

ITEM-4	PLANNING PROPOSAL - 434 OLD NORTHERN ROAD, 2 & 2A FULLERS ROAD, GLENHAVEN (4/2017/PLP)
THEME:	Balanced Urban Growth.
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	23 MAY 2017 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	TOWN PLANNER ASHLEY COOK
RESPONSIBLE OFFICER:	ACTING MANAGER FORWARD PLANNING JANELLE ATKINS

EXECUTIVE SUMMARY

This report recommends that a planning proposal to amend Schedule 1 of The Hills Local Environmental Plan 2012 to include seniors housing as an additional permitted use on land at 434 Old Northern Road, 2 and 2a Fullers Road, Glenhaven proceed to Gateway Determination.

The planning proposal offers a unique opportunity to provide a small-scale, 'boutique' style seniors housing development that is not currently offered in the locality. This will enable existing residents in the area to downsize into a low-maintenance independent living option within the same locality, providing a different choice to the larger seniors living developments that exist within the vicinity of the site.

The planning proposal, as submitted by the proponent, seeks to facilitate this development by rezoning the site from E4 Environmental Living to R2 Low Density Residential. This option is not recommended as it would weaken the integrity of the E4 Environmental Living zone along the Old Northern Road ridgeline that has been deliberately identified together with larger minimum lot sizes and other planning controls to reduce the scale of development permissible in this area.

While the site itself is not subject to the significant vegetation or geotechnical constraints that affect many other sites within the E4 zoned locality, rezoning the subject site would erode the integrity of the corridor and the level of protection afforded by the E4 Environmental Living zone. It is therefore recommended to pursue an amendment which identifies seniors living as an additional permitted use. This will enable the existing land zoning and objectives to continue to apply, whilst still allowing for the development outcome sought by the proponent.

Whilst seniors housing developments located in close proximity to local centres are preferred, the subject site's proximity to public transport services makes it an appropriate location for this type of development. Additionally, given the small scale of

the proposed development and the demographic that it would cater to, it is considered to be suitable for the locality.

PROPONENT

Think Planners Pty Ltd

OWNERS

Asubutri Developments Pty Limited

POLITICAL DONATIONS

Nil disclosures by proponent.

HISTORY

- 15/01/2016** Pre-lodgement meeting for the demolition of existing structures and construction of 9 self-contained units above basement parking under the provisions of SEPP (Housing for Seniors and People with a Disability) 2004 (133/2016/PRE).
- 11/11/2016** Planning proposal lodged to rezone the site to facilitate a Seniors Housing development comprising of nine (9) infill self-care units.
- 06/12/2016** Councillors briefed on planning proposal.
- 22/03/2017** Meeting between the proponent and Council staff to discuss a revised approach for the site.

REPORT

The purpose of this report is to consider a planning proposal to amend *The Hills Local Environmental Plan 2012* (LEP 2012) to facilitate a seniors housing development incorporating nine (9) self-care units at 434 Old Northern Road (Lot 1 DP369807), 2 and 2a Fullers Road, Glenhaven (Lots 1 and 2 SP46522).

1. THE SITE

The site has an area of approximately 2,629m² and is currently occupied by three (3) dwellings including a strata-titled dual occupancy development (approved in 1991).

The site features a gradual slope from east to west and is primarily surrounded by low density residential development on lots with areas ranging from around 1,500m²-2,500m². The site is located approximately 1.5 kilometres from Glenhaven Local Shops and approximately 1.8 kilometres from Round Corner Town Centre. It is located opposite a garden centre known as 'Flower Power' and Glenhaven Green Retirement Village within the Hornsby Shire Local Government Area.

The site is in close proximity to northbound and southbound bus stops that are serviced by three bus routes travelling to Round Corner Town Centre, Castle Towers and Pennant Hills.

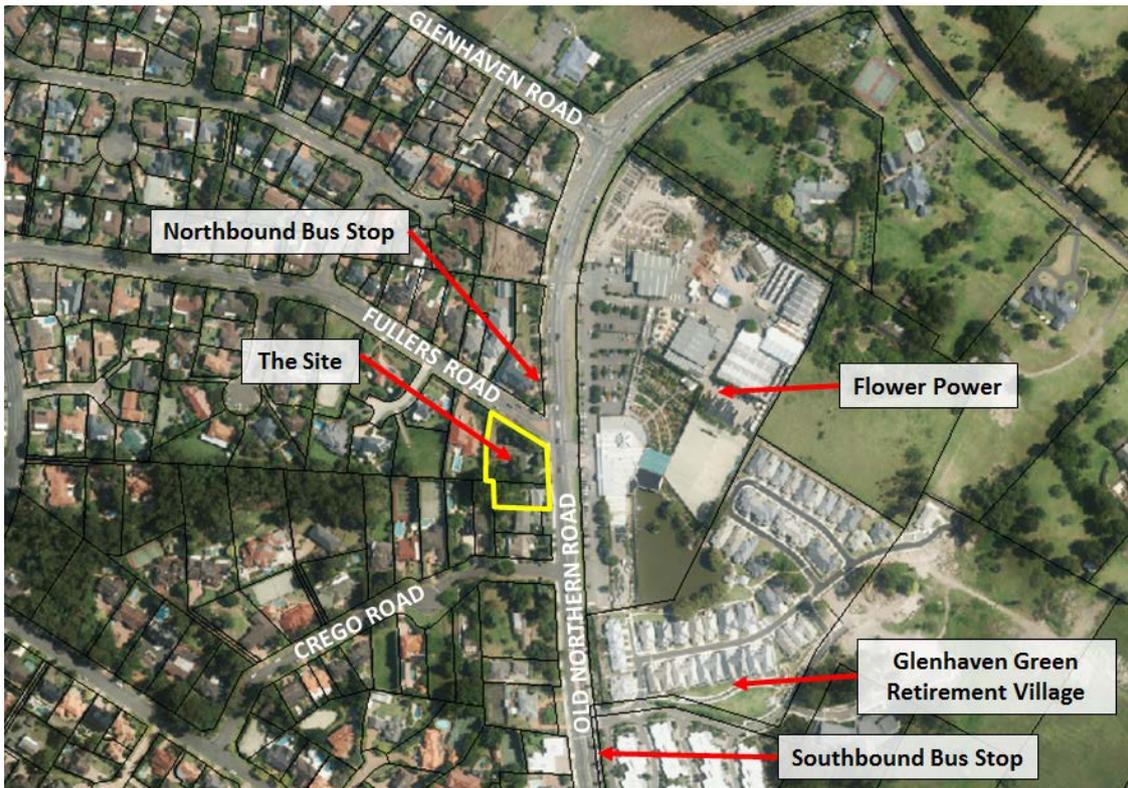


Figure 1
Locality Map (site outlined in yellow)

2. PLANNING PROPOSAL

The planning proposal, as submitted by the proponent, seeks to amend LEP 2012 to rezone the site from E4 Environmental Living to R2 Low Density Residential to facilitate a seniors housing development under SEPP (Housing for Seniors or People with a Disability) 2004, incorporating nine (9) self-care units.



Figure 2
Indicative development concept submitted by the proponent

Whilst it is noted that State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 does not apply to land zoned E4 Environmental Living, the subject site does meet the site-related requirements within the SEPP, including slope and accessibility. The development concept also indicates that future development on the site would comply with the design requirements and the *Urban Design Guidelines for Infill Development*.

3. MATTERS OF CONSIDERATION

The planning proposal requires consideration of the following matters:

- a. Strategic Context;
- b. Benefits of Ageing in Place;
- c. Impact on E4 Environmental Living Zone;
- d. Residential Character; and
- e. Traffic and Access.

An overview of these matters for consideration is provided below.

a) Strategic Context

A Plan for Growing Sydney

The Glenhaven area and surrounding neighbourhoods are primarily characterised by low impact developments, such as detached dwellings with large landscaped backyards. The planning proposal would facilitate a seniors housing development outcome in the form of townhouses that contributes to housing diversity and offers a low maintenance alternative to existing low density residential development, while offering more space than apartments. The proposal supports a key principle of *A Plan for Growing Sydney* to facilitate housing delivery for the ageing population, catering to the increasing population that are aged 55 years and over and offering an opportunity for existing residents to age in place.

Notwithstanding the need for seniors housing, Direction 4.1: *Protect our natural environment and biodiversity* aims to balance urban growth with the need to protect high conservation value areas. This is achieved by strategically managing biodiversity as housing and economic development occurs, rather than through site-by-site decision making. The planning proposal for a site specific rezoning of the site from E4 Environmental Living to R2 Low Density Residential is considered to be inconsistent with this Direction as it would weaken the long-term strategic conservation of environmentally significant land.

However, the concept of a small-scale seniors housing development on the site is considered reasonable at this location as it will be seen in the context of the garden centre and seniors living development on the eastern side of Old Northern Road. It is therefore recommended that the existing E4 Environmental Living zone be retained and that a small-scale seniors housing development be permitted through an additional permitted use, rather than a site specific rezoning. This option is considered to be consistent with this Direction as it will allow for the development outcome sought by the proponent, without undermining the long-term strategic conservation of the environmental corridor. This means that State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 will continue to not apply to the site, however suitable development controls are recommended to address usual requirements relating to site coverage, setbacks and private open space (refer section 5 of report).

Draft West Central District Plan

To deliver housing diversity, the draft Plan urges planning authorities to consider the needs of the local population base and to deliver high quality design outcomes for both buildings and places (Liveability Priority 2). The planning proposal addresses the need for additional housing stock and services that allow the population to age in place and would enable the provision of a range of housing options for seniors and people with a disability. Accordingly, the planning proposal is considered to be consistent with the objectives of the draft Plan to support planning for adaptable housing and aged care.

Sustainability Priority 7 of the draft Plan aims to improve protection of ridgelines and scenic areas stating that planning and development controls should prohibit opportunities for development on ridgelines that would diminish their scenic quality. The draft Plan states that conservation outcomes can be delivered more effectively and efficiently through strategic planning, rather than on a site-by-site basis. This is because strategic planning can consider opportunities to connect areas of biodiversity, the relationship between different areas and threats to natural features.

The corridor along Old Northern Road is located on a prominent ridgeline and an Environmental Living zone has been applied to this corridor to preserve view corridors, vegetation and land affected by geotechnical constraints. The ridgeline has been preserved through land zoning, larger minimum lot size requirements and other planning controls to reduce the scale of development permissible in this area. Figure 3 displays the environmental corridor that has been preserved through the strategic planning framework.

It is considered that site specific rezoning to R2 Low Density Residential would challenge strategic planning efforts to preserve the scenic quality of this location and its special environmental characteristics and constraints. For this reason, any rezoning of the site should only occur as part of a broader review of the entire corridor, rather than a site specific rezoning which will likely lead to the incremental erosion of the environmental and scenic qualities of the corridor.

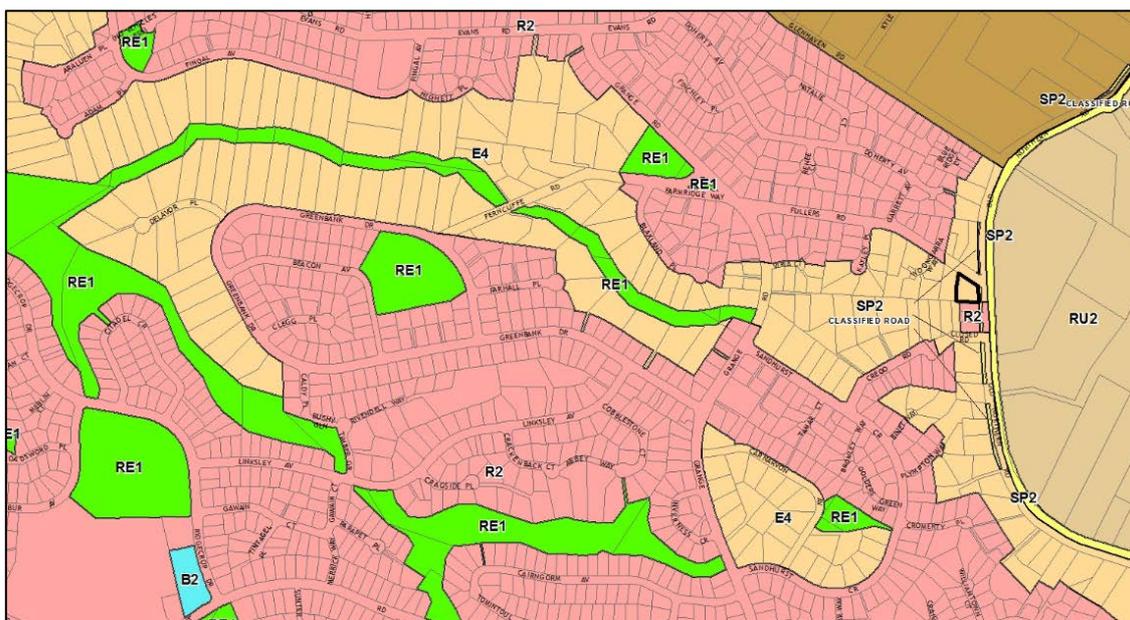


Figure 3
Existing Zoning Map

Retaining the E4 Environmental Living zone and permitting seniors housing through an additional permitted use will allow for a small-scale development that provides a much-needed dwelling type that does not weaken the integrity of this corridor. Using appropriate DCP controls, a development of an appropriate scale for the locality that takes into account the special environmental constraints and scenic qualities can be delivered.

Section 117(2) Ministerial Directions

Direction 2.1 Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas. The Direction states that a planning proposal that applies to land within an environmental protection zone must not reduce the environmental protection standards that apply to the land, unless justified by a strategy or study. While the site does not feature vegetation or geotechnical constraints, its proximity to Sydney Blue Gum High Forest and a creek line mean that it is vital to the protection of environmentally sensitive areas.

Rezoning the site to R2 Low Density Residential would likely result in the incremental erosion of this E4 Environmental Living Corridor. Enabling seniors housing as an additional permitted use and introducing site specific DCP controls will provide greater certainty as to the type and scale of the development that will be delivered. Further, as the site is located opposite more intensive land uses, including a garden centre and seniors living development, the proposed development is considered suitable in this context.

Local Strategy

The Residential Direction aims to accommodate an ageing population in well located areas supported by services and facilities. With an increasing number of seniors and people with a disability in the area, it is reasonable to consider appropriate locations for seniors housing development and provide more housing choice.

Whilst seniors housing developments located in close proximity to local centres are preferred, the proximity of the site to public transport services makes it an acceptable location for this type of development. The nine (9) self-care units are therefore considered suitable in that locality.

b) Benefits of Ageing in Place

Providing opportunities to age in place allows people to remain in the same area and to retain connections with friends, family, doctors, services, community facilities and local clubs while receiving the care they require. As people age they seek more manageable homes that provide a greater sense of security. The planning proposal offers a unique opportunity to provide a small-scale, 'boutique' style seniors housing development that is not currently offered in the locality. This will enable existing residents to downsize to a low-maintenance residential option within the same vicinity as their existing homes. The proposed development provides residents with an independent living option that does not exceed their current needs.

c) Impact on E4 Environmental Living Zone

The Environmental Living zone in the Hills Shire is used to retain natural drainage channels, protect vegetation, views and topographical features and to reduce the risk of geotechnical hazards. The topographical features and location on a prominent ridgeline further strengthens the need to retain the Environmental Living corridor. It is important to preserve the scenic quality of this location and its special environmental characteristics and constraints.

While the subject site is not constrained by significant vegetation or geotechnical instability, it has an important role in the preservation of the broader environmental corridor. Site specific rezoning would be likely to result in an incremental erosion of this environmental corridor over time. Retaining the E4 Environmental Living zone and instead permitting seniors housing through an additional permitted use is preferred as it will ensure that the integrity of the zone is retained and will also ensure that the objectives of the E4 Environmental Living zone continue to apply to future development on the site. Furthermore site specific controls are proposed to be implemented to ensure any future seniors housing development on the site is in-keeping with the objectives of the zone.

d) Residential Character

The site is opposite a large garden centre known as 'Flower Power' and the Glenhaven Green Retirement Village which offers seniors living with a range of low to high care options. With the exception of 'Flower Power' and the seniors living development, the area surrounding the subject site, predominately features low scale development with large landscaped areas of mature vegetation. However as the future development will be seen in the context of the Garden Centre and the seniors living development on the eastern side of Old Northern Road, the proposed development is considered to be a reasonable outcome at this location and will not be significantly out of character.

While the proposed development concept for nine (9) self-care units would result in an increased density (34 dwellings per hectare), controls relating to the built form and retention of existing mature vegetation can reduce the visual dominance of future development and ensure it remains compatible with the character of the surrounding locality.

e) Traffic and Access

The proposed development concept identifies that vehicular access to the site will be obtained solely from Fullers Road (currently access by 2a Fullers Road). This will result in a reduction in traffic entering and leaving the existing driveways from Old Northern Road. This is considered to be an appropriate access arrangement. Nevertheless, should the proposal proceed, consultation with the Roads and Maritime Services will be required.

4. RECOMMENDED AMENDMENTS TO LEP 2012

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

- Amend Schedule 1 to include Seniors Housing as an additional permitted use capped at nine (9) self-care units; and
- Identify the site on the Additional Permitted Uses Map.

As detailed within this report, it is considered that the above amendments will more appropriately facilitate the proponent's desired development outcome in a manner which protects the integrity of the E4 Environmental Living zone in this location. This revised approach has been discussed with the proponent and they are supportive of the changes.

5. RECOMMENDED AMENDMENTS TO DEVELOPMENT CONTROL PLAN 2012

In recognition of the need for a site specific development response, draft development controls have been prepared and included as an amendment to Part B Section 2 – Residential of DCP 2012 (Attachment 1). The purpose of the development controls are to regulate future development so as to ensure that the objectives of the zone and the desired future character for the site are achieved.

The development controls relate to the following key matters:

- Streetscape and Character;
- Access;
- Building Setbacks;
- Site Coverage;
- Building Height; and
- Density.

The above controls will guide future development on the site and reduce amenity impacts from the proposed development through the retention of existing mature vegetation and by enforcing a two storey height requirement and adequate setbacks to adjoining neighbours.

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

CONCLUSION

The planning proposal offers a unique opportunity to provide a small-scale, 'boutique' style seniors housing development that is not currently offered in the locality. This will enable existing residents to downsize into a low-maintenance residential option within the same locality, providing a different choice to the larger seniors living developments that existing within the vicinity of the site.

While the site is not subject to the significant vegetation or geotechnical constraints that affect many other sites within the E4 Environmental Living zone in the locality, rezoning the subject site to R2 Low Density Residential as originally sought would erode the integrity of the corridor and the level of protection afforded to this area by the E4 Environmental Living zone. It is therefore recommended that the planning proposal proceed on the basis of an amendment which identifies seniors living as an additional permitted use. The existing environmental land zoning and objectives will continue to apply, whilst still allowing for the development outcome sought by the proponent.

Whilst seniors housing developments located in close proximity to local centres are preferred, the subject site's proximity to public transport services makes it an appropriate location for this type of development. Additionally, given the small scale of the proposed development and the demographic of the area, it is considered that the proposed development is suitable both within the locality and immediate context.

Noting the above, it is recommended that a planning proposal to amend Schedule 1 of LEP 2012 to include seniors housing as an additional permitted use applicable to land at 434 Old Northern Road, 2 and 2a Fullers Road, Glenhaven be forwarded to the Department of Planning and Environment for Gateway Determination.

IMPACTS

Financial

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

The Hills Future - Community Strategic Plan

The planning proposal is consistent with the outcomes and strategies of The Hills Future as it would contribute to housing diversity and would accommodate for an ageing population with a range of capabilities while preserving the integrity of the E4 Environmental Living corridor.

RECOMMENDATION

1. A planning proposal for land at 434 Old Northern Road, 2 and 2a Fullers Road, Glenhaven be forwarded to the Department of Planning and Environment for Gateway Determination to amend The Hills Local Environmental Plan 2012 as follows:
 - a. Amend Schedule 1 to include Seniors Housing as an additional permitted use on the site, capped at nine (9) self-care units; and
 - b. Identify the site on the Additional Permitted Uses Map.
2. Draft The Hills Development Control Plan Part B Section 2 – Residential, provided as Attachment 1 (ECM Document No. 15811696), be publicly exhibited concurrently with the planning proposal.

ATTACHMENTS

1. Draft The Hills Development Control Plan Part B Section 2 – Residential (64 pages)

ATTACHMENT 1

The Hills Development Control Plan (DCP) 2012

Sydney's Garden Shire
THE HILLS

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DRAFT



Part B Section 2
Residential

B2

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1. INTRODUCTION

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

1.1. LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This Section of the DCP applies to all Residential zoned land and also applies to all land where residential accommodation land uses is permissible. Further specific controls for multi dwelling housing and residential flat buildings as defined in The Hills Local Environmental Plan 2012 are included in separate Sections of this DCP.

1.2. AIMS AND OBJECTIVES OF THIS SECTION

The aim of this Section of the DCP is to identify Council's objectives for residential development in the Shire and identify controls to ensure the objectives are achieved.

Council's overarching objectives for residential development are:

OBJECTIVES

- (i) *Encourage a high standard of aesthetically pleasing and functional residential developments that sympathetically relate to adjoining and nearby developments to create consistent streetscape and character.*
- (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 for future residents of any residential development.*
- (v) *Implement the principles of Ecologically Sustainable Development.*
- (vi) *To facilitate the implementation of the aims and objectives of residential development as set out in the Hills Shire LEP.*

Additional objectives covering a range of specific issues, related to residential development in the Shire, are identified in section 2 below. These specific objectives are all related to the six objectives identified above.

2. OBJECTIVES AND DEVELOPMENT CONTROLS

Objectives, performance criteria and development controls for residential development are set out in the following sections.

A checklist including many of the development controls is provided as a summary in Appendix A of this Section of the DCP.

In addition to those policies, guidelines and documents specified in Section 1.4 of Part A – Introduction, this Residential Section is to be read in conjunction with other relevant Sections including:

- Part C Section 1 – Parking
- Part C Section 3 – Landscaping
- Part C Section 4 – Heritage
- Part C Section 6 – Flood Controlled Land

2.1. DEVELOPMENT CONTROL MAP SHEETS

The form of residential development is controlled by this Section of the DCP and specific locality maps. These DCP map sheets (Part B Section 2 - Residential, Sheets 1 to 46) provide additional detail as to local subdivision patterns, road layouts and development controls.

A Map showing which Residential DCP Sheets apply is provided in Appendix B – Residential DCP Map Sheet Guide of this Section of the DCP.

