce the visual bulk of buildings.
- Where a development includes five or more dwellings, 20m² per dwelling provided for common open space. At least 75% of the common open space must be provided at ground level and must be well landscaped.
- Landscaping including at least 15% deep soil planting to ensure developments assist with environmental management and provide a connection to the natural environment and the garden character of the Shire. This can be provided within common open space areas and setbacks.
- A requirement to manage potential noise conflicts between retail/business and residential uses and maintain the acoustic amenity of residents within and surrounding developments.



Figure 6
West Elevation – Langdon Road

Desired outcomes

Objectives of the B2 Local Centre zone under LEP 2012 are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The zone objectives do not refer to residential development, however Department of Planning and Environment guidance advises that this zone can accommodate residential development in the form of shop top housing and uses that will increase walking, cycling and public transport use.

Whilst a higher density form of development may be appropriate for local centres, the desired outcomes will vary depending on the surrounding context of each centre. In this regard, it is noted that development surrounding local centres varies considerably with some centres being surrounded by low and medium density housing such as the Knightsbridge Shopping Centre in Castle Hill, whilst other local centres are surrounded by higher density zones such as the Baulkham Hills Town Centre. It should also be noted that a number of larger centres such as Baulkham Hills have been subject to detailed planning involving the preparation of site specific DCPs, which define particular land use and built form outcomes for these centres.

Some examples of shop top housing from other Local Government Areas which demonstrate the desired scale and density of development anticipated within most of the Shire's local centres are provided in the figures below.



Figure 7
Example of three storey shop top housing – Avalon



Figure 8
Example of three storey shop top housing – Newport

Proposed Amendments to LEP 2012

It is proposed that the amendments apply only to local centres where no detailed planning has been carried out. The centres that the provisions will not apply to include:

- Local Centres within the Carlingford Precinct;
- Box Hill North Local Centre;
- Baulkham Hills Town Centre;
- Round Corner Town Centre; and
- Norwest Town Centre.

For the remaining centres zoned B2 Local Centre, it is proposed to include the same local clause to that proposed for the B1 Neighbourhood Centre zone. For the B2 Local Centre zone, it is proposed that developments be limited to a height of 10 metres (maximum three storeys) consistent with current requirement under the Business section of DCP 2012. This height acknowledges that a larger scale of development is generally appropriate for local centres whilst ensuring that development is of a reasonable scale given the low to medium density development surrounding the majority of these centres. All sites which will be subject to this provision will be identified on the key sites map of LEP 2012.

A minimum of 50% of the total floor area is proposed to be required for retail and/or business uses. Given that residential flat buildings are permissible and may be developed in conjunction with business and retail uses, the clause will also be extended to apply to residential flat buildings as part of mixed use developments. The proposed mix control will facilitate approximately a level of retail/business development and one or two levels of residential development. This mix is considered appropriate to ensure key zone objectives are achieved, particularly the provision of a range of retail, business, entertainment and community uses and employment. It is also consistent with the Department's guidance regarding suitability of the increased residential density within the B2 Local Centre zone.

Proposed Amendments to DCP 2012

The proposed DCP controls for the B2 Local Centre zone will be generally consistent with those for the B1 Neighbourhood Centre zone. The following additional controls are proposed to be included specific to the B2 Local Centre zone:

- A maximum building height of three storeys, consistent with the proposed LEP Height of Buildings Standard.
- Street setback of 3 metres for residential floors above the first storey to reduce the visual bulk of development when viewed from the street.

Provisions of the Residential Flat Building section of DCP 2012 currently apply to shop top housing given that residential flat buildings are also permissible in this zone. However, it is noted buildings comprising three storeys and four or more dwellings will be subject to the provisions of SEPP 65 which would override a number of existing controls including:

- Visual privacy;
- Solar and daylight access;
- Common circulation and spaces;
- Apartment size and layout;
- Ceiling heights;
- Private balconies and private open space;
- Natural ventilation; and
- Storage.

- **Remaining zones for which no amendments are considered necessary (LEP 2012)**

The remaining zones where shop top housing is permitted include the B4 Mixed Use, R1 General Residential and R4 High Density Residential zones.

