Ordinary Council Meeting 13/12/16 (Item 4)
Post Exhibition – Planning Proposal and DCP Changes for Shop Top Housing and Mixed Use Developments (11/2016/PLP)
Attachment 9 (under separate cover)

DRAFT North Kellyville Precinct

Development Control Plan
November 2016

NSW GOVERNMENT | Planning & Environment

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Printed December 2008
Revised September 2016
16/11/2016

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Introduction

1.0 INTRODUCTION

1.1 Name of this Plan

This Plan is known as the North Kellyville Precinct Development Control Plan 2008 (DCP 2008). It has been prepared pursuant to the provisions of Section 74(C)(2) of the *Environmental Planning & Assessment Act 1979*.

This DCP was adopted by the Chief Executive Officer of the Growth Centres Commission (GCC) under delegation from the Director-General of Planning on (28 November 2008) and came into force on (19 December 2008).This DCP applies to all development on the land shown at **Figure1**.

Figure 1. Land to which this DCP applies

1.2 The Purpose of this DCP

The purpose of this DCP is to:

a. Communicate the planning, design and environmental objectives and controls against which Council will assess future Development Applications (DAs);

b. Consolidate and simplify the planning controls to ensure the orderly, efficient and environmentally sensitive development of the North Kellyville Precinct as envisaged by the North West Sector Structure Plan and refined by the North Kellyville Precinct Indicative Layout Plan;

c. Promote high quality urban design outcomes within the context of environmental, social and economic sustainability;

d. Clearly set out the processes, procedures and responsibilities for the involvement of the community and key stakeholders in the development of land;

e. Ensure that development will not detrimentally affect the environment and ensure that satisfactory measures are incorporated to ameliorate any impacts arising from the proposed development;

f. Encourage innovative and imaginative design with particular emphasis on the integration of buildings and landscaped areas that add to the character of neighbourhoods; and

g. Provide safe and high quality environments for the residents, workers and visitors of North Kellyville.

1.3 Relationship to other Plans

This section should be read in conjunction with State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No. 3) and other relevant State planning policies. This DCP should also be read in conjunction with the following State and Hills Shire Council (HSC) policies and/or guidelines:

- *Environmental Planning and Assessment Act 1979* (NSW) (as amended)
- *Environmental Planning and Assessment Regulation 2000* (NSW) (as amended)
- *Local Government Act 1993* (NSW) (as amended)
- *Threatened Species Conservation Act 1995* (NSW) (as amended)
- Relevant SEPPs
- Relevant REPs
- The Hills DCP 2012 Part B Section 5 - Residential Flat Buildings
- The Hills DCP 2012 Part B Section 6 - Business
- The Hills DCP 2012 Part C Section 1 - Parking
- The Hills DCP 2012 Part C Section 2 - Signage
- The Hills DCP 2012 Part C Section 3 - Landscaping
- The Hills DCP 2012 Part C Section 6 - Flood Controlled Land

- Planning for Bushfire Protection 2006 (NSW Rural Fire Service 2006) (as amended)
- Guidelines for the Management of Contaminated Sites (BHSC 2000)
- Making Access for all (BHSC 2002)
- Safer By Design Guidelines (BHSC 2002)
- Western Sydney Salinity Code of Practice (WSROC March 2003)
- Design Guidelines Subdivision/Development (THSC 2011)
- Specification for the Construction of Footpath & Gutter Crossings (THSC 2010)
- Floodplain Development Manual (Department of Planning, Infrastructure and Natural Resources 2005)
- Better Urban Living – Guidelines for Urban Housing in NSW (Urban Design Advisory Service 2000)
- Growth Centres – Development Code (Growth Centres Commission 2006)
- Order to Confer Biodiversity Certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (December 2007)

In the event of any inconsistency between this DCP and any other DCP or policy of Council, this DCP will prevail to the extent of the inconsistency.

1.4 Structure of this Plan

This DCP is structured as follows:

Section 1 Introduction

sets out the administrative provisions of the DCP.

Section 2 Vision and Character

relates to the overall layout and vision for the future development of the Precinct as well as the Precinct wide controls for residential density, town centres and employment areas, the provision of Precinct wide infrastructure and staging.

Section 3 Land Development

relates to the street network including road design standards, the public transport network and the pedestrian and cycleway network, and design standards for the public realm including paving, street trees and lighting, as well as subdivision and lot development for large lots within the environmental living zone, detached housing, multi dwelling housing and residential flat buildings.

Section 4 Residential Development

relates to built form development controls for detached housing, multi dwelling housing, residential flat buildings, large lots, architectural and streetscape design, private open space and landscaping, site access and parking, cut and fill, safety and surveillance, solar access and visual and acoustic privacy.

Section 5 Special Area Controls

outlines the objectives, key controls and design principles relating to areas that require further design attention including North Kellyville Local Centre, Hezlett Road Neighbourhood Centre and Stringer Road Neighbourhood Centre.

Section 6 Managing the Environment

relates to general environmental issues that apply across the entire North Kellyville Precinct including stormwater and construction management, waste management, site facilities and servicing, riparian corridors, floodplain and watercycle management, soils and salinity, aboriginal heritage, european archaeological heritage, bushfire hazard management, tree retention and biodiversity, and contamination management.

Appendix A Glossary

contains the definitions for a number of specific terms used in this DCP that are not defined within the SEPP.

Appendix B List of Preferred Planting Species

Appendix C Environmental Management Plan

1.5 Development

Development falls into a number of categories,: Exempt Development, Complying Development, Local Development and Integrated Development.

1.5.1 Exempt Development

Minor development in NSW often does not require any planning or construction approval. This is called **exempt development** because it is exempt from planning approval. Before you start building it is important to determine whether you are going to need planning approval. **Division 1 General Exempt Development Code** of the *State Environmental Planning Policy* (Exempt and Complying Development Codes SEPP) *2008* details when planning approval is not required. The Codes SEPP can be found on the State Governments legislation website at: www.legislation.nsw.gov.au.

Note: *Specifying a type of development as exempt development does not authorise the contravention of any condition of development consent applying to the land on which the exempt development is carried out, nor does it remove the need for any approval that may be required under other legislation.*

1.5.2 Development allowed only with Consent

COMPLYING DEVELOPMENT

If what you want to build falls outside of what is considered to be exempt development, it may fall into the category of **complying development**. Complying development is a combined planning and construction approval. Complying development is a fast track, 10-day approval process where a building meets all of the predetermined standards. *The State Environmental Planning Policy* (Exempt and Complying Codes) *2008* contains the General Housing Code which covers complying developments.

There are 2 types of pre-determined standards that must be met for Complying Development to occur:-

1. Land Based Requirements – These are requirements that apply to the general locality and the specific site as some land is excluded from Complying Development due to its constrained nature. An example of a "Land Based Exclusions" is work on an item of heritage significance.

2. Development Standards – These are standardised requirements for the proposed building work such as the size, type and location of the building.

The simplest way to find out whether any Land Based Exclusions exist and therefore rule out Complying Development on your property is to obtain a planning certificate from Council (referred to as a 149(2) Certificate). This document will explicitly state whether or not Complying Development can occur and it will also provide a comprehensive list of planning matters and constraints affecting the land. Although this is not compulsory, it is recommended as it will alleviate the need to answer some complicated questions. Alternately, you can ask our staff whether and land based requirements apply to your land.

Notes: *- Section 76A (6) of the EP&A Act 1979* (NSW) *provides that certain development, such as designated development, or development requiring the concurrence of another body, or development on land comprising, or on which there is, a heritage item, cannot be complying development.*

- *Under section 76A of the EP&A Act 1979* (NSW)*, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.*
- *Specifying a type of development as complying development does not authorise the contravention of any condition of development consent applying to the land on which the complying development is carried out, nor does it remove the need for any approval that may be required under other legislation.*
- *See also clause 5.8 of Appendix 2 of the SEPP which provides that the conversion of fire alarms is complying development in certain circumstances.*

LOCAL DEVELOPMENT

The majority of applications are Local Development and require the lodgement of a standard development application.

1.6 Advertising & Notification Procedures

The purpose of this section is to establish a clear process for public participation in the development assessment process. The notification procedures outlined below aim to balance the public's right to participate in the development assessment process whilst minimising delays in the processing of low impact development applications.

MANDATORY ADVERTISING/NOTIFICATION

Planning legislation requires some developments to be advertised in a local newspaper and/or notified to adjoining property owners and relevant public authorities. These types of developments are generally larger scale and/or require approval from one or more public authorities.

Applications which require advertising/notification under legislation are identified below and, if applicable are required to pay an advertising fee at the time of lodgement in accordance with Council's Fees and Charges:

- Nominated Integrated Development
- Threatened Species Development
- Class 1 or Class 2 Aquaculture Development
- Designated Development
- State Significant Development

NOTIFICATION OF DEVELOPMENT APPLICATIONS

Written notification to owners of adjoining and adjacent properties will be undertaken for local development that is permissible with consent except for where identified in in Section 3.4 Circumstances Where Notification is not Required.

Council may also notify additional landowners in the vicinity of a development site, if it is considered the application may have a greater impact. In determining whether to extend or limit the extent of notification the following factors may be considered:

- Siting and design
- Views
- Visual and acoustic privacy
- Access
- Overshadowing
- Public interest
- Topography
- Solar access
- Drainage
- Landfill
- Traffic generation

NOTIFICATION TIMEFRAMES

The notification period for local development is to be a minimum period of 14 days however may be reduced to 7 days in special circumstances. The period of time may also be extended depending on the circumstances of the case. Timeframes for Mandatory Advertised Development is specified in legislation however is generally 30 days, commencing on the day after which the notice of the application is first published in a newspaper. Any notification period shall not include the last week of December and the first week of January in any year.

CIRCUMSTANCES WHERE NOTIFICATION IS NOT REQUIRED

No notification of adjoining and adjacent properties is required for the following types of development applications, if the proposal complies with all applicable development controls (LEP, DCP & other relevant policies) and/or it is considered by Council that the development is unlikely to have a detrimental impact on those properties:

- New rural sheds ancillary to residential use
- New rural fencing
- New tennis courts ancillary to residential use
- Strata subdivisions
- Subdivisions to adjust property boundaries where no additional lots are created
- Where the development site does not adjoin a residential property

Where a development application is not notified by Council in accordance with the above provisions, adjoining and adjacent property owners will be sent a courtesy letter advising that an application has been received that is in accordance with the requirements of the development control plan. The letter will state Council will not be formally notifying or inviting submissions for the application which will be determined within the requirements of the Environmental Planning and Assessment Act, 1979 no sooner than 14 days from the date of the letter.

CONCILIATION CONFERENCES

If more than 10 submissions are received relating to a development application during a formal notification period, Council will host a conciliation conference. All conferences are chaired by the Mayor or the Mayor's nominee.

1.7 Development Application Process

The Hills Shire Council is the consent authority in respect of approvals to develop land (except complying development where private certification of development can occur). The development application process is summarised in
Table 1.

Initial discussions with Council's Duty Town Planner, Duty Building Surveyor or Duty Subdivision Officer, will help determine whether your proposal is permitted under State Environmental Planning Policy Sydney Region (Growth Centres 2006 and the type of application required.

The Duty Town Planner, Duty Building Surveyor or Duty Subdivision Officer are available during business hours within the Customer Service Centre or on the following phone numbers:

Duty Town Planner ..... (02) 9843 0469

Duty Building Surveyor ..... (02) 9843 0470

Duty Subdivision Officer ..... (02) 9843 0374

VARIATIONS TO DEVELOPMENT CONTROLS

Council may grant consent to a proposal that does not comply with the controls, providing the intent of the controls is achieved. Similarly, Council may grant consent to a proposal that varies from the Indicative Layout Plan (ILP), where the variation is considered to be minor and the proposal remains generally consistent with the ILP. As such, each DA will be considered on its merits. Where a variation is sought it must be justified in writing indicating how the development is meeting the intention of the objectives of the relevant control and/or is generally consistent with the ILP.

DEVELOPER DESIGN GUIDELINES

In addition to the provisions of this DCP, a developer may implement and administer further building and landscape design guidelines so as to ensure a high quality built product. Such guidelines are not to be inconsistent with this DCP. To assist residents and their designers, a developer may also implement a Design Review Committee to review development proposals for compliance with the Design Guidelines prior to their formal submission to Council.

REVIEW

The Growth Centres Commission may review this DCP from time to time to ensure that the State Government's objectives for the North Kellyville Precinct continue to be met.

PRE-LODGEMENT

Initial discussions with Council's Duty Town Planner will help determine whether your proposal is permitted under State Environmental Planning Policy (Sydney Region Growth Centres 2006 (Amendment No 3) and the type of application required.

For small-scale development an informal pre-lodgement meeting with the Duty Town Planner at Council's Customer Service Centre should be held to identify relevant issues. It is not necessary to book an appointment. Single residential developments and ancillary construction issues should be discussed with Council's Duty Building Surveyor and subdivision and engineering related enquires directed to Council's Duty Subdivision Officer.

Generally, developments comprising of anything other than a two-lot subdivision or application for detached dwellings require a formal pre-lodgement meeting.

A formal pre-lodgement meeting is required prior to the submission of all major development applications for the following types of development:-

- subdivision proposals;
- residential flat buildings;
- multi dwelling housing;
- integrated housing;
- attached housing;
- seniors housing;
- child care centres;
- retail/business premises;
- development proposals which exceed $1 million in development costs;
- designated development; and
- telecommunications facilities.

Applicants are required to demonstrate that an appropriate planning process has been undertaken. To ensure that this process is recognised, applicants are required to attend a pre-lodgement meeting to discuss concept plans and any other issues relevant to the site before formal lodgement of the development application.

Meetings are held on a weekly basis and are attended by Senior Officers of Council's Environment and Planning Group from a discipline relevant to the assessment of the application. Arrangements for a pre-lodgement meeting can be made at the Customer Service Centre of Council's Administration Building or by telephoning 9843 0555.

The applicant must prepare a Site Analysis and preliminary concept plans (such as a site plan, floor plan, elevations, survey plan, access and car parking details etc) for consideration at the pre-lodgement meeting. The preliminary plans are to include an Isometric raised plan of proposal for residential flat buildings and attached and multi dwelling housing developments. Relevant consultants and advisors used by the applicant should also attend these meetings.

Table 1: Development Application Process

Process	Matters to be considered
Consultation with adjoining property owners should be considered	Consider their opinions
Mandatory consultation with Council on draft proposal	Discussion with Duty Town Planner, Duty Building Surveyor, Duty Subdivision Officer or formal Pre-lodgement
Finalise Application and consult with relevant	Does proposal comply with the SEPP (Sydney

authorities e.g. RTA, Sydney Water	Region Growth Centres) 2006 (Amendment No 3)
Lodge Development Application with Council	Pay Fees
Notification occurs – Refer to **Section 1.6** for details	Council notifies adjoining property owners
Assessment of application against relevant planning instruments and DCPs, and consideration of submissions	Conciliation conference may be required
Development/Subdivision determination (Consent/Refusal)	
Development work can commence if all conditions are complied with and Construction Certificate obtained	Pay Section 94 Contributions to Council
Final Plan of subdivision released upon Completion of construction and compliance with all conditions of consent	

1.8 Information required for a Development Application

All development applications must be accompanied by a completed Application Form for Development Consent / Construction Certificate and/or Other Approval.

OWNERS CONSENT

The consent of all owners of the property must be lodged with the development application. If the owner is a Company or Owners Corporation, its Common Seal must be stamped over the signature/s, otherwise the Managing Director must sign and clearly indicate the A.C.N.

DEVELOPMENT APPLICATION FEES

All relevant fees must be paid upon lodgement of the Development Application.

STATEMENT OF ENVIRONMENTAL EFFECTS

A Statement of Environmental Effects (SEE) is the written covering documentation, which must accompany your development application. Details must include:

- a description of the site including a property description;
- a description of the proposed development including all proposed works;
- details of compliance with the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and any of its amendments;
- a description of how the development controls have been achieved or provide written justification to vary any development standard contained in the DCP; and
- details of how the development satisfies the provisions of Section 79C of the *EP&A Act 1979* (NSW).

The following plans, studies, assessments and/or reports may also be required to accompany a development

application. All plans shall include the name and contact telephone number of the person who prepared the plans. A list of minimum requirements to be submitted for each application is provided in the Matrix of Lodgement Requirements.

Eight (8) copies of all plans and documentation required with an application are to be submitted with a development application, unless otherwise specified within this DCP.

1.8.1 Documentation

The following documentation is required in addition to the Development Application Form mentioned above. Refer **Table 2** for the matrix showing lodgement requirements for various developments.