This DCP Section contains site specific objectives and controls for land adjoining Heritage Park, Gilroy College Target Site, Hunterford Estate in Oatlands, a residential precinct located at the corner of Old Windsor Road and Seven Hills Road, Baukham Hills and land at 64 Mackillop Drive, Baukham Hills (Refer to Appendix C – Precinct Plan Maps and Site Specific Controls in this Section of the DCP). Appendix C – Precinct Plan Maps and Site Specific Controls indicates the boundaries of precincts to which these site specific controls apply. These site-specific controls prevail over Shire Wide Controls.

2.2. SITE SPECIFIC DEVELOPMENT CONTROLS

In addition to this Section of the DCP, Council has adopted a number of site specific development controls to address issues specific to certain areas.

Note. In the event of any inconsistency between this Section of the DCP and site specific DCP Sections, the site specific DCP Section shall prevail only to the extent of the inconsistency.

Part D Section 5 - Kellyville/Rouse Hill is a site specific Section of this DCP. The purpose of this Section of the Plan is to provide for the control of residential development within the Rouse Hill Development Area.

Part D Section 7 – Balmoral Road Release Area is a site specific Section of this DCP. The purpose of this Section of the Plan is to provide for additional controls of residential development within the Balmoral Road Release Area.

2.3. RESTRICTED DEVELOPMENT AREAS

OBJECTIVES

- (i) *To protect sensitive land from development in order to retain natural drainage channels, vegetation and topographic features in accordance with Council's ESD Objective 6.*
- (ii) *To reduce the risk to development arising from geotechnical constraints.*

DEVELOPMENT CONTROLS

- (a) Development is to be limited at specified environmentally sensitive locations as identified on the locality maps for this Section of the DCP (Part B Section 2).
- (b) Additional site specific controls apply to land adjoining Heritage Park (See Appendix C – Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENTS

- Restricted Development Areas must be accurately plotted on the Site Plan; and
- Any development proposed within the Restricted Development Area must be clearly identified.

2.4. SITE ANALYSIS

OBJECTIVES

- (i) *To encourage a comprehensive approach to site planning, design and assessment of residential development.*
- (ii) *To facilitate assessment of how future dwellings relate to their immediate surroundings and each other.*
- (iii) *To facilitate development of a design that minimises the negative impacts on the amenity of adjoining residential development in accordance with Council's ESD objective 7.*
- (iv) *To ensure development is compatible with land capability.*
- (v) *To minimise adverse impacts on the environment in accordance with Council's ESD objectives 3 and 4.*

DEVELOPMENT CONTROLS

- (a) Development should be designed to respect site constraints such as topography, drainage, soil, landscapes, flora, fauna and bushfire hazard.
- (b) Disturbance to existing natural vegetation and landforms, watercourses, wetlands and overland flow paths should be minimised.
- (c) Development on land adjoining bushland reserves should incorporate measures (such as setbacks and buffers) to prevent any impact on the reserves.
- (d) Development should be sited on the area of land presenting the least topographic constraints.
- (e) Development should be sited away from steep slopes (particularly those containing natural vegetation) so that, where possible, these features can be kept in a natural state.
- (f) Development should be designed to be consistent with the character of the streetscape.

SUBMISSION REQUIREMENT

- Site Analysis.

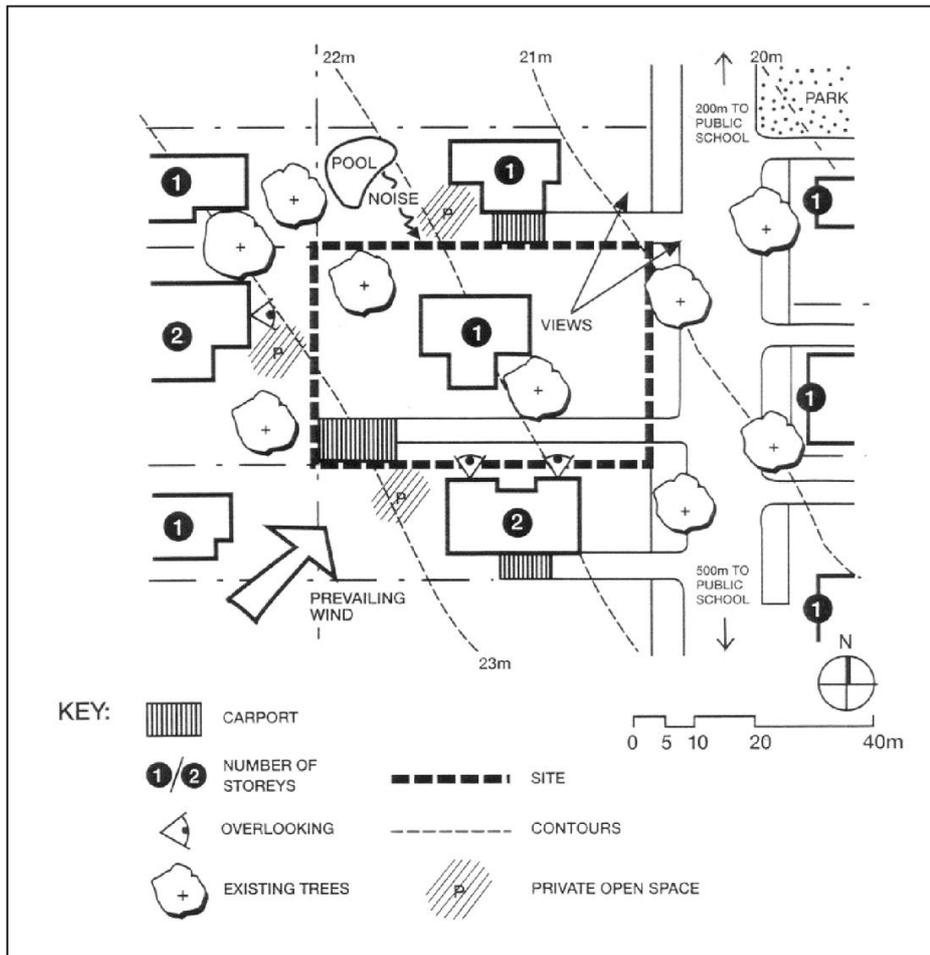


Figure 1: Site Analysis Plan

2.5. STREETScape AND CHARACTER

Note. Streetscape is created by many visible features in a street including lot size, kerbs, fencing, setbacks, spatial separation, bulk and scale, access arrangements, street tree planting, native vegetation and private gardens, colours and materials, as well as the architecture of individual residences and buildings.

The relationship of these elements creates character which contributes to the ‘look and feel’ of a street, a sense of place and identity. Understanding the character of an area is critical in ensuring development contributes, enhances, and integrates with the existing character that makes an area desirable.

OBJECTIVES

- (i) To ensure that the appearance of new development is of a high visual quality, enhances the streetscape and complements surrounding development.
- (ii) To ensure that new development is sensitive to the landscape setting and environmental conditions of the locality.
- (iii) To ensure that the appearance of housing is of a high visual quality, enhances the streetscape and complements good quality surrounding development.
- (iv) To encourage streetscape variation whilst maintaining a high level of amenity for the development.

- (v) *To ensure new development respects and enhances the green and garden character of The Hills Shire.*
- (vi) *To achieve development that respects and makes a positive contribution to the character and “sense of place” of Castle Hill.*
- (vii) *To enhance the visual attractiveness, safety and security and personal comfort of streets and public and semi public spaces.*

DEVELOPMENT CONTROLS

- (a) The proposed development must:
 - contribute to an attractive residential environment with clear character and identity;
 - address the street and boundaries to the site with a building form compatible with adjoining development in terms of street elevation and presentation; and
 - retain, complement and sensitively harmonise with any heritage item or conservation area in the vicinity that are identified in Council’s Local Environmental Plan.
- (b) The proposed development should maintain neighbourhood amenity and appropriate residential character by:
 - providing building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing;
 - using building form and siting that relates to the land form;
 - adopting building heights at the street frontage that do not dominate the streetscape;
 - retaining where possible and providing landscaping in the front and rear yards in particular tall planting in scale with the building proposed; and
 - considering where buildings are located on neighbouring properties.
- (c) Additional site specific controls apply to Hunterford Estate, Oatlands and Gilroy College (Appendix C).

SUBMISSION REQUIREMENTS

- Documentation to demonstrate how the objectives and development controls are met.
- Architectural Plans.
- Elevation Plans.
- Streetscape perspective of proposed development.
- Schedule of External Materials.

2.6. BUSH FIRE HAZARD MANAGEMENT

OBJECTIVES

- (i) *To reduce the risk to life and property in areas of bushfire risk.*
- (ii) *In determining Development Applications, Council will have regard to any likely bushfire hazard.*

DEVELOPMENT CONTROL

- (a) Council has adopted the NSW Rural Fire Service Guidelines entitled “Planning for Bushfire Protection 2006”. Development subject to bushfire risk will be required to address the requirements in these guidelines.

2.7. GEOTECHNICAL SITE STABILITY

Note. This section applies to development on land identified with Landslide Risk under The Hills Local Environmental Plan 2012.

OBJECTIVES

- (i) *To ensure proposed development does not result in movement or slip.*
- (ii) *To ensure soil movement or land slip does not adversely affect proposed development.*

DEVELOPMENT CONTROLS

- (a) Areas possibly subject to movement or slip are identified by The Hills LEP 2012 Landslide Risk Maps or identified by Council to be considered subject to movement or slip.
- (b) Prior to the determination of any subdivision or Development Application, a geotechnical appraisal prepared by an Engineer qualified as a corporate Member of the Institution of Engineers of Australia or similar recognised industry body (and who is experienced in the fields of landslides, soil and rock mechanics, slope stabilisation and residential developments) must be submitted by the applicant and may, as determined by Council, be subject to assessment by an independent expert review panel at the expense of the applicant.
- (c) The geotechnical appraisal must certify that the design of all the structures the subject of the application is suitable to withstand the effects of high plasticity clays subject to shrink/swell

movements and possible creep movement of near surface soils.

- (d) The geotechnical appraisal must satisfy Council that an acceptable level of risk is achieved with respect to the possibility of movement or slip adversely affecting the proposed subdivision or development or being caused by the proposed subdivision or development.
- (e) An 'acceptable risk level' is defined in accordance with the AGS Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning (AGS 2007a) as the loss of life for the person most at risk (from the landslide) as 1 in a million per annum and for property loss the risk is to be 'low' as identified in Appendix C of the Practice Note Guidelines for Landslide Risk Management 2007 (AGS 2007c). The application must demonstrate that any proposed remedial works will satisfy these requirements.
- (f) For land zoned E3 Environmental Management, refer to Development Controls in section 2.14.2 in this Section of the DCP.

SUBMISSION REQUIREMENTS

- Any part of the site shown as being subject to Geotechnical constraints on the site specific maps for this Section of the DCP or identified by Council to be considered subject to movement or slip must be identified on the site plan.
- A Geotechnical Assessment will be required for works proposed within these areas.

2.8. BUSHLAND AND BIODIVERSITY

OBJECTIVE

- (i) *To conserve and protect the biodiversity of the Shire including habitats of threatened flora and fauna species and communities in accordance with Council's ESD objective 1 and 4.*

DEVELOPMENT CONTROLS

- (a) Significant flora and fauna species, communities and ecological communities should be preserved.
- (b) Development should be designed to retain existing bushland and fauna habitats, including identifiable corridors and linkages.

SUBMISSION REQUIREMENTS

- Applications should include a Fauna and Flora Assessment in accordance with Section 5A of the Environmental Planning & Assessment Act 1979 if there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.
- Applicants may be required to submit a Species Impact Statement (SIS) for development likely to significantly affect threatened species, populations and ecological communities. Reference should be made to the requirements of the Environmental Planning & Assessment Act 1979, and the Threatened Species Conservation Act 1995.

2.9. EROSION AND SEDIMENT CONTROL

OBJECTIVES

- (i) *Minimise land degradation, water pollution and damage to infrastructure from accumulated sediment in accordance with Council's ESD objective 3.*
- (ii) *To ensure development controls are identified for all stages of development and to ensure a consistent approach to erosion and sediment control.*

DEVELOPMENT CONTROLS

- (a) Use best management practices available to avoid or mitigate land degradation associated with development.
- (b) Applications for residential development including subdivision are to be accompanied by an Erosion and Sediment Control Plan (ESCP) which will describe the measures to be taken at development sites to minimise land disturbance and erosion and control sediment pollution of waterways. ESCPs are to clearly identify the erosion and sediment control measures to be used.
- (c) Erosion and Sediment Control Plans shall be prepared in accordance with "Managing Urban Stormwater – Soils and Construction", produced by the NSW Department of Housing.
- (d) The erosion and sediment control measure proposed may need to change during the development process. The erosion sediment control plan should address all phases of the development process.

- (e) Erosion and sediment controls must be in place before work commences and be retained and revised to reflect changes in site conditions, until the development is finalised and the site stabilised.

SUBMISSION REQUIREMENTS

- Erosion and Sediment Control Plans.

2.10. HERITAGE

OBJECTIVES

- (i) To ensure that development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of heritage items and conservation areas, and their settings.

DEVELOPMENT CONTROLS

- (a) Views to and from significant items of natural or cultural heritage should not be impeded by development.
- (b) If the development is within the Rouse Hill Development Area, SREP No. 19 will also apply.
- (c) All developments must address and comply with the provisions of Part C Section 4 – Heritage.

2.11. SIGNAGE

OBJECTIVES

- (i) To permit an approved use to adequately identify their premises while maintaining the residential character of the area.
- (ii) To ensure that advertising signs are appropriate to the size and scale of the activity conducted on the property.

DEVELOPMENT CONTROLS

- (a) All signage proposed must be designed in accordance with Part C Section 2 – Signage.
- (b) Advertising signs must not detract from any residential area. The size, shape, materials and location of signage must complement the visual character of the surrounding area.

SUBMISSION REQUIREMENTS

- Signage Plan.

2.12. STORMWATER MANAGEMENT

OBJECTIVES

- (i) To provide for the disposal of stormwater from the site in efficient and environmentally sensible ways in accordance with Council's ESD objective 3.
- (ii) To control stormwater and to ensure that developments do not increase downstream drainage flows or adversely impact adjoining or downstream properties.
- (iii) To ensure the integrity of watercourses is protected and enhanced in accordance with Council's ESD objective 4.
- (iv) To provide for on-site detention of stormwater.
- (v) To encourage the reuse of stormwater.

DEVELOPMENT CONTROLS

- (a) Water Sensitive Urban Design (WSUD) measures should be employed in the management of the site's/development's stormwater in terms of water retention, reuse and cleansing.
- (b) In all development, consideration should be given to utilising one of the following water sensitive urban design measures:-

M1 Low Impact Building Design

M2 Low Impact Landscape Design

A detailed description of the actions required to implement each of these measures is included in Appendix B – Water Sensitive Urban Design of The Hills Shire Development Control Plan.

Where only BASIX exemption is relied on, rain water tanks to reuse rainwater must be installed for each new dwelling outside the Kellyville Rouse Hill Release Area. The requirements for their installation and use are included in Appendix B – Water Sensitive Urban Design under the heading:

M3 Rainwater Utilisation – toilet, irrigation

- (c) Rainwater tanks are not required in the Kellyville - Rouse Hill Release Area because a recycled water system has been installed in this area. However owners may choose to install a rainwater tank if they consider it appropriate for their property.
- (d) Drainage systems are to be designed and constructed in accordance with the design guidelines set out in "Australian Rainfall and

Runoff 1987” published by the Institution of Engineers, Australia.

- (e) On-site detention systems (OSD) when required, are to be designed in accordance with (a) above and the specific requirements of (as relevant) the Upper Parramatta River Catchment Trust On-site Detention Handbook.
- (f) Concentrated stormwater flows must be connected to Council’s drainage system. In some cases this may require the creation of drainage easements over downstream properties. In this circumstance, a letter of consent from the owner(s) of the downstream properties is to be submitted with the Development Application. On rural properties overflow from rainwater tanks must be dispersed on site to ensure concentrated flows do not impact on adjoining properties or cause erosion.
- (g) Reference should be made to the Restrictions As To User on the title of the land to which the development is proposed in relation to requirements for on-site detention.
- (h) Discharge points are to be controlled and treated to prevent soil erosion, and may require energy dissipating devices on steeper topography, to Council’s requirements.
- (i) All development in rural areas must be in accordance with Appendix C – On Site Sewage Systems in Part B Section 1 – Rural.

SUBMISSION REQUIREMENTS

- Preliminary Engineering Drainage Plans indicating the proposed drainage infrastructure.
- If required, easements are to be created over downstream properties prior to the release of the linen plan for the subdivision, or prior to the release of a Building or Occupation Certificate whichever is earliest.
- On-site Detention (OSD) Plans if required.

2.13. SUBDIVISION

The objectives and development controls are primarily related to applications involving subdivision. The controls relating to the erection of a dwelling must still be considered at subdivision stage to ensure all lots created can accommodate a suitable dwelling in accordance with this Section of the DCP.

2.13.1 RESIDENTIAL LOT WIDTH AND DEPTH

OBJECTIVES

- (i) To provide allotments of a size conducive to residential living, having regard to any development constraints or environmental qualities of that land; and
- (ii) To ensure allotments have sufficient area to provide adequate access, open space, a sufficient building platform and attractive presentation to the street.

DEVELOPMENT CONTROLS

- (a) The minimum frontage for a lot on a classified road where a dwelling is permissible shall be 27m.
- (b) The minimum frontage for other road frontages for a lot where a dwelling is permissible is 18m. Except for land zoned E4 Environmental Living where the minimum frontage is 23m.
- (c) The minimum depth of lots where a dwelling is permissible is 27m. Except for land zoned E4 Environmental Living where the minimum depth is 50m.
- (d) For an irregular shaped allotment the average width shall not be less than the minimum frontage controls (a) to (c).
- (e) Map Sheet 40 of this Section of the DCP identifies land where development shall provide for the connection of surface stormwater on the land the subject of the development to a piped stormwater drainage system.
- (f) For battle-axe shaped allotments and allotments served by a right-of-way where allotments have no road frontage, the minimum area excluding the access corridor shall not be less than the minimum lot size identified in The Hills Local Environmental Plan 2012.
- (g) The minimum width for the battleaxe handle on battleaxe shaped allotments is:

Number of lots to be accessed	Minimum Width
One allotment	4 metres
Two or more allotments	6 metres

- (h) The minimum area of a residential lot should be free of any restricted development area. Refer to Map Sheets 1-42.

SUBMISSION REQUIREMENTS

- Site Plan and/or Subdivision Plans.
- Site Analysis.

2.13.2 BUILDING PLATFORM AND VIEWS

OBJECTIVES

- (i) To ensure allotments have a suitable area for the erection of a dwelling and associated structures free of constraints or restrictions.
- (ii) To ensure that the appearance of housing is of a high visual quality and enhances the streetscape and the urban environment.
- (iii) To allow flexibility in the siting of new buildings and ensure the bulk and scale of new development protects reasonable neighbour amenity and maintain appropriate residential character.
- (iv) To maximise views available from the site in the design of new residential development in the Hunterford Estate, Oatlands.

DEVELOPMENT CONTROLS

- (a) The site must be capable of providing a building platform of at least 20 metres by 15 metres. The platform shall be sited in an accessible and practical location and on relatively flat terrain with stable soil and geology.
- (b) Practical and suitable access shall be provided from a public road to the building platform.
- (c) The building platform is to be applied independently of the minimum building setbacks.
- (d) Pitched roofs are the preferred choice of roof form for the development, particularly for dwellings adjoining the existing residential area.
- (e) Dwellings should be orientated to maximise solar access and enjoy views.
- (f) Additional site specific objectives and controls to development on land adjoining Heritage Park, Hunterford Estate in Oatlands and Residential Development, Corner Old Windsor Road and Seven Hills Road, Baulkham Hills (Refer to Appendix C – Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENTS

- The subdivision plans must clearly indicate where the building platforms can be located on each lot and the proposed access paths to the platforms free of any restrictions.

2.13.3 PEDESTRIAN ACCESS, SAFETY AND SECURITY

OBJECTIVE

- (i) To ensure the needs of residents and visitors are considered with particular regard to access requirements, safety and security in accordance with Council's ESD Objective 7.

DEVELOPMENT CONTROLS

- (a) Residential developments are to provide safe and convenient access for prams, wheelchairs and people with disabilities from the public road to all areas of the development.
- (b) Movement areas should be designed to provide convenient, obvious and safe pedestrian and bicycle links from the site to public transport services and local facilities.
- (c) Footpaths, landscaped areas and driveway designs are to provide opportunities for surveillance and allow safe movement of residents and visitors.
- (d) The design of residential developments is to demonstrate consideration of resident safety and security.
- (e) Signage is to be clear and easy to understand.
- (f) Consideration should be given to Council's Safer by Design Guidelines, particularly in regards to natural surveillance, sightlines and lighting.
- (g) Future residential subdivision on 39-55 Oratava Avenue (Lot 8 DP 1191647), 570 Pennant Hills Road (Lot 3 DP1096405), and 3 Castle Hill Road (Lot 21 DP 852577), West Pennant Hills shall provide a public pedestrian connection, by way of legal access, from Oratava Avenue to Mt Wilberforce Reserve. Refer to Part B Section 2 - Sheet 20 - West Pennant Hills.
- (h) Future residential subdivision on 39-55 Oratava Avenue (Lot 8 DP 1191647), 570 Pennant Hills Road (Lot 3 DP1096405), shall provide parking for at least 8 vehicles either on-street through the provision of internal roads with a minimum

carriageway width of 8.5 metres or through the provision of a dedicated area for visitor parking’.

2.13.4 DEVELOPER CONTRIBUTIONS

Applicants should consult with Council's Section 94 Contributions Plan and Council's Officers to determine the required amount of Section 94 Contributions payable.

2.13.5 WASTE COLLECTION

OBJECTIVE

- (i) *To ensure safe and efficient collection of waste and recyclables by Council or its contractor.*

DEVELOPMENT CONTROLS

- (a) Roads must be designed to provide adequate manoeuvring space to allow Council's (or its contractor's) waste collection vehicles to enter and exit in a forward direction to collect waste and recyclables with no need for reversing.

2.14. DWELLINGS

The controls below apply to developments for dwellings.