There are currently two centres within the Shire zoned B4 Mixed Use being Castle Hill and Rouse Hill. A range of controls currently apply to these areas under LEP 2012 and DCP 2012, most of which have been prepared as part of detailed planning work for these centres. The existing controls generally facilitate higher density, mixed use development

consistent with the zone objectives and the role of these major centres within Council's Centres Hierarchy. Accordingly, no additional controls are considered warranted as it is considered the existing detailed controls provide sufficient certainty with respect to future land use and built form outcomes for these centres.

Land zoned R1 General Residential under LEP 2012 generally surrounds and provides a support role to centres such as Baulkham Hills and Castle Hill. Shop top housing is permissible in this zone in addition to other residential uses such as residential flat buildings and commercial uses such as office premises. Department of Planning and Environment guidance on the use of the R1 General Residential zone identifies that a broad range of densities and land uses are appropriate within this zone. It is therefore proposed to maintain existing flexibility and allow the market determine land use mix within this zone rather than impose a minimum provision of commercial or residential floor space. It is proposed that controls within the new Shop Top Housing section apply to the R1 General Residential zone to ensure appropriate built form and amenity outcomes should any proposals be received for shop top housing or mixed use development.

It is not envisaged that there will be a high demand for shop top housing in the R4 High Density Residential zone given that residential flat buildings are also permissible and more likely to be developed due to lower commercial risk and generally higher profits. Accordingly, it is not considered warranted to establish any specific shop top housing controls in this zone. However, it is proposed that the new Shop Top Housing section apply to the R4 High Density Residential zone to ensure appropriate outcomes should any such proposals be received.

2. STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

This section outlines the relevant existing zoning, standards and controls under the Growth Centres SEPP and the North Kellyville and Box Hill DCPs. It also provides an overview of the type of shop top and mixed use proposals which are currently being lodged with Council. It then recommends a number of SEPP and DCP amendments to ensure that the type and scale of development within these areas is appropriate.

2.1 Summary of Existing Controls

The definition of shop top housing under the Growth Centres SEPP differs to LEP 2012 being "one or more dwellings located above **(or otherwise attached to)** ground floor retail premises or business premises".

North Kellyville

Within the North Kellyville Precinct, shop top housing is permitted with consent in the B1 Neighbourhood Centre, B2 Local Centre and R1 General Residential zones. Standards generally applying in these zones are shown in the table below.

Zone	Minimum Density (per ha)	Maximum Height	Maximum FSR
B1 – Neighbourhood Centre	N/A	16m	0.5:1 ¹
B2 – Local Centre	N/A	16m	1:1 ¹
R1 – General Residential	12.5	9m or 16m	N/A

Table 2

Permissibility of shop top housing and applicable controls in North Kellyville

Note 1: Residential accommodation is not included in the FSR calculation pursuant to Clause 4.4 of the SEPP (North Kellyville Precinct Plan).

Unlike LEP 2012, residential flat buildings are permissible in the B1 Neighbourhood Centre zone, though must be developed as part of a mixed use development.

Box Hill

Within the Box Hill Precinct, shop top housing is permitted with consent in the B2 Local Centre zone and all residential zones. Standards generally applying in these zones are shown in the following table.

Zone	Minimum Density (per ha)	Maximum Height	Maximum FSR
B2 – Local Centre	N/A	16m or 24m	0.5:1 ¹
R1 – General Residential ²	N/A	16m	1.25:1
R2 – Low Density Residential	15	8.5m	N/A
R3 – Medium Density Residential	18	8.5m or 14m	N/A
R4 – High Density Residential	18, 20 or 30	16m or 21m	N/A

Table 3

Permissibility of shop top housing and applicable controls in Box Hill

Note 1: Bonus floor space ratio permitted for shop top housing (Clause 4.4A of The Hills Growth Centre Precincts Plan).

Note 2: No land is currently zoned R1 General Residential within the Box Hill Precincts. However, a planning proposal is currently being finalised by the Department of Planning and Environmental which will rezone a portion of land from B6 Enterprise Corridor to R1 General Residential.