Table 2. Matrix of Lodgement Requirements

	Subdivision in the E4 Zone	Subdivision in other zones	Dwelling house	Dual Occupancy and Semi-detached dwellings	Attached dwellings and Multi Dwelling Housing	Residential Flat Building	Commercial/Retail Premises	Child Care Centre	Home Business	Signage	Open Space and landscape	Special Uses	Heritage Item	Telecommunication Facilities
Access Report					✓	✓	✓	✓						
Architectural Plans	✓	✓	✓	✓	✓	✓	✓	✓	✓	■	✓	■	✓	■
BASIX Certificate			✓	✓	✓	✓								
Building Envelope Plan		■												
Bushfire Assessment	✓	■												
Contamination Assessment	✓	✓	■	■	■	■	■	■	■		■	■	■	
Crime Risk Assessment Report	■	■			✓	✓	✓				✓			
Economic Analysis							■	■						
Effluent Management Plan	✓	■												
Emergency Evacuation Plan	✓	✓												
Erosion and Sedimentation Control Plan	✓	✓	✓	✓	✓	✓	✓	✓				■	■	
Fuel Management Plan	✓	✓												
Geotechnical Assessment	✓	✓	■	■	■	■	■	■	■		■	■	■	
Indigenous Archaeological Assessment	✓	✓												
Landscape Plan	■	■	✓	✓	✓	✓	✓	✓	■		✓	■	✓	
Landscape Management Statement	■	■			■	■								
Model					■	✓	■						■	
Noise Impact Analysis (Acoustic Report)		■			■	■	✓	✓	■		■	■	■	
Noise Management Plan								✓						

	Subdivision in the E4 Zone	Subdivision in other zones	Dwelling house Dual Occupancy and Semi- detached dwellings and Multi Dwelling Housing	Residential Flat Building	Commercial/Retail Premises	Child Care Centre	Home Business	Signage	Open Space and landscape	Special Uses	Heritage Item	Telecommunication Facilities
(Child Care Centres)												
On-site Detention (OSD) Plan			■	■	■	■					■		
Photo Montage					✓	✓	✓					■	✓
Public Domain Plan		■											
Preliminary Engineering Drainage Plans			■	■	✓	✓	✓				■	■	
Schedule of external materials			✓	✓	✓	✓	✓	✓			■	✓	■
Shadow Diagrams			✓	✓	✓	✓	✓	✓	■		■	■	
Signage Plan							✓	✓	✓	✓	■	■	
Site Plan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Site Survey or Analysis Plan		✓	✓	✓	✓	✓	✓	✓			✓	✓	✓
Statement of Environmental Effects	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Streetscape Perspective			■	■	✓	✓	✓	✓		■		■	✓	■
Tree Management Plan	✓	■	■	■	■	■	■	■			✓	■	■	■
Traffic Report	■	✓				✓	✓							
Waste Management Plan	■	✓	✓	✓	✓	✓	✓	✓	✓	■		■	■	
Vegetation Management Plan	✓	✓												

Key : ✓ - Required

■ - Possibly required – Pre lodgement discussion required

ACCESS REPORT

An Access Report shall be prepared by a registered access consultant demonstrating compliance with the *Disability Discrimination Act 1992*(Cth) and relevant Australian Standards such as AS1428.1-2001, AS1428.2-1992, AS1428.3-1992 and AS1428.4-2002.

A certification prepared by a registered access consultant must confirm that units identified as 'adaptable' in Multi Dwelling Housing and Residential Flat Buildings are capable of being modified.

ARCHITECTURAL PLANS

Floor Plan

- The internal layout of all buildings is to be illustrated on floor plans. Floor plans are to contain dimensions and floor areas for each room, window locations and other relevant internal building details.

Cross Section

- At least one longitudinal and one transversal cross section should be provided for buildings and/or open spaces indicating the relationship the natural ground with existing and proposed levels.

Elevation Plan

1. The external appearance of all aspects (north, south, east, west) of a building are to be illustrated on the elevations to a minimum scale of 1:200.

Details of the relationship of elevations to natural ground level indicating:

1. Existing and proposed levels;
2. Proposed cut and fill; and
3. Fencing details fronting public streets.

BASIX CERTIFICATE

Submission of a current BASIX Certificate is required for any development to which BASIX applies. See **www.basix.nsw.gov.au** for further information.

BUILDING ENVELOPE PLAN

Development applications for subdivision of lots less than 300m^2 and equal to or greater than 225m^2 in area, and with a width equal to or greater than 9m require a building envelope plan. Refer to Section 3.7 Subdivision Approval Process.

BUSHFIRE ASSESSMENT

Development applications for land identified as bush prone in accordance with the Council's Bushfire prone land Map will be prepared in accordance with *Planning for Bushfire Protection 2006* (NSW Rural Fire Service 2006).

The Bushfire Assessment must include the following:-

- Review the capability of the site to provide a safe development in accordance with *'Planning for Bushfire Protection 2006;*
- Review the potential to carry out hazard management over the landscape;
- Review the evacuation capability of the area; and
- Provide advice on the adequacy of the design/construction to meet the requirement of *Planning for Bushfire Protection 2006.*

CONTAMINATION ASSESSMENT

A geotechnical site contamination assessment will be required for sites specifically shown in Section 6.5 in this DCP as contaminated.

A geotechnical site contamination assessment shall be prepared by a suitably qualified consultant. An assessment is required to identify whether the site is suitable for its intended purpose, including human occupation and any remediation measures. A review of the Land Capability and Contamination Assessment North Kellyville Precinct prepared by Douglas Partners will be required as part of the assessment.

CRIME RISK ASSESSMENT REPORT

Certain developments due to their size, function or location may require the submission of a Crime Risk Assessment report and will be referred to NSW Police for comment. These types of developments include, but are not limited to:

- transport facilities;
- residential flat buildings, attached dwellings and multi dwelling housing developments (50 or more dwellings);
- large mixed use developments (50 or more dwellings);
- major shopping centre developments;
- new industrial complexes (multiple units/ major works);
- new schools and hospitals;
- child care centres;
- large sport facilities;
- clubs and hotels; and
- service stations, convenience stores and other high risk businesses.

A Crime Risk Assessment report should detail design and other measures to be incorporated into the

development to reduce the potential for crime. To assist in preparation of a Crime Risk Assessment report applicants should refer to Hills Shire Council's Designing Safer Communities: Safer by Design Guidelines (June 2002).

ECONOMIC ANALYSIS

An Economic Impact Analysis is to be prepared by a suitably qualified consultant. The Assessment should describe the extent of the trade area, the impact on the adopted hierarchy of centres and economic justification for the proposal. It must provide justification for the amount of floor space proposed at any one time in the event that the amount of floor space proposed exceeds the amount outlined in the North Kellyville Precinct Retail & Commercial Floor space Demand Report (January 2008) prepared by Hill PDA.

EFFLUENT MANAGEMENT PLAN

An Effluent Management Plan must be prepared for any development applications within 100 m of a defined riparian zone that is not connected to general town sewerage. The Effluent Management Plan will:

- assess site suitability for effluent disposal;
- identify site constraints that limit the installation of an effluent treatment system;
- identify the standards for effluent treatment to be achieved and recommend appropriate systems to achieve the required treatment standard.

EMERGENCY EVACUATION PLAN

An emergency evacuation plan must be prepared for those developments where the access and egress of persons may be threatened by a bushfire event, recommended by the NSW Rural Fire Service or Council.

The Emergency Evacuation Plan will include:

- identify the ability for areas to be evacuated within acceptable time frames;
- define an integrated procedure for the evacuation of residents from premises in the event of an bushfire event;
- identify appropriate evacuation assembly points and protected safe havens; and
- provide for the evacuation and care of infirm or elderly residents.

EROSION AND SEDIMENTATION CONTROL PLAN

Erosion and Sediment Control Plans shall be prepared in accordance with "Managing Urban Stormwater – Soils and Construction", produced by the NSW Department of Housing. An Erosion and Sediment Control Plan shall include:-

- locality of the site, north point and scale;

- existing contours with catchment boundaries;
- description and location of vegetation;
- staging of works to minimise disturbance;
- movement of water onto, through and off the site;
- location of specific controls;
- maintenance of the controls;
- rehabilitation/maintenance of the works area; and
- location of topsoil stockpile to be reused on-site.

FUEL MANAGEMENT PLAN

The fuel management plan is to be prepared for lots where existing vegetation is required to be managed by several registered proprietors, strata corporation or community association or cluster style developments that jointly share asset protection zones. This plan may also be required for land that is:

- subject to occupation by residents or designated as private property;
- intended for imminent development; i.e. Village style development;
- regularly managed land due to neighbouring responsibilities; or
- special habitat management that is subject to prescriptive burning requirements to maintain a desired level of habitat diversity.

The Fuel Management Plan will address the main priorities of fuel management planning, i.e.:

- the protection of lives and property; and
- the protection of the ecological (plants and animals) and environmental elements (soil, water and air) of the landscape.

In determining priorities for fuel management, the land managers have a clear community obligation to protect life and property, as well as valuable natural assets.

The Fuel Management Plan will identify:

- hazard reduction (burning and physical removal) to protect life and property;
- hazard reduction (burning and physical removal) to protect the broad range of vegetation resources and assets from the effects of uncontrolled wildfire; and
- infrastructure works that allow fuel management to occur (e.g. construction and maintenance of fire trails).

GEOTECHNICAL ASSESSMENT

A geotechnical assessment shall be prepared by a suitably qualified consultant registered with the Institute of

Engineers, Australia or similar professionally recognised affiliation. An assessment is required to:

- identify that an acceptable level of risk is achieved with respect to the likelihood of movement, landslip or other geotechnical hazard adversely affecting the proposed subdivision or development or being caused by the proposed subdivision or development;
- provide lot classifications in accordance with AS2870 – 1996; and
- provide pavement design in accordance with BHSC Shire Council standards.

INDIGENOUS ARCHAEOLOGICAL ASSESSMENT

An Indigenous Archaeological Assessment will be prepared to assess the impact of proposed development on areas identified as of Aboriginal archaeological significance in Part 6.2 of this DCP. The Indigenous Archaeological Assessment shall provide details of the ongoing management of areas of Aboriginal archaeological significance, including a conservation management plan outlining how these areas will be conserved. The assessment shall be prepared in consultation with relevant local Aboriginal groups.

LANDSCAPE PLAN

A landscape plan to a minimum scale of 1:200 and accompanying documentation is to be prepared by a suitably qualified landscape architect or horticulturalist. Details to be provided include: -

- site boundaries and dimensions surveyed;
- north point, scale (1:200 desirable);
- existing and proposed levels;
- all existing trees, grassed areas, landscape features and main structures on the site (buildings, car parking, driveways, walls, fences, paving, storage areas, elements contributing to the significance of a heritage item etc.);
- a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements;
- details indicating a minimum of 300mm of good quality topsoil to all garden beds;
- details indicating a minimum of 150mm of good quality topsoil to all open space areas;
- all garden bed areas to be clearly defined by brick, concrete or timber edging with its top edge finishing flush with the surface of adjacent grass areas; and
- name and contact telephone number of the person who prepared the plans.

Also, where relevant, the landscape plan should address:

- outdoor recreation, seating or lunch areas for commercial and retail developments or the like;
- all proposed structures – buildings, fences, boundary lines, retaining walls and parking spaces;
- overland drainage proposals and on-site detention;
- landscape treatment of building setbacks including mounding and screen planting;
- planting proposed for privacy screening;

- delineation of the principle area of private open space for each dwelling;
- provision for rain gardens;
- outline of all hard paved areas and materials to be used (including communal streets, driveways and paths) and identification of purpose. Consideration should also be given to the most likely routes taken by pedestrians, and sited accordingly;
- details of landscaping to garbage bin storage or standing areas;
- lighting for vehicle areas, cycle and pedestrian paths, and security;
- location of underground services;
- the requirements of other authorities such as water, electricity, telecommunications and gas, should be considered in the development of the landscape proposal.
- protection of high conservation value vegetation and threatened flora and fauna habitat and hollow bearing trees.
- protection and restoration of designated riparian zones.
- fuel management for asset protection purposes.
- maximum tree density and understorey cover to the standard of the required asset protection zones.
- planting of key endemic foraging species for threatened fauna.
- planting of regional significant flora species.

LANDSCAPE MANAGEMENT STATEMENT

A Landscape Management Statement is to accompany the landscape plan for all developments other than where only private open space is proposed. The Landscape Management Statement is to provide the intended management and maintenance principles for non-private, community or common open space, including grassed areas, ornamental and native planting, water features, play equipment, outdoor furniture and other facilities.

MODEL

A scale model at either 1:100 or 1:200 of the proposed development shall be prepared. The model shall show development on immediately adjoining properties.

NOISE IMPACT ASSESSMENT (ACOUSTIC REPORT)

A noise assessment or acoustic report shall be undertaken by a suitably qualified acoustic consultant (e.g. a member of the Australian Acoustical Society, the Institute of Engineers Australia, The Association of Australian Acoustical Consultants or a person with other appropriate professional qualifications). An acoustic report is often required where:

- new development is proposed that will create significant noise;
- a new noise-sensitive development is proposed in an area where existing noise sources are present; and/or
- a new development will generate a significant amount of traffic.

An acoustic report should include:

- description of the extent of the noise impact and all noise sources (e.g. number of vehicle movements, plant & equipment used etc);
- determination of the background noise levels for day and night;
- assessment of intrusive noise for the worst affected premises and for worst case situations;
- times of day/days of week of operation;
- site plan (with dimensions) not necessarily to scale;
- existing noise climate background (La90) and ambient (Laeq);
- noise criteria, relevant guidelines or policy that has been applied and site specific noise goals;
- sound Power Level of all noise sources (Octave bands);
- prediction methods with formulae;
- predicted overall noise levels at all relevant receiver points (Laeq);
- comparison of predicted results to the noise goals; and
- recommendations for noise control and attenuation.

NOISE MANAGEMENT PLAN (CHILD CARE CENTRES)

A Noise Management Plan provides details of the operational requirements of the childcare centre, including:

- aim of the plan;
- hours of operation of the centre;
- maximum numbers of staff and children at the centre at any one time;
- day to day activities proposed at the centre;
- proposed hours of the day that the outdoor play area will be used by the children, including the maximum number of children at one time;
- proposed supervision of the children;
- proposed signage for noise minimisation;
- proposed parent communication regarding noise issues;
- actions to be taken to ensure that parents, staff and children minimise noise coming from the centre; and
- actions to be taken to alleviate offensive noise.

ON-SITE DETENTION (OSD) PLANS

OSD Plans are to be prepared in accordance with the Upper Parramatta River Catchment Trust OSD Handbook by a suitably qualified consultant possessing one of the following accreditations:

- National Professional Engineer Register in Civil Engineering (Institute of Engineers Australia);

- Surveyors Certificate of Accreditation in OSD and Drainage Design (Institution of Surveyors of NSW and the Association of Consulting Surveyors NSW); or
- Accreditation as a certifier under the *EP&A Act 1979* (NSW) in the relevant discipline.

PHOTO MONTAGE

The photo montage must indicate the appearance of the proposed development within the context of existing development and shall be no greater than A3 in size.

PUBLIC DOMAIN PLAN

Applications for subdivision using approval pathways A2, B1 and B2 require a Public Domain Plan (PDP) to be submitted as part of the application. Refer to Section 3.7 Subdivision Approval Process.

PRELIMINARY ENGINEERING DRAINAGE PLANS

Preliminary engineering plans indicating the proposed drainage design and infrastructure are to be prepared by a qualified drainage engineer. The plans shall include the following information:

- existing and proposed contours and levels (Australian Height Datum);
- catchment plan including boundaries of the site and adjacent properties and any areas not able to drain to the OSD system;
- storage/flow calculations;
- location and invert and surface level of all proposed pits, pipes and storage chambers;
- High Early Discharge Control pit and orifice detail including levels and location;
- proposed lawful point of discharge; and
- location and extent of any floodway, overland flow path or drainage easements through the site.

SCHEDULE OF EXTERNAL MATERIALS

A schedule of the proposed external colours, including a sample of materials and finishes, description and location of colour/material in relation to the development, at a size no greater than A3. Details of alternative materials considered and reasons as to why proposed materials were selected are to be disclosed.

SHADOW DIAGRAMS

Shadow diagrams shall be submitted for all development which exceeds one storey in height. In some instances it may be appropriate for shadow diagrams to be submitted for buildings of only single storey height. Details to be shown on plans include:

- shadows cast by the proposal during mid-winter and summer (ie 21 June and 21 December);
- shadows cast during the early morning, middle of the day and afternoon (9.00am, 12 noon and 3:00pm);
- the impact of the proposal on adjoining residential properties and their open space areas, and open space areas of each dwelling within the proposed development; and

- consideration of shadows from existing trees.

For the purpose of overshadowing requirements, fence lines are not included in shadow calculations.

SIGNAGE PLAN

A plan drawn to scale with the following information:

- site dimensions and area;
- location of the proposed sign;
- a diagram of the sign, including:
  - dimensions and area
  - height
  - construction materials
  - colour
  - wording, logos, symbols.

For illuminated signs, the following additional information is required:

- the type of illumination;
- a light spill diagram; and
- the hours of illumination.