2.14.1. BUILDING SETBACKS

OBJECTIVES

- (i) *To provide setbacks that complements the streetscape and protects the privacy and sunlight to adjacent dwellings in accordance with ESD Objective 7.*
- (ii) *To ensure that new development is sensitive to the landscape setting, site constraints and established character of the street and locality.*
- (iii) *To ensure that the appearance of new development is of a high visual quality and enhances the streetscape.*

DEVELOPMENT CONTROLS

- (a) The minimum road frontage setback for any classified road is 10 metres.
- (b) The minimum road frontage setback requirement for any non classified roads is as follows:

Primary Road Frontage Setback 10m

The areas where the primary road setback is not 10 metres are shown on Maps 1-4. The setbacks for these areas are outlined in the table below.

Areas where Primary Road Frontage Setback is less than 10m	Map No	Primary Setback
West Pennant Hills Valley	1	7.5
Bingara Crescent/ Crestwood	2	7.5
Kings Road	3	7.5
Bella Vista Residential	4	6m
Kellyville/Rouse Hill Development Area	n/a	*

*Refer to Part D Section 5 – Kellyville / Rouse Hill Release Area, Part D Section 6 Rouse Hill Regional Centre and Part D Section 7 – Balmoral Road Release Area.

- (c) Where the predominant setback pattern of the existing streetscape reflects setbacks which exceed the required minimum, the greater setback suggested by the character created by the three (3) adjoining dwellings either side of the proposed dwelling will apply .
- (d) Development on corner allotments, with no frontages to classified roads shall have regard to the streetscape of both street frontages and may provide a setback of not less than 6 metres for the primary frontage and 4 metres to a secondary road frontage.
- (e) All garages must be setback in accordance with the setbacks described in a), b) and c) above, or 5.5 metres, whichever is the greater. This is required to ensure vehicles parked on the driveway in front of the garage do not encroach into the road reservation.
- (f) The maximum width of a dwelling must be:

Width of allotment at the building line	Percentage of width at the building line
Less than or equal to 18m	80%
Greater than 18m	75%

- (g) The minimum side boundary setback requirement is:

Height of building	Distance of wall to boundary line	Distance of eave to boundary line

1 or 2 storeys	900mm	675mm
3 storey	1500mm	1175mm

(h) The minimum rear boundary setback requirement is:

Height of building	Setback
1 storey element of dwelling ⁷	4 metres
2-3 storey elements of dwelling ⁷	6 metres

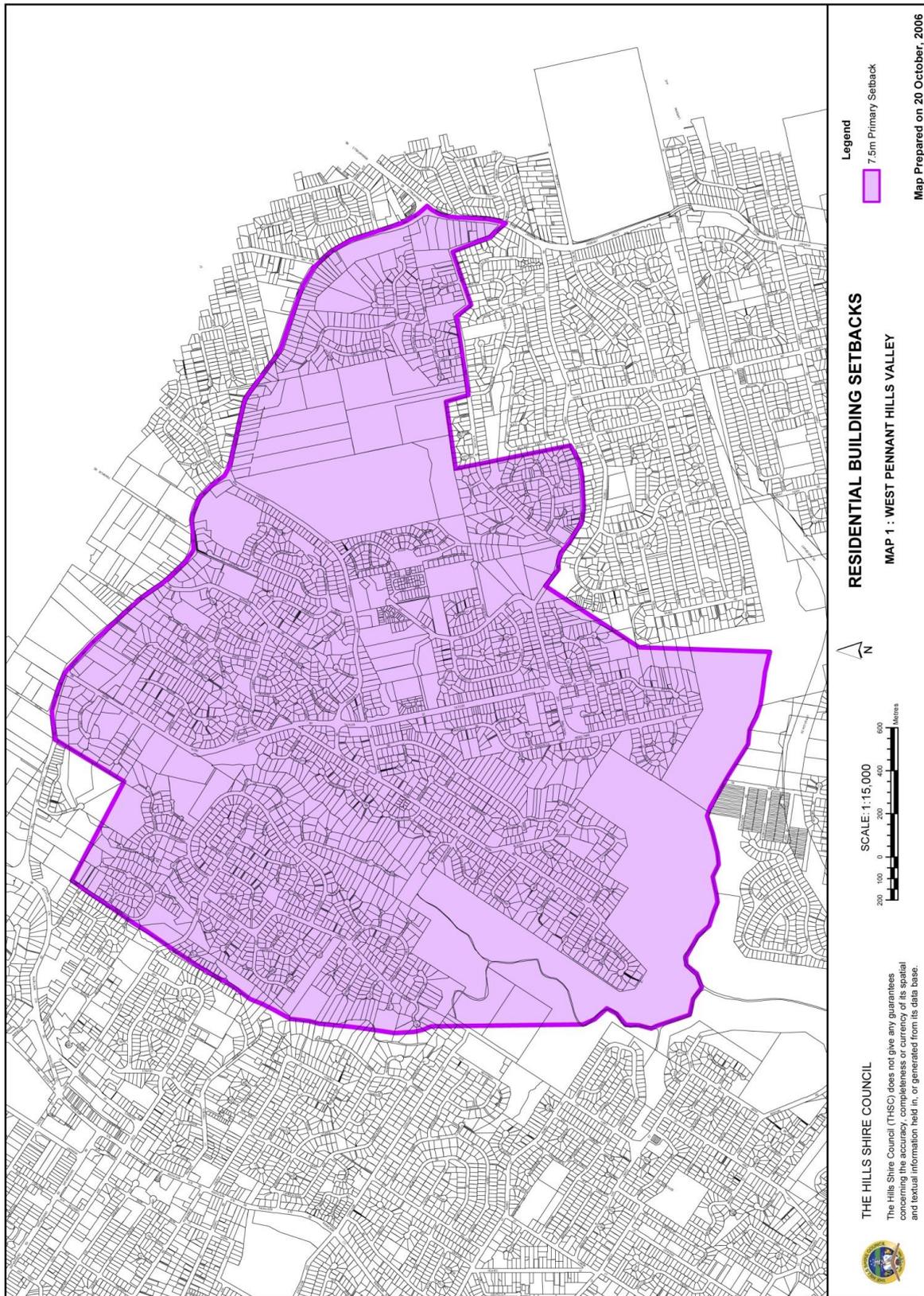
- (i) For battleaxe allotments dwellings shall be setback a minimum distance to three sides only of the lot of 4m for the single storey element and 6m for the 2 and 3 storey elements.
- (j) Except where the lot has two road frontages and the dwelling is to back onto an arterial or sub-arterial road. In this case the required rear wall setback to the road frontage is:

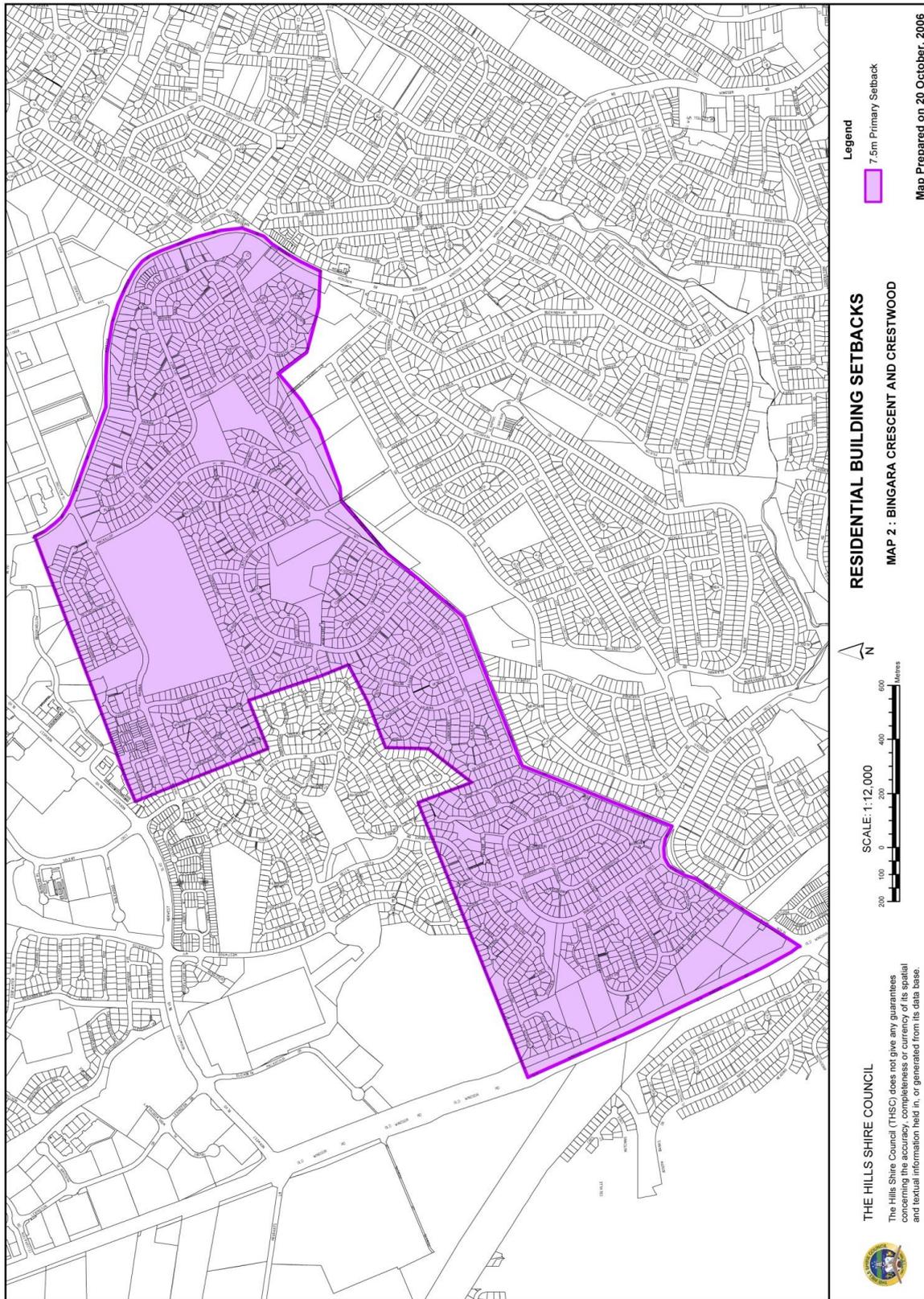
Height of building	Rear wall setback to a classified road
1 storey	6 metres
2-3 storey	8 metres

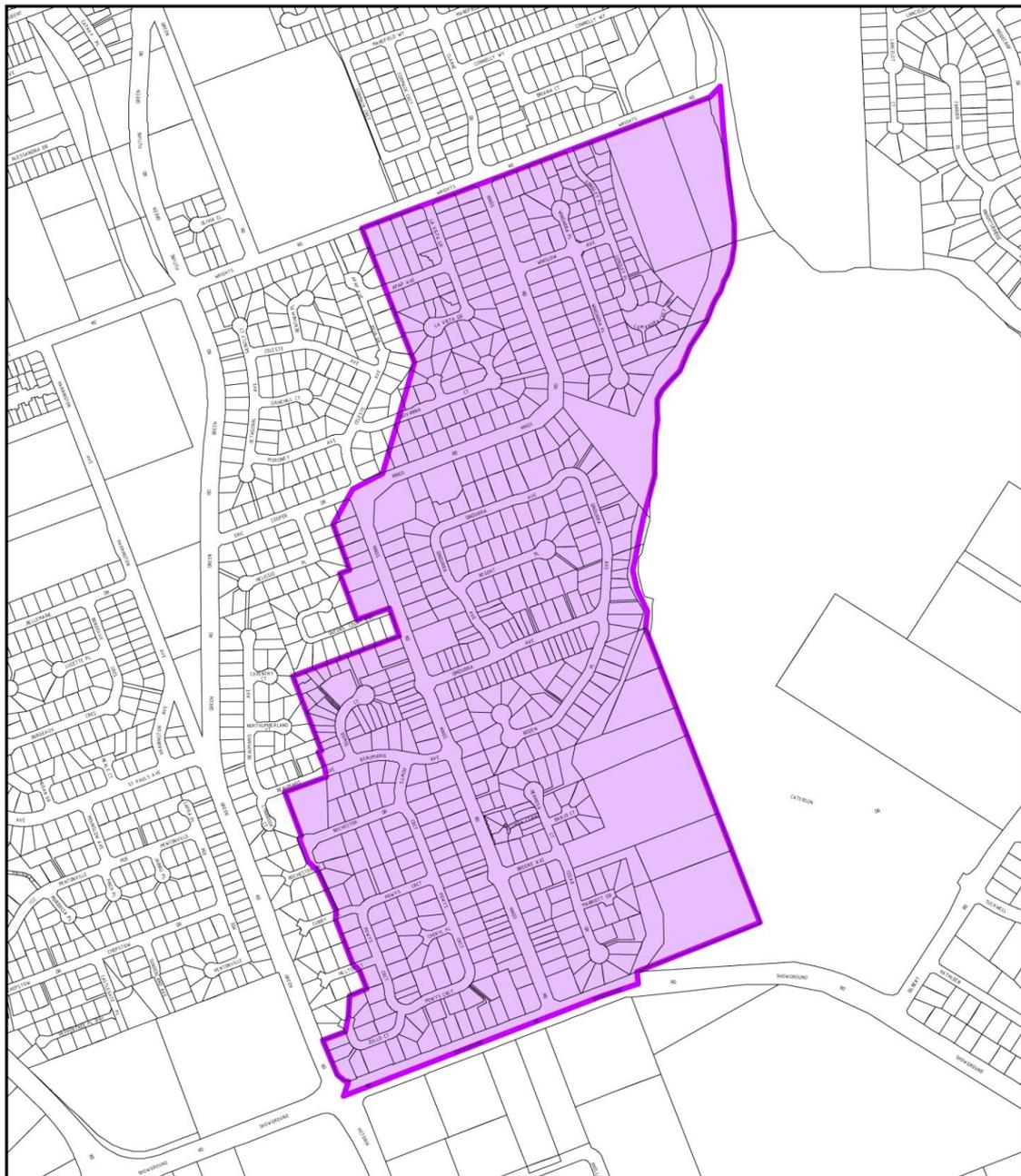
- (k) Consideration should be given to Council's Safer by Design Guidelines, particularly in regards to natural surveillance, sightlines and lighting.
- (l) Site specific controls apply to Hunterford Estate in Oatlands, Land Adjoining Heritage Park, Gilroy College Site and Residential Development Old Windsor Road and Seven Hills Road, Baulkham Hills (Refer to Appendix C – Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENT

- Building setback dimensions are to be shown on development application plans.







RESIDENTIAL BUILDING SETBACKS

MAP 3 - KINGS ROAD

Legend

 7.5m Primary Setback



THE HILLS SHIRE COUNCIL

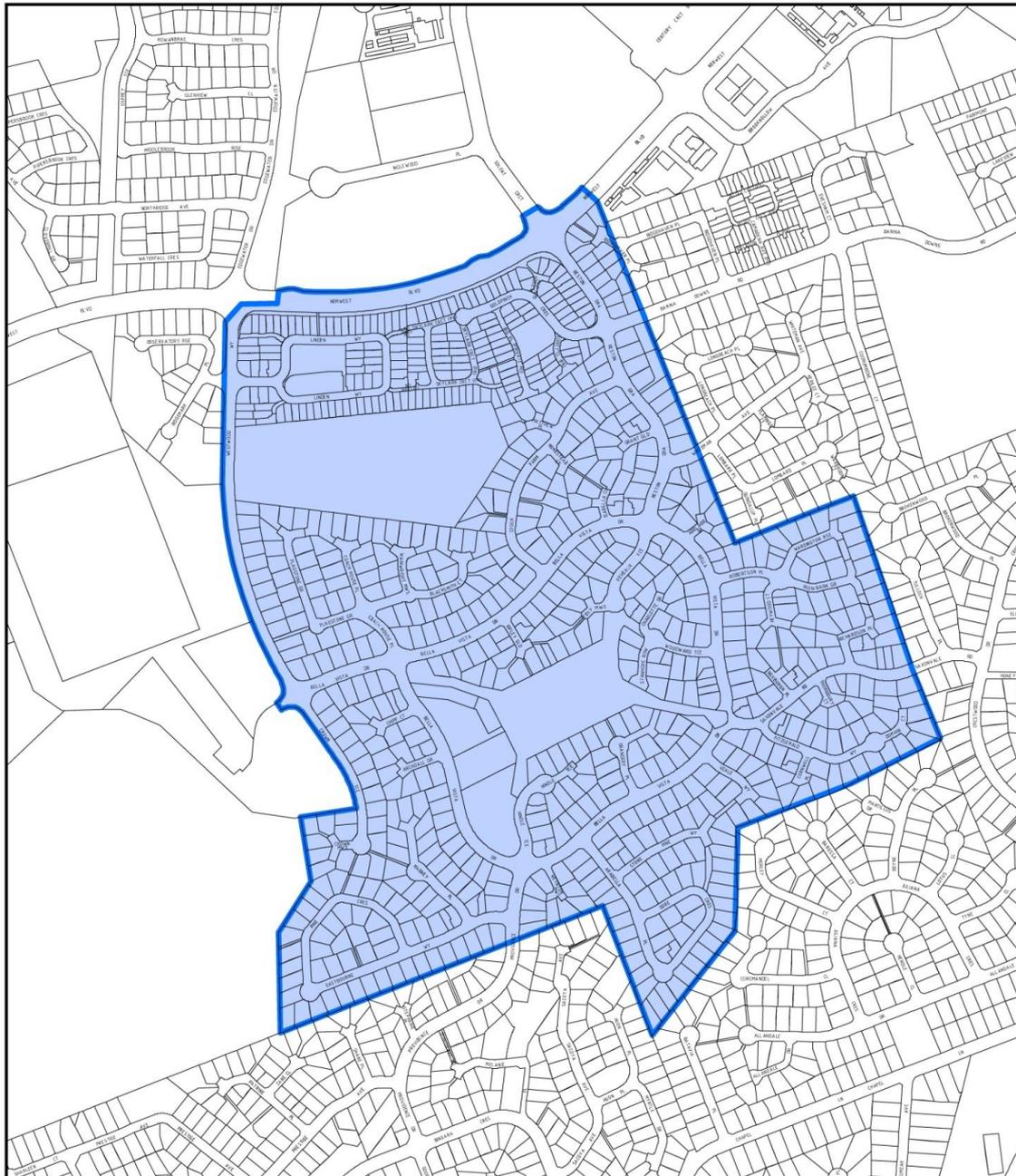
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SCALE: 1:8,000



Map Prepared on 20 October, 2006



RESIDENTIAL BUILDING SETBACKS

MAP 4 - BELLA VISTA RESIDENTIAL

Legend

 6.0m Primary Setback



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SCALE: 1:8,000



Map Prepared on 20 October, 2006

2.14.2. SITE COVERAGE

OBJECTIVES

- (i) *To maximise the provision of open space.*
- (ii) *To avoid the creation of drainage and runoff problems, through minimising the amount of impervious area in accordance with Council's ESD Objective 3.*
- (iii) *To minimise bulk and scale of development.*
- (iv) *To facilitate spatial separation between buildings.*
- (v) *To provide for adequate landscaped area.*
- (vi) *Maintain the character of existing areas by retaining vegetation.*

DEVELOPMENT CONTROLS

- (a) The maximum site coverage permitted in residential zones is 60% with the exception of land zoned E4 Environmental Living and land identified in the Map Sheets by pink shading, where the maximum site coverage is 30%.

Note. For the purpose of this plan the calculation of the site coverage will be subject to the following criteria:

- any impervious area including, but not limited to, buildings, driveways, patios, pools, tennis courts, decks, recreation facilities and the like will be included within the calculation of site coverage; and
 - The total land area of the lot will be used in the calculation of site coverage. The total land area excludes restricted development areas or land required for public purposes.
- (b) Of the maximum permitted site coverage, the dwelling building footprint is to be no more than 45%, with the exception of land shaded pink on Map Sheets 1-42.
 - (c) Additional site specific controls apply to land adjoining Heritage Park (Refer to Appendix C – Precinct Plan Maps and Site Specific Controls).

Zone E3 Environmental Management

- (d) Erection of a dwelling on land zoned E3 Environmental Management (shown in Map Sheet 40) shall be:
 - a replacement for an existing dwelling, and
 - it will have a floor area not exceeding 125% of the floor area of the existing dwelling, and
 - it will be a light and flexible structure capable of tolerating soil movement, and
 - it shall not involve the excavation or filling of land to a depth or height of more than 300mm from the existing surface level.
- (e) For additions or alterations to an existing dwelling on land zoned E3 Environmental Management (shown in Map Sheet 40):
 - the area of the existing dwelling will not be increased by more than 25%, and
 - the additions or alterations will be light and flexible and capable of tolerating soil movement.

SUBMISSION REQUIREMENTS

- A schedule showing the site coverage and landscape area should be submitted with the application or included on the Site Plan.

2.14.3. BUILDING HEIGHT

Refer to Clause 4.3 *Height of buildings* of The Hills Local Environmental Plan 2012.

2.14.4. PRIVATE OPEN SPACE

OBJECTIVES

- (i) *To provide for a private outdoor living space, as an extension of the dwelling, for the enjoyment of residents.*
- (ii) *To provide outdoor living spaces which receive a reasonable quantity of sunshine during all months of the year.*

DEVELOPMENT CONTROLS

- (a) Private open space (behind the front building line) is to be 20% of the lot area or 80m² whichever is the greater and can be contained within the landscaped area of the site.

- (b) The private open space area must be able to contain a rectangle measuring 6 metres by 4 metres.
- (c) The private open space area is to be:
 - continuous to, and accessible from, the primary living areas of the dwelling;
 - located and oriented to ensure it is not directly overlooked from adjoining lots or buildings; and
 - located on relatively flat land to ensure it is useable as open space.
- (d) At least 50% of the required minimum open space area is to receive direct sunlight between 10.00am and 3.00pm during mid-winter. Appropriate shadow diagrams are to be provided at development application stage to demonstrate compliance with this standard.

SUBMISSION REQUIREMENTS

- The location and dimensions of the private open space must be shown on the Site Plan.

2.14.5. LANDSCAPING AND OPEN SPACE

OBJECTIVES

- (i) *To enhance the quality of the built environment by providing a high standard of landscaping.*
- (ii) *To ensure that landscaping may be efficiently maintained.*
- (iii) *To promote a pleasant and safe living environment.*
- (iv) *To limit tree removal to maintain the character of the area.*
- (v) *To design a high quality landscape setting for urban housing development.*
- (vi) *To fully integrate the landscape design in communal, private and public areas as a necessary element in any well designed residential project.*
- (vii) *To preserve and enhance existing landscape features.*
- (viii) *To encourage existing vegetation to be included wherever possible into site landscaping.*
- (ix) *To provide adequate open space areas for the enjoyment and use by residents.*
- (x) *To enhance the quality of the built environment by providing opportunities for landscaping.*

- (xi) *To provide an open space area within the development for the recreation of residents and children's play.*

DEVELOPMENT CONTROLS

- (a) All setback and car parking areas are to be landscaped and maintained in accordance with the provisions of Part C Section 3 – Landscaping.
- (b) The minimum required landscaped or naturally vegetated area for residential development as a percentage of the total site area is 40%. Except for land zoned E4 Environmental Living where the minimum is 70%.
- (c) Consideration should be given to Council's Safer by Design Guidelines, particularly in regards to natural surveillance, sightlines and lighting.