North Kellyville and Box Hill Development Control Plans

Relevant controls of the North Kellyville and Box Hill Development Control Plans apply to shop top housing in the respective precincts. In both DCPs, controls relating to shop top housing such as site coverage, private open space and landscaping are consistent with the requirements for residential flat buildings. However, specific controls such as a zero setback for the first floor of shop top housing developments have been included. There are also various references to the controls in SEPP 65 throughout both DCPs.

2.2 Recent shop top housing proposals and proposed planning control amendments

North Kellyville

- **B1 Neighbourhood Centre Zone (North Kellyville)**

Existing situation and recent proposals

There are currently two centres zoned B1 Neighbourhood Centre within the North Kellyville Precinct, these being Hezlett Road Neighbourhood Centre and Stringer Road Neighbourhood Centre. Residential flat buildings are permissible in the zone, in addition to shop top housing, where these form part of a mixed use development.

A recent approval was granted for a mixed use/shop top housing development within a portion of the Hezlett Road Neighbourhood Centre which gave consent for buildings of predominantly five storeys (with some six storey elements) comprising 209 units. The total floor space of the development is approximately 1.4:1, however as the floor space ratio control within the Growth Centres SEPP does not apply to residential development, the proposal was deemed to comply with the SEPP standard of 0.5:1. Plans of the proposal are shown in the figure below.

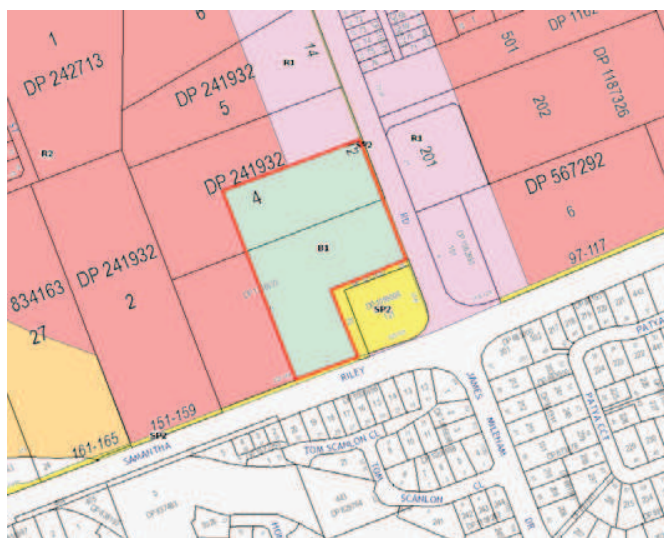


Figure 9
Hezlett Road Neighbourhood Centre



Figure 10
Perspective from corner of Hezlett Road and Samantha Riley Drive

Desired outcomes

Objectives of the B1 Neighbourhood Centre zone in North Kellyville are:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure the scale and type of business development is compatible with the amenity of surrounding areas.*
- *To allow for residential development that contributes to the economic and social vitality of the neighbourhood centre.*
- *To ensure that residential development does not preclude the provision of active retail, business and community uses at street level.*
- *To ensure that residential development does not detract from the primary function of the zone which is to provide for retail, business and convenience uses to serve the community.*
- *To promote retail activities in accessible locations that encourage walking.*
- *To promote a sense of place and focal points for the local community.*

- *To ensure retail development does not adversely impact on the viability of retail development in the Local Centre Zone.*

The North Kellyville DCP notes that the Hezlett Road Neighbourhood Centre shall provide convenience retail premises and urban, compact built form of up to four storeys. For the Stringer Road Neighbourhood Centre, the DCP identifies a small scale retail centre comprising ground floor retail uses, residential uses above and a maximum height of two storeys.

The outcomes identified by the DCP are mostly supported, however these are not well facilitated by existing controls under the Growth Centres SEPP. For instance, the DCP identifies a maximum height of two storeys for Stringer Road whereas the SEPP identifies a maximum building height of 16 metres which could facilitate development up to five storeys.

Whilst the Hezlett Road Neighbourhood Centre has been approved and is under construction, there is potential to achieve more appropriate outcomes for the currently undeveloped Stringer Road Neighbourhood Centre. Accordingly, it is proposed that the controls for the zone be amended to reflect those proposed within LEP 2012 and DCP 2012. This will provide greater consistency between controls applying to the B1 Neighbourhood Centre zone across the Shire and ensure future development is appropriate within a neighbourhood centre context.