SITE PLAN

This plan is to convey the design concept and layout of the proposal. Details to be shown include:

- a scale of 1:100 or 1:200, a title, and north point;
- the site coverage depicting building envelopes, car parking, driveways and all other built features;
- the location of open space areas;
- a schedule of calculations including site area, site coverage, floor areas and associated floor space ratios and private open space/landscape areas;
- the dimensions and area of site;
- the distance to all boundaries from buildings and car parking areas;
- the internal layout of buildings;
- the access and car parking arrangements including number of car parking spaces;
- the dimensions of all car parking spaces and driveway widths;
- any existing trees (and a notation to indicate whether they are to be removed or retained);
- the location of service/ancillary facilities;
- the location and general description of any adjoining developments;

- building height and internal site levels;
- changes in levels – proposed spot levels and/or contours at 1m intervals;
- the original ground level;
- the proposed finished ground level; and

SITE SURVEY/ANALYSIS PLAN

The purpose of this plan is to identify the opportunities and constraints presented by the development site. The plan must be prepared by a registered surveyor to a minimum scale of 1:200. The extent and level of detail of the analysis will depend on the application. Details to be shown are sourced from the Australian Model Code for Residential Development, include:-

A. The Site

- site Dimensions:
  - length
  - width
  - area
- Topography:
  - existing spot levels and/or contours at one metre intervals
  - natural drainage
  - any contaminated soils or filled areas
  - any natural or man-made artefacts of archaeological significance
- Services:
  - easements
  - connections to drainage and utility services
- Existing Vegetation:
  - location
  - height
  - spread of established trees
  - species
  - existing threatened flora species
  - existing threatened fauna habitat
  - hollow bearing trees for hollow dependent fauna
  - all trees greater than 100 mm dbh
  - significant foraging species as identified by Council and or Consulting Ecologist
- Fuel Management Zones:
  - asset protection zones

- fuel reduction methods (hand removal, mechanical or managed landscaping)
- understorey conservation zones for threatened flora and fauna habitat (maximum 20% of understorey by cover)
- tree removal for creating discontinuous canopies (2-5 m separation)
- maximum Tree Density

- Micro Climates:
- orientation
- prevailing winds

- The area of any land containing protected native vegetation as shown on the relevant SEPP maps.
- The location of existing buildings and other structures
- Heritage features
- Fences
- Property boundaries
- Pedestrian and vehicle access
- Infrastructure
- Views to and from the site
- Overshadowing by neighbouring structures
- Heritage features and items including archaeology contributing to significance – curtilage, views, archaeological features, outbuildings, garden elements etc
- Demonstration of how allotment/dwelling locations and dimensions respond to topography, site constraints and achieve solar orientation
- An indication of how social and environmental issues have been considered in the design

B. The Surrounds

Investigation of the surrounds should identify:

- Neighbouring buildings/developments:
- location
- height
- use
- type of construction materials

- Privacy
- any adjoining private open space
- windows overlooking the site (particularly those within 9m of the site)
- location of any facing doors and/or windows

- Walls built to the site's boundary:
- location

- height
- materials
- Difference in levels between the site and adjacent properties at their boundaries
- Views and solar access enjoyed by neighbouring properties
- Street frontage features:
- poles
- trees
- kerb crossovers
- bus stops
- other services
- The built form and character of adjacent development including::
- architectural character
- front fencing
- garden styles
- Heritage features of surrounding locality and landscape
- Direction and distance to local facilities:
- local shops
- schools
- public transport
- recreation and community facilities
- Public open space:
- location
- use
- Adjoining bushland or environmentally sensitive land
- Source of nuisance:
- flight paths
- noisy roads or significant noise source
- polluting operations

STREETSCAPE PERSPECTIVE

A streetscape perspective shall be provided as a colour perspective of the proposed building(s) and streetscape and be no greater than A3 in size.

TRAFFIC AND CAR PARKING STUDY

A traffic and car parking study must be prepared by a suitably qualified consultant. The traffic report must address the following:

- the existing traffic environment including recent traffic volume counts;
- the traffic expected to be generated as a result of the proposed development;
- the cumulative impact of the proposed development and any other nearby developments on the surrounding road network;
- the need for traffic improvements to the road network as a result of the proposed development;
- the impact of the proposal on intersections that access arterial/sub-arterial roads;
- a detailed assessment of the proposed access arrangements including the suitabiliy of the sight distance and any other relevant safety issues; and
- an assessment of the proposed parking provision and layout.

TREE MANAGEMENT PLAN

A Tree Management Plan is to be prepared by a qualified aborist. The Tree Management Plan shall be accompanied by a site plan clearly indicating which trees are to be retained and those to be removed. The Tree Management Plan shall include:

- a tree survey, including a site plan indicating the location of all trees on the site and the location of trees on adjoining properties located within close proximity of the development site. All trees should be numbered;
- a schedule of all trees including species identification, dimensions, whether they are to be retained or removed and a rating of the condition of all trees, their health, aesthetic value and life expectancy as a basis for ascertaining their value for retention;
- justification for removal of any trees;
- the design measures incorporated to allow trees to be retained and definitions of tree protection zones;
- the design and construction techniques to be used to minimise the impact on trees to be retained. These measures must demonstrate that the on-going health of the tree has been considered;
- details indicating the position of trees in relation to proposed roads and building platforms;
- identification of hollow bearing trees and identify retention priority (High, Medium and Low quality) based on hollow dimensions and hollow dependent fauna habitat requirements;
- a hollow retention strategy for any hollow bearing trees that balances the needs of hollow dependent fauna against the needs of providing a safe tree within or adjacent to buildings or services; and
- an artificial hollow replacement strategy at a ratio of 2 artificial hollows to every 1 hollow removed on securely protected trees using a mix of nest box designs for a variety of fauna including microbats.

VEGETATION MANAGEMENT PLAN (VMP)

Any subdivision within land zoned E4 (Environmental Living) and E3 (Environmental Management) will be required to be accompanied by an VMP that is consistent with the details specified in Appendix C - Environmental Management Plan of this DCP and integrated with the required Landscape Plan, Bushfire Assessment, Sedimentation & Erosion Control Plan and Effluent Management Plan.

The recommendations of the VMP will be imposed as conditions of any consent that may be issued.

WASTE MANAGEMENT PLAN (WMP)

A WMP is to be prepared in accordance with the requirements identified in BHSC DCP Appendix A Waste Management Plan.

A WMP demonstrates appropriate project management and construction techniques that minimise waste including the following:

- re-use of topsoil and disposal of any excess to an approved site;
- green waste re-use in landscaping either on-site or off-site;
- the re-use of materials such as bricks, tiles, plasterboard, windows, window frames, doors, joinery and concrete re-use on-site as appropriate, or recycled off-site;
- the recycling of plumbing, fittings and metal elements
- the location of on-site storage facilities for material to be reused on-site, or separated for recycling off-site; and
- the destination and transportation routes of all materials to be either recycled or disposed of off-site.

A WMP is to provide the following information:

- Construction and Demolition details
  - types of waste to be produced;
  - quantities of waste likely to be produced;
  - re-use or recycling methods for waste either on-site or off-site;
  - location of on-site storage facilities for waste materials;
  - contractor and destination of all waste materials;
  - demonstrate that waste going to landfill is not recyclable or is hazardous; and
  - a Waste Data File (a file containing the WMP together with records - waste receipts or dockets) of recycling and disposal of demolition and construction materials must be kept by the person/s responsible for the site.
- Design of Facilities and On-going Management
  - type of future use for the development;
  - types of waste to be generated;
  - estimated volume of waste to be generated per week;
  - location (on plans) and description of on-site storage and/or treatment facilities for waste; and
  - destination for waste produced.

For assistance with preparation of a Waste Management Plan, please contact Council's Waste Management Project Officer on 9843 0505.

1.9 Assessment of Applications

In assessing development proposals, Council will have regard to:

1. Section 79C of the EP & A Act, 1979;
2. SEPP (Sydney Region Growth Centres) 2006 (Amendment No.3)
3. Relevant State or Sydney Regional Environmental Planning Policies;
4. How the development satisfies the aims and objectives and any relevant provisions of BHLEP 2005;
5. Conformity with this DCP;
6. Conformity with other Council Policies and guidelines;
7. Submissions received as a result of the notification/advertising process; and
8. Any other legislation applying to the land or to the type of development proposed.
9. Developments that fail to comply with the statutory provisions of the *EP&A Act 1979* (NSW), any relevant SEPPs or SREPs, or the objectives stated within this DCP are unlikely to be granted development consent.

1.10 Amendments

The North Kellyville Development Control Plan has subsequently been amended as shown in **Table 3** below:

Table 3: DCP Amendments

Section	Description of Amendment	Date Amended DCP Adopted	Date Amended DCP came into force	Former file reference
3 & 4	Subdivision and Residential Controls (Housing Diversity Package)	13/08/2014	19/08/2014	
Various	Amend notification and advertising requirements to reflect The Hills Development Control Plan 2012 and minor administrative corrections	26/04/2016	24/05/2016	FP142
Various	Minimum Lot Size Development Control Plan (Main Body)	30/11/2016	30/11/2016	

2.0

Vision And Character

2.0 VISION AND CHARACTER

This section of the DCP contains objectives and development controls relating to the overall layout and vision for the future development of the Precinct.

2.1 Vision and Development Objectives

NORTH KELLYVILLE VISION

The vision for North Kellyville is the creation of vibrant neighbourhoods that provide a range of dwelling types and opportunities for social interaction for a diverse population in centres, parks and community facilities. The North Kellyville Precinct will be characterised by a mix of housing types, interconnected neighbourhoods, a compatible mix of land uses, active streets, and environmentally responsive development.

The North Kellyville Precinct has been planned to achieve the Growth Centres Commission target of providing 4,500 dwellings in a manner that is responsive to the environment, which promotes community interaction within and outside the Precinct and which is economically viable.

There will be three centres which will become the focal points for social interaction, community uses and retailing. An integrated public transport, cycle and pedestrian network will facilitate improved access within the Precinct and to the surrounding areas, particularly to Rouse Hill Regional Centre. The interface of the built form and the design of the public domain will create an attractive place to live.

The Precinct will provide a mix of traditional lot sizes. Residential yield will be increased in areas that can be easily serviced for infrastructure, facilities and public transport, whilst lower housing yield will be appropriately located around the edges of the Precinct to enable development to be more responsive to the natural features of the site.

North Kellyville will provide an amenable setting for residential living in The Hills Shire area due to its natural landscape features. Bound by Smalls and Cattai Creek, the Precinct is surrounded by high value remnant native vegetation along the creek lines, providing a bushland backdrop for large lot residential living. This is enhanced by the topography, with land sloping gently towards Smalls Creek and more steeply towards Cattai Creek. The ridge which runs between Smalls and Cattai Creek provides rural landscape views to the east and views to the urban areas and Blue Mountains to the west, providing key locations for medium density development and parks. Development will also be responsive to the natural landscape character by preserving usable open space amenity.

OBJECTIVES

a. To accommodate the future population, in a manner which responds to environmental constraints.

b. To create strong social, pedestrian, transit, cycleway and vehicular links with surrounding areas.

c. To protect and enhance existing natural features and resources.

d. To create opportunities for the development of a variety of housing types and densities.

e. To encourage higher densities along public transport nodes and areas of high amenity.

f. To promote economically viable development.

g. To create a layout plan that will assist an equitable and manageable development process.

h. To provide three centres as focal points for walkable neighbourhoods.

2.2 Indicative Layout Plan

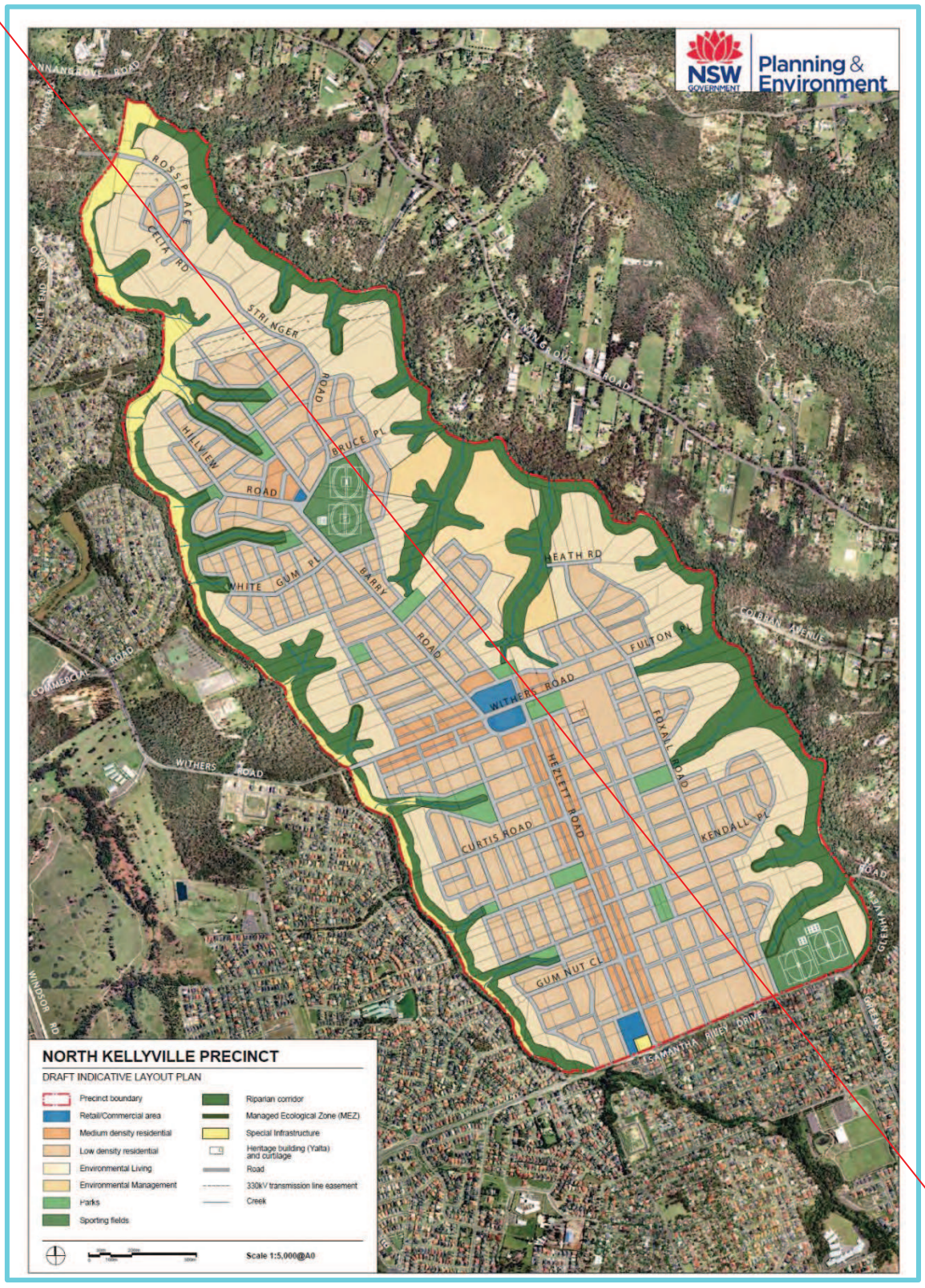
The Indicative Layout Plan (ILP) (**Figure 2**) illustrates the broad level development outcomes for the North Kellyville Precinct. It outlines the development footprint, land uses, open space, heritage item, major transport linkages and location of community facilities and schools.

OBJECTIVES

a. To ensure development of the Precinct is undertaken in a co-ordinated manner consistent with the North West Sector Structure Plan and the North Kellyville Indicative Layout Plan.

CONTROLS

1. All development is to be undertaken generally in accordance with the Indicative Layout Plan at Error! Reference ource not found. subject to compliance with the objectives and development controls set out in this DCP.
2. Where variation from the ILP is proposed, the applicant is to demonstrate that the proposed development is consistent with the Vision and Development Objectives for the Precinct set out in **Section 2** and the Objectives and Controls in **Sections 3, 4 and 5** of this DCP and the North Kellyville Precinct Plan Appendix 2 of the State Environmental Planning Policy (Sydney Region Growth Centres 2006 (Amendment No 3).