Note. Landscaped area does not include any paved or built upon area such as driveways, tennis courts, patios/decks, outbuildings or pools.

- (d) Site specific controls apply to Hunterford Estate, Oatlands, Gilroy College and residential development at the Corner of Old Windsor Road and Seven Hills Road, Baulkham Hills (Refer to Appendix C – Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENTS

- A Landscape Plan including details of site coverage and Landscape area.
- Tree management Details.
- Site Plan.

2.14.6. DWELLING DESIGN AND CONSTRUCTION

OBJECTIVES

- (i) *To ensure that dwellings are designed with regard to site conditions and constraints such as drainage easements.*
- (ii) *To ensure that dwelling design and siting have regard to the existing streetscape and character of the area, and the amenity of adjoining development.*
- (iii) *To protect existing trees on the site.*
- (iv) *To ensure that the appearance of housing is of a high visual quality and enhances the streetscape and the urban environment.*

- (v) *To allow flexibility in the siting of new buildings and ensure the bulk and scale of new development protects reasonable neighbour amenity and maintain appropriate residential character.*

DEVELOPMENT CONTROLS

- (a) Removal of existing trees should be minimised in any building proposal. Refer to Clause 5.9 *Preservation of trees or vegetation* of The Hills Local Environmental Plan 2012 and Part C Section 3 – Landscaping for requirements.
- (b) Any part of the structure must comply with the building line setbacks applying to the land.
- (c) Stairs, single storey verandahs, single storey entry features, and single storey porticos may encroach up to 1.2 metres of the building setback for 30% of width of the dwelling provided the design, materials, colours and construction be consistent with the dwelling.
- (d) Dwellings must be designed so that walls facing public spaces contain window or door openings to a habitable room.
- (e) Council discourages design that results in carports and garages facing a public place as prominent elements of the streetscape. Garages should be no more than 6.5m in width and should not extend across more than 50% of the width of the property (measured at the required building line setback). Garages must be designed to be:-
- visually subservient;
 - integrated into the overall dwelling design; and
 - constructed of similar materials and finishes to the dwelling.
- (f) Two of the criteria listed below should be utilised to minimise the impact of garages:
- Garage doors are divided by a vertical masonry pillar or similar;
 - Upper floor element projected forward of the garage to cast a shadow and take prominence;
 - Colours and textures to ensure the garage doors do not dominate the street elevation;
 - Verandah or pergola provided across the face of the garage;
 - Utilisation of vertical elements to mitigate the horizontal elements of the garage;
 - Garage entrance to be oriented away from the primary street frontage; and
 - Staggered garages whereby one garage is setback from the adjoining garage (triple

garages will not be supported unless one garage is setback from the adjoining two garages).

- (g) In cases where triple garages are proposed the suitability of the proposal will be considered on the basis of the impact on the streetscape utilising the criteria listed above as guidelines.
- (h) Site specific controls apply to land adjoining Heritage Park facing Old Castle Hill Road. Hunterford Estate in Oatlands and Gilroy College Target Site (Refer to Appendix C – Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENTS

- Documentation to demonstrate how the objectives and development controls are met.
- Development Applications submitted for new dwellings shall indicate the site levels and finished floor levels related to a datum (AHD preferred) at the invert of the gutter.

2.14.7. CUT AND FILL

OBJECTIVE

- (i) *To ensure that dwellings are designed with regard to site conditions and minimise the impact on landform.*

DEVELOPMENT CONTROLS

- (a) Building siting and design should consider the topography of the site and if cut and fill is necessary it must be balanced to ensure no fill leaves the site.
- (b) Where plans show an excess of 600mm of filling and, provided that the filling does not exceed 1.5 metres, a condition of approval will be imposed requiring a concealed dropped edge beam to contain the fill in excess of 600mm. Should the plans show an excess of filling above 1.5 metres, the applicant will be requested to amend the design to reduce the filling required.
- (c) Excavation in excess of 1 metre may be permitted, subject to there being no adverse effect on the adjoining owners and the submission of structural engineers details of retaining walls with the Development Application, or alternatively, a separate Development Application is to be submitted.

SUBMISSION REQUIREMENTS

- Details of the exact amount and extent of excavation and filling on the site.

2.14.8. BUILDING MATERIALS**OBJECTIVES**

- (i) *To promote integrated, visually harmonious and attractive buildings in residential and rural areas.*
- (ii) *To encourage the use of renewable, energy efficient materials that are durable and cost effective in accordance with Council's ESD objective 5.*
- (iii) *To reduce waste generation and wastage of resources in accordance with Council's ESD objective 6.*
- (iv) *To encourage consideration of the long-term impact of the production and use of materials used in construction of the development.*

DEVELOPMENT CONTROLS

- (a) All building construction must comply with the Environmental Planning and Assessment Act 1979, Local Government Act 1993, and Building Code of Australia.
- (b) The choice of materials and external finishes are to be compatible with surrounding developments and landscape features in terms of colours, textures and quality.
- (c) The following factors must be considered when selecting materials:
 - suitability for the purpose;
 - durability;
 - long term appearance;
 - local environmental impacts;
 - broader and longer term environmental impacts; and
 - the quantity of material required.
- (d) Avoid oversupply and waste of materials by careful assessment of quantities needed.
- (e) Avoid materials that are likely to contribute to poor internal air quality such as those generating formaldehyde or those that may create a breathing hazard in the case of fire (eg polyurethane).

- (f) Select materials that will minimise the long-term environmental impact over the whole life of the development.
- (g) Preference should be given to materials derived from renewable sources or those that are sustainable and generate a lower environmental cost, recycled material or materials with low embodied energy, better lifecycle costs and durability.
- (h) Choice of materials should be based on consideration of both their environmental and economic costs.
- (i) Consideration should be given to Council's Safer by Design Guidelines, particularly in regards to the use of anti – graffiti surfaces.

SUBMISSION REQUIREMENTS

- Schedule of External Materials including schedule of colours.

2.14.9. PRIVACY – VISUAL AND ACOUSTIC**OBJECTIVES**

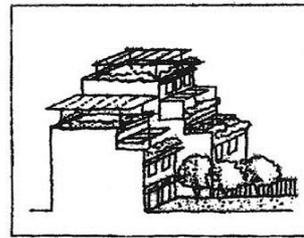
- (i) *To site and design buildings to ensure visual privacy between dwellings and principal areas of private open space in accordance with Council's ESD objective 7.*
- (ii) *To avoid overlooking of living spaces in dwellings and private open spaces.*
- (iii) *To contain noise within dwellings and communal areas without unreasonable transmission to adjoining dwellings.*
- (iv) *To promote changes in levels through terracing and height variations to reduce overlooking.*
- (v) *To ensure window locations and design reduce overlooking.*

DEVELOPMENT CONTROLS

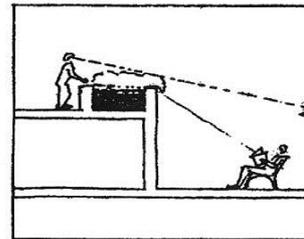
- (a) Buildings are to be designed to ensure maximum protection of privacy; in particular the privacy of primary living areas must be protected. Where appropriate consideration should be given to:
 - using windows that are narrow, translucent or obscured or, in the case of bathrooms, have window sills a minimum of 1.5 metres above the upper storey floor level;

- ensuring that windows that face directly to the windows, balconies or yards of adjoining dwellings are appropriately screened; and
- screening of opposing windows, balconies and yards with appropriate landscaping.

- (b) First floor balconies will not be permitted where they overlook living areas of adjacent dwellings.
- (c) Windows should be placed to minimise direct viewing between dwellings.
- (d) Dwellings are to be designed to limit the potential for noise transmission to the living and sleeping areas of adjacent existing and future developments.
- (e) Careful consideration should be given to the location of air-conditioning systems, swimming pools and the like to minimise the impact on the amenity of adjoining properties.
- (f) Private open space areas and driveways are to be designed to minimise noise impacts.
- (g) Dwellings that adjoin classified roads are to be designed to ensure acceptable internal noise levels, based on Environmental Protection Authority – Environmental Criteria for Road Traffic Noise and Australian Standard 3671 – Road Traffic Noise Intrusion – Building Siting and Construction.
- (h) Site specific controls apply to Hunterford Estate in Oatlands and Gilroy College Target Site (Refer to Appendix C– Precinct Plan Maps and Site Specific Controls).



Solid side walls and screens improve privacy of adjoining balconies



Deep planter boxes prevent overlooking of lower outdoor areas.

- Statement from a qualified acoustic consultant certifying that the design and construction of the building meets the Environmental Protection Authority – Environmental Criteria for Road Traffic Noise and Australian Standard 3671 – Road Traffic Noise Intrusion – Building Siting and Construction.

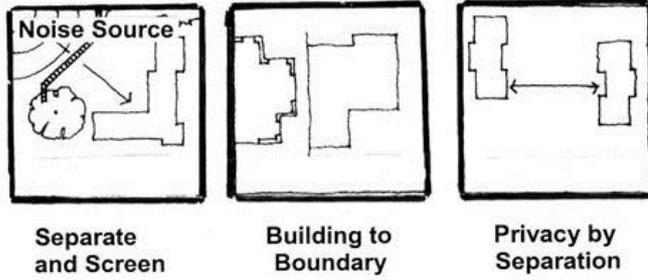
SUBMISSION REQUIREMENTS

- Statement of Environmental Effects must address design measures considered and ultimately selected to ensure the visual and acoustic privacy of future residents and residents of adjoining sites.

Privacy for Single Dwelling Residents and Neighbours

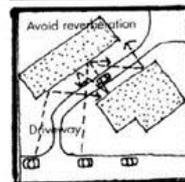
Site Planning and Layout

Privacy for Neighbours

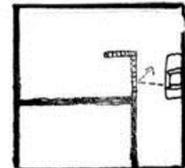


Design Techniques

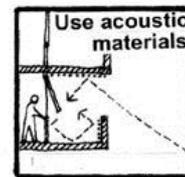
Acoustic Privacy



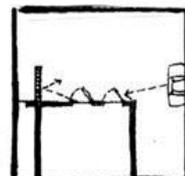
Avoid reverberation



Screen wall to shield noise

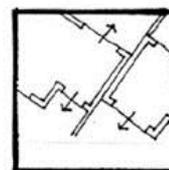


Bottom opening windows



Direction of window opening away from noise

Visual Privacy

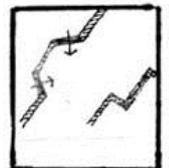


Relationship Between Dwellings

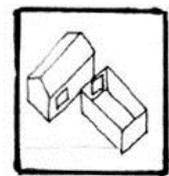
Build to boundary



Screening



Bay windows



Offset windows

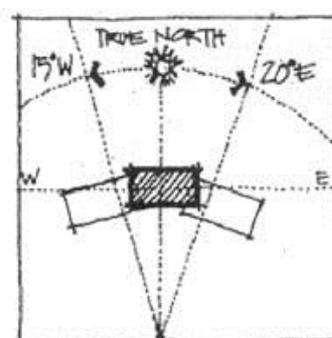
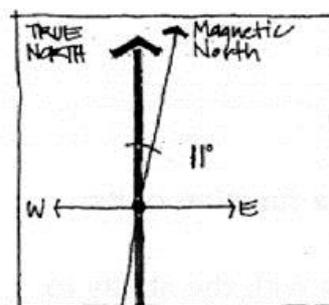
Source: Australia's Guide to Good Design – Residential

2.14.10. SOLAR ACCESS**OBJECTIVES**

- (i) To maximise solar access to internal living spaces within buildings and open space areas in winter.
- (ii) To ensure no adverse overshadowing of adjoining allotments/developments including the principal area of open space.
- (iii) To orient the development in a way that best allows for appropriate solar access and shading, to ensure energy efficient outcomes in accordance with Council's ESD objective 5.
- (iv) To minimise the need for artificial lighting in dwellings during the day, to ensure energy efficient outcomes in accordance with Council's ESD objective 5.
- (v) To orientate dwellings so that the living areas face north.

DEVELOPMENT CONTROLS

- (a) Dwellings should be sited to allow adequate provision for access of direct sunlight to private open space within the subject land and on adjacent properties. At least 50% of the required private open space within the subject property and that on adjoining properties is to receive direct sunlight for a minimum of 4 hours between 9am and 3pm on 21 June.
- (b) Living areas of dwellings shall be orientated to the north wherever possible.
- (c) Maximise the amount of direct sunlight available to clothes drying areas.
- (d) Orient buildings so that each dwelling obtains direct sunlight where possible. Ideally, orientate the long axis of the development up to 30 degrees east and 20 degrees west of true north. This is illustrated in the following diagrams:



Source: BDP Environment Design Guide

- (e) Where winter solar access is not optimum consider the use of double-glazing or high performance glass.
- (f) Windows should have suitable shading or other solar control to avoid summer overheating.
- (g) Consider the use of horizontal shading devices (for north facing windows) including eaves, verandahs, pergolas, awnings and external horizontal blinds to allow low winter sun whilst providing shade from high summer sun.
- (h) West facing windows can cause excess heat in summer. If suitable, minimise the size of east and west facing windows, or consider external vertical shading devices such as vertical blinds, blade walls and thick vegetation.
- (i) Shading elements are to be integrated into the overall elevation design.
- (j) Site specific controls apply to Hunterford Estate in Oatlands and Gilroy College Target Site (Refer to Appendix C– Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENT

- Shadow Diagram.

2.14.11. VENTILATION**OBJECTIVES**

- (i) *To maximise ventilation flows in dwellings.*
- (ii) *To minimise the filtering of cold or warm air through gaps in the construction of dwellings in accordance with Council's ESD objective 5.*

DEVELOPMENT CONTROLS

- (a) Consider ventilation in early design stages.
- (b) Consider prevailing breezes in relation to building orientation, window design and internal circulation.
- (c) Place windows to allow for cross ventilation.
- (d) Consider the installation of fans, roof vents, louvered windows and high-level windows for rooms or spaces where cooling rather than heating is the priority.
- (e) Windows should be lockable in a partly open position.
- (f) Provide security screen doors at dwelling entries.
- (g) Minimise air gaps by incorporating door and window seals.

2.14.12. LIGHTING**OBJECTIVE**

- (i) *To maximise the use of natural lighting and to minimise the energy consumption of developments in accordance with Council's ESD objective 5.*

DEVELOPMENT CONTROLS

- (a) The design should maximise the use of natural lighting through window placement and skylights.
- (b) Incorporate dimmers, motion detectors, automatic turn-off switches where appropriate.
- (c) Provide separate switches for special purpose lights.

2.14.13. ON-SITE SEWAGE MANAGEMENT

Residences in unsewered residential zones such as Wisemans Ferry, Glenorie, Kenthurst and Lower Portland will need to address on-site sewage management requirements in Appendix C of Part B Section 1 - Rural.

2.14.14. CAR PARKING AND VEHICULAR ACCESS**OBJECTIVES**

- (i) *To ensure dwellings have adequate areas of ingress and egress from the local road system and satisfactory on-site access in accordance with Council's ESD Objective 7.*
- (ii) *To provide sufficient and convenient parking for residents and visitors to the site.*
- (iii) *To ensure that adequate carparking is provided on-site so as to prevent inconvenience to residents and congestion in nearby streets in accordance with Council's ESD Objective 7.*

DEVELOPMENT CONTROLS

- (a) Car parking is to be provided in accordance with Part C Section 1 - Parking.
- (b) The location and design of driveways and parking areas should enable the opportunity for landscape screening.
- (c) Provision is to be made for convenient and safe access to car parking facilities.
- (d) At least one car parking spaces must be provided behind the front building line. Single garages must have minimum internal dimensions of 5.5m by 3.0m. Double garages must have minimum internal dimensions of 5.5m by 5.0m.
- (e) Site specific controls apply to land adjoining Heritage Park, at the corner of Old Windsor Road and Seven Hills Road, Baulkham Hills (Refer to Appendix C– Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENTS

- Plans showing proposed vehicular access and circulation and calculations, specifically relating to vehicular movement, turning circles, parking spaces, and driveway widths. The Australian Standard 2890.1 – Off Street Car Parking templates must be overlaid on the appropriate plans.

2.14.15. ACCESS AND SURVEILLANCE**OBJECTIVE**

- (i) *To ensure the needs of residents and visitors are considered with particular regard to access*

requirements, safety and security in accordance with Council's ESD Objective 7.

DEVELOPMENT CONTROLS

- (a) Site planning and dwelling design is to allow general observation of the street, the site and the approaches to the dwelling entry from the inside of each dwelling.
- (b) Access to dwellings is to be direct and without unnecessary barriers. For example, use ramps instead of stairs/steps, consider the height and length of handrails and eliminate changes in level between ground surfaces.
- (c) Stairs and ramps are to have reasonable gradients and non slip even surfaces. Refer to Australian Standard 1428.1 - 2001 Design for Access and Mobility and supplementary AS 1428.2 - 1992.

2.15. FENCING

Fencing may be exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes 2008). Where land is excluded from this State Environmental Planning Policy, the following applies.

Note: Additional controls relating to fencing on flood controlled land is detailed in Part C Section 6 – Flood Controlled Land of this DCP.

OBJECTIVES

- (i) *To ensure that fencing is of a high visual quality, compliments the character of the area and is compatible with the proposed development.*

DEVELOPMENT CONTROLS

- (a) Any boundary fencing shall be subject to the requirements of the Dividing Fences Act 1991.
- (b) Front fencing is to be consistent with the height, scale, and style of existing fencing in the street. Where there are no existing front fences, front fences are not supported.
- (c) Consideration should be given to Council's Safer by Design Guidelines, particularly in regards to natural surveillance, sightlines and anti-graffiti surfaces.
- (d) Where front fencing over 1.2 metres in height is proposed, this shall be of open style.

- (e) Any fencing in the front setback over 1.2m in height shall be setback from the front boundary a minimum of 500mm to allow opportunities for landscaping to soften the impact of the fence.
- (f) Consideration will be given to fencing on secondary road frontage setbacks, subject to there being no adverse affect on the immediate area and on traffic visibility and be of a design to incorporate features such as landscaping bays or a variation/combination of materials.
- (g) Side and rear boundary fencing should be a maximum of 1.8 metres in height.
- (h) Site specific fencing controls apply to land adjoining Heritage Park and at the corner of Old Windsor Road and Seven Hills Road, Baulkham Hills (Refer to Appendix C– Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENT

- Details of all fencing proposed for the site.

2.16. WASTE MANAGEMENT

2.16.1. STORAGE AND FACILITIES

OBJECTIVES

- (i) *To minimise the overall environmental impacts of waste.*
- (ii) *To maximise, through appropriate design, the opportunities to deal with domestic waste according to the Waste Hierarchy as given in Council's ESD objective 6.*
- (iii) *To provide, in accordance with Council's ESD Objective 6, domestic waste management systems that allow for ease of use by occupants and ease of service by collection contractors.*
- (iv) *To provide waste storage areas that are integrated with the design of the development.*
- (v) *To ensure minimum visual impact of the waste storage facilities.*
- (vi) *To assist in achieving Federal and State Government waste minimisation targets.*

DEVELOPMENT CONTROLS

- (a) Waste collection and separation facilities must be provided for each dwelling. Each dwelling should have a waste storage cupboard in the kitchen

capable of holding at least a single days waste, and be sufficient to enable separation of recyclable material.

- (b) Adequate storage for waste materials must be provided on site.
- (c) All waste storage areas must be screened from view from any adjoining property or public place.
- (d) Waste storage areas must be kept clean, tidy and free from offensive odours at all times.
- (e) Bin storage space is to be:
 - incorporated into the landscape design of each dwelling; and
 - adequate for one 240 litre garbage bin and one 240 litre recycling bin per dwelling.
- (f) Location of the bin storage space:
 - is to be convenient to the occupant(s) of the dwelling; and
 - must allow the bins to be wheeled to the street kerb over flat or ramped surfaces with a maximum grade of 7% and not over steps, landscape edging or gutters or through the dwelling.

2.16.2. WASTE MANAGEMENT PLANNING

OBJECTIVES

- (i) *To promote improved project management and to reduce the demand for waste disposal during demolition and construction in accordance with Council's ESD Objective 6.*
- (ii) *To maximise, re-use and recycle building/construction materials in accordance with Council's ESD Objective 6.*
- (iii) *To encourage building designs and construction techniques that will minimise waste generation in accordance with Council's ESD Objective 6.*
- (iv) *Minimise waste generation to landfill via the waste hierarchy in accordance with Councils ESD objective 6.*
- (v) *To assist in achieving Federal and State Government waste minimisation targets.*

A. DEMOLITION

DEVELOPMENT CONTROLS

- (a) Site operations should provide for planned work staging, at source separation, re-use and recycling

of materials and ensure appropriate storage and collection of waste.

- (b) Traditional comprehensive demolition should be replaced by a process of selective deconstruction and re-use of materials. Careful planning is also required for the correct removal and disposal of hazardous materials such as Asbestos.
- (c) Project management must seek firstly to re-use and then secondly to recycle solid waste materials either on or off site. Waste disposal to landfill must be minimised to those materials that are not re-useable or recyclable.
- (d) When separated, materials are to be kept uncontaminated to guarantee the highest possible re-use value.
- (e) Details of waste sorting areas and vehicular access are to be provided on plan drawings.

B. CONSTRUCTION

DEVELOPMENT CONTROLS

- (a) Avoid over-supply and waste of materials by careful assessment of quantities needed.
- (b) The use of prefabricated components may reduce waste.
- (c) Re-use of materials and use of recycled material is desirable where possible.
- (d) Site operations should provide for planned work staging, at source separation, re-use and recycling of materials and ensure appropriate storage and collection of waste.
- (e) All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with Workcover Authority and EPA requirements.

SUBMISSION REQUIREMENTS

- Waste Management Plan (WMP). Appendix A of The Hills DCP 2011 contains a template that can assist in the preparation of a WMP.