Proposed amendments to Growth Centres SEPP

It is proposed to reduce the maximum height applying to shop top housing or residential flat buildings as part of mixed use developments within the B1 Neighbourhood Centre zone from 16 metres to 7 metres (maximum two storeys). Additionally, it is proposed that a minimum of 50% of the total floor area within these developments be used for retail or business premises. These controls are consistent with those proposed for LEP 2012.

The proposed draft provision would be included within Part 6 Additional Local Provisions of the North Kellyville Precinct Plan as outlined below:

6.6 Additional controls applying to shop top housing

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

- (a) To reinforce Council's established centres hierarchy and ensure neighbourhood centres are appropriate in scale and design for their location.*
- (b) To ensure buildings containing shop top housing are compatible with the prevailing character and amenity of surrounding land.*

(2) This clause applies to applications for new residential flat buildings or buildings containing shop top housing, or the conversion of an existing building to contain residential flat building or shop top housing, on land zoned B1 Neighbourhood Centre under this plan.

(3) Despite any other provision of this plan, the maximum height of buildings for development to which this clause applies shall be 7 metres.

(4) Despite any other provision of this plan, a development application for development to which this clause applies shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.

(5) In this clause, non-residential floor area means the gross floor area of the development used for any purpose other than residential accommodation.

It is further proposed to amend the floor space ratio standard from 0.5:1 which applies only to the non-residential component of the development only, to 1:1 and apply this to both residential and non-residential components of the development. This will require the removal of provision Clause 4.4(4) of the SEPP which states that residential development is not to be included in the calculation of floor space ratio for these sites. The amended floor space ratio will provide additional certainty regarding future built form and ensure developments are of a scale considered suitable for a neighbourhood centre.

Proposed amendments to North Kellyville DCP

The proposed changes to the North Kellyville DCP include amending height or built form outcomes where these are inconsistent with the proposed Growth Centres SEPP and amendments to Table 19 – Key controls for residential flat buildings, manor homes and shop top housing to reflect DCP 2012. In summary, the key changes to Table 19 include:

- Removal or addition of some controls and amendments to other controls, primarily relating to site coverage, building and ceiling heights, landscaping, private and common open space, car parking and unit size/mix to reflect existing and proposed controls within DCP 2012.
- Removing controls relating to shop top housing in the R2 Low Density Residential and R3 Medium Density Residential zones given that shop top housing is prohibited in both of these zones.
- Administrative amendments to remove references to the R4 High Density Residential, B3 Commercial Core and B4 Mixed Use zones as there is no land with these zonings in the North Kellyville Precinct.

A copy of the proposed North Kellyville DCP is attached to this report.

- **B2 Local Centre (North Kellyville)**

Existing situation and recent proposals

There is currently one local centre within the Precinct known as the North Kellyville Local Centre.

A number of approvals have been granted for this centre but no construction has commenced to date. The existing approvals include:

- DA 1336/2012/JP: 5 storey development comprising containing 10,375m² of retail and commercial space and 169 residential units; and
- DA 1061/2013/HA: 2 storey development comprising 6,240m² retail and commercial space and no residential development

It is noted that both these applications have been subject to section 96 modifications resulting in significant alterations to their original designs. Therefore, whilst approvals have been granted it is conceivable that developers will seek further amendments in order to achieve higher densities.

Plans for the mixed use development at 2-4 Barry Road (DA 1336/2012/JP) are provided in the figures below.

In accordance with the North Kellyville DCP, the Local Centre should provide the retail and community focus for the Precinct with a traditional 'main street' character. It identifies ground floor retail premises with other commercial and/or apartments on upper floors. A street edge of 2 storeys is also identified along with maximum total height of 4 storeys.

To achieve the broad outcomes identified within the North Kellyville DCP, as well as align outcomes with those proposed within LEP 2012 and DCP 2012, amendments are considered necessary which are outlined in the following sections.