NSW GOVERNMENT
Planning & Environment
ROSS PLACE
CELIA RD
STRINGER ROAD
ALMING GROVE ROAD
HILLVIEW ROAD
BRUCE PL
WHITE GUM PL
BARRY ROAD
HEATH RD
COMMERCIAL ROAD
WITHERS ROAD
FULTON PL
FOXALL ROAD
HERLETT ROAD
CURTIS ROAD
KENDALL PL
GUM NUT CL
SAMANTHA RILEY DRIVE
WINDSOR RD
NORTH KELLYVILLE PRECINCT
DRAFT INDICATIVE LAYOUT PLAN
Precinct boundary
Retail/Commercial area
Medium density residential
Low density residential
Environmental Living
Environmental Management
Parks
Sporting fields
Riparian corridor
Managed Ecological Zone (MEZ)
Special Infrastructure
Heritage building (Yalta) and curtilage
Road
330kV transmission line easement
Creek
Scale 1:5,000@A0

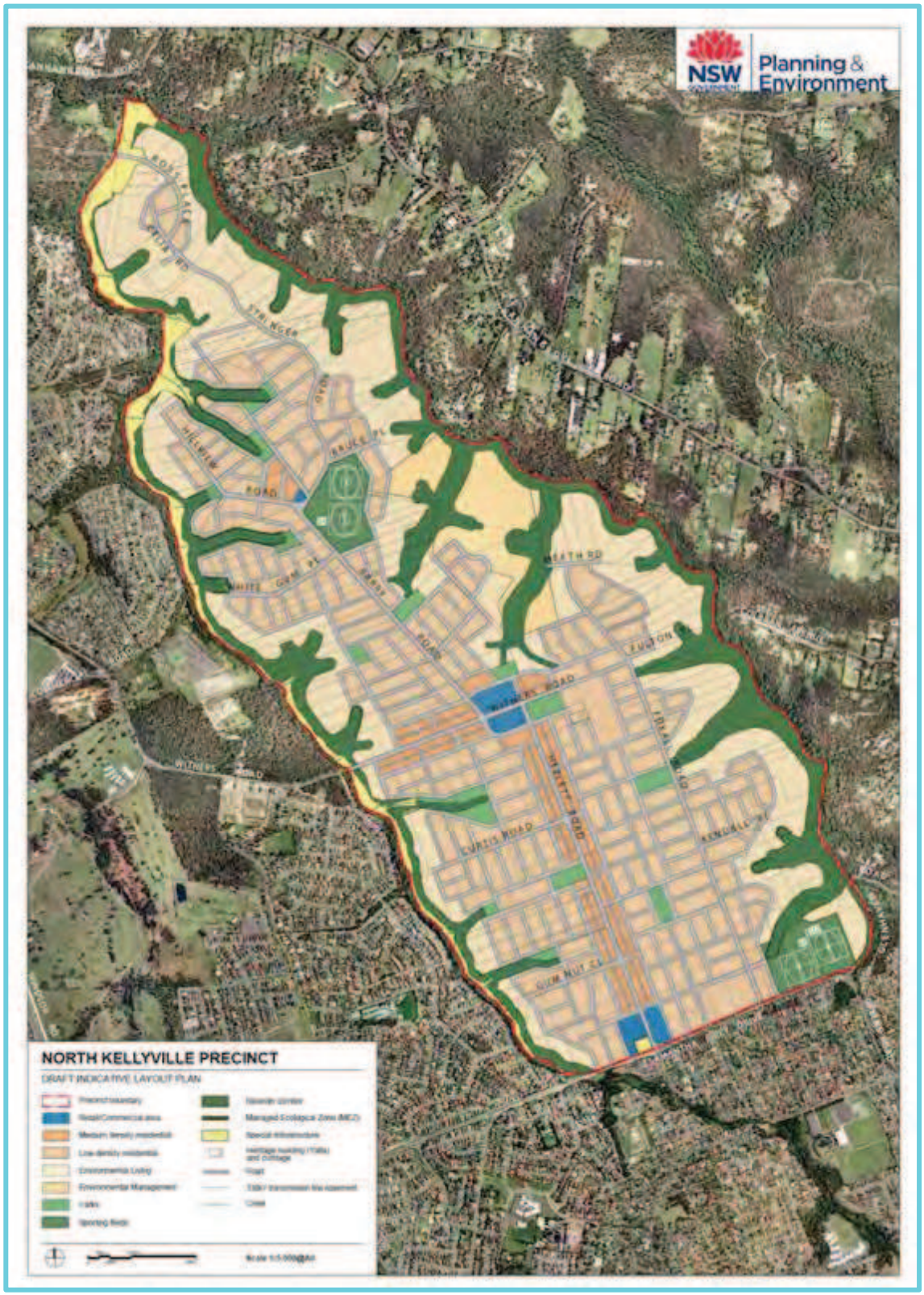


Figure 2 North Kellyville Precinct Indicative Layout Plan

2.3 Character Areas

Character Areas reflect the desired built form and landscape character of the area based on the physical and visual qualities of the natural landscape. They aim to give a distinct identity and sense of place for different areas within North Kellyville through specific built form, landscape and public domain controls.

2.3.1 Centres

North Kellyville Local Centre

The North Kellyville Local Centre is located along Withers Road, between the Hezlett Road and Barry Road intersections. The centre will provide the retail and community focus for the North Kellyville Precinct, featuring a mix of retail, commercial, community, educational, recreational and residential uses.

Based on the North Kellyville Precinct Retail & Commercial Floorspace Demand Report (January 2008) undertaken by Hill PDA, the neighbourhood centre will provide a maximum of up to 15,000m^2 of retail and commercial uses. It is envisaged that the neighbourhood centre will contain two supermarkets, a range of specialty shops, and commercial space (shop front and shop top).

Shopping will be focussed around a traditional 'Main Street' setting rather than an internalised shopping mall, with fine grained specialty shops lining the supermarkets so that an active street edge is presented to the public domain. In order to maintain a pleasant main street character, a bypass route linking Hezlett Road and Barry Road, around the southern part of the local centre, will divert traffic away from the main local centre street. A pleasant and comfortable pedestrian environment will be created through wide shaded tree-lined footpaths, active traffic calmed streets and a maximum 40km/hr speed limit.

Other uses envisaged include a multi-purpose community centre, child care centre and medical centre.

A primary school will be located adjacent to the local centre, contributing to the life and activity of the centre.

The local park for the centre is on the south-east side of the intersection of Hezlett Road and Withers Road. A multi-purpose community centre will be located within the park. This park will provide the passive recreational focus for the centre whilst retaining some existing remnants of Turpentine trees.

The form of the buildings in the local centre will be urban and compact in character with no front or side setbacks. Ground floor premises will be characterised by shops, restaurants, cafes, and commercial uses that encourage street interaction and contribute to vitality of the streets and public spaces. Commercial uses and/or apartments will be located on the upper floors. A street edge of 2 storeys will form well framed streetscapes and a neighbourhood centre presence. Buildings up to 4 3 storeys in total height are permitted.

Outside of the core retail area development will become more residential in character with residential flat buildings or multi dwelling housing. Seniors living is encouraged in close proximity to the town centre, to provide residents with convenient access to services and public transport.

The public domain of the centre is to be characterised by framed streetscapes containing regularly spaced trees in hard verges and tree wells, and high quality paved wide footpaths capable of holding outdoor café seating, bus shelters, street furniture and public art.

Hezlett Road Neighbourhood Centre

The Hezlett Road Neighbourhood Centre is located at the southern entry to the Precinct at the intersection of Hezlett Road and Samantha Riley Drive. The centre provides a convenience retail focus for the Precinct.

The centre will provide convenience retail and grocery shopping to passing traffic and residents on either side of Samantha Riley Drive, without undermining the retail offered at North Kellyville Local Centre or Wrights Road retail centre.

Based on the North Kellyville Precinct Retail & Commercial Floorspace Demand Report undertaken by Hill PDA, the neighbourhood centre will provide up to a maximum of 3,000m^2 of retail and commercial uses. It is envisaged that it will comprise one small supermarket (1,500m^2 maximum) and a small range of specialty shops such as a newsagency, bakery, pharmacy, and may include a service station.

The form of the buildings will be urban and compact in character with no front or side setbacks except where adjoining existing/future low density residential development. Ground floor premises will be characterised by shops, restaurants and cafes that will encourage street interaction and contribute to the life of the streets and public spaces. Commercial uses and apartments will be located on the upper floors.

The existing substation will be screened with landscaping and surrounded by parking areas, creating a more pleasant interface and not detracting from the character of the neighbourhood centre.

The centre will be surrounded by development that is more residential in character with either residential flat buildings or multi dwelling housing.

Development around the existing substation could potentially comprise car parking and/or a service station. Public art and landscape elements such as sandstone walls, seating areas and bus shelters are encouraged at the north west intersection of Hezlett Road and Samantha Riley Drive to improve the visual character of the southern entry to the North Kellyville Precinct.

A park will be located along Hezlett Road north of the centre to provide for passive recreational uses for the neighbourhood centre.

Stringer Road Neighbourhood Centre

Stringer Road Neighbourhood Centre is located at the junction of Stringer Road, Barry Road and Hillview Road, opposite the northern sporting fields.

The centre will provide small-scale retail and community uses for local residents and passing traffic. It will provide up to 1,000m^2 retail floorspace, comprising 3-4 shops, ideally cafes and restaurants, encouraging activity around the northern sporting fields and serving the needs of the local community. Retail uses will be located on the ground floor of mixed-use buildings with residential uses above, addressing Stringer Road and the northern sporting fields.

The centre will be surrounded by medium density residential buildings in the form of multi dwelling housing and small lot housing.

2.3.2 Smalls Creek

The Smalls Creek Character Area is a residential area that will take advantage of the gentler slopes along Smalls Creek. In comparison to Cattai Creek, the gentler slopes along Smalls Creek have greater development potential with good access to Smalls Creek and the riparian corridors, which will be publicly accessible. This location will also provide views over urban areas and the Blue Mountains to the west. On the eastern side of the Smalls Creek Character Area along Hezlett Road, rural landscape views to the east may be achievable.

The Smalls Creek Character Area has been divided into two areas (north and south) bisected by Withers Road, which respond more specifically to the topography and landscape features of that area.

Lower residential densities in this character area will be located in the northern section of the Smalls Creek Character Area (north of Withers Road) due to the steeper slopes.

Higher residential densities in this character area will be located in the area south of Withers Road, due to gentler slopes and its proximity to Rouse Hill Regional Centre and Hezlett Road. Small lot/attached housing will be encouraged along Hezlett Road and bus stops.

Smaller lots are encouraged along the riparian corridors to take advantage of the amenity of Smalls Creek and its tributaries. Small lot/attached housing is also encouraged along Hezlett Road and Withers Road to take advantage of this main transport route and its links to areas outside of the Precinct, such as Rouse Hill Regional Centre. All other areas will be characterised by detached housing.

Riparian corridors are one of the key elements in the open space network in this character area, which will be characterised by linear parks that provide opportunities for passive recreation, such as walking tracks, cycle ways and picnic areas, as well as visual amenity.

2.3.3 Ridge

The Ridge Character Area is a suburban residential area located along the ridgeline where land is gently inclined. The Ridge Character Area provides an east-west transition between the gentler slopes along Smalls Creek Character Area and the steeper slopes and denser vegetation in the Environmental Living Character Area. It has good access to main roads and provides views overlooking rural landscapes to the east, and urban areas and the Blue Mountains to the west.

The area will have a predominantly low residential density, characterised by one to two storey detached housing with wider setbacks. The Ridge Character Area has been divided into two areas, bisected by Withers Road and the North Kellyville Local Centre, with the northern area slightly steeper than the southern area.

The southern side of the Ridge Character Area will feature a primary school located adjacent to the North Kellyville Local Centre and No. 45 Hezlett Road, a local heritage listed item. The school will be located around the northern and eastern boundary of Yalta House. One storey dwellings will be permitted around this property.

The open space network in this area will be characterised by a number of neighbourhood parks. In particular, there will be a hill top park located between Hezlett Road and Foxall Road which takes advantage of view overlooking the Precinct and its surrounds. A sporting field will be located on the northern side of this character area at the intersection of Barry and Stringer Roads.

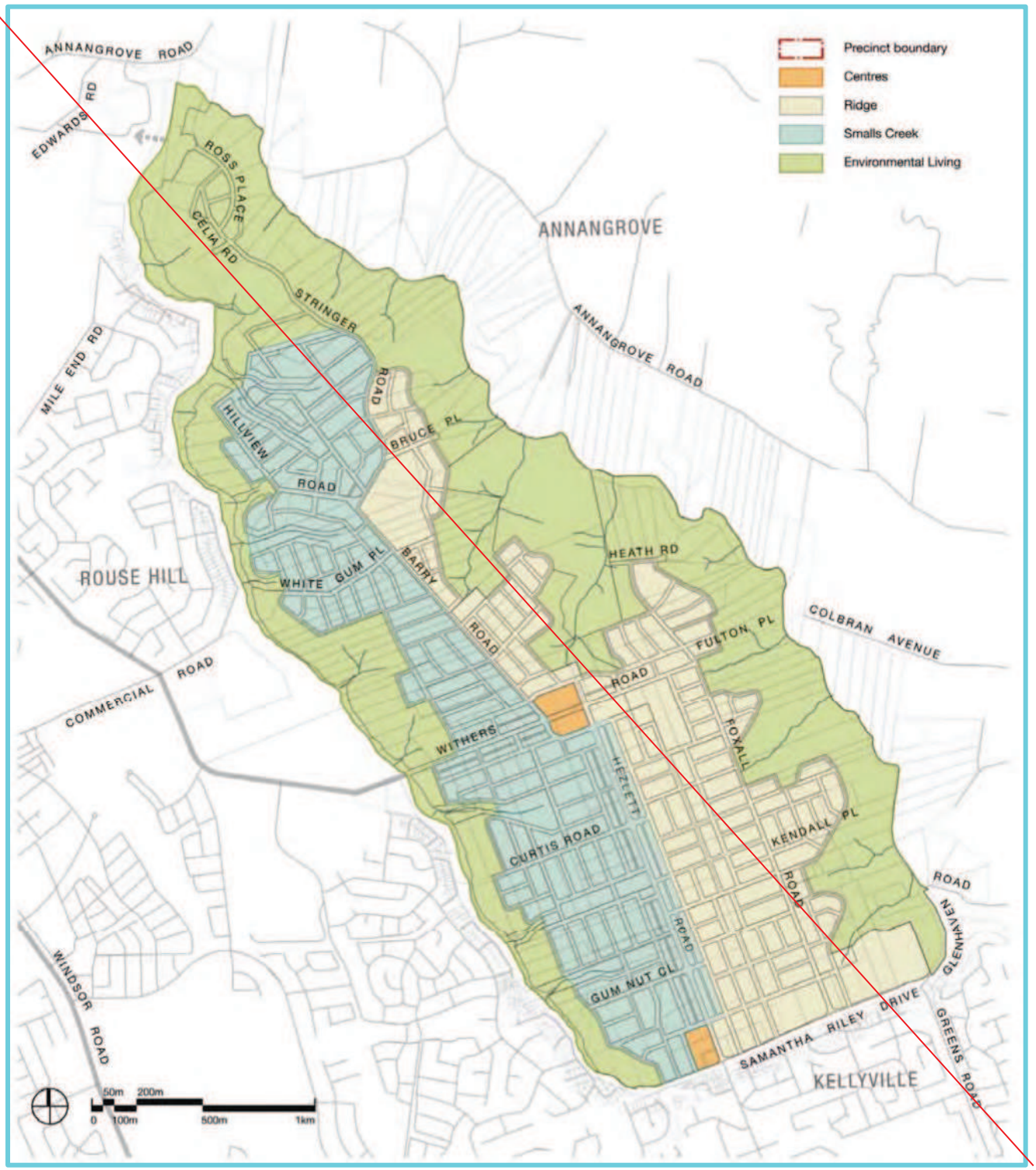
The public and private domain features include informal native and non-native planting that requires little watering, and attracts native flora and fauna. Verges in the public streetscape are soft landscaped, containing low level ground cover and multiple tree species spaced evenly apart, and often in clusters.

2.3.4 Environmental Living

This low density residential area is located around the western and eastern edges of the Precinct, in areas adjoining Smalls Creek and Cattai Creek. Steep slopes along Cattai Creek have limited development potential; therefore a significant amount of remnant vegetation has been left largely untouched, providing a unique bushland setting for residential living. The eastern boundary has a rural aspect towards Annangrove, Kenthurst and Glenhaven. Views along the western boundary of this character area will be largely internal towards the ridge.

The area will be characterised by large lots detached homes backing onto creeks and native vegetation with high conservation value. The built form will generally be characterised by one to two storey buildings with generous setbacks on all sides, where the scale, bulk and appearance of development is designed to integrate with the vegetation and steep slopes.

Community title schemes, with narrower lots reduced front and side setbacks, will be permitted where the community association manages the land constrained by slopes, non-certified native vegetation and /or riparian corridor.