2.17. SERVICES

OBJECTIVE

- (i) *To ensure adequate provision is made for services for each dwelling including garbage, sewer, water, drainage, electricity and telecommunications.*

DEVELOPMENT CONTROLS

- (a) Unless it is satisfied that adequate provision has been made for the supply of water and disposal of sewage, Council may not grant consent to the development.
- (b) All water, gas, power and communication services are to be located underground.

2.18. SWIMMING POOLS**OBJECTIVES**

- (i) *To ensure swimming pools are located so that they are not visually prominent from the street.*
- (ii) *To ensure that the amenity of adjoining owners is considered when siting and designing swimming pools.*

DEVELOPMENT CONTROLS

- (a) Swimming pools are not to be located within the front or secondary boundary setback.
- (b) Swimming pools are required to have a minimum setback of 1m from the waterline to side and rear boundaries.
- (c) Swimming pool filters are to be placed at a location away from dwellings on adjoining properties and enclosed in soundproof structures.

3. INFORMATION REQUIRED FOR A DEVELOPMENT APPLICATION**3.1 DWELLINGS AND ADDITIONS / ALTERATIONS TO AN EXISTING DWELLING**

The following plans and details are required for new dwellings or alterations/additions to existing dwellings:-

COMPLETED APPLICATION FORM

You must have the written consent of all current owners.

SITE ANALYSIS**SITE PLANS****ARCHITECTURAL PLANS**

- Floor Plan (Existing and Proposed)
- Elevations

- Schedule of External Materials

LANDSCAPE PLAN**STATEMENT OF ENVIRONMENTAL EFFECTS (SEE)****BASIX CERTIFICATE****WASTE MANAGEMENT PLAN**

Refer to section 2.16 and Appendix A of The Hills DCP 2011.

SEDIMENT EROSION CONTROL PLAN

Refer section 2.9 of this Section of the DCP.

Note. Refer to Part A – Introduction section 4.0 for general lodgement requirements and detailed requirements to be included in each of the above documentation.

3.2 SUBDIVISION APPLICATIONS / SMALL LOT HOUSING UNDER CLAUSE 4.1B**COMPLETED APPLICATION FORM**

You must have the written consent of all current owners.

SITE ANALYSIS**PROPOSED LAYOUT PLANS (10 Copies)**

These plans should:

- Be produced in ink and be not less than A4 and no greater than A1 in size;
- Be of suitable scale (1:500 or 1:1000 wherever possible). In cases where there is more than 1 sheet an overall plan at 1:4000 should be submitted to illustrate the overall layout;
- Include existing boundaries and lot or portion numbers in broken lines/lettering;
- Show proposed boundary lines;
- Show proposed dimensions and areas;
- Show proposed lots consecutively numbered and include any easements and restricted development areas;
- Show widths of all existing roads;
- Show footpath and pavement widths of all proposed roads, proposed road widening and corner splays;
- Show all proposed roads consecutively numbered;
- Show the position of all intersecting adjoining property boundaries, existing roads or property boundaries of land on the opposite side of all existing roads adjoining the site;

- All vegetation and trees on the subject property (separate plan);
- Contours in one metre intervals at Australian Height Datum;
- Show all existing buildings, watercourses, drains, dams, swamps, easements, right-of-ways, structures or permanent improvements; and
- Show all services.

Community Title Subdivision

In addition to the plans required above, a Draft Management Statement and Development Contract must be provided.

Strata Title Subdivision

For Strata Title Subdivision the plans required must:

- Be produced in ink and be not less than A4 and no greater than A1 in size;
- Be of suitable scale (1:500 or 1:000 wherever possible). In cases where there is more than 1 sheet an overall plan at 1:4000 should be submitted to illustrate the overall layout;
- Show proposed boundary lines;
- Show proposed dimensions and areas; and
- Show proposed lots consecutively numbered and include any easements and restricted development areas.

Additional Reports/Plans

The following reports may be required depending on the nature of the site and application. Advice will be provided at pre-lodgement stage as to which of the following are required with the application:

- Flora and Fauna Report
- Soil Analysis Report
- Heritage Report
- Bushfire Report
- Tree Management Details
- Flood Study
- Landscape Plan
- Streetscape Plan
- Solar and Siting Plan

Note. Refer to Part A – Introduction section 4.0 for general lodgement requirements and detailed requirements to be included in each of the above documentation.

4. REFERENCES

Australian Council of Business Design Professionals, (2000) BDP Environment Design Guide

Baulkham Hills Shire Council, 2002 Making Access For All.

Donovan I, Cameron C, and Coombes P (1999). Water Sensitive Urban Development: Model Planning Provisions. Lake Macquarie City Council, Speers Point, on behalf of the Lower Hunter and Central Coast Environmental Management Strategy.

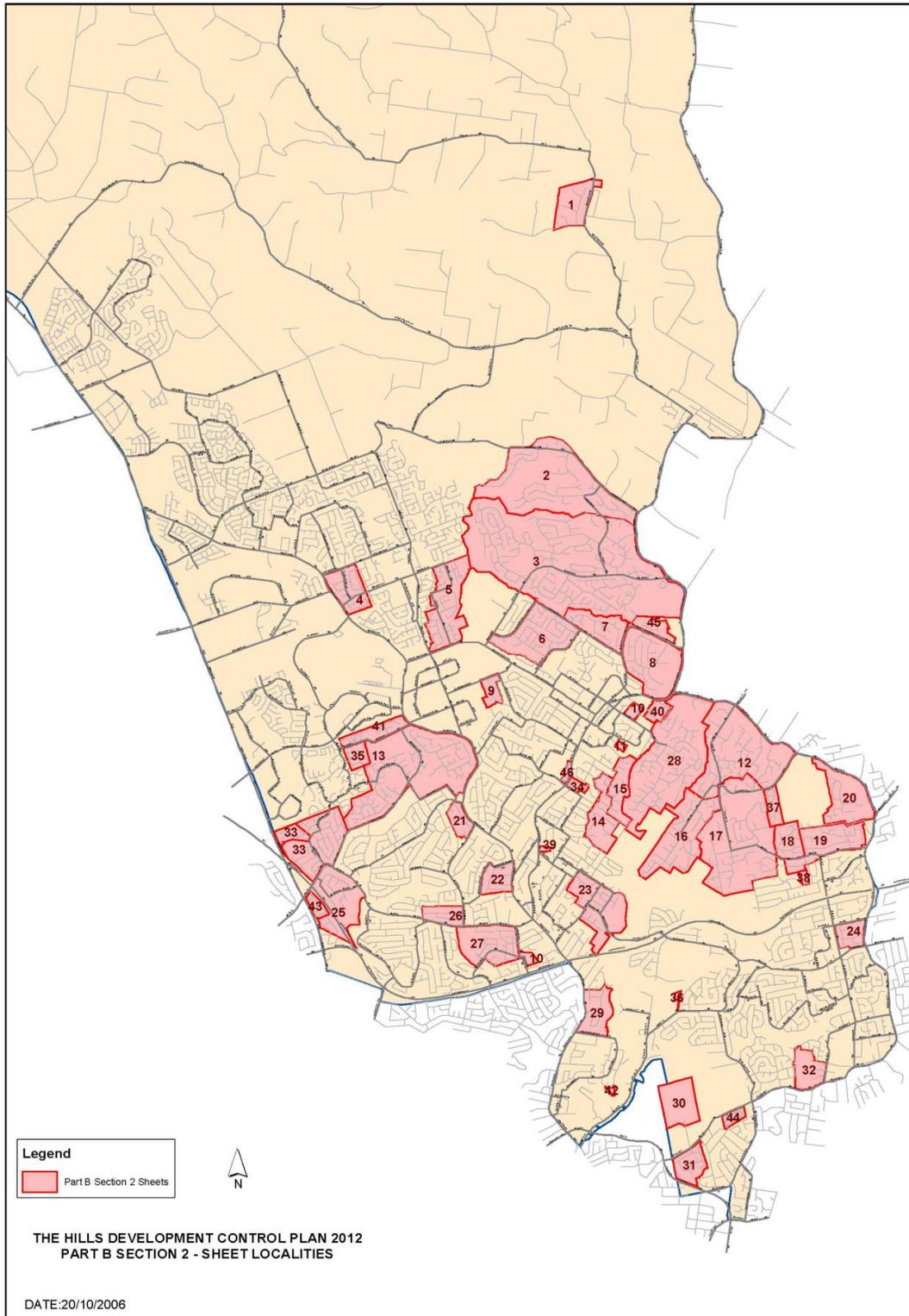
Faculty of the Constructed Environment, RMIT University et al, Australia's Guide to Good Design – Residential, Prepared on behalf of the National Office for Local Government.

APPENDIX A - DEVELOPMENT CONTROLS CALCULATION SHEET

Issue		Development control	Proposed development	Complies
1.	Development Control Map Sheets	Refer to Site Specific DCP Map sheets		
2.	Site Specific Development Control Plans			
3.	Restricted Development Areas	Refer to Site Specific DCP Map Sheets and section 2.3.		
4.	Site Analysis	Refer to section 2.4		
5.	Streetscape and Character	Refer to section 2.5		
6.	Bush Fire Hazard Management	Refer to section 2.6		
7.	Geotechnical Site Stability	Refer to section 2.7		
8.	Bushland and Biodiversity	Refer to section 2.8		
9.	Erosion and Sediment Control	Refer to section 2.9		
10.	Heritage	Refer to Part C Section 4 – Heritage		
11.	Signage	Refer to Part C Section 2 - Signage		
12.	Stormwater Management	Refer to section 2.12 and Appendix B of The Hills DCP 2012		
13.	Minimum Lot Size	Refer to section 2.13.2		
14.	Building Platform	20 metres x 15 metres		
15.	Access and Safety	Refer to section 2.13.4		
16.	Developer Contributions	Refer to Council's Developer Contributions Plans regarding applicable plan and amount payable.		
17.	Setbacks: <ul style="list-style-type: none"> ➤ primary setback ➤ width of dwelling ➤ In front of garages ➤ Corner allotments (secondary setback) for second road frontages ➤ Battle axe allotments 	Refer to section 2.14.1		
18.	Site Coverage:	Refer to section 2.14.2		
19.	Building Height	Refer to section 2.14.3		
20.	Open Space: <ul style="list-style-type: none"> ➤ Landscaped area for Residential ➤ Private Open Space 	Refer to section 2.14.5		

Issue		Development control	Proposed development	Complies
21.	Landscaping	Refer to Part C Section 3 - Landscaping		
22.	Dwelling Design and Construction	Refer to section 2.14.6		
23.	Cut and Fill	Refer to section 2.14.7		
24.	Building Materials	Refer to section 2.14.8		
25.	Privacy	Refer to section 2.14.9		
26.	Solar Access	Refer to section 2.14.10		
27.	Ventilation	Refer to section 2.14.11		
28.	Insulation and Thermal Mass	Refer to section 2.14		
29.	Energy Efficiency Hot water system	Refer to section 2.14		
30.	On-site Sewage Management:	Refer to Appendix C of Part B Section 1 – Rural.		
31.	Car parking <ul style="list-style-type: none"> ➤ Single Garage ➤ Double Garage 	At least one car parking space provided behind the building line. <ul style="list-style-type: none"> ➤ Min internal dimension 5.5 metres x 3 metres ➤ Min internal dimension 5.5 metres x 5 metres 		
32.	Surveillance			
33.	Fencing	Maximum height of 1.8 metres		
33.	Waste Management	Refer to section 2.16		
34.	Services	Refer to section 2.17		
35.	Swimming Pools	<ul style="list-style-type: none"> ➤ Not in front of secondary boundary setback ➤ Minimum one metre setback from side and rear boundaries Refer to section 2.18.		

APPENDIX B - RESIDENTIAL DCP MAP SHEET GUIDE



APPENDIX C - PRECINCT PLAN MAPS AND SITE SPECIFIC CONTROLS

C.1. CORNER OLD WINDSOR ROAD AND SEVEN HILLS ROAD, BAULKHAM HILLS

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



Legend

Part B Section 2 Map Sheet 43 of 46

LAND TO WHICH THIS SECTION OF THE PLAN APPLIES
 - CORNER OF OLD WINDSOR ROAD &
 SEVEN HILLS ROAD BAULKHAM HILLS

SCALE: 1:4,000

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
THE HILLS SHIRE COUNCIL
THE HILLS DEVELOPMENT CONTROL PLAN 2012
 Part B Section 2 Map Sheet 43 of 46

	STATEMENT OF RELATIONSHIP WITH OTHER PLANS This plan is to be read in conjunction with The Hills DCP statement and The Hills LEP 2012.	
FILE No.	FP 171	Date of Adoption: Minute No. Came into Force:

C.1.2. BUILDING PLATFORM AND VIEWS**OBJECTIVES**

- (i) *Dwellings should be designed and/or positioned on site to maximise views.*
- (ii) *Views of the estate from public places such as the proposed freeway, open space and surrounding roads should be taken into consideration during design stage.*

DEVELOPMENT CONTROL

- (a) Dwellings shall be designed to maximise existing views to the east and south.

C.1.3 BUILDING SETBACKS**OBJECTIVES**

- (i) *To create an attractive, interesting and pleasant streetscape through the siting of buildings and landscaping.*
- (ii) *To provide privacy for residents and neighbours, to minimise overshadowing and to protect the visual quality of existing open space areas.*

DEVELOPMENT CONTROLS

- (a) **Front Setbacks:** In cases where stacked car parking is required in front of garages, the minimum setback shall be 5.5 metres to the garage.
- (b) **Floor Level:** Where a building setback to a public road or public place is less than 4 metres, the floor level in any habitable room of the building shall be at least 600mm higher than the finished level of the public road or public place.
- (c) **Side Setbacks:** Side setbacks for dwellings should be 1.0 metre.
- (d) Single storey side or rear walls without windows or any other opening may be built on the boundary providing that there is no unreasonable adverse impact on the privacy or solar access of adjoining properties.
- (e) **Rear Setbacks** for dwellings adjacent to major roadways should be at least 5 metres.

C.1.4 CAR PARKING AND VEHICULAR ACCESS**OBJECTIVES**

- (i) *To provide convenient and safe parking for residents, visitors and service vehicles.*
- (ii) *To encourage access design to form part of the overall landscape design.*
- (iii) *To ensure vehicular and pedestrian safety.*
- (iv) *To allow the free flow of traffic in streets of the estate.*

DEVELOPMENT CONTROLS

- (a) Two on-site car parking spaces per dwelling should be provided.
- (b) One space shall be a garage, located within stipulated building setbacks.
- (c) The second car parking space may be provided as stack parking between the garage and the property boundary, provided the garage is setback at least 5.5 metres from the property boundary.

C.1.5 FENCING**DEVELOPMENT CONTROLS**

- (a) Fencing materials must be chosen to soften and enhance the built form of the estate and have regard to the need for noise attenuation measures. Excessive straight runs of fencing should be avoided where possible.
- (b) Any courtyard or private open space area may be required to be enclosed by at least a 1.8 metre high fence to maximise privacy.
- (c) Fencing should meet the requirements of residents for security, aural and visual privacy and landscaping.
- (d) Fencing shall be located along all perimeter boundaries of the site with screen landscaping to enhance the appearance of the estate.

C.2.2. STREETScape AND CHARACTER**DEVELOPMENT CONTROLS**

- (a) The design of buildings should reflect and complement the streetscape and avoid monotonous or symmetrical design.
- (b) Development should contribute to an attractive residential environment with clear character and identity.
- (c) Variation in the location and height of buildings along streets through varied building setbacks and heights.
- (d) Other quantitative controls relating to streetscape are those established by this plan relating to landscaping, height and building setbacks.

C.2.3 BUILDING PLATFORM AND VIEWS**DEVELOPMENT CONTROLS**

- (a) The site layout should take into account the views available from the southeast corner of the site.
- (b) Dwelling orientation should take advantage of views.
- (c) Building form and design should where possible allow for view sharing.

C.2.4 BUILDING SETBACKS**DEVELOPMENT CONTROLS****Front**

- (a) The minimum front setback shall be 7.5 metres from the adjusted boundary following excision of the land required by the RMS, for all buildings fronting Pennant Hills Road, providing noise attenuation measures are put in place to reduce traffic noise in accordance with EPA Standards for the future inhabitants of the development. A 3 metre setback shall be provided for all other roads in the development. If a stacked car parking space is required to meet the car parking requirements the setback to the garage is to a minimum of 5.5 metres.

Side and Rear Setbacks

- (a) The minimum setback shall be 4.5 metres to the boundary of an existing adjoining property for one storey developments, and 6 metres to the boundary of an adjoining property for two storey developments, except for that part of the site that adjoins properties Lot 9-13 in DP 229301 Regency Court where the minimum setback shall be 8.5 metres. Zero setbacks are permissible as part of the small lot housing development (Refer to Clause 4.1B of The Hills LEP 2012).
- (b) Residential flat buildings should have a minimum side setback of 3 metres and should have due regard for overlooking and overshadowing of adjacent dwellings within the integrated scheme. The side setback will be increased to reduce any impact of overlooking and overshadowing on adjacent dwellings within the small lot housing scheme (Refer to Clause 4.1B of The Hills LEP 2012).
- (c) Where front verandahs/patios are provided, they may project forward of the building line to within 2 metres of the front property boundary.
- (d) With respect to roads and adjoining properties, up to 25% variation in setback may be considered where there will be no detrimental impact on the streetscape and there is no significant overlooking or overshadowing of adjoining properties.

C.2.5 LANDSCAPING AND OPEN SPACE**DEVELOPMENT CONTROLS**

- (a) Trees and other plantings should be used to achieve an improved level of privacy between units while allowing casual surveillance for safety.
- (b) High quality landscape design which includes significant tree planting, well defined entrances, play areas and kerbside planting are considered important elements for the creation of a good urban setting for urban housing, and should be encouraged.
- (c) Landscaping design should incorporate species indigenous to the area and those which will not cause damage to adjacent buildings or driveways.
- (d) Fencing in or adjacent to communal open space areas is to be minimised. Where provided, such fencing is to be of a height, design and

construction which reflects the landscape character of the site.

Reference should be made to the relevant category of development listed below.

1. For all dwellings (except residential flat buildings) with a site density of 40 dwellings per ha or less.

- (a) The minimum private open space area required is 20% of the site area, with a minimum dimension of 3 metres.
- (b) The private open space should have a maximum gradient of 1 in 10 metres.
- (c) Screening (minimum 1.8 metres) should be provided where necessary to ensure privacy to users of the open space.

2. For all dwellings (except residential flat buildings) with a site density more than 40 dwellings per ha

- (a) Dwellings should be provided with a total minimum area of 35m² (minimum 20% of the site area for site densities greater than 60 dwellings per ha), with a minimum dimension of 2.5 metres.
- (b) The private open space should have a maximum gradient of 1 in 10 metres.
- (c) One part of the private open space should comprise an area of 16m², with a minimum dimension of 4 metres and which is directly accessible from a living area of the dwelling.
- (d) Screening (minimum 1.8 metres) should be provided where necessary to ensure privacy to users of the open space.

C.2.6 DWELLING DESIGN AND CONSTRUCTION

DEVELOPMENT CONTROLS

- (a) Pitched roofs are the preferred choice of roof form for the development, particularly for dwellings adjoining the existing residential area.
- (b) Dwellings should be orientated to maximise solar access and enjoy views.

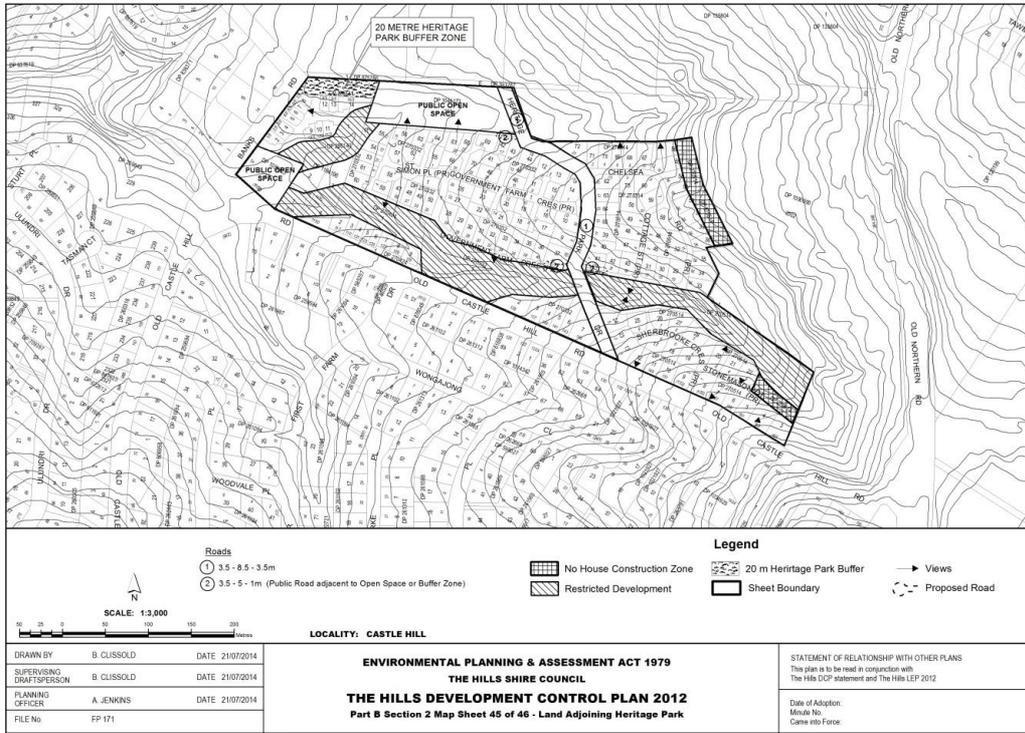
C.2.7 PRIVACY

DEVELOPMENT CONTROLS

- (a) Outlooks from windows of habitable rooms, balconies, terraces and the like should be obscured or screened where a direct view is available into the principal area of private open space of an existing dwelling.
- (b) If screening is used, the view of the area overlooked must be restricted within 9 metres and beyond a 45° angle from the plane of the wall containing the opening, measured from a height of 1.7 metres above floor level.
- (c) No screening is required where windows are in non-habitable rooms. Windows in bathrooms, toilets, laundries and storage rooms which have a direct view into adjoining properties should have either translucent glazing or sill heights of at least 1.7 metres.
- (d) Building designs which mirror the reverse on adjoining lots, so that windows are directly opposite each other, should be avoided.
- (e) Any dwellings located close to Pennant Hills Road or affected by traffic noise from Pennant Hills Road are to comply with the criteria for road and traffic noise contained in the publication "Environmental Criteria for Road Traffic Noise", prepared by the Environmental Protection Agency dated May 1999.
- (f) Achievement of LA10 (20 minute) noise level or less than 50d BA in habitable rooms with windows and doors "normally" open (i.e. at least 50 % of the flow area of the room), and less than 50d BA with the windows closed.
- (g) An acceptable acoustic environment can be achieved within noise sensitive rooms and also at outdoor recreation space by means of correct building orientation and height, appropriate internal layout and increase in the mass of the external facade.
- (h) Wherever possible, bedrooms of one dwelling should not share walls with living rooms or garages of adjacent dwellings.