Proposed amendments to Growth Centres SEPP

It is proposed to reduce the maximum height applying to shop top housing or residential flat buildings as part of mixed use developments within the B2 Local Centre zone from 16 metres to 10 metres (maximum three storeys). It is also proposed that a minimum of 50% of the total floor area within these developments is be used for retail or business premises.

Consistent with the B1 Neighbourhood Centre zone, it is proposed to amend the floor space ratio standard from 0.5:1 to 1:1 and remove provision 4.4(4) of the SEPP that residential development is not to be included in the calculation of floor space ratio.

Proposed amendments to North Kellyville DCP

Consistent with the proposed changes for the B1 Neighbourhood Centre zone, it is proposed to amend Table 19 – Key controls for residential flat buildings, manor homes and shop top housing and include controls consistent with those proposed for the B2 Local Centre zone under DCP 2012. It is also proposed to amend or remove references to building heights and built form outcomes where these are inconsistent with the proposed SEPP controls.

- **R1 General Residential (North Kellyville)**

Existing situation and recent proposals

Land zoned R1 General Residential within North Kellyville is currently located surrounding the local and neighbourhood centres and along the spine of Hezlett Road. Where located closer to centres, this land is subject to a building height of 16 metres whilst along the majority of Hezlett Road it is subject to a building height of 9 metres. Both shop top housing and residential flat buildings are permissible within the zone.

One proposal has been approved for mixed use development in the R1 General Residential zone in North Kellyville at 11 Hezlett Road. The development included a five storey mixed use building with ground floor retail tenancies and 40 residential units above. Plans for the proposal are shown in the figures below.

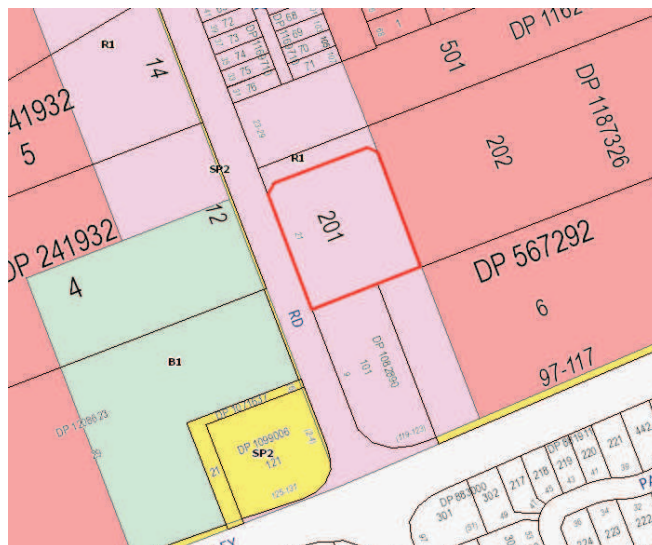


Figure 13
22 Hezlett Road (previously 11 Hezlett Road)



Figure 14
Perspective from corner of Hezlett Road and Goodison Road

Desired outcomes

Objectives of the R1 General Residential zone within North Kellyville are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage medium density housing in locations of high amenity adjoining open space and accessible transport corridors.*
- *To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.*

- *To allow for low intensity tourist and visitor accommodation that does not interfere with residential amenity.*
- *To provide for a variety of recreational uses within open space areas.*

Within the North Kellyville DCP, land is divided into a number of character areas including the Centres, Smalls Creek, The Ridge and Environmental Living. Land along Hezlett Road zoned R1 General Residential is generally located in the Smalls Creek area. Land zoned R1 General Residential surrounding centres is subject to the character statement relating to the respective centre.

The DCP notes that small lot/attached housing is encouraged along Hezlett Road. It further identifies that higher densities including multi dwelling housing or residential flat buildings may be appropriate within closer proximity to the core retail areas. Residential flat buildings or multi dwelling housing may be considered appropriate surrounding the Hezlett Road Neighbourhood Centre whilst the DCP specifically identifies a medium density development in the form of multi dwelling housing and small lot housing surrounding the Stringer Road centre.

Proposed amendments to Growth Centres SEPP

It is considered unlikely that there will be significant demand for shop top housing within the R1 General Residential zone given the permissibility of residential flat buildings within this zone. However, some controls are still considered necessary to ensure appropriate built form outcomes should any such proposals be received.