Precinct boundary
Centres
Ridge
Smalls Creek
Environmental Living
ANNANGROVE ROAD
EDWARDS RD
ROSS PLACE
CELIA RD
STRINGER ROAD
ANNANGROVE
ANNANGROVE ROAD
MILE END RD
HILLVIEW ROAD
BRUCE PL
WHITE GUM PL
BARRY ROAD
ROUSE HILL
HEATH RD
FULTON PL
COLBRAN AVENUE
COMMERCIAL ROAD
WITHERS ROAD
HEZLETT ROAD
ROXALL ROAD
KENDALL PL
CURTIS ROAD
GLENHAVEN ROAD
GUM NUT CL
WINDSOR ROAD
SAMANTHA RILEY DRIVE
GREENS ROAD
KELLYVILLE
50m 200m
0 100m 500m 1km

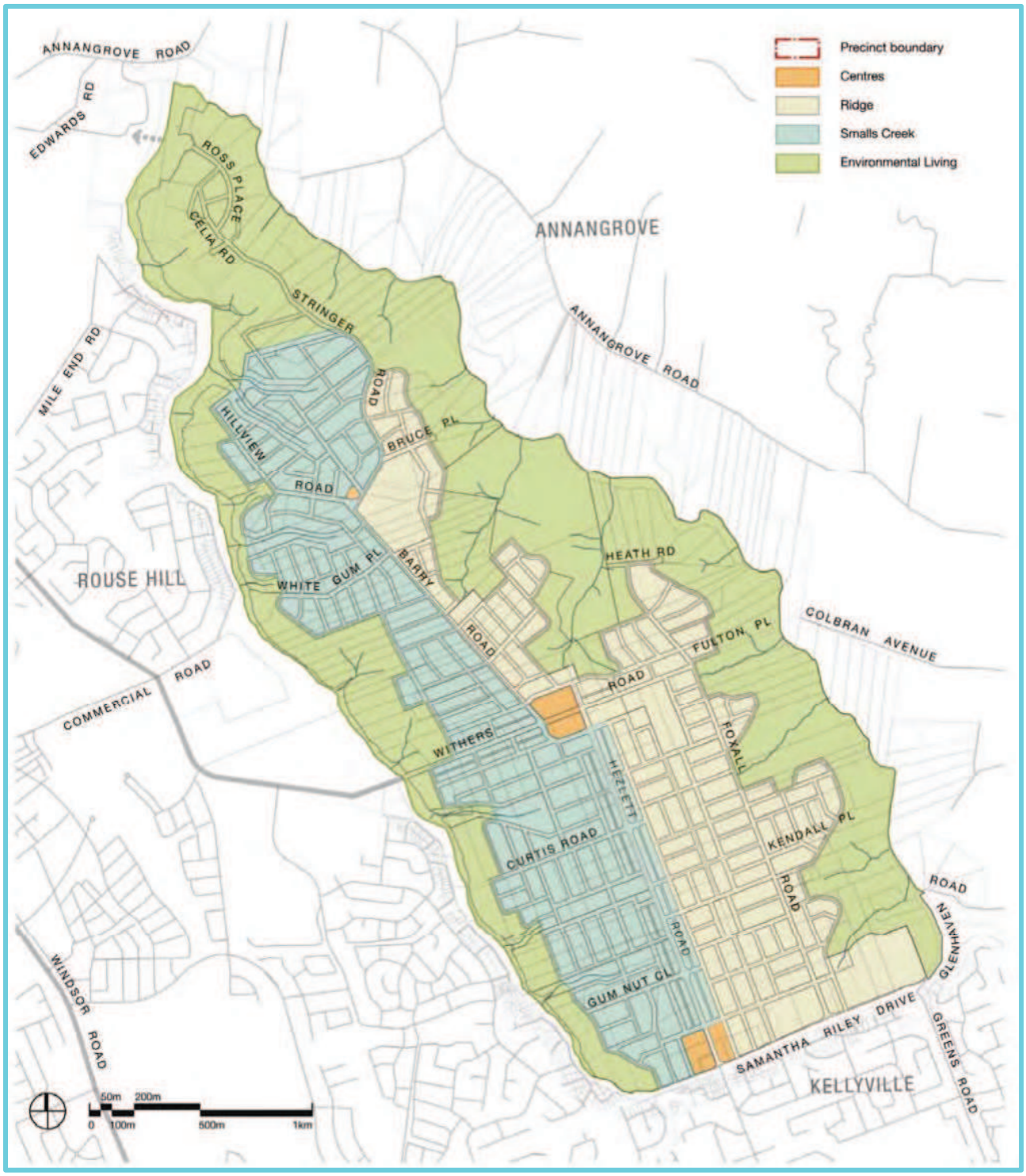


Figure 3. North Kellyville Character Areas

2.4 Residential Density and Subdivision

The Growth Centres are subject to minimum residential density targets as detailed in the Residential Density Maps in the State Enviromental Planning Policy (Sydney Region Growth Centres) 2006. This section provides guidance on the typical characteristics of of residential density target bands.

Net Residential Density means the net developable area in hectares of the land to which the development is situated divided by the number of dwellings proposed to be located on that land. Net Developable Area means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not rezoned for residential purposes. Refer to **Figure 4** and Landcom's "Residential Density Guide" and the Department of Planning and Environments' "Dwelling Density Guide" for further information.

Figure 4 Example for calculating Net Residential Density of a subdivision application

Net Residential Density is an averaging statistic. The average dwelling density target in the SEPP should be achieved across the identified area with a diversity of lot and housing types. However, this does not mean that all streets offer the same housing and lot mix. Built form intensity should vary across a neighbourhood in response to the place: more intense around centres or fronting parks, less intense in quieter back streets. In lowerdensity areas, there will be a higher proportion of larger lots and suburban streetscapes but there may also be some streets with an urban character. In higher desnity areas, urban streets with more attached housing forms will be more common but there will also be some suburban streetscapes. In recognition of different objectives and street characters at varying densities, certain built form controls vary by density band. Refer to the section Residential Development.

2.4.1 Residential Density

The Growth Centres Commission has established a target of 4,500 dwellings for North Kellyville, which is forecast to achieve a population of approximately 14,200 people at completion. **Table 4** describes the net residential density targets for each of the residential land use zones.

Table 4. Net Residential density targets

Zone	Density Targets dw/ha
	Minimum
Zone R1	12.5
Zone R2	10
Zone R3	20
Zone E3	N/A
Zone E4	N/A

Objectives

a. To ensure minimum density targets are delivered.

b. To provide guidance to applicants on the appropriate mix of housing types and appropriate locations for certain housing types.

c. To establish the desired character of the residential areas.

d. To promote housing diversity and affordability.

Controls

1. All applications for residential subdivision and the construction of residential buildings are to demonstrate that the proposal meets the minimum residential density requirements of the relevant Precinct Plan and contributes to meeting the overall dwelling target in the relevant Precinct.

2. Residential development is to be generally consistent with the residential structure as set out in the **Residential Structure Figure** in the relevant Precinct Schedule, and the typical characteristics of the corresponding Density Band in **Table 5.**

Table 5. Typical Characteristics of Residential Net Densities

Net Residential Density dw/Ha	Typical Characteristics
10 - 12.5 dw/Ha	• Generally located away from centres and transport. • Predominantly detached dwelling houses on larger lots with some semi-detached dwellings and / or dual occupancies. • Single and double storey dwellings. • Mainly garden suburban and suburban streetscapes. (See **Figure 5**).
15 -20dw/Ha	• Predominantly a mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings. • Focused areas of small lot dwelling houses in high amenity locations. • At 20dw/Ha, the occasional manor home on corner lots.

	• Single and double storey dwellings. • Mainly suburban streetscapes, the occasional urban streetscape. (See **Figure 5**).
25 - 30 dw/Ha	• Generally located within the walking catchment of centres, corridors and / or rail based public transport. • Consists of predominantly small lot housing forms with some multi-dwelling housing, manor homes and residential flat buildings located close to the local centre and public transport. • Generally single and double storey dwellings with some 3 storey buildings. • Incorporates some laneways and shared driveways. • Be designed to provide for activation of the public domain, including streets and public open space through the orientation and design of buildings and communal spaces. • Mainly urban streetscapes, some suburban streetscapes. (See **Figure 5**).
40+ dw/Ha	• Generally located immediately adjacent centres and / or rail based public transport • Consists of predominantly residential flat buildings, shop top housing, manor homes, attached or abutting dwellings and multi-dwelling housing • Generally double and multi-storey buildings • Predominantly urban streetscapes with minimal front setback; incorporates laneways and shared driveways. (See **Figure 5**).

Figure 5 Distinct and coherent streetscapes occur in varying proportions in density bands

3. Residential development in the Environmental Living area, on the **Residential Structure** figure, is to:

- Consist primarily of single dwellings on larger lots, reflecting the environmental sensitivity and visual character of these parts of the Precincts.
- Emphasise high quality housing design to make the most of the environmental characteristics of the surrounding area.
- Be designed and located to minimise impacts on flood prone land, and risks to property from flooding.
- Avoid impacts on Existing Native Vegetation and other remnant native vegetation.
- Consider relationships to adjoining land uses including public open space and drainage infrastructure.
- Be designed to respond to constraints from infrastructure corridors such as electricity lines, underground gas pipelines and any Sydney Catchment Authority infrastructure.
- Consider views to and from the land and surrounding parts of the Growth Centre.

4. Non-residential development in the residential areas is encouraged where it:

- Contributes to the amenity and character of the residential area within which it is located.
- Provides services, facilities or other opportunities that meet the needs of the surrounding residential population, and contributes to reduced motor vehicle use.
- Will not result in detrimental impacts on the amenity and safety of surrounding residential areas, including factors such as noise and air quality.
- Is of a design that is visually and functionally integrated with the surrounding residential area.

Note: *The relevant Precinct Plan permits certain non-residential development within the residential zones. Other parts of this DCP provides more detailed objectives and controls for these types of development*

3. LAND DEVELOPMENT

3.1 Network and Design

3.1.1 Street Network, Design and Hierarchy

OBJECTIVES

a. To provide a hierarchy of interconnected streets that gives safe, convenient and clear access within and beyond the Precinct.

b. To ensure that the hierarchy of the streets is clearly discernible through variations in carriageway width, on- street parking, incorporation of water sensitive urban design measures, street tree planting, and pedestrian amenities.

c. To provide an acceptable level of access, safety and convenience for all street and road users within the North Kellyville Precinct, whilst ensuring emergency access and egress, acceptable levels of amenity, and minimising the negative impact of traffic.

d. To provide a legible and permeable movement network for pedestrians and cyclist along streets and paths to points of attraction within and adjoining any development.

e. To facilitate the orientation of lots and dwellings to front public and private open spaces.

f. To enhance the outlook, setting and amenity of subdivisions adjoining open space and other public areas.

g. To promote passive surveillance of publicly accessible areas thereby increasing safety.

h. To ensure sufficient carriageway and verge widths are provided to allow streets to perform their designated functions within the street network and to accommodate public utilities and drainage systems.

i. To encourage the use of streets by pedestrians and cyclists, and to allow cars, buses and other users to proceed safely without unacceptable inconvenience or delay.

j. To provide blocks that can accommodate a range of densities and lot sizes with appropriate solar orientation.

k. To facilitate a subdivision pattern that will reinforce the character areas.

l. To allow for pedestrian, cyclist and vehicle accessibility.

CONTROLS

Road Hierarchy

1. The street network and road hierarchy is to be provided generally in accordance with **Figure 6** and **Table 6**.

2. Dedication of the public road, all road drainage works for the construction of the widened public footways, including pavement construction, landscaping, any relief drainage works, lighting and street furniture is required to be dedicated to Council at no cost.

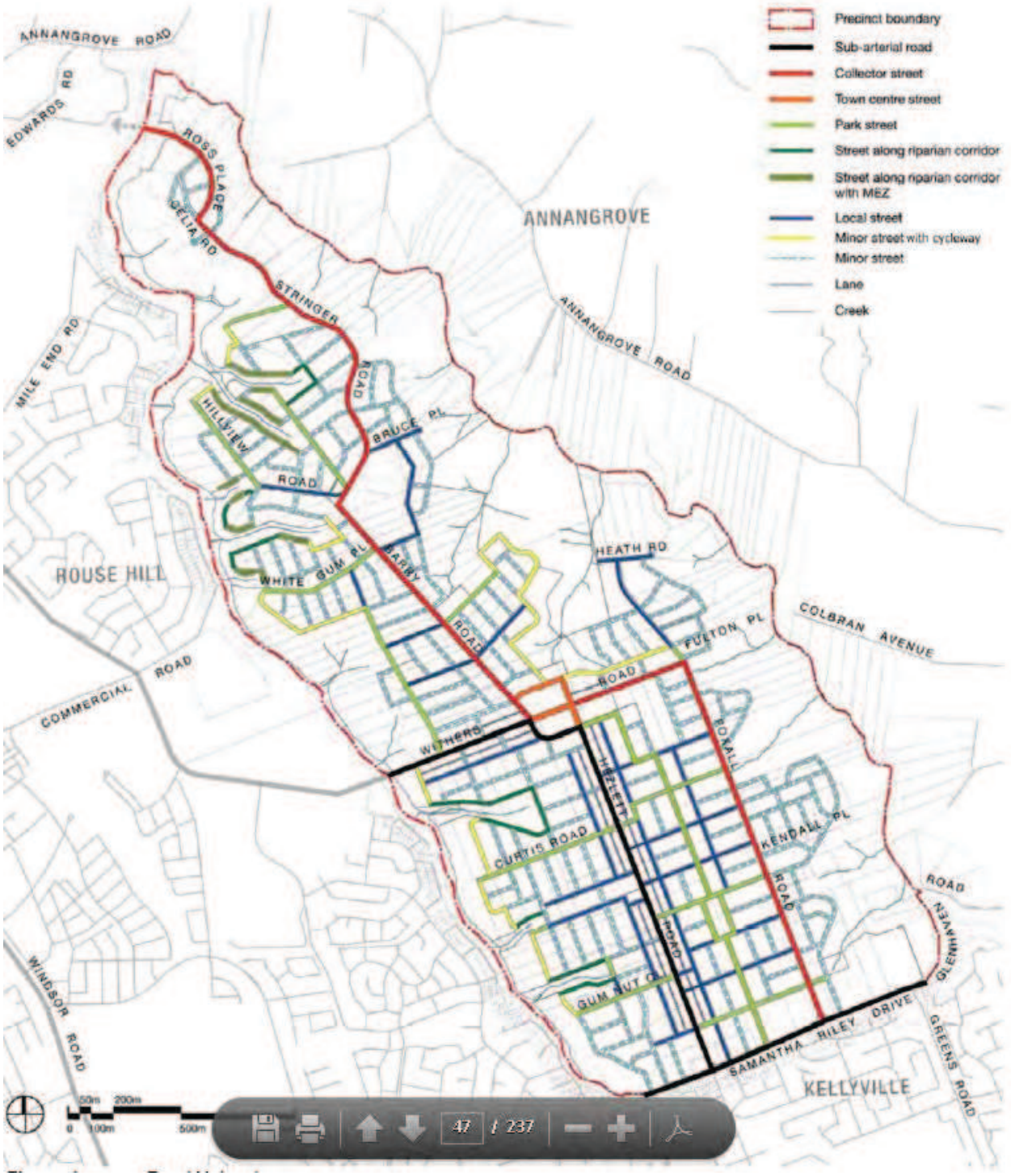


Figure 6. Road Network

Table 6 Street Types

Street Type	Description
Sub-Arterial	Sub-arterial roads mediate between regional traffic routes and local traffic routes, and link arterial routes to town centres. Vehicular access to property is not permitted along these roads, so rear access should be provided for properties fronting them. Shared paths are provided for pedestrian and cycle use and on-street parking on both sides of the street is generally provided (with the exception of Samantha Riley Drive). Sub Arterial roads in North Kellyville include Samantha Riley Drive, Hezlett Road, Withers Road, and the town centre loop road. Refer to **Figures 7 and 8**.
Collector Road	Collects traffic from local streets and carries a higher volume of traffic, linking neighbourhoods and centres and accommodating public transport routes. Amenity and safety is to be maintained by restricting vehicle speeds through traffic-calming measures and intersection design. Intermittent parking with landscaping is provided on both sides of the street. Collector roads in North Kellyville include Foxall Road, Withers Road, Barry Road, Stringer Road and Ross Place. Refer to **Figure 9**.
Town Centre Street	Town centre streets are specially designed to create a pleasant and comfortable pedestrian environment. Amenity and safety is to be maintained through wide shaded footpaths, regular traffic calmed street and crossing points. Public transport routes can be accommodated. On-street parking is to be provided on both sides of the street, contributing to street activity and providing a buffer between pedestrians and cars on the travel way. Town Centre streets in North Kellyville include sections of Withers Road and Hezlett Road. Refer to **Figure 10**.
Park Street	Especially designed to encourage a cycle route running parallel to Hezlett Road and Foxall Road. It will feature a shared path for pedestrians and cyclists. It is designed to link key open spaces from the south of the Precinct to the North Kellyville Local Centre , primary school and beyond. The Park Street will be an important element of the water cycle management system by providing swales along the centre of the street. Refer to **Figure 11**.
Local Street	Provide local residential access. These streets are designed to slow residential traffic in order to give priority to pedestrians and cyclists. Amenity and safety is to be maintained by introducing various traffic calming measures. On-street parking is provided on both sides of the street. Local streets will be an important element of the water cycle management system by providing swales along the centre of the street. Local streets in North Kellyville are as per **Figure 12**.
Minor Street	Provide local residential access. These streets are designed to slow residential

Street Type	Description
	traffic in order to give priority to pedestrians and cyclists. Parking is permitted on one side of the street. Amenity and safety is to be maintained by introducing various traffic calming measures. Minor streets will be an important element of the water cycle management system by providing swales along one side of the street. Refer to **Figure 13**.
Minor Street with Cycleway	Provide local residential access. These streets are designed to slow residential traffic in order to give priority to pedestrians and cyclists. It will feature a shared path for pedestrians and cyclists. Parking is permitted on one side of the street. Amenity and safety is to be maintained by introducing various traffic calming measures. Minor streets will be an important element of the water cycle management system by providing swales along one side of the street. Refer to **Figure 14**.
Street along Riparian Corridors / Parks	Located along riparian corridors and parks. Amenity and safety is to be maintained by introducing various traffic calming measures. Parking will be provided on the side of the street adjoining the riparian corridor/park. Where Managed Ecological Zones are nominated by this DCP, the road corridor will include an area of land (nominated by this DCP) for ecological protection and bushfire asset protection. The North Kellyville Waterfront Land Strategy provides details on the objectives and controls applicable to Managed Ecological Zones. Amenity, safety and emergency access and egress for fire fighting is to be maintained by designing the road in accordance with acceptable solutions as stipulated under Planning for Bushfire Protection 2006. Traffic calming measures are to be introduced and parking is to be provided on the dwelling side of the street to allow access for emergency vehicles as per **Figure 15**.