C.3. LAND ADJOINING HERITAGE PARK

C.3.1 LAND TO WHICH THIS SECTION OF THE PLAN APPLIES



C.3.2. RESTRICTED DEVELOPMENT AREAS

OBJECTIVES

- (i) To ensure the road design and the siting and orientation of buildings allows for adequate surveillance of the Restricted Development Areas and public or common open space land.
- (ii) To encourage, via building design, direct views to the Restricted Development Areas, and open space areas from primary living areas and private open space area.

DEVELOPMENT CONTROLS

- (a) Driveways or private access roads shall be located adjacent to the boundaries of the open space or restricted development areas to ensure natural surveillance and ease of access.
- (b) To promote the surveillance of RDA and open space areas the only fencing permitted along the

RDA or open space boundaries will be transparent chain mesh or pool type fencing, or the like, to a maximum height of 1.5 metres.

- (c) Individual dwellings should be sited and designed to ensure direct views are available from private living areas to the restricted development areas, open space areas and road ways.

C.3.3 BUILDING PLATFORM AND VIEWS

OBJECTIVES

- (i) To maintain the views of residents into open space and restricted development areas.
- (ii) To ensure development of the subject land has minimal impact on the views of residents and visitors within the locality.

DEVELOPMENT CONTROLS

- (a) Landscaping and building design and siting should have regard for the topography to ensure the impact on the views from:

- existing residences;
 - viewing platforms along Old Northern Road identified in the Heritage and Visual analysis prepared by Mayne – Wilson & Associates, March 1999; and
 - the Heritage Park site towards the subject land is minimised by ensuring the built form does not dominate the views.
- (b) Building siting and design, including the size, shape and position of windows should, where possible, provide for living areas to face the open space or restricted development areas and significant views.
- (c) For development on land adjoining Heritage Park, siting and design of buildings, in particular any development adjacent to the southern boundary of the Heritage Park site, should consider the objectives of the Bushfire Hazard Management Practices outlined in the Castle Hill Heritage Park – Plan of Management.

C.3.4 SITE COVERAGE

OBJECTIVES

- (i) *To protect the visual amenity of existing and future residents of the locality.*
- (ii) *To provide open space this enhances the buildings.*
- (iii) *To provide adequate areas within which landscaping can be provided to ensure views of the subject area, particularly from vantage points within Heritage Park, are not dominated by built structures.*
- (iv) *To minimise the extent of impervious area to assist in the management of stormwater.*

DEVELOPMENT CONTROL

- (a) A maximum 30% site coverage will be permitted for dwellings. Except where small lot housing pursuant to Clause 4.1B of The Hills Local Environmental Plan 2012 is proposed, the maximum site coverage is 60%.

C.3.5 BUILDING SETBACKS

The following building setback controls apply to small lot housing (Refer to Clause 4.1B of The Hills LEP) in the precinct known as Land adjoining Heritage Park.

OBJECTIVES

- (i) *To create an attractive, interesting and pleasant streetscape through the siting of buildings and provision of landscaping.*
- (ii) *To provide privacy for existing and future residents to minimise overshadowing and to protect the visual quality of open space areas.*
- (iii) *To maintain an adequate buffer between dwellings and nearby environmentally sensitive areas.*

DEVELOPMENT CONTROLS

- (a) The minimum building setback from Old Castle Hill Road is 6 metres.
- (b) The minimum building setback from any open space boundary or restricted development area boundary is 6 metres.
- (c) With respect to building setbacks from internal driveways and/ or private access roads the development on the subject land will be required to demonstrate:
 - building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing;
 - that an adequate area is provided between the garage of any dwelling and the driveway or private access road adjacent to it to enable a motor vehicle to be parked without impeding the use of the driveway or private access road. In this regard a setback of 5.5 metres is suggested.
- (d) To ensure privacy and solar access, buildings facing each other across internal driveways or private access roads shall not be erected less than:
 - 6 metres apart in the case of single storey buildings; and 9 metres apart in the case where 1 or more of the buildings is 2 storeys.

C.3.6 DWELLING DESIGN AND CONSTRUCTION

OBJECTIVE

- (i) *To ensure that the appearance of new development is of high visual quality, enhances the streetscape and complements surrounding development.*

DEVELOPMENT CONTROLS

- (a) Dwellings must be designed so that walls facing Old Castle Hill Road contain windows from habitable rooms to over look the street.
- (b) Where a carport or garage is to face the street, it is to be no more than 6 metres in width nor extend across more than 50% of the property frontage, whichever is lesser. The design, materials and colours must be consistent with the dwelling.

C.3.7 CAR PARKING AND VEHICULAR ACCESS**OBJECTIVES**

- (i) *To provide sufficient and convenient parking for residents and visitors so as to maintain the amenity of adjoining properties and the efficiency of the road network.*
- (ii) *To ensure residential developments have adequate areas of ingress and egress from the local road system and satisfactory on-site access.*
- (iii) *To ensure that non-vehicular access has been integrated into the road and open space areas.*

DEVELOPMENT CONTROLS

- (a) Site access is to be located and designed in accordance with the criteria contained within the Roads and Maritime Services Guide to Traffic Generating Developments and Part C Section 1 - Parking.
- (b) A primary access road to the Heritage Park and suggested locations for access roads are shown on the map
- (c) A minimum of two undercover car parking spaces are required for each dwelling.
- (d) Adequate footpath space must be provided throughout the site, free of any obstructions and vehicular movements.
Road surfaces must not be constructed of a material that prohibits the use of bicycles.
- (e) A total of 2 visitor spaces must be provided for each 5 dwellings within an integrated housing development.
- (f) Visitor car parking spaces shall be dispersed throughout the site and not be concentrated in one part of the site.

- (g) Visitor spaces are to be made accessible at all times and are not to be located behind security gates.
- (h) Parking space and vehicle manoeuvring areas shall be designed in accordance with Part C Section 1 – Parking.
- (i) Any car parking area shall be landscaped in accordance with Part C Section 3 – Landscaping.

C.3.8 FENCING**DEVELOPMENT CONTROLS**

- (a) Fences along Old Castle Hill Road greater than 1 metre in height shall be of similar design and colour to that used in the dwelling and be set back by 750mm to allow for landscaping opportunities between the fence and the footpath.
- (b) Fencing, landscaping and building structures shall not impact on the visibility and movement of pedestrian and vehicular traffic.

C.4. GILROY COLLEGE TARGET SITE

C.4.1 LAND TO WHICH THIS SECTION OF THE PLAN APPLIES



Legend

Sheet_Boundary

SCALE: 1:3,000



LAND TO WHICH THIS SECTION OF THE PLAN APPLIES
 - GILROY COLLEGE (Former Target Site), CASTLE HILL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
THE HILLS SHIRE COUNCIL
THE HILLS DEVELOPMENT CONTROL PLAN 2012
Part B Section 2 Map Sheet 46 of 46

STATEMENT OF RELATIONSHIP WITH OTHER PLANS This plan is to be read in conjunction with The Hills DCP statement and The Hills LEP 2012	
FILE No.	FP 171
Date of Adoption: Minute No. Came into Force:	

Map Document: C:\P\env\p\env\Consolidated\DCP\Ch_46\DCP_2012\040717\Map_Sheet_46_of_46.dwg

C.4.2. STREETScape AND CHARACTER

DEVELOPMENT CONTROLS

- (a) Building materials, colours, textures and styles should adopt design clues, and exhibit a strong relationship, with the predominant style, character, materials, colours and textures of residential buildings within the immediate vicinity of the proposed development.
- (b) Compatibility of style and character of the proposed development with that of the predominant style and character of surrounding residential buildings should be demonstrated within the Development Application.

Roof Form

- (c) Roofs are to be pitched at a slope which allow their habitable use and which is compatible with the pitch of roofs present on surrounding structures.
- (d) Habitable use of roof space is encouraged in all residential development. Roof space is not counted as an additional storey for the purpose of this Section of the DCP.
- (e) Eaves overhang should be considered in order to provide weather protection to walls.
- (f) Roof form features such as hips, gables, chimneys etc are encouraged in order to give greater visual interest and break up the bulk and mass of the roofscape.
- (g) There should be a defined palette of roof colours and material to be utilised throughout the target site area.
- (h) Roofs should be of a colour and material which is compatible with other buildings in the locality, and the surrounding urban context.

Massing and Fenestration

- (i) The massing of buildings on the site should serve to garment larger building forms into more human scaled components, in both vertical and horizontal planes. Development of the site will need to demonstrate the manner in which the following criteria have been addressed:
 - Building facades are to exhibit a clear expression of “base”, “middle” and “top” components.
 - Building facades are to be articulated and fragmented. They are to utilise building form,

the play of light and shade, solid and void, and a variety of materials and elements in order to achieve visual interest and supportive relationship with the scale of pedestrians experiencing the urban environment both inside and outside the site.

- The horizontal bulk of buildings are to be downplayed through the use of strong vertical elements, particularly in cases where long walls will address the street.
- Windows are to be vertical in proportion in order to reduce the apparent bulk of buildings.

Building Appearance

- (j) The appearance of housing across the site should be coordinated such that there is a reasonable level of individual variety, within the context of achieving a compatible relationship between all buildings. There should be a mix of building forms.
- (k) All new buildings must consider and respond supportively to buildings located in adjacent positions, as well as across the street. Consistency between ridge, eave and opening heights are important in this respect.

Colours and Materials

- (l) Building material and colours selected and utilised on the site are to be coordinated throughout the site and are to be compatible with the heritage structures currently, or formerly, located on the site, and adjoining building. Generally, building of masonry and/or render construction with light colours of a neutral tone are preferred.

External Walls

- (m) External brick walls must not exceed more than 12 metres in length or breadth unless a return, recessed balcony or some other method is adopted to articulate the wall.
- (n) Common walls between units should be of cavity or masonry construction of at least 0.23 metre thickness and shall be taken from ground floor to roofline.
- (o) All side balconies should be recessed or otherwise designed to prevent the appearance of “attachment” to the side walls.

General Controls

- (p) All public spaces, building entries, car parks and internal access ways should be well lit at night and easy to navigate.
- (q) Building design should ensure that opportunities for casual surveillance are maximised and no opportunities provided for personal concealment.
- (r) Front fences or walls should be integrated with the streetscape and compliment building design.
- (s) Internal access ways should be designed to minimise the visual impact of parking and driveway areas.
- (t) Walls, blank facades, car ports and garages should not dominate the streetscape.
- (u) A formal entry should be provided to each dwelling or group of dwellings and should directly address and be visible from the street or internal site access way.
- (v) Lighting and directional signage should be provided to all pedestrian paths, car parking areas, building entries and public spaces.
- (w) Front fences or walls that do not enclose the principal private open space area of a dwelling should be no higher than 1.2 metres. This may be increased to 1.8 metres provided the design of the fence or wall incorporates opening or other design elements that maintain at least 40% transparency through the fence or wall.
- (x) All fencing or walls facing Old Northern Road or Excelsior Avenue should be constructed of masonry with similar colours and textures of, and shall be compatible with, the design and colours of the building.
- (y) Garage doors or carports facing the street or internal access way should have a maximum width of 6.0 metres per dwelling or a maximum of 50% of the length of the building wall, whichever is the greater.

Street Tree Planting

Refer to Part C Section 3 – Landscaping.

Lighting

- (z) Lighting should be provided to improve the level of safety within all streets. Light pole and luminaries shall be of a style, colour and form compatible with the context of the site and the style, colour and form of other urban elements.

- (aa) Light poles should be compatible with the pedestrian scale by virtue of their height and relationship to street dimensions.
- (bb) Light poles should be evenly spaced and contribute to establishing a regular pattern and rhythm in the street. Spacing of light poles is to be coordinated with the spacing of street trees.
- (cc) A strategy for lighting public spaces should be developed in conjunction with Council and will address the full range of issues including light type, appearance and spacing, as well as achievement of the relevant standards for acceptable ambient lux levels in public streets and spaces.

Services

- (dd) All services are to be located below ground, both within streets and between streets and individual dwellings.
- (ee) All principal services are to be provided in accordance with the requirement of the responsible authority.

Front Boundary Fencing

- (ff) The choice of fencing is to enhance an image/perception of quality and provide appropriate levels of privacy. Front fences are also to provide a suitable transition between the public domain and semi-public areas located within individual allotments.
- (gg) High front fences which are not transparent are not encouraged. The following standards will apply:
 - The option of no front fence is encouraged;
 - Front fences must not exceed 1.2 metres from ground level (excluding piers);
 - Front fences must be highly transparent; and
 - Side and rear fencing should be no higher than 1.8 metres. They should provide an adequate level of privacy to private open spaces and should be consistent with building design and where visible from the street.

Street Numbers

- (hh) All street numbers must be clearly visible from the principal street frontage.

Telecommunications Facilities

- (ii) Telecommunications facilities are to be located such that they do not detract from the aesthetic appeal of the neighbourhood or adversely impact on the visual amenity of neighbours.

Antennae

- (jj) Antennas are not to be located on the front façade of any building and must not extend above the uppermost ridge line of a building.
- (kk) A maximum of one antenna is permitted per building.

Cabling

- (ll) All cabling, for the purposes of pay TV etc, must be located below ground.

Satellite Dishes

- (mm) A maximum of one satellite dish is permitted per building. Satellite dishes are to be located below the ridgeline (or parapet) of the roof. No satellite dish is to be located on the front façade of a building, or be visible from a public street.

C.4.3 BUILDING SETBACKS

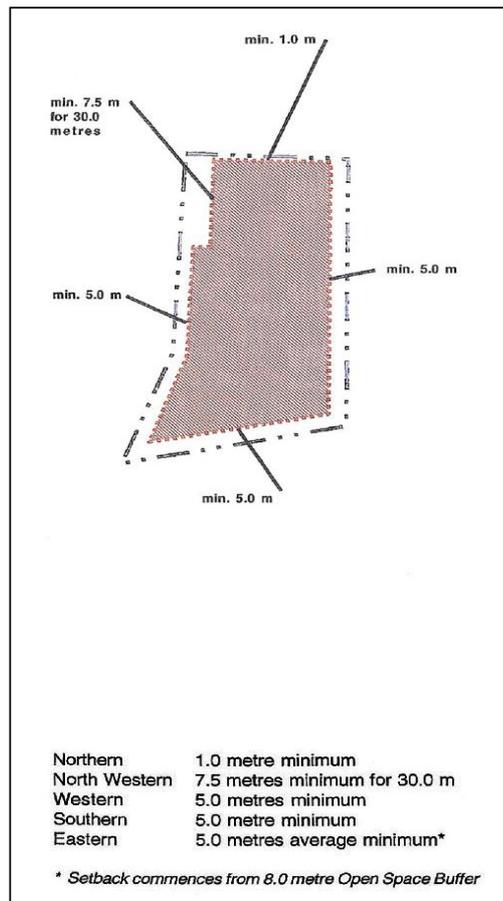
OBJECTIVES

- (i) To maintain and improve the character and streetscape qualities of Excelsior Avenue by reinforcing existing street setbacks within proposed new development.
- (ii) To provide setbacks that compliment the setting which allow flexibility in siting of buildings and allow for landscaping and open space around new building.
- (iii) Provide privacy for future residents and neighbours.
- (iv) Minimise overshadowing, and protect visual quality of proposed open space areas and the public realms of Old Northern Road and Excelsior Avenue.

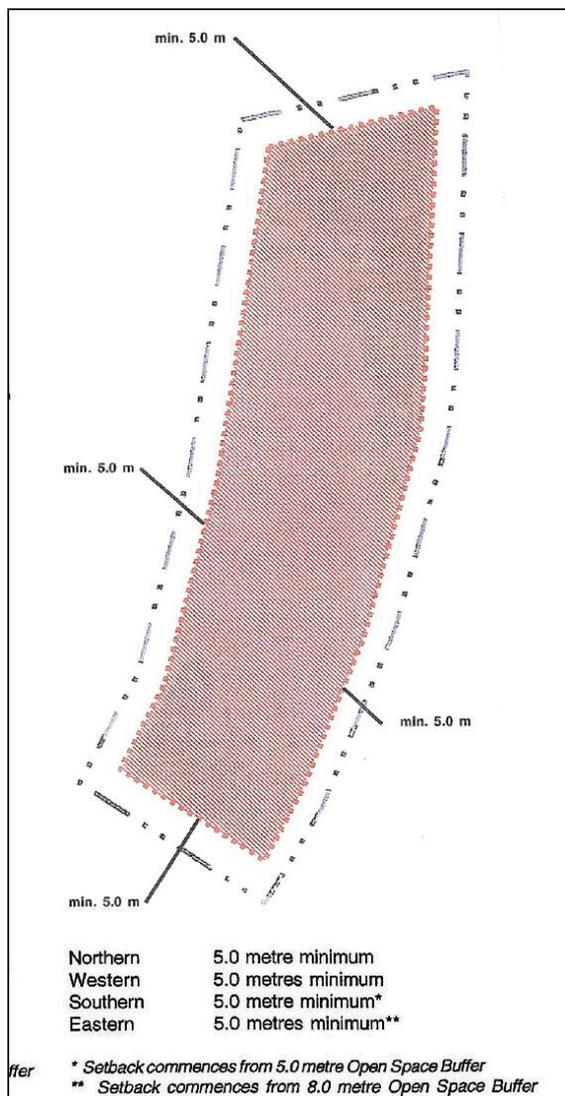
DEVELOPMENT CONTROLS

- (a) Setbacks shall provide sufficient area for landscaping to compliment building form.
- (b) Side and rear setbacks are to be proportioned to the slope of the site, having regard to the height

- and relationship of the building on adjoining properties.
- (c) The setbacks of proposed buildings are to minimise any adverse impacts such as overshadowing and privacy on to adjacent and adjoining properties.
- (d) Building setbacks shall be articulated in plan and section to introduce visual interest and reduce monotonous building walls.
- (e) Zero side boundary setbacks may be permissible where it can be demonstrated that there is no adverse impact upon the residential amenity of adjoining development.
- (f) Development shall be setback a minimum of 5 metres from the open space/landscape buffer adjoining the Old Northern Road and Excelsior Avenue.
- (g) The minimum building setback shall be in accordance with the Figures below.



North Precinct Buildable Area and Setbacks



South Precinct Buildable Area and Setbacks

C.4.4 LANDSCAPE AND OPEN SPACE

OBJECTIVES

- (i) To provide open space for recreation and for use by the future occupants of the new buildings.
- (ii) To enhance the quality of the built environment by providing opportunities for landscaping.
- (iii) To fully integrate the landscape design as part of the overall development of the site.
- (iv) To integrate the landscape design with the design of the future residential development.
- (v) To protect and enhance the green gardenesque of the Shire.

- (vi) To assist in developing a common landscape theme for the estate.
- (vii) To protect existing landscape features.
- (viii) To provide open space this enhances the buildings and streetscape.
- (ix) To enhance the quality of the built environment by providing for landscaping.
- (x) To provide for privacy and shade.
- (xi) To retain the majority of existing significant mature vegetation in any development.
- (xii) To ensure that each dwelling is provided with useable private open space to meet reasonable requirements for outdoor activities, privacy, access and landscaping.
- (xiii) To enhance the quality of the built environment by providing for landscaping.

DEVELOPMENT CONTROLS

- (a) Private and common open space shall meet user requirements for privacy and access.
- (b) Each dwelling shall provide an area of useable private open space, or private courtyard area, which has direct private access from the dwelling.
- (c) Areas(s) of communal open space shall be provided for the recreational needs of the future residents.
- (d) The location of all open space areas shall have regard to such requirements as solar access, outlook, privacy and the location of adjoining dwellings.
- (e) Each dwelling shall be provided with one contiguous area of private open space equal to 50% of the floor area of the dwelling.
- (f) Private open space areas should be contiguous to the dwelling for which it is provided and have minimum useable area of 5 metres by 5 metres.
- (g) The principal private open space area of a dwelling shall be enclosed with a wall or fence with an effective height of 1.8 metres from finished ground level.
- (h) Notwithstanding Control (c) above any fencing addressing/facing a common area or public space shall maintain 50% transparency and constitute only 75% of the dwelling's private open space frontage to the common area or public space.