It is proposed to reduce the maximum height applying to shop top housing or residential flat buildings as part of mixed use developments within the R1 General Residential zone from 9 metres or 16 metres to 7 metres (maximum two storeys). This height is consistent with that proposed for the B1 Neighbourhood Centre zone around which a considerable portion of the R1 General Residential zoned land is located. The proposed height will ensure developments are appropriate within the context of nearby neighbourhood centres and lower density residential development.

Proposed amendments to North Kellyville DCP

It is proposed to amend Table 19 – Key controls for residential flat buildings, manor homes and shop top housing and include controls consistent with those proposed for the B1 Neighbourhood Centre zone under DCP 2012.

Box Hill Precincts

- **B2 Local Centre Zone (Box Hill)**

Existing situation

There are four centres in total zoned B2 Local Centre within the Box Hill Precincts including one town centre and three smaller centres. No applications have been received for any of these centres to date.

Desired outcomes

Objectives of the B2 Local Centre zone within Box Hill are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for residential development that contributes to the vitality of the local centre.*

- *To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.*
- *To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.*
- *To encourage development which will contribute to the economic growth of, and creation of employment opportunities within, The Hills Shire.*

The Box Hill DCP identifies that the Town Centre is to provide the retail and community focus for the Precincts with a wide range of commercial and community uses, residential development and a maximum building height of 6 storeys. The remaining centres are smaller in scale and identified to comprise a range of retail and community uses to serve surrounding neighbourhoods.

To achieve the broad outcomes identified within the Box Hill DCP and align outcomes for Box Hill with those for LEP 2012 and DCP 2012 (where appropriate), amendments are considered necessary which are outlined in the following sections.

Proposed amendments to Growth Centres SEPP

Smaller local centres

For the three smaller local centres, it is proposed that the approach be consistent with that for the B2 Local Centre zone within LEP 2012 and North Kellyville being a reduced from 16 metres to 10 metres (maximum three storeys) for shop top housing development. The provision will not be applied to residential flat buildings as per the other areas given that residential flat buildings are not permissible in this zone within Box Hill Precincts.

Consistent with LEP 2012 and North Kellyville, it is also proposed that a minimum of 50% of the total floor area within these developments is be used for retail or business premises.

The proposed draft provision would be included within Part 6 Additional Local Provisions of The Hills Growth Centre (Box Hill) Precinct Plan as outlined below:

6.8 Additional controls applying to shop top housing in the B2 Local Centre zone (other than the Box Hill Town Centre)

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

- (a) To reinforce Council's established centres hierarchy and ensure local centres are appropriate in scale and design for their location.*
- (b) To ensure buildings containing shop top housing are compatible with the prevailing character and amenity of surrounding land.*

(2) This clause applies to applications for new buildings containing shop top housing, or the conversion of an existing building to contain shop top housing, on land zoned B2 Local Centre under this plan.

(3) Despite any other provision of this plan, the maximum height of buildings for development to which this clause applies shall be 10 metres.

(4) Despite any other provision of this plan, a development application for development to which this clause applies shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.

- (5) *In this clause, non-residential floor area means the gross floor area of the development used for any purpose other than residential accommodation.*

Box Hill Town Centre

Taller built form is envisaged for the Box Hill Town Centre given this centre will provide the major commercial and community focus for the Precincts. In recognition of the unique role of this centre, it proposed to include the following additional provision specific to the Box Hill Town Centre within Part 6 Additional Local Provisions of The Hills Growth Centre (Box Hill) Precinct Plan as outlined below:

6.9 Additional controls applying to shop top housing in the Box Hill Town Centre

- (1) *The objectives of this clause are as follows:*
- (a) *To reinforce the role of the Box Hill Town Centre as the primary retail and community focus of the Box Hill and Box Hill Employment Precincts.*
- (b) *To ensure developments within the Box Hill Town Centre are appropriate in scale and design for their location and are compatible with the desired character and amenity of surrounding land.*
- (2) *This clause applies to applications for new buildings containing shop top housing, or the conversion of an existing building to contain shop top housing, on land within the Box Hill Town Centre zoned B2 Local Centre under this Plan.*
- (3) *Despite any other provision of this plan, the maximum height of buildings for development to which this clause applies shall be 20 metres.*
- (4) *Despite any other provision of this plan, a development application for development to which this clause applies shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.*
- (5) *In this clause, non-residential floor area means the gross floor area of the development used for any purpose other than residential accommodation.*