STREET DESIGN

1. Streets are to be provided in accordance with the minimum cross-sections in **Figures 7 to 15**.

2. Internal intersections are to be T-junctions, roundabouts or controlled by other appropriate traffic management treatments to slow and control traffic.

3. Direct vehicular access to sub-arterial roads will not be permitted where alternate access is available. Access will not be restricted to any property with existing access from arterial roads until such time as alternate access is available.

4. Roundabouts, street cross falls, longitudinal gradient, vehicle-turning movements and sight distances are to comply with Council's Design Guidelines Subdivisions/Developments (June 1997).

5. All Development Applications for subdivision are to detail the proposed kerb type.

6. Barrier kerbs are to be used through the whole Precinct unless otherwise indicated in the street sections on **Figures 7 to 15.**

7. Roll kerbs may be used in other locations to the above.

TEMPORARY ROAD CONSTRUCTION

1. Temporary public roads are permitted subject to the following criteria being satisfied:
   - The temporary public road is to be constructed upon a minimum of two (2) residential development lots;
   - The temporary public road is not to be constructed upon land zoned for Local or Neighbourhood Centre, Public Recreation, Infrastructure or Environmental Management;
   - A minimum trafficable width of 6.0m is provided to cater for two-way traffic with 3.5m wide verges on both sides;
   - The allotment layout associated with temporary public road construction does not result in the creation of undevelopable residue lots;
   - The temporary public road does not compromise the safety of all road users including service and passenger vehicles, pedestrians and cyclists;
   - The temporary public road is to be constructed to a standard in accordance with BHSC Shire Council Design Guidelines for Subdivisions/Developments (Section 5.07); and
   - The final road configuration is consistent with the pre-planned road network and street type as identified in Figure 4.

2. The following information must be submitted in support of a DA proposing temporary road construction:
   - An engineering design for the partial and full width road works must be submitted including details of any necessary drainage and service utility provision requirements;
   - A traffic safety report prepared by an appropriately experienced professional must be submitted demonstrating how the partial road proposal provides for the safe usage of all road users including service

and passenger vehicles, pedestrians and cyclists; and

- Written evidence demonstrating that an attempt to cooperate with adjacent landowners has been undertaken must be submitted. Such evidence could be in the form of letters and responses (if applicable).

PARTIAL WIDTH ROAD CONSTRUCTION

1. Partial width construction of existing and proposed roads is permitted subject to the following criteria being satisfied:
   - The site(s) located opposite the proposed partial road are zoned for residential use and are not in public ownership or identified for acquisition, that is, the site(s) opposite are not zoned for Local Centre or Neighbourhood Centre, Public Recreation or Infrastructure;
   - A minimum trafficable road width of 6.0m is provided to cater for two-way traffic;
   - The development potential of all adjoining allotments is maintained. The proposed development shall not, in the opinion of the consent authority, render any allotment adjoining or opposite the site of the proposed development incapable of development for the purpose of residential development because the allotment would not meet minimum DCP or SEPP development standards;
   - The safety of all road users including service and passenger vehicles, pedestrians and cyclists is not compromised by the proposed partial road construction; and
   - The final road configuration is consistent with the pre-planned road layout and road type as shown in the North Kellyville Indicative Layout Plan and Part 3.1 of this DCP. Note: In some circumstances where proposed partial width roads straddle existing boundaries, the alignment of the road may need to be slightly offset to ensure the partial road is wholly contained on the applicant's land.
2. The following information must be submitted in support of a DA proposing partial road construction:
   - An engineering design for the partial and full width road works must be submitted including details of any necessary drainage and service utility provision requirements;
   - A traffic safety report prepared by an appropriately experienced professional must be submitted demonstrating how the partial road proposal provides for the safe usage of all road users including service and passenger vehicles, pedestrians and cyclists.

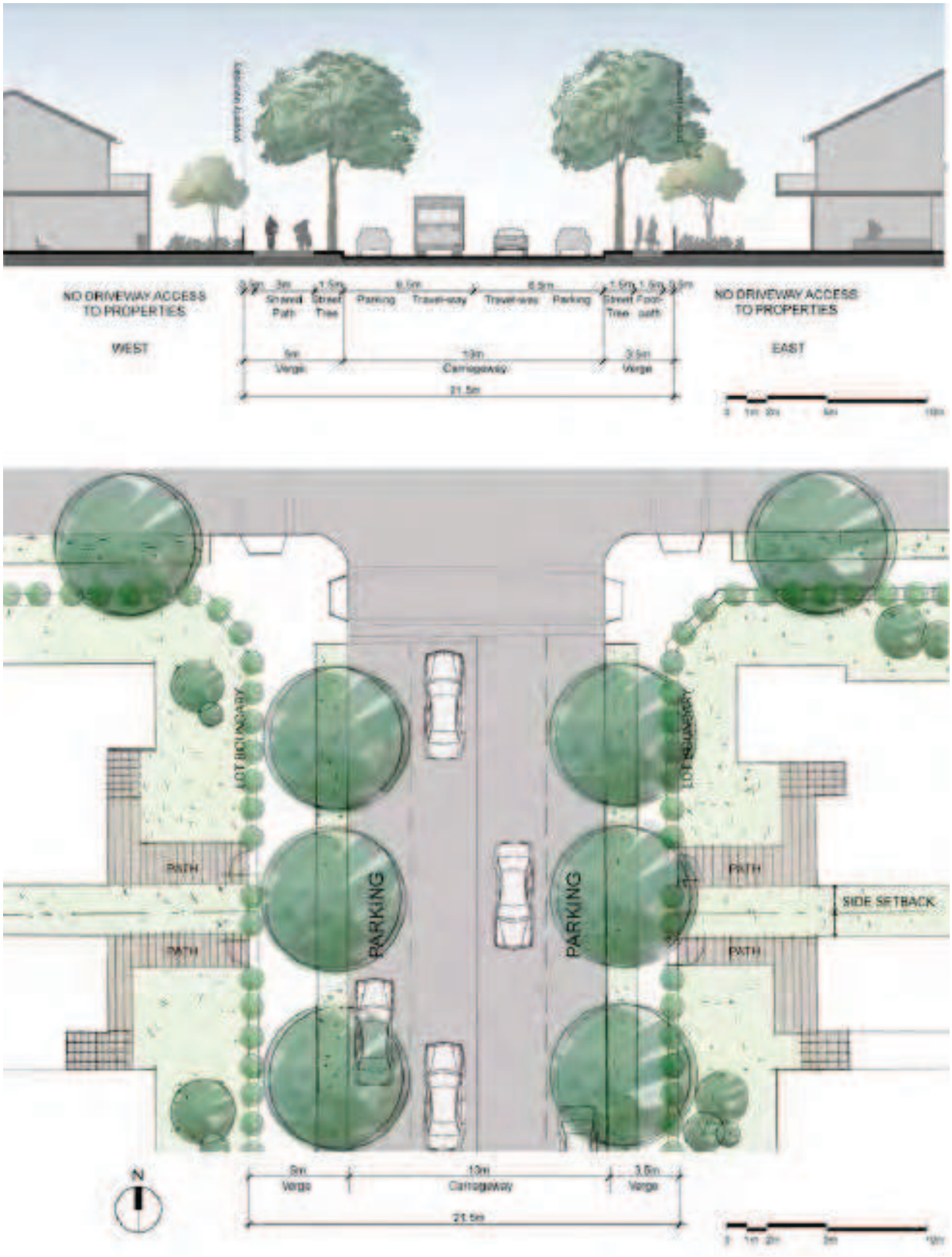


Figure 7. Sub Arterial Road A - Hezlett Road (South of the Town Centre)

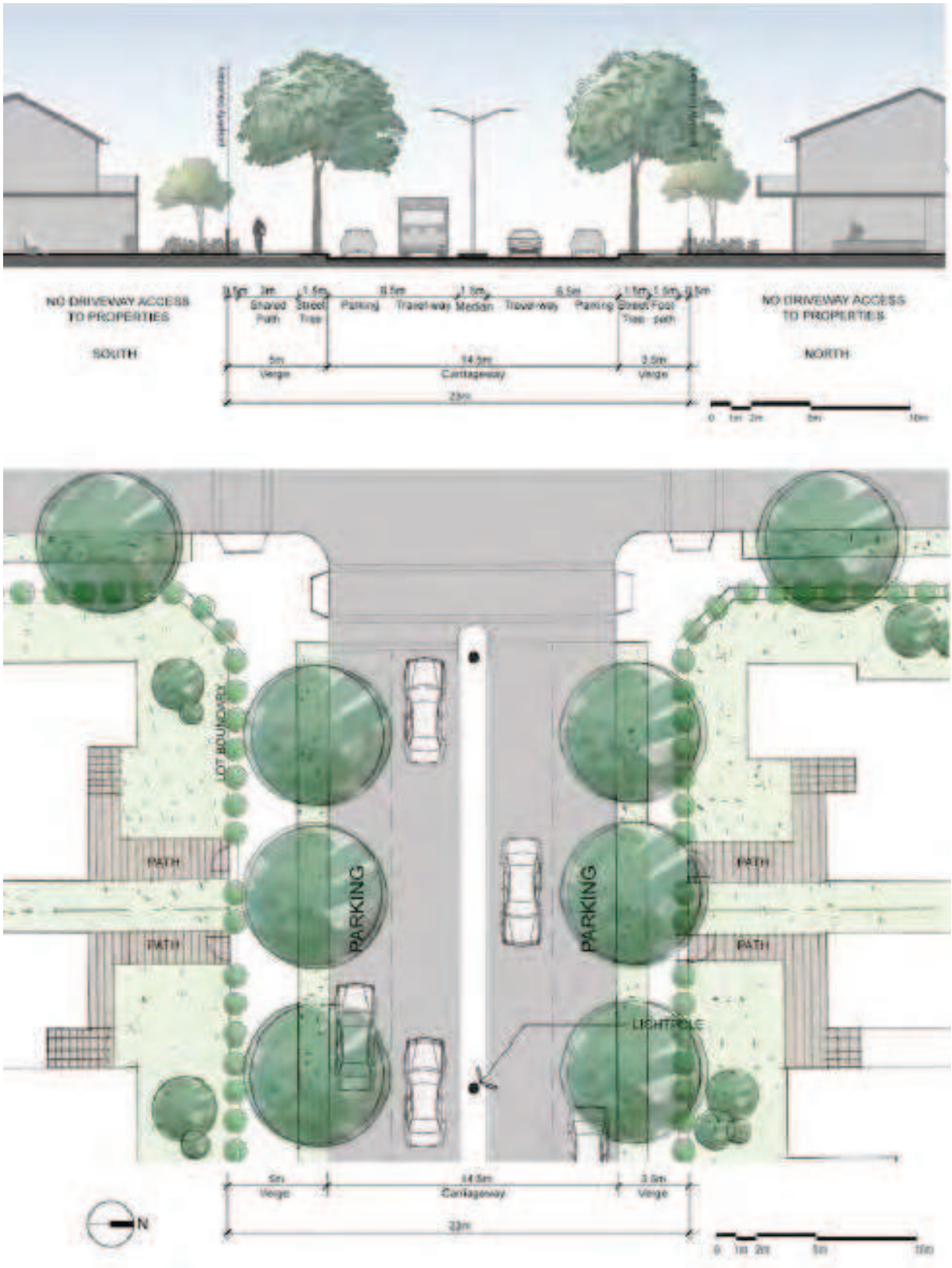


Figure 8 Sub Arterial Road B - Withers Road (From Barry Road to Smalls Creek or Mungerie Road