- (i) Fencing enclosing private open space facing a common area or public space shall be constructed in masonry similar to the type and colour to be used in the building.
- (j) The private open space area is to be:
- contiguous to, and accessible from, the primary living areas of the dwelling.
 - Located and oriented to ensure it is not directly overlooked from adjoining lots or buildings.
 - Located on relatively flat land to ensure it is useable as open space.
- (k) Common open spaces are to include equipment such as seating, shade structures, barbecues and children's play equipment for passive recreational use. Consideration should also be given to the provision of swimming pool, common room and hard stand outdoor play area as part of the overall stand outdoor play area as part of the overall development of the site.
- (l) Common open spaces are to be centrally located, usable, highly visible, highly accessible and well lit at night.
- (m) *For the North Precinct, communal open space* areas comprising a child play area or recreation activities area shall be provided on the site behind the building line for developments of more than 5 dwellings comprising a minimum 10m² of space per dwelling. The open space area shall have minimum dimensions of 12 metres x 12 metres.
- (n) For the South Precinct, one communal open space shall be provided within the precinct that has a minimum area of 50m² and a minimum dimensions of 15 metres x 20 metres.
- (o) Additional, smaller communal open space areas shall be provided through the precinct in the form of pedestrian pathways, seating, landscaping and other communal facilities.
- (p) Landscaping is to be appropriately scaled and located relative to both the building bulk, incorporating existing vegetation where possible.
- (q) A landscape buffer shall be provided along the Old Northern Road and Excelsior Avenue frontages
- (r) Tall branching street trees shall be provided in all proposed new roads at a separation of one tree every 10 metres.
- (s) Existing vegetation is to be retained where practicable and shall incorporate steps to protect the root zone during construction in accordance with the recommendation of a qualified arborist.
- (t) If a fence or wall is proposed to be constructed between any development and Old Northern Road or Excelsior Avenue it will be necessary to ensure that construction remains outside the canopy line of the largest trees and avoid damage to young saplings.
- (u) Medium strip planting should be provided at any new proposed intersection of the site entry with Excelsior Avenue to avoid light spill into existing dwellings in Excelsior Avenue generated by headlights. The median planting selected shall have regard to safety requirements and maintain sight distance requirements at maturity.
- (v) A small "village green"/pocket park with a minimum width of 30.0 metres shall be provided and located in accordance with Figure 15. The open space shall incorporate a pedestrian pathway linking Old Northern Road with the western edge of the site. Existing mature trees within the space should be retained and supplemented with similar species.
- (w) Landscaping should avoid the use of very large trees (eg Forest Red Gum, Blackbutt) in confined spaces between houses and internal roads. The overuse of *Acadia* (wattles) should also be avoided.
- (x) Areas less than 1.0 metre in width should be paved.
- (y) A minimum of 20% of the landscaped areas should permit deep planting.
- (z) No more than 50% of the landscaped area shall be hard paved (impervious) surface.
- (aa) Landscape species shall comprise native species common to the area.
- (bb) Trees shall be tall branching and ground covers and shrubs shall have maximum height of 0.6 meters to maintain clear pedestrian, resident and vehicle sightlines

C.4.5 DWELLING DESIGN AND CONSTRUCTION

OBJECTIVES

- (i) *To provide accessibility across common property and to provide convenient conditions for the use of strollers and similar.*

- (ii) *To provide a small amount of dwelling unit suitable for use by disabled people.*

DEVELOPMENT CONTROLS

- (a) All buildings should be connected to the footpath network.
- (b) Application for development approval should be accompanied by an "Access Plan" that demonstrates the compliance of the proposed development with Australian Standard 1428 Part 1.
- (c) At least 1, or 5 percent, of the units in a development of 20 or more dwellings must be either;
- an accessible unit to Australian Standard 1428 Part 2, suitable for occupation by a wheelchair user; or
 - meeting Class B adaptability under Australian Standard 4299.
- (d) Each unit so provided above should have an accessible car parking bay complying with Australian Standard 2890 for people with a disability, and be accessible to a pick-up and drop-off point.

C.4.6 PRIVACY – VISUAL AND ACOUSTIC

OBJECTIVES

- (i) *To limit views into adjoining private open spaces and living rooms.*
- (ii) *To protect residents from external noise.*
- (iii) *To contain noise between dwellings without unreasonable transmission to adjoining dwellings.*

DEVELOPMENT CONTROLS

- (a) Private open space and habitable rooms of proposed and adjacent existing dwellings should be reasonably protected from overlooking by attending to, but not being limited to:
- Building layout.
 - Location, size and design of windows & balconies.
 - Screening devices.
 - Landscaping.
- (b) Private open space areas and habitable rooms should be reasonably protected from

uncomfortable levels of external noise by attention to, but not being limited to:

- Use of noise resistant wall, ceiling, floor and roofing materials.
 - Site planning.
 - Location of habitable rooms away from the noise source.
 - Use of double glazing.
 - Use of fencing, porches and walls as noise buffers.
- (c) Windows of living rooms with direct outlook to any living room window of any proposed, or and/or existing adjoining dwelling living rooms within 9 metres should:
- Be offset a minimum of 1 metre from the edge of one window to the edge of the other; or have a minimum height of the sill or fixed obscure glass at 1.6 metres.
 - Be screened by permanently fixed structures made of durable materials.
- (d) Habitable rooms of dwellings adjoining Old Northern Road should be designed and located to limit internal noise levels to a maximum of 45dB(a) in accordance with Australian Standard 3671 – Road Traffic.
- (e) Dividing Walls and floors between dwellings shall be constructed to limit noise transmission to 45 STC (Sound Transmission Class) in accordance with Part F (5) of the Building Code of Australia.

C.4.7 SOLAR ACCESS

DEVELOPMENT CONTROLS

- (a) Buildings should be designed to enable primary habitable rooms and private open space areas to enjoy at least three hours of sunlight to 50% of the areas between 9:00 am and 3.00 pm on the 21 June.
- (b) Sunlight to at least 50% of the principal area of ground level private open space of adjoining properties should not be reduced to less than three hours between 9.00am and 3.00pm on 21 June.
- (c) Deciduous species should be planted to improve solar access where appropriate.
- (d) In order to maximise solar access, living areas of buildings should where possible, be located on the north side of the dwelling, with north facing

walls orientated between 20° west and 30° east of true north.

- (e) Sunlight is to be available to the majority of living room spaces and private and communal open space areas of the proposed dwellings, and any existing adjoining dwellings, having regard but not limited to:
- Building siting;
 - Living area orientation;
 - Location of windows;
 - Tree species;
 - Pergolas;
 - Eaves;
 - Fencing;
 - Roof pitch and
 - Building height.
- (f) All dwellings are to be designed and located so that at least 50% of each courtyard and private open space receives a minimum 3 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June (Winter Solstice).
- (g) All dwellings should be designed to maximise natural cross ventilation through, and appropriate solar access to, all living areas through:
- orientation of living areas to the north with access to the winter sun and summer shade.
 - the shading of large windows located on the northern side from the higher summer sun, through the provision of roof eaves, verandahs, balconies, hoods and/or external screen. Conversely these design elements should permit exposure of living areas to the lower winter sun.
- (h) Landscape design should assist in microclimate management through the location and selection of deciduous trees to permit winter sunlight access to living areas and summer shade to north facing exposed dwelling walls and windows.

C.5. 64 MACKILLOP DRIVE, BAULKHAM HILLS

C.5.1 LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This chapter of the Development Control Plan establishes site specific objectives and controls to guide future development on Lot 2 DP 817696, No.64 Mackillop Drive, Baulkham Hills (see Figure 2).



Figure 2: SUBJECT SITE

This chapter must be read in conjunction with Part A – Introduction of this DCP and other relevant Sections, including:

- Part B Section 2 – Residential
- Part B Section 4 – Multi Dwelling Housing
- Part B Section 5 – Residential Flat Buildings
- Part C Section 1 – Parking
- Part C Section 3 – Landscaping
- Part C Section 4 – Heritage

In the event of any inconsistency between this Section of the DCP and any other Sections of the DCPs, the provisions of this Section shall prevail only to the extent of the inconsistency.

C.5.2 SITE ANALYSIS

The subject site is bounded by Mackillop Drive to the east and Barina Downs Road to the north. The site has an area of 181,500m².

Located to the east of the site is the former farmhouse which is identified as a heritage item of local significance under the Baulkham Hills Local Environmental Plan 2005. Located on the western portion of the site is the Conference/Retreat Centre, associated facilities and the former priest's house. The remainder of the site is vacant.

Residential properties adjoin the southern and western boundaries of the subject site. Surrounding development is mostly detached dwellings to the north with some multi dwelling housing development. Residential flat building development has been approved on vacant land to the north.

The topography of the site is characterised by moderate to steeper slopes with a central ridgeline that is oriented along an east-west direction. Slopes on the northern side of the ridgeline range from 5% to 14% and range from 10% to 25% on the southern side. The sloping land presents challenges for future dwelling design and construction.

The dominant central ridgeline allows panoramic views on both the northern and southern aspect. Views from the northern aspect of the central ridge are local views over the Norwest Business Park and distant views to the mountains to the west. Views from the south side of the ridge are primarily over the established residential areas.

Five distinct drainage catchments are present on the site due to spur lines that extend from the eastern and western edges of the ridge. The largest catchment which drains to the south generates flood risk management issues at the confluence of three overland flow paths.

The majority of native vegetation has been cleared from the site for grazing of livestock, but areas along the access road and around the heritage listed building have been landscaped with exotic plants. Small remnants of vegetation occur on the western edge of the site and are listed on National Parks and Wildlife Service (2002) maps as Sydney Turpentine Ironbark Forest. This is listed as a Critically Endangered Ecological Community under the Environment Protection and Biodiversity Conservation (EPBC) Act 1999 and as an Endangered Ecological Community under the Threatened Species (TSC) Act. Councils mapping

identifies the remnant vegetation as Cumberland Plain Woodland which is also listed as a Critically Endangered Ecological Community under the schedules of both the EPBC and TSC Acts. A flora and fauna survey and assessment undertaken in November 2011 has identified that the site is within a geographical transition zone between these two endangered ecological communities.

The key features of the site are shown in Figure 3.

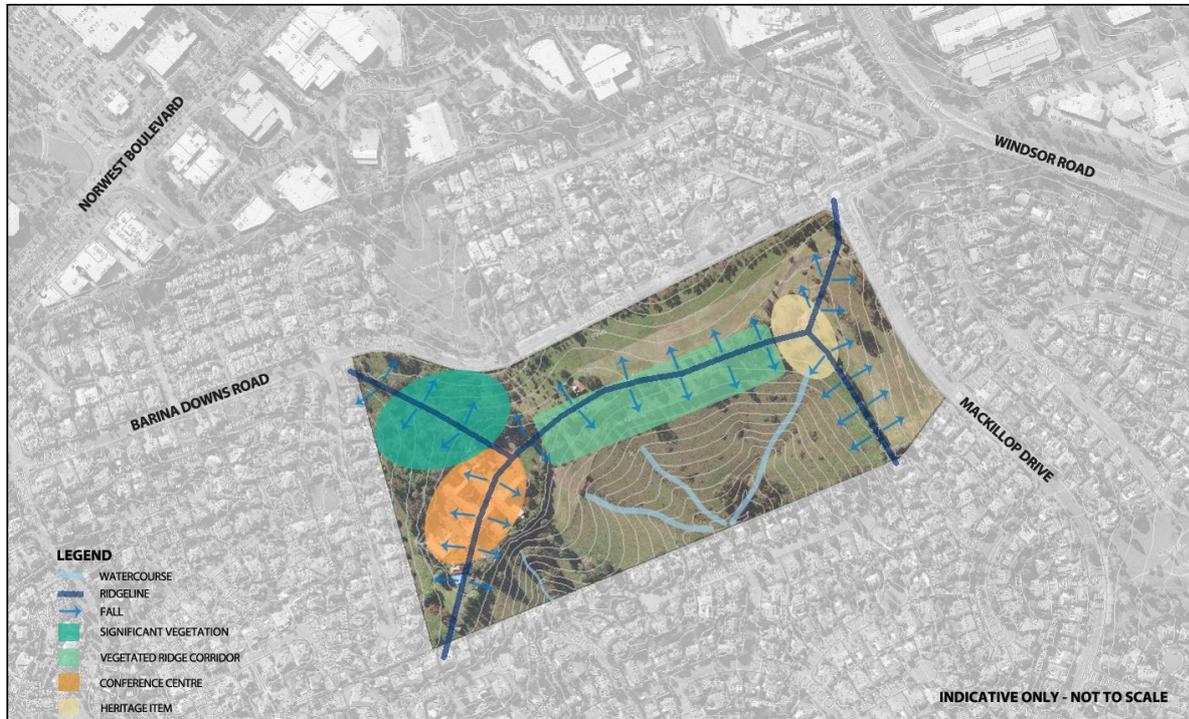


Figure 3 SITE ANALYSIS

C.5.3 SITE SPECIFIC OBJECTIVES AND DEVELOPMENT CONTROLS

The objectives and development controls for this site are set out in the following sections.

C.5.3.1 SITE PLANNING

OBJECTIVES

- (i) To achieve coherent site planning and development that relates to the natural topography of the site and contributes to the character of the area.
- (ii) To protect, contribute and enhance the existing residential character and amenity.
- (iii) To ensure acceptable levels of amenity and minimise negative impacts of traffic movements on the surrounding locality.

DEVELOPMENT CONTROLS

- (a) Residential flat buildings, attached dwellings and dwelling houses are to be provided in the locations identified in Figure 4.

- (b) Access to the site is to be provided in the locations identified in Figure 4.
- (c) Prominent views identified in Figure 4 are to be retained. Streets are to be located to enable additional view corridors into No.64 Mackillop Drive, Baulkham Hills and to the heritage item.
- (d) The central ridgeline between the single dwelling housing and small lot housing areas is to be retained as common-open space.

C.5.3.2 HERITAGE

The existing building is an interwar Californian bungalow built around circa 1928. It is described in The Hills Shire Council Inventory Sheet No.92 as “A fine example of a bungalow in original condition”.

An important aspect of maintaining and enabling the interpretation of the heritage significance of a building is the land around it that establishes its context, commonly known as curtilage. Curtilage can include (but is not limited to) significant features of a site such as outbuildings and driveways and also vegetation, for example, the original garden or an avenue of trees.

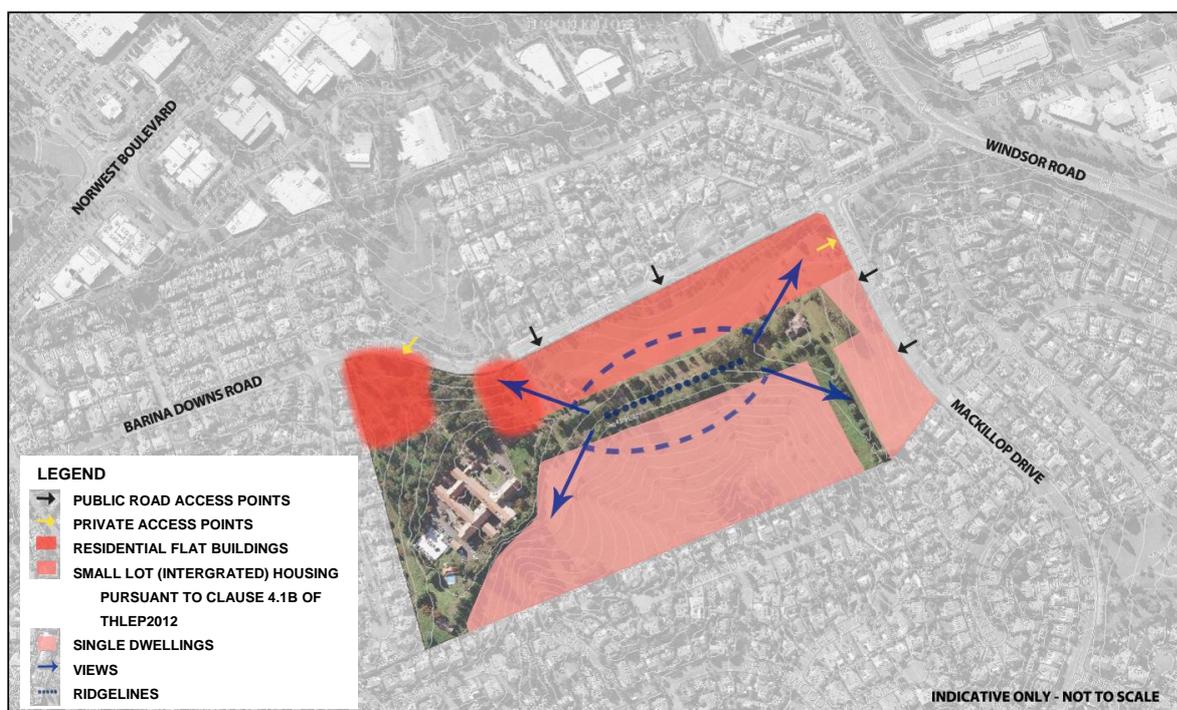


Figure 4: SITE PLANNING

OBJECTIVES

- (i) To ensure that the subdivision of land on which a heritage building is located does not isolate the heritage building from its setting or context or adversely affect its amenity or privacy.
- (ii) To ensure that new dwellings erected on land upon which the heritage building is located are sympathetic to the character of the heritage building and its setting.
- (iii) To ensure that the development of land in the vicinity of a heritage site is undertaken in a manner that complements the heritage significance of the site.
- (iv) To ensure that development of the site respects the curtilage established by the original garden associated with the heritage item.

DEVELOPMENT CONTROLS

- (a) The heritage curtilage is to be consistent with the area shown edged yellow in Figure 5.
- (b) Brush box trees located parallel to Mackillop Drive and within the immediate curtilage in Figure 5 shall be retained.

- (c) The rural qualities of the bitumen avenue with swale drainage lines are to be retained. There shall be no concrete edging.
- (d) Civil works for stormwater drainage dish drains to be kept away from root zones of trees in the access avenue.
- (e) A Conservation Management Plan must be produced and submitted to Council to ensure that the existing heritage building is managed appropriately for its heritage values.
- (f) A landscape plan shall be prepared by a landscape architect experienced in dealing with heritage gardens and is to include at a minimum the following:
 - The retention of original and or significant landscaping (including plants with direct links or association with the heritage item); and
 - Details of how new plantings retain significant views to and from the heritage item.

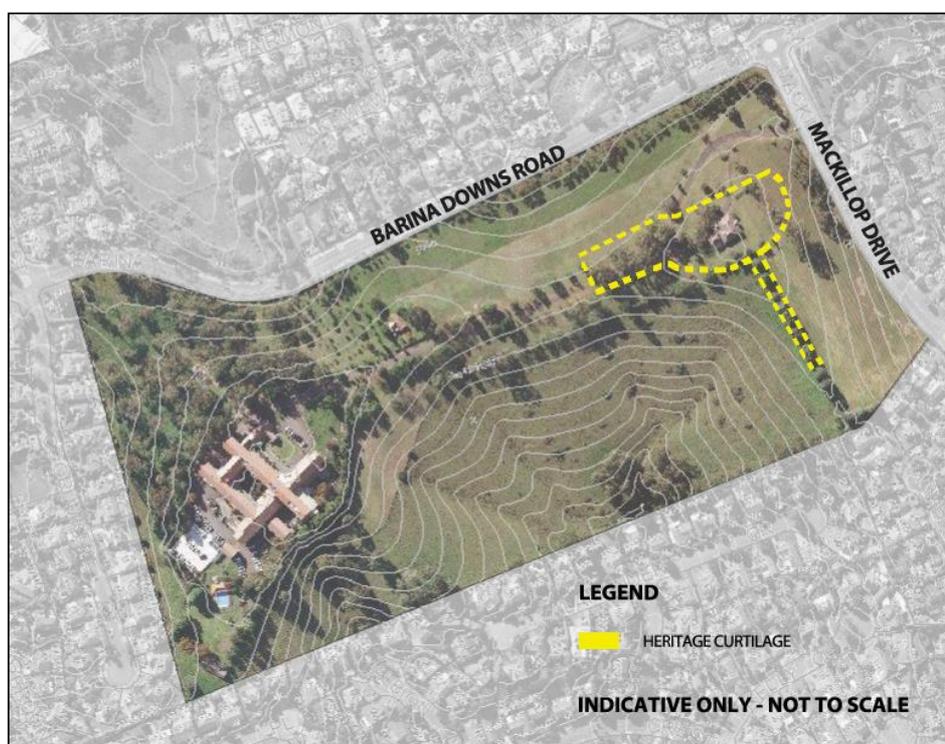


Figure 5: REQUIRED HERITAGE CURTILAGE

C.5.3.3 SURFACE WATER RUNOFF**OBJECTIVES**

- (i) *Assist in the management of stormwater to minimise flooding and reduce the effects of stormwater pollution on receiving waterways.*
- (ii) *Ensure that development is not subjected to undue flood risk, nor exacerbate the potential for flood damage or hazard to existing development and to the public domain.*

DEVELOPMENT CONTROLS

- (a) Water sensitive urban design infrastructure will not be accepted as part of any public road or open space dedication.
- (b) The development proposal must demonstrate how the drainage system for the development site is designed to address any site specific conditions, and how it connects into the downstream drainage system.
- (c) The drainage system is to be designed in a manner that ensures that personal and property safety is not compromised.
- (d) A Local Drainage Management Plan is required for development of the site.
- (e) The Local Drainage Management Plan is to address:
 - the hydrology of the locality and its relationship to the drainage system;
 - any expected rise in ground water level due to development;
 - the role of the principal landscape components on the site for water conservation and on-site detention;
 - the scope for on-site stormwater detention and retention, including the collection of water for re-use;
 - how any detrimental impacts on the existing natural hydrology and water quality is proposed to be minimised; and
 - how pedestrian and property safety is to be ensured.
- (f) Onsite Stormwater Detention (OSD) is required to be provided in accordance with Council's adopted policy except where modified in control (g) below.
- (g) Runoff from the development site is constrained by downstream infrastructure/ easements,

specifically those connecting the subject site to Salamander Grove and Albion Place. The Local Drainage Management Plan must include a hydrological and hydraulic analysis of the existing infrastructure downstream to determine the capacity of the existing piped stormwater system. Where runoff from the site in its post development condition exceeds the capacity of the downstream system, additional stormwater management practices will be required to be implemented on site. Alternatively, amplification of the existing downstream drainage network may be necessary.

Additionally, overland flowpaths must be created to safely contain and convey any gap flows generated by the capacity of the storm drainage system being exceeded, or caused by system blockage. The overland flowpaths must be capable of conveying the maximum discharge between the 100 year ARI catchment runoff and pipe system capacity, safely connecting to the closest existing overland flowpath (road reserve). This may require improvements to the surface of easements where relied upon by the proposed development.

- (h) All hydrological and hydraulic modelling undertaken must be submitted to Council as part of a development application.
- (i) The post development run-off from impermeable surfaces (such as roofs, driveways and paved areas) is to be managed by stormwater source measures that:
 - contain frequent low-magnitude flows;
 - maintain the natural balance between run-off and infiltration;
 - remove some pollutants prior to discharge into receiving waters;
 - prevent nuisance flows from affecting adjacent properties; and
 - enable appropriate use of rainwater and stormwater.
- (j) Where filtration and bio-retention devices are proposed, they are to be designed to capture and provide temporary storage for stormwater.
- (k) Public stormwater easements within residential lots are not permitted. Instead, local drainage links/ pathways must be used to retain public infrastructure within public land. The minimum width of any local drainage link must be 5m.

(Refer to Council's Design Guidelines – Subdivisions & Developments)

- (l) A stormwater quality assessment is to be submitted with the development application to demonstrate that the development will achieve the post-development pollutant load standards in accordance with the Water Sensitive Urban Design Technical Guidelines for Western Sydney (2004) or as amended.
- (m) The stormwater quality assessment is to be prepared by a suitably qualified engineer with experience in water sensitive urban design and include:
 - Modelling of pre-development and post-development pollutant loads with an industry standard water quality model;
 - The design of water sensitive urban design measures used to achieve the required post-development pollutant loads; and
 - Maintenance schedules of any proposed water sensitive urban design measure that requires maintenance and/or likely full replacement.
- (n) Water sensitive urban design elements, consisting of, but not limited to:
 - Bio-retention swales;
 - Rain gardens;
 - Vegetated swales;
 - Vegetated buffers;
 - Rainwater tanks; and
 - Gross pollutant traps,

must be incorporated into the planning for, and appropriately located within any future subdivision of the land.