Proposed amendments to Box Hill DCP

It is proposed to amend Table 20 – Key controls for residential flat buildings, manor homes and shop top housing and include controls consistent with those proposed for the B2 Local Centre zone under DCP 2012 for the smaller local centres and specific controls for the Box Hill Town Centre to reinforce the outcomes of the proposed SEPP controls with respect to building height. It is also proposed to amend or remove references to building heights and built form outcomes where these are inconsistent with the proposed SEPP controls.

Administrative amendments to remove references to the B3 Commercial Core and B4 Mixed Use zones is also proposed as there is no land with these zonings in the Box Hill Precincts.

- **R2 Low Density Residential & R3 Medium Density Residential Zones (Box Hill)**

Existing situation

A significant amount of land is zoned R2 Low Density Residential and R3 Medium Density across the Box Hill Precincts, mostly in peripheral locations away from centres and public transport.

Objectives for the above zones under the Box Hill Precinct Plan are:

R2 Low Density Residential

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.*
- *To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.*

R3 Medium Density Residential

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

Desired outcomes

The hierarchical zoning framework provided under LEP 2012 enables intentions for housing growth to be clearly identified. This mechanism has been used throughout the Shire to ensure higher density residential development close to locations that provide a range of services and accessibility to public transport, whilst lower density residential development is provided in more peripheral locations. By including medium and higher density housing options (including shop top housing) within the R2 Low Density Residential and R3 Medium Density Residential zones which have a lower level of accessibility to facilities and transport is likely to create undue pressure on proposed infrastructure and impacts on the quality of life available to future residents.

It is ultimately expected that the planning framework for the Growth Centres Precincts will be integrated into LEP 2012. It is therefore logical that land use permissibility and development controls for the Growth Centres closely reflect that under LEP 2012 and DCP 2012. It is noted that under LEP 2012, shop top housing is prohibited within the R2 Low Density Residential and R3 Medium Density Residential zones.

Proposed amendments to Growth Centres SEPP

It is recommended that the land use tables within the Growth Centres SEPP be amended to identify shop top housing as prohibited within both the R2 Low Density Residential and R3 Medium Density Residential zones.

Proposed amendments to Box Hill DCP

It is proposed to remove controls relating to shop top housing applying to the R2 Low Density Residential and R3 Medium Density Residential zone to reflect the prohibition of shop top housing within those zones.

- **R1 General Density Residential (Box Hill)**

Existing situation

There is only one strip of land zoned R1 General Residential in Box Hill, adjacent to the Box Hill Town Centre (subject to a planning proposal currently being finalised by the Department of Planning and Environment). Objectives for the R1 General Residential zone, subject to final drafting and approval by the Department of Planning and Environment are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas.*

Desired outcomes

The DCP identifies uses such as offices and ancillary services as being appropriate for the land zoned R1 General Residential in the Box Hill Precincts. Whilst no residential development is envisaged, given the relatively small area of this land it is considered appropriate to maintain existing flexibility and allow the market determine the land use mix rather than impose a minimum provision of commercial or residential floor space.

Proposed amendments to Growth Centres SEPP

No amendments are proposed to the Growth Centres SEPP in relation to the R1 General Residential zone.

Proposed amendments to Box Hill DCP

It is proposed to amend Table 20 – Key controls for residential flat buildings, manor homes and shop top housing and include controls consistent with those proposed for the B2 Local Centre zone under DCP 2012 given this land is adjacent to the Box Hill Town Centre which is zoned B2 Local Centre.

- **R4 High Density Residential Zones (Box Hill)**

Existing situation

Land zoned R4 High Density Residential is generally limited to immediately adjoining the larger retail centres and along Windsor Road.