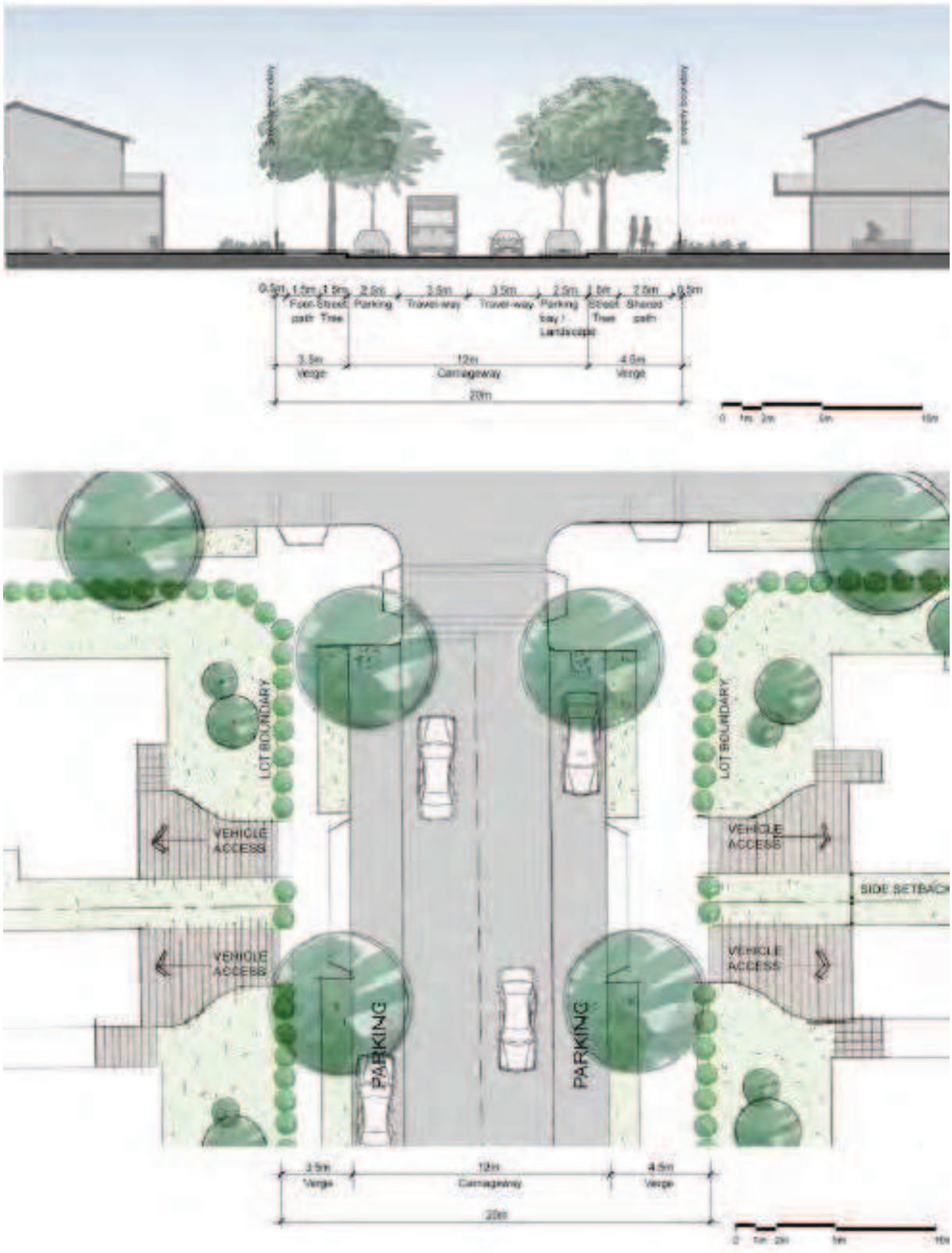


Figure 9. Collector Road

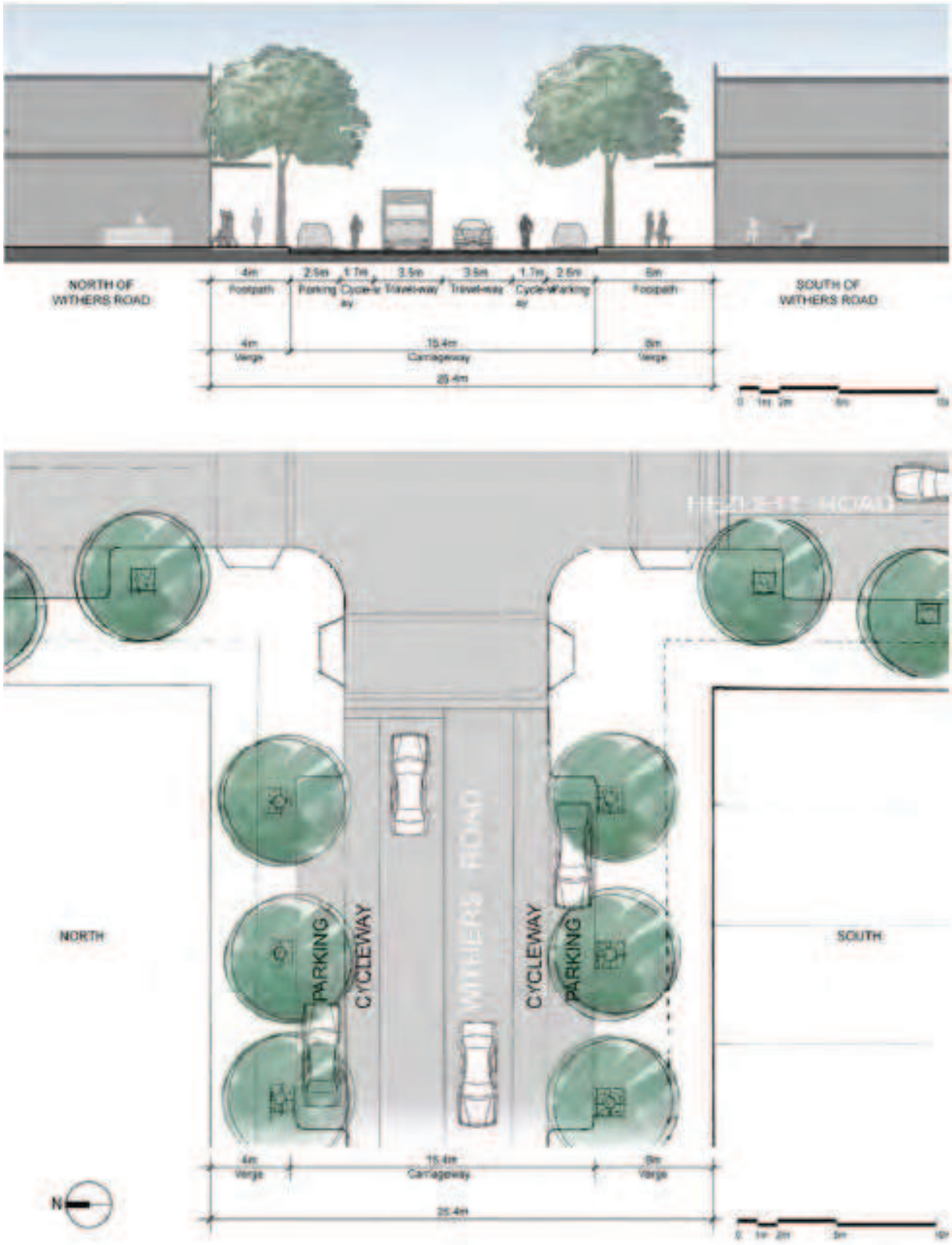


Figure 10. Town Centre Street - Withers Road (between Barry Road and Hezlett Road)