- (o) An alternative water quality treatment measure, which differs from the prescribed development controls may be considered on merit only where the identified surface water runoff objectives are deemed to be satisfied.

C.5.3.4 ROADS

OBJECTIVES

- (i) *To provide an acceptable level of access, safety and convenience for all road users, whilst ensuring acceptable levels of amenity and protection from the impact of traffic.*

- (ii) *To provide sufficient road reserves, carriageway and verge width to allow roads to perform their function within the road network.*
- (iii) *Roads are to be designed and located in a manner which respects and responds to the environmental features and constraints of the site.*

DEVELOPMENT CONTROLS

- (a) Roads are to be designed to integrate into the local road network and provide for the efficient and safe movement of vehicles, bicycles and pedestrians throughout the development site.
- (b) The location and design of roads should minimise the extent of cut and fill and cause the least disturbance and impact on native vegetation.
- (c) All roads are to be designed in accordance with the standards established in the table below:

Street Types				
Type	Max number of dwellings	Street reserve	Lane width	Footpath width and verge
Access Place	30	14.5m	7.5m	2 X 3.5m verge (1.2m wide path provided in verge on one side)
Access Street	200	15.5m	8.5m	2 X 3.5m verge (1.2m wide path provided in verge on one side)

- (d) A lesser verge width may be considered where the road is adjacent to common open space.

C.5.3.5 SINGLE DETACHED DWELLINGS

The provisions of Part C Section 3 – Residential will apply. However, the additional setback control as stated below will apply to ensure that new development is sensitive to the landscape setting, site constraints, existing amenity and established character of the street and locality.

A. SETBACKS

OBJECTIVES

- (i) To provide setbacks that complement the streetscape and protect the privacy and sunlight to adjacent dwellings.

DEVELOPMENT CONTROLS

- (a) Lots fronting Mackillop Drive shall have a primary setback of not less than 7.5 metres with corner allotments having a minimum secondary setback of 4 metres. All other lots shall have a primary setback of 6 metres and secondary setback of 2 metres for corner allotments.
- (b) A minimum rear setback of 10 metres is to be provided on the southern boundary of the development site. This requirement does not apply to any residential lot having direct frontage to Mackillop Drive.

C.5.3.6 MULTI DWELLING HOUSING

The provisions of Part B Section 4 – Multi Dwelling Housing will apply.

C.5.3.7 RESIDENTIAL FLAT BUILDINGS

The provisions of Part B Section 5 – Residential Flat Buildings will apply. However, the additional controls as stated below will apply:

A. SETBACKS

OBJECTIVES

- (i) To provide setbacks that complement the setting and contribute to the streetscape and character of the street.
- (ii) To minimise any adverse impacts such as overshadowing and privacy on adjacent and adjoining properties.

DEVELOPMENT CONTROLS

- a) The minimum front setback to Barina Downs Road for residential flat buildings is 10 metres.
- b) The minimum setback to the western boundary where the proposal abuts a residential property is 10 metres.
- c) The minimum rear setback is 6 metres where development abuts the conference centre.

B. DENSITY

OBJECTIVES

- (i) To ensure that the apartment development is compatible with the surrounding development and the bushland landscape setting.

DEVELOPMENT CONTROLS

- (a) The maximum population density is 140 persons. The density is based upon the following occupancy rates:

Dwelling Type	Occupancy (Persons)	Rate
1 bedroom unit	1.3	
2 bedroom unit	2.1	
3 bedroom unit	2.7	
4 bedroom unit	3.5	

C.5.3.8 HOUSING AS PER CLAUSE 4.1B OF THE HILLS LOCAL ENVIRONMENTAL PLAN 2012 EXEMPTIONS MINIMUM LOT SIZES FOR CERTAIN DEVELOPMENTS

Housing pursuant under the provisions of clause 4.1B of the Hills LEP 2012 presents the opportunity to consider all aspects of building and site design together, to be combined effectively to create a functional and attractive residential environment. Typically this form of development is referred to as 'small lot housing'.

All small lot housing developments must be designed so as to ensure a compatible relationship between dwelling-houses on individual lots and dwellings on adjoining land.

Any person undertaking a small lot housing development is required to submit a combined Development Application to Council for the construction of the dwelling-houses and subdivision of the land.

Factors which should be considered in the layout of an small lot housing development include:

- slope and orientation of the land;
- energy-efficient design of subdivision and dwelling-houses;

- solar access to adjoining dwellings/dwelling-houses;
- adequate visual and acoustic privacy to each dwelling-house;
- relationship to adjoining dwellings/dwelling-houses;
- retention of special qualities or features such as trees and views;
- provision of adequate site drainage;
- provision for landscaping and private open space; and
- existing streetscape character.

A. SITE COVERAGE

OBJECTIVES

- (i) *To minimise bulk and scale of development and ensure that suitable land is available for landscaping, drainage and retention of vegetation.*

DEVELOPMENT CONTROLS

- (a) The maximum site coverage (including garage/carport, driveways, outbuildings, decks, patios, paved areas and pools) for each dwelling in a small lot housing development is 65%.

B. SETBACKS

OBJECTIVES

- (i) *To create an attractive, interesting and pleasant streetscape through the siting of buildings.*
- (ii) *To provide visual separation of built forms, privacy and opportunities for landscaping.*
- (iii) *To protect solar access to habitable rooms, protect and optimise useable open space around dwellings, and protect adjoining dwellings from excessive overlooking, overshadowing and general loss of amenity.*
- (iv) *To provide sufficient space for vehicle parking, manoeuvrability and clear sight lines.*
- (v) *Maintain and enhance established streetscape and character of the neighbourhood. This includes building setback, landscaping, fencing, lighting, pathways and street trees.*

DEVELOPMENT CONTROLS

- (a) Zero lot line housing shall occur only on the southern side boundary of east-west allotments and either side boundary but not both sides of north-south allotments.
- (b) The length of the zero lot line wall is to be a maximum of 10 metres.
- (c) No dwelling built on the zero lot line is to abut an adjoining dwelling also built on the zero lot line.
- (d) No openings shall be located along the zero lot boundary wall. The boundary wall shall be constructed of maintenance free materials such as face brick or masonry. Walls located on the boundary must comply with the requirements of the Building Code of Australia in terms of fire separation.
- (e) All boundary walls must extend at least 300mm above the roof line of the dwelling to ensure that roof drainage is contained within the site.
- (f) A restriction as to user is created for a one metre wide maintenance easement over the adjoining property pursuant to Section 88B of the Conveyancing Act 1919.
- (g) Building setbacks are to be in accordance with the table below:

Location/Frontage	Setback
Primary Street	
- Mackillop Drive	7.5m
- Barina Downs Road	6m
Secondary Street	
- MacKillop Drive	4m
- All other corner allotments	2m
All other streets - internal	4.5m
All Garages	5.5m
Side boundary	zero lot line or 900mm
Rear boundary	6m

C. VEHICULAR ACCESS

OBJECTIVES

- (i) *To provide an acceptable level of vehicular access, safety and convenience for all users of the development.*
- (ii) *To ensure that the internal roadway design can satisfactorily accommodate the expected traffic volumes of the development.*

- (iii) To provide a safe environment for both pedestrians and vehicles using the site and surrounding road network.

DEVELOPMENT CONTROLS

- (a) All internal roadways are to be of a sufficient width as determined by a traffic report to adequately accommodate the volume of traffic generated by the development, and the provisions of service vehicles.

D. CAR PARKING

OBJECTIVES

- (i) To ensure that garages do not dominate the streetscape.
- (ii) To provide sufficient and convenient parking for residents.
- (iii) To ensure that adequate car parking is provided on-site so as to prevent inconvenience to residents and congestion in nearby streets.

DEVELOPMENT CONTROLS

- a) A minimum of one car parking space is to be provided per dwelling. This space is to be located within a garage.
- b) Carports and garages facing a public place are to be no more than 6m in width, nor extend across more than 50% of the property frontage, whichever is the lesser.
- c) Carports and garages are to be designed to be:
- visually subservient;
 - integrated into the overall dwelling design; and
 - constructed of similar materials and finishes to the dwelling.
- d) Where a double garage is proposed a minimum of two of the following design measures are to be employed:
- garage doors are divided by a vertical masonry pillar or similar;
 - upper floor element projected forward of the garage to cast shadow and take prominence;
 - colours and textures to ensure garage door subservience;
 - utilisation of vertical elements to mitigate the horizontal emphasis of the garage;

- garage entrance to be orientated away from primary street frontage to face the side boundary; and
- staggered garages whereby one garage is setback from the adjoining garage.

E. FACADES

OBJECTIVES

- (i) To provide visual interest to the streetscape through the incorporation of design features.

DEVELOPMENT CONTROLS

- (a) For all dwellings the facade must be suitably articulated and incorporate two of the following design elements:
- Non-enclosed verandah for at least 40% of the dwelling width
 - Entry feature or portico
 - Balcony or window box treatment to first floor element
 - Recesses or projection of prominent architectural elements to visually break up the facade and avoid blank wall appearance;
 - Verandah, pergola or similar provided over garage doors

F. PRIVATE OPEN SPACE

OBJECTIVES

- (i) To ensure the private open space is usable, functional and easily accessible for residents
- (ii) To ensure private open space includes landscape and soft features
- (iii) To ensure direct access and a relationship between indoor and outdoor living areas.

DEVELOPMENT CONTROLS

- (a) Each dwelling must have a minimum private open space area of 24m² capable of containing a dimension of 4m and must have direct and level access to the dwelling's living areas, such as a lounge room, a family room, a dining room, or a kitchen.

In the calculation of private open area:

- a minimum of 50% of the open space area must be grassed or soft landscaped area

- located in the rear yard except where such private open space is an elevated deck over rear lot access.
 - no area is less than 2.5 metres in width.
 - outdoor clothes drying area are included as private open space.
 - car spaces are not included in private open space calculations.
- (b) Private open space is not permitted in the front setback.
- (c) A garage or gate must provide access between the private open space and the driveway.
- (d) At least half (50%) of the principal private open space area is to receive a minimum of 2 hours direct sunlight between 9am and 3pm during mid winter.

G. COMMON OPEN SPACE

OBJECTIVES

- (i) *To provide outdoor living space which is an extension of the dwelling for the enjoyment of its inhabitants.*
- (ii) *To provide outdoor living space which is of useable dimensions and which is located to receive a reasonable quantity of sunlight.*
- (iii) *To enhance the quality of the built environment by providing high quality landscaping.*
- (iv) *To promote a pleasant and safe living environment.*
- (v) *To provide functional open space within the development for the informal recreation of residents and children's play.*

DEVELOPMENT CONTROLS

- (a) The central ridgeline and curtilage of the heritage item is to be retained as common open space.
- (b) The common open space areas is to be:
 - easily accessible to all residents within the development;
 - of a configuration, slope, and design so as to ensure it is easily maintained;
 - located to ensure the area receives adequate sunlight during mid winter;
 - of a sufficient size to satisfy the immediate open space demands of the proposed population and accommodate informal active recreational activities; and

- provided with passive surveillance.

- (c) The common open space area is to include a child play area or recreation activities area.
- (d) The common open space area must have a minimum dimension of 12m x 12m.
- (e) For developments consisting of 15 or more dwellings the common open space area is to comprise an area equivalent to 10m² per dwelling.
- (f) Access for all residents to the common open space area is to be guaranteed via the titling system.
- (g) The majority of the common open space area is to receive direct sunlight between 9am – 3pm during mid-winter.

H. LANDSCAPING

OBJECTIVES

- (i) *To enhance the setting of the heritage building and the environmental quality of the neighbourhood.*
- (ii) *To conserve significant natural features of the site and incorporate them into landscape areas.*

DEVELOPMENT CONTROLS

- (a) The minimum required landscaped or naturally vegetated area for integrated housing as a percentage of the total site area is 35%.
- (b) Existing trees should be preserved.
- (c) Native species are to be used to maintain a strong natural theme for the neighbourhood due to their low maintenance characteristics, relative fast growth, aesthetic appeal and compatibility with the natural habitat.
- (d) All landscaped areas are to have a minimum width of 2m.

I. SOLAR ACCESS

OBJECTIVES

- (i) *To maximise solar access to internal living and open space areas in winter.*
- (ii) *To ensure no adverse overshadowing of adjoining allotments/developments.*

- (iii) *To orient the development in a way that best allows for appropriate solar access and shading,*
- (iv) *To minimise the need for artificial lighting in dwellings during the day.*
- (v) *To orientate dwellings so that the living areas face north.*

DEVELOPMENT CONTROLS

- (a) All dwellings must be designed to ensure that the living areas are orientated towards north where possible and that all north facing living area windows receive at least 3 hours of direct sunlight between 9am and 3pm on 21 June.
- (b) Garages, bathrooms and laundries should be located in areas with a west to southwest orientation, with windows (glazing) minimised in size and number as well as being protected with effective sun shades.
- (c) Shadow diagrams shall be submitted showing the impact of a proposal on the adjacent residential buildings and their private open space. Such diagrams shall be based on a survey of the site and adjoining development. The shadow diagrams shall include all openings and windows of adjoining buildings and shall demonstrate likely shadow impact on the 21 June for 9am, 12pm and 3pm.

J. PRIVACY CONTROLS

OBJECTIVES

- (i) *To site and design buildings to ensure visual privacy between dwellings.*
- (ii) *To avoid overlooking of living spaces in dwellings and private open spaces.*
- (iii) *To contain noise within dwellings and communal areas without unreasonable transmission to adjoining dwellings.*

DEVELOPMENT CONTROLS

- a) Buildings are to be designed to ensure maximum protection of privacy; in particular the privacy of primary living areas must be protected. Where appropriate consideration should be given to:
 - using windows that are narrow, translucent or obscured or have window sills a minimum of 1.5m above the upper storey floor level.

- ensuring that windows that face directly to the windows, balconies or yards of adjoining dwellings are appropriately screened.
- b) First floor balconies will not be permitted where they overlook living areas of adjacent dwellings.
- c) The placement of windows should be staggered to minimise direct viewing between dwellings.
- d) Dwellings are to be designed to limit the potential for noise transmission to the living and sleeping areas of adjacent existing and future developments.
- e) Careful consideration should be given to the location of air-conditioning systems, swimming pools and the like to minimise the impact on the amenity of adjoining properties.
- f) Private open space areas and driveways are to be designed and located to minimise noise impacts.

K. ACCESS AND SURVEILLANCE

OBJECTIVES

- (i) *To ensure the needs of residents and visitors are considered with particular regard to access requirements, safety and security.*
- (ii) *To promote incorporation of community safety aspects in the development design.*

DEVELOPMENT CONTROLS

- (a) Integrated housing developments are to provide safe and convenient access for prams, wheelchairs and people with disabilities from the public road to all areas of the development.
- (b) The design of an integrated development is to demonstrate consideration of resident safety and security whereby pedestrian pathways and associated areas are not to be obscured, but rather provided with natural surveillance.
- (c) The siting and design of dwellings shall ensure surveillance of all common areas.
- (d) Access to dwellings is to be direct and without unnecessary barriers.
- (e) Stairs and ramps are to have reasonable gradients and non slip even surfaces.

L. FENCING

OBJECTIVES

- (i) To ensure that fencing is of a high visual quality, compliments the character of the area and is compatible with the surrounding streetscape.

DEVELOPMENT CONTROLS

- (a) There shall be no colourbond fencing located along the street frontages of Barina Downs Road and Mackillop Drive.
- (b) Any fencing in the rear setback (facing Barina Downs Road) over 1.2 metres in height shall be setback from the rear boundary a minimum of 500mm to allow landscaping to soften the impact of the fence.
- (c) Side and rear boundary fencing shall be a maximum height of 1.8 metres in height.

C.6. 434 OLD NORTHERN ROAD, 2 AND 2A FULLERS ROAD, GLENHAVEN

C.6.1 LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This chapter of the Development Control Plan establishes site specific objectives and controls to guide future development on Lot 1 DP 369807 and Lots 1 and 2 SP 46522, No.434 Old Northern Road, 2 and 2a Fullers Road Glenhaven (see Figure 6).



Figure 6: SUBJECT SITE

This chapter must be read in conjunction with Part A – Introduction of this DCP and other relevant Sections, including:

- Part C Section 3 – Landscaping

In the event of any inconsistency between this Section of the DCP and any other Sections of the DCP, the provisions of this Section shall prevail only to the extent of the inconsistency.

C.6.2 SITE SPECIFIC OBJECTIVES AND DEVELOPMENT CONTROLS

The objectives and development controls for this site are set out in the following sections.

C.6.2.1 STREETScape AND CHARACTER

OBJECTIVES

- (i) To ensure that new development is sensitive to the landscape setting and environmental conditions of the locality.
- (ii) To ensure that the appearance of new development is of a high visual quality, enhances the streetscape and complements surrounding development.
- (iii) To ensure new development respects and enhances the green and garden character of The Hills Shire

DEVELOPMENT CONTROLS

- (a) Future development should retain mature vegetation where possible and provide landscaping in the front and rear yards in particular tall planting in scale with the building proposed

C.6.2.2 ACCESS

OBJECTIVES

- (i) To restrict access to Old Northern Road.
- (ii) To avoid the slowing of traffic on Old Northern Road by cars leaving and entering the site.

DEVELOPMENT CONTROLS

- (a) Any future development on the site shall obtain access from Fullers Road.

C.6.2.3 BUILDING SETBACKS**OBJECTIVES**

- (i) To provide setbacks that complements the streetscape and protects the privacy and sunlight to adjacent dwellings in accordance with ESD Objective 7.
- (ii) To ensure that new development is sensitive to the landscape setting, site constraints and established character of the street and locality.
- (iii) To ensure that the appearance of new development is of a high visual quality and enhances the streetscape.

DEVELOPMENT CONTROLS

- a) The minimum building setback to Old Northern Road is 10 metres.
- b) The minimum building setback to Fullers Road shall be not less than six (6) metres.
- c) The minimum setback to adjoining properties shall be not less than:
 - a. Four (4) metres for single storey element,
 - b. Six (6) metres for second storey element.

C.6.2.4 SITE COVERAGE**OBJECTIVES**

- (i) To maximise the provision of open space.
- (ii) To avoid the creation of drainage and runoff problems, through minimising the amount of impervious area in accordance with Council's ESD Objective 3.
- (iii) To minimise bulk and scale of development.
- (iv) Maintain the character of existing areas by retaining vegetation.

DEVELOPMENT CONTROLS

- a) The maximum site coverage permitted on the site is 60%.
- b) Where basement car parking is proposed a minimum of 30% of the developed site must be capable of deep-rooted planting.

C.6.2.5 BUILDING HEIGHT**OBJECTIVES**

- (i) To ensure the height of buildings are appropriate for the locality.

DEVELOPMENT CONTROLS

- a) Future development should not exceed two storeys.

C.6.2.6 DENSITY**OBJECTIVES**

- (i) To provide an appropriate density on the site that is consistent with the local character.
- (ii) To meet the needs of the current and future residents.

DEVELOPMENT CONTROLS

- a) Seniors Housing Development on the site is not to exceed nine (9) infill self-care units (Self-contained dwellings).

C.6.2.7 PRIVATE OPEN SPACE**OBJECTIVES**

- (i) To provide private outdoor living space that is an extension of the dwelling for the enjoyment of residents.
- (ii) To provide private outdoor living space that receives a reasonable quantity of sunshine during all months of the year.
- (iii) To provide a service space for clothes drying.

DEVELOPMENT CONTROLS

- a) One continuous area of private open space equal to 50% of the floor area of the dwelling shall be provided for each dwelling.
- b) Private open space areas will be contiguous to the dwelling for which it is provided and have a minimum useable area of 5.0 metres x 5.0 metres.
- c) Collapsible or permanent clothes drying device is to be provided within the private open space area and should be located so as to maximise the

amount of direct sunlight available to clothes drying areas.

- (d) Private open space areas shall be enclosed with a wall or fence with an effective height of 1.8 metres from the finished ground level of the open space courtyard. All fencing enclosing private open space facing a common area or public place shall be constructed in masonry similar to the type and colour to be used in the building.

C.6.2.8 SOLAR ACCESS

OBJECTIVES

- (i) To maximise natural lighting to internal living and open space areas in winter and provide adequate shading to internal areas and private open space during summer to improve residential amenity.
- (ii) To ensure that development does not unreasonably diminish sunlight to adjoining properties.

DEVELOPMENT CONTROLS

- (a) Future development is to be designed to ensure that at least 80% of dwellings have a private open space that receives direct sunlight to 50% of the required courtyard area between 9am and 3pm on 21 June. For the remaining 20% of units 50% of each private open space area is to receive direct sunlight for 3 hours between 9am and 3pm on June 21.
- (b) Development on the site should not inhibit adjoining sites to meet solar access requirements.

C.6.2.9 PARKING

OBJECTIVES

- (i) To ensure that all car parking demands generated by the development are accommodated on the development site.
- (ii) To protect the free flow of traffic into and out of multi dwelling housing developments and the surrounding street network in accordance with Council's ESD objective 7.

DEVELOPMENT CONTROLS

- (a) On site car parking is to be provided at the rate of 1 space per dwelling.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 23 May 2017

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

VOTING FOR THE MOTION

Clr Keane
Clr Dr Byrne
Clr Tracey
Clr Haselden
Clr Harty OAM
Clr Preston
Clr Hay OAM
Clr Dr Gangemi

VOTING AGAINST THE MOTION

None

ABSENT

Clr Thomas
Clr Dr Lowe

ITEM-5

POST EXHIBITION PLANNING PROPOSAL FOR CHILD CARE CENTRE AS AN ADDITIONAL PERMITTED USE AT LOT 18 DP 1210320 SAMANTHA RILEY DRIVE, KELLYVILLE (5/2017/PLP)

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

225 RESOLUTION

The planning proposal for land at Lot 18 DP1210320 (formerly known as 71-83 Samantha Riley Drive, Kellyville) proceed to finalisation as follows:

- a. Amend Schedule 1 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – North Kellyville Precinct Plan to permit a child care centre as an additional permitted use; and
- b. Introduce an Additional Permitted Uses Map to identify the site within the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – North Kellyville Precinct Plan.

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

VOTING FOR THE MOTION

Clr Keane
Clr Dr Byrne
Clr Tracey
Clr Haselden
Clr Harty OAM
Clr Preston