Desired outcomes

Objectives for the R4 High Density Residential zone under the Box Hill Precinct Plan are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

It is not envisaged that there will be a high demand for shop top housing in the R4 High Density Residential zone given the permissibility of residential flat buildings which are more likely to be developed due to lower commercial risks and generally higher profits. Therefore, it is not considered necessary to establish any specific shop top housing controls for this zone.

Proposed amendments to Box Hill DCP

It is proposed that shop top housing controls included within the Box Hill DCP also apply to the R4 High Density Residential zone to ensure appropriate built form outcomes should any such proposals be received.

3. SUMMARY OF APPROACH FOR LEP 2012 AND THE GROWTH CENTRES PRECINCTS

A summary and comparison of the proposed approach for each zone under LEP 2012 and the Growth Centres SEPP is provided as Attachment 2 to this report.

CONCLUSION

The planning proposal and proposed DCP amendments seek to ensure that the type and scale of shop top housing and mixed use development is appropriate and that developments reflect the role of centres established within Council's Centres Hierarchy.

Proposed amendments to LEP 2012 including reduced building heights and a minimum provision of retail/business floor space in the B1 Neighbourhood Centre and B2 Local Centre zones will provide a mix of uses that reflects the primary business objectives of these zones and ensure that developments provide amenity to adjoining development and minimise pressure on existing public infrastructure such as roads and open space. Proposed amendments to DCP 2012 will ensure developments provide appropriate built form outcomes, particularly in relation to surrounding lower scale development and ensure that the amenity of surrounding low and medium density development is maintained.

Proposed amendments for the North Kellyville and Box Hill Growth Centres Precincts will generally align with the standards and controls proposed for LEP 2012 and DCP 2012. This will have multiple benefits by reducing complexity, streamlining controls and ensuring developments across the Shire are consistent with Council's strategic vision as articulated within the established Centres Hierarchy.

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. The proposed amendments will better enable Council to ensure that the density and built form of shop top housing developments are appropriate and that developments minimise impacts on surrounding development and existing public infrastructure.

RECOMMENDATION

1. A planning proposal to amend Local Environmental Plan 2012 and State Environmental Planning Policy (Sydney Region Growth Centres) 2006, in relation to shop top housing and mixed use developments comprising retail premises or business premises and residential flat buildings, be forwarded to the Department of Planning and Environment for a Gateway Determination.

Amendments to Local Environmental Plan 2012 to:

- Include a new provision, 7.11 Additional controls for shop top housing under Part 7 Additional Local Provisions providing that the maximum height of buildings for shop top housing within the B1 Neighbourhood Centre zone is 7 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 7.11 Additional controls for shop top housing under Part 7 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the B2 Local Centre zone is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.

Amendments to Appendix 2 North Kellyville Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to:

- Include a new provision, 6.6 Additional controls for shop top housing under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the B1 Neighbourhood Centre zone is 7 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 6.6 Additional controls for shop top housing under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the B2 Local Centre zone is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 6.6 Additional controls for shop top housing under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the R1 General Residential zone is 7 metres.

Amendments to Appendix 11 The Hills Growth Centre Precincts Plan (known as the Box Hill Precincts) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 include:

- Include a new provision, 6.8 Additional controls for shop top housing under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing within the B2 Local Centre zone, apart from Box Hill Town Centre, is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 6.8 Additional controls for shop top housing under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing within the Box Hill Town Centre is 20 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Prohibit shop top housing within the R2 Low Density Residential and R3 Medium Density Residential zones.

2. Proposed amendments to Development Control Plan 2012 and the North Kellyville and Box Hill Development Control Plans, in relation to shop top housing and mixed use developments, be publicly exhibited concurrently with the planning proposal.

ATTACHMENTS

1. Summary of key existing DCP controls from DCP 2012 (2 pages)
2. Summary and comparison of approach for LEP 2012 and the Growth Centres SEPP (2 pages)
3. Draft The Hills Development Control Plan 2012 (Part B Section 5 – Residential Flat Buildings (30 pages)
4. Draft The Hills Development Control Plan 2012 (Part B Section 8 – Shop Top Housing (5 pages)
5. Draft North Kellyville Precinct Development Control Plan (281 pages)
6. Draft Box Hill and Box Hill Industrial Precincts Development Control Plan (248 pages)