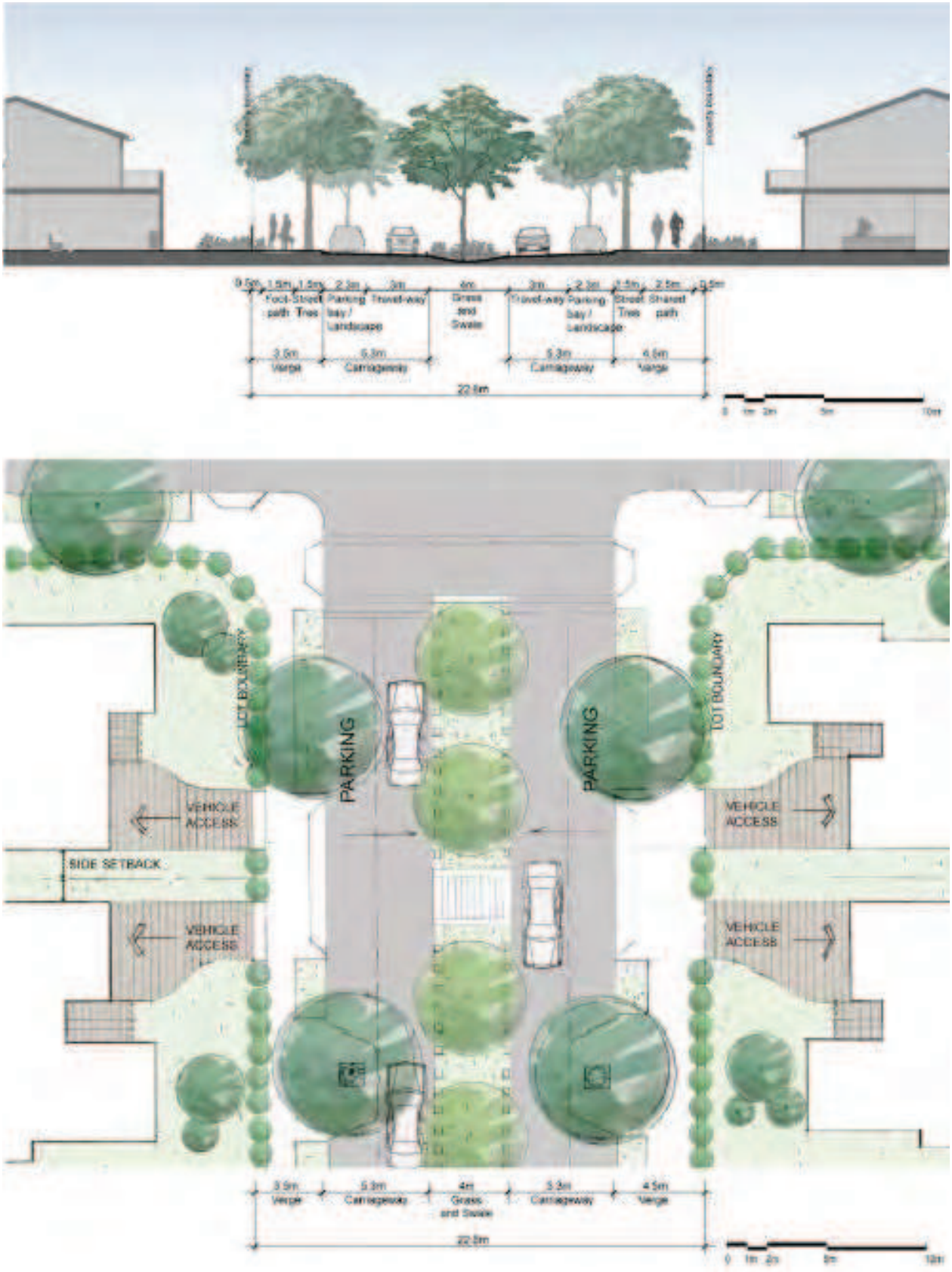


Figure 11. Park Street

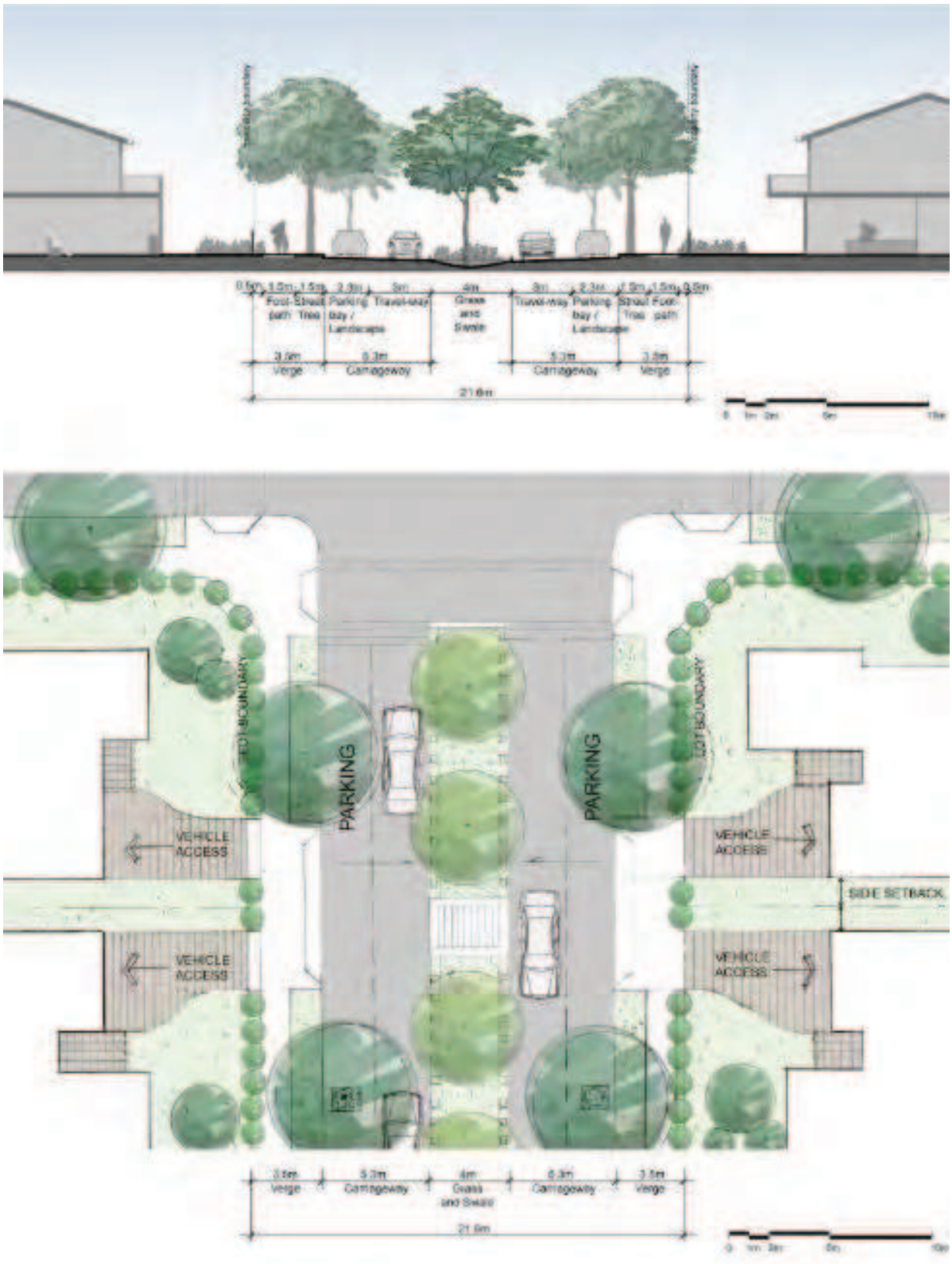


Figure 12. Local Street

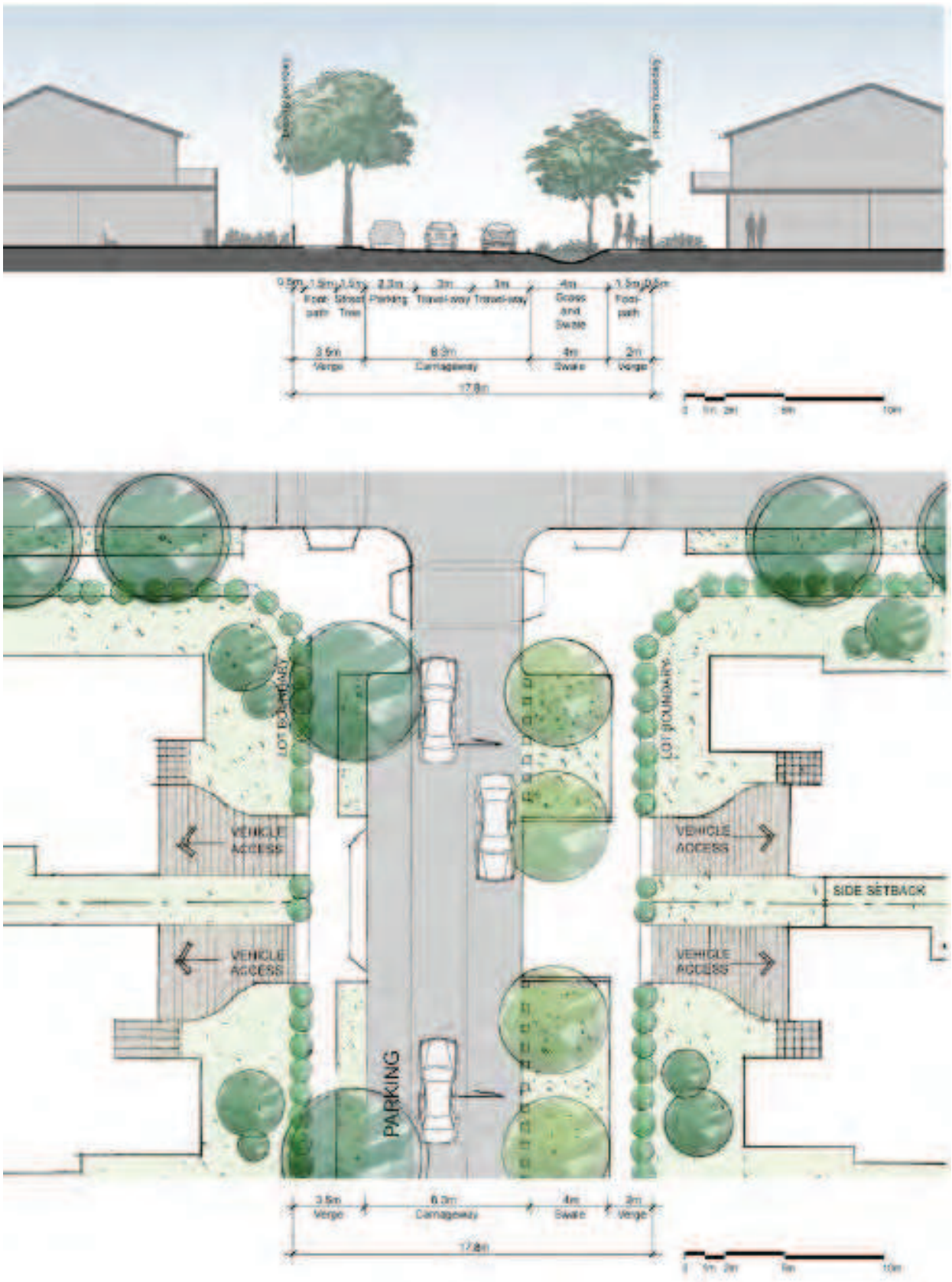


Figure 13. Minor Street

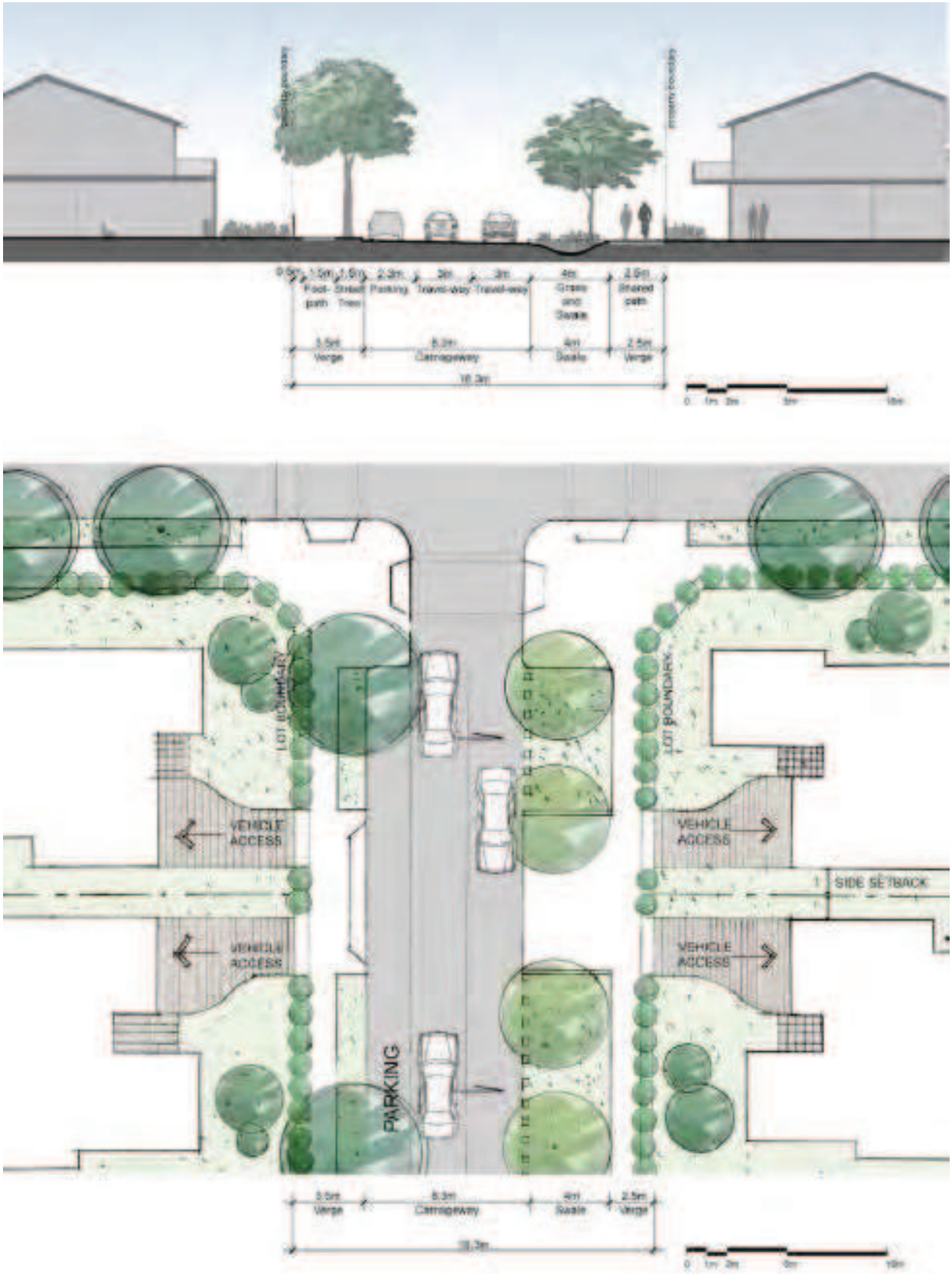


Figure 14. Minor Street with Cycleway

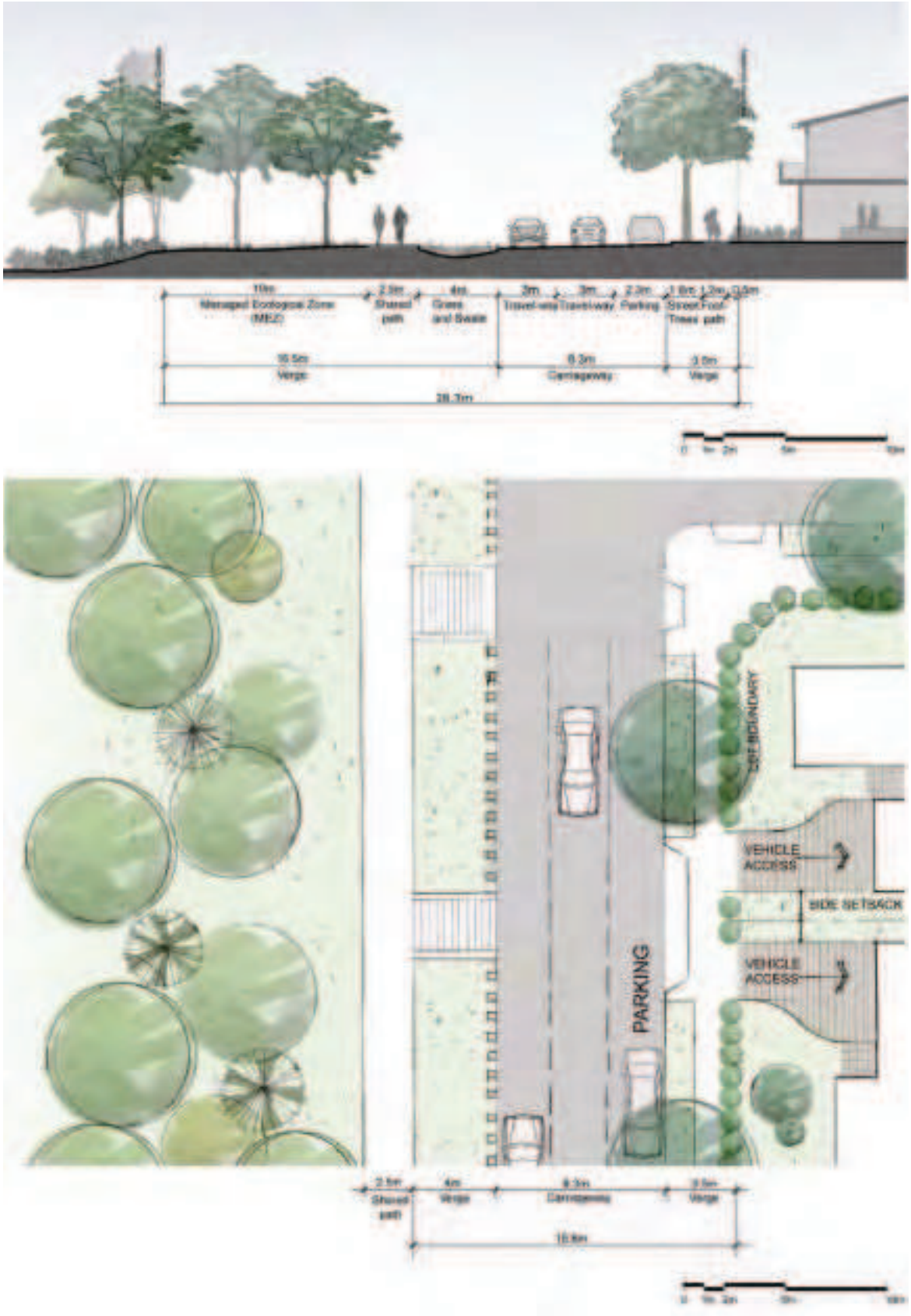


Figure 15. Street along Riparian Corridors/Park

3.1.2 Laneways

Laneways are public roads that are shareways, utilitarian throughways of the street network that provide rear vehicular access to compact or restricted access lots. The primary purpose of rear laneways is to create attractive front residential streets by removing garages and driveway cuts from the street frontages, improving the presentation of houses and maximising on street parking spaces and street trees. Laneways are a 'sacrificial' network device: while they should be neat and tidy, they should not be confused with streets in width, character or function.

A laneway is a shareway, designed to be shared by all users whether they are pedestrians, cyclists or drivers. Equal priority between all users reinforces the distinctive, slow speed environment for drivers.

In their design and subdivision of lots, laneways should be provided with casual surveillance from some second floor rooms and balconies over garages. Various building forms can provide this casual surveillance along the lane such as studio dwellings, secondary dwellings and rooms of the principal dwelling or lofts over garages. Separate titling of studio dwellings may affect servicing requirements. Generally there will be no underground services in the laneway (except for streetlights) as the studios will be strata titled so power, water, gas, sewer and communications will be located in the front street and reticulated from the front of the allotment through the lot to the rear studio.

Objectives

a. To provide vehicular access to the rear or side of lots where front access is restricted or not possible, particularly narrow lots where front garaging is not permitted.

b. To reduce garage dominance in residential streets.

c. To maximise on-street parking spaces and landscaping in residential streets.

d. To provide opportunities for affordable housing options.

e. To reduce vehicular conflict through reduced driveway cross overs and focusing of traffic to known points.

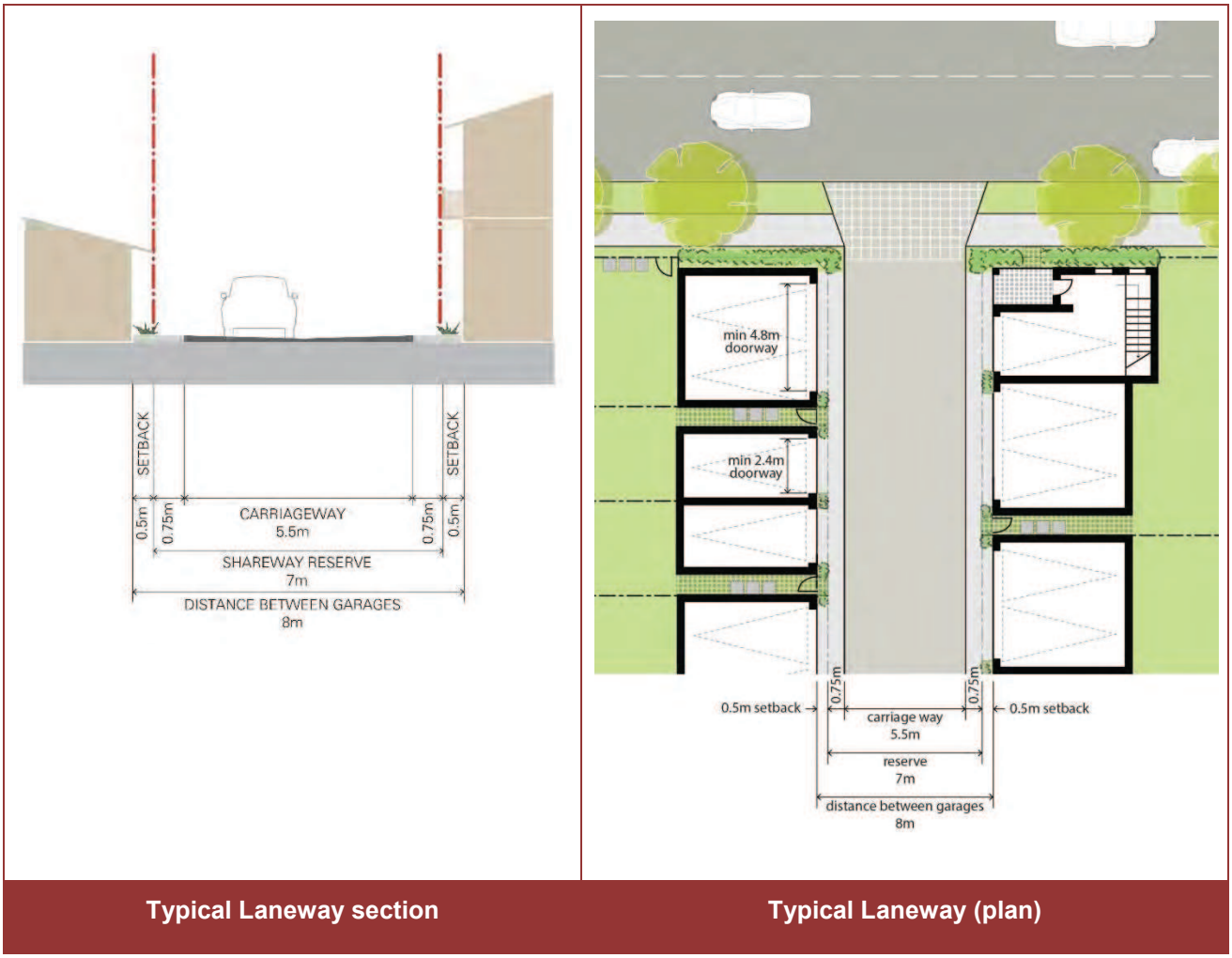
f. To enable garbage collection.

g. To facilitate the use of attached and narrow lot housing to achieve overall higher neighbourhood densities.

h. To create a slow speed shared zone requiring co-operative driving practices for the very low volume and frequency of vehicle movements that is distinctly different in character and materials to residential streets.

CONTROLS

1. The design and construction of laneways is to be consistent with **Figure 16** and the **Department of Planning and Environment Delivery Note: Laneways.**



Typical Laneway section | **Typical Laneway (plan)**

Figure 16. Laneway Principles

2. The laneway is a public "shareway" as the paved surface is for cyclists, pedestrians, garbage collection, mail deliveries, cars etc, with a 10 km speed limit and driveway-style crossovers to the street rather than a road junction.

3. The minimum garage doorway widths for manoeuvrability in this laneway section are 2.4m (single) and 4.8m (double).

4. The configuration of the laneway, associated subdivision and likely arrangement of garages arising from that subdivision should create ordered, safe and tidy laneways by designing out ambiguous spaces and unintended uses such as casual parking, the storage of trailers, bin stacking etc.

5. The layout of laneways should take into account subdivision efficiency, maximising favourable lot orientations, intersection locations with streets, topography, opportunities for affordable housing, legibility and passive surveillance.

    - Generally, straight layouts across the block are preferred for safety and legibility, but the detailed alignment can employ subtle bends or secondary or studio dwellings over garages to add visual interest and avoid long distance monotonous views. "C" shaped layouts with the laneway length parallel to the front street can limit the views of laneways from residential streets to short sections. However, if the laneway is used for garbage collection, any bends or intersections are to be sized for garbage truck movements. Suggested layouts are in **Figure 17**.

- Lanes on sloping land with significant longitudinal and/or cross falls require detailed design consideration to demonstrate functionality.

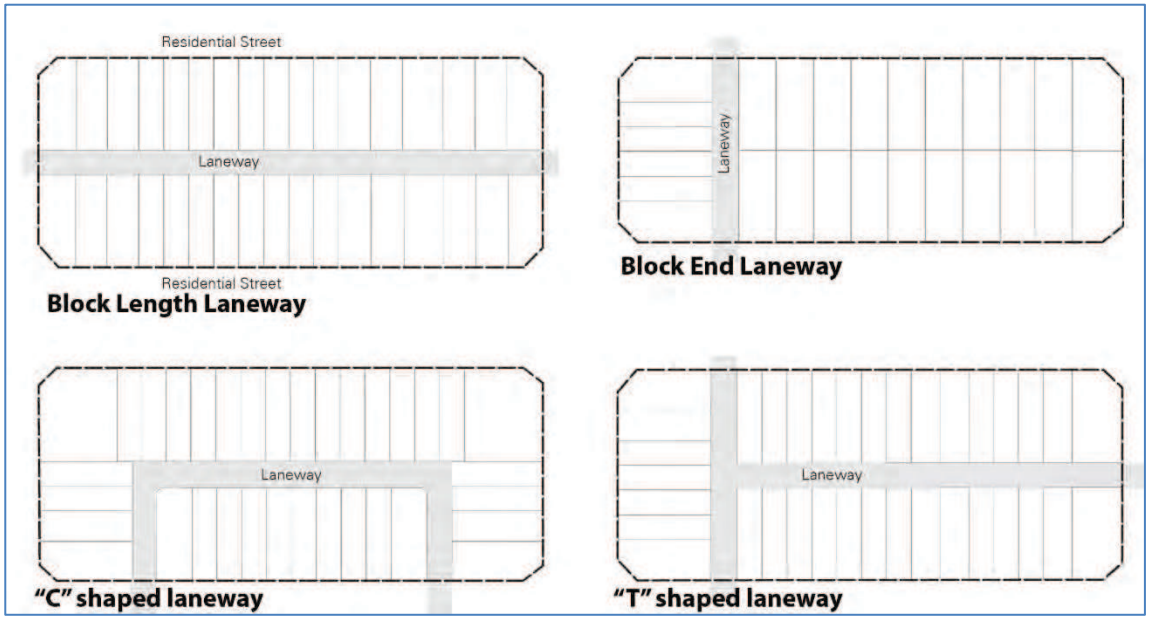


Figure 17. Sample Lane Layouts

6. Laneways that create a 'fronts to backs' layout (front addressed principle dwellings on one side and rear accessed garages on the other side) are to be avoided.

7. All lots adjoining a laneway should utilise the laneway for vehicular/garage access.

8. Passive surveillance along the laneway from the upper storey rooms or balconies of secondary dwellings, studio dwellings, principal dwelling or lofts over rear garages is encouraged. Ground floor habitable rooms on laneways are to be avoided unless they are located on external corners (laneway with a street) and face the street to take advantage of the residential street for an address, shown in **Figure 18** as lane entry/street corner lots. **Figure 18** indicates mid-lane lots and internal corner locations (lane with another lane) where ground floor habitable rooms in secondary dwellings or strata studios (marked 'S') are to be avoided.

9. A continuous run of secondary dwellings or strata studios along the lane is to be avoided, as it changes the character, purpose and function of the lane. No more than 25% of the lots adjoining lanes (excluding street corner lots with studio at the lane entry) are to have secondary dwellings or strata studios. See **Figure 18.**

10. All lot boundaries adjoining the lane are to be defined by fencing or built form. The garage setback to the lane is minimal (0.5m) to allow overhanging eaves or balconies to remain in the lot without creating spaces where people park illegally in front of garages and/or on the laneway. Deeper balconies requiring larger garage setbacks (up to 2m) may be permitted occasionally along the laneway provided the application demonstrates how the setback space will not create an opportunity for illegal parking, such as the presence of a supporting post or bollard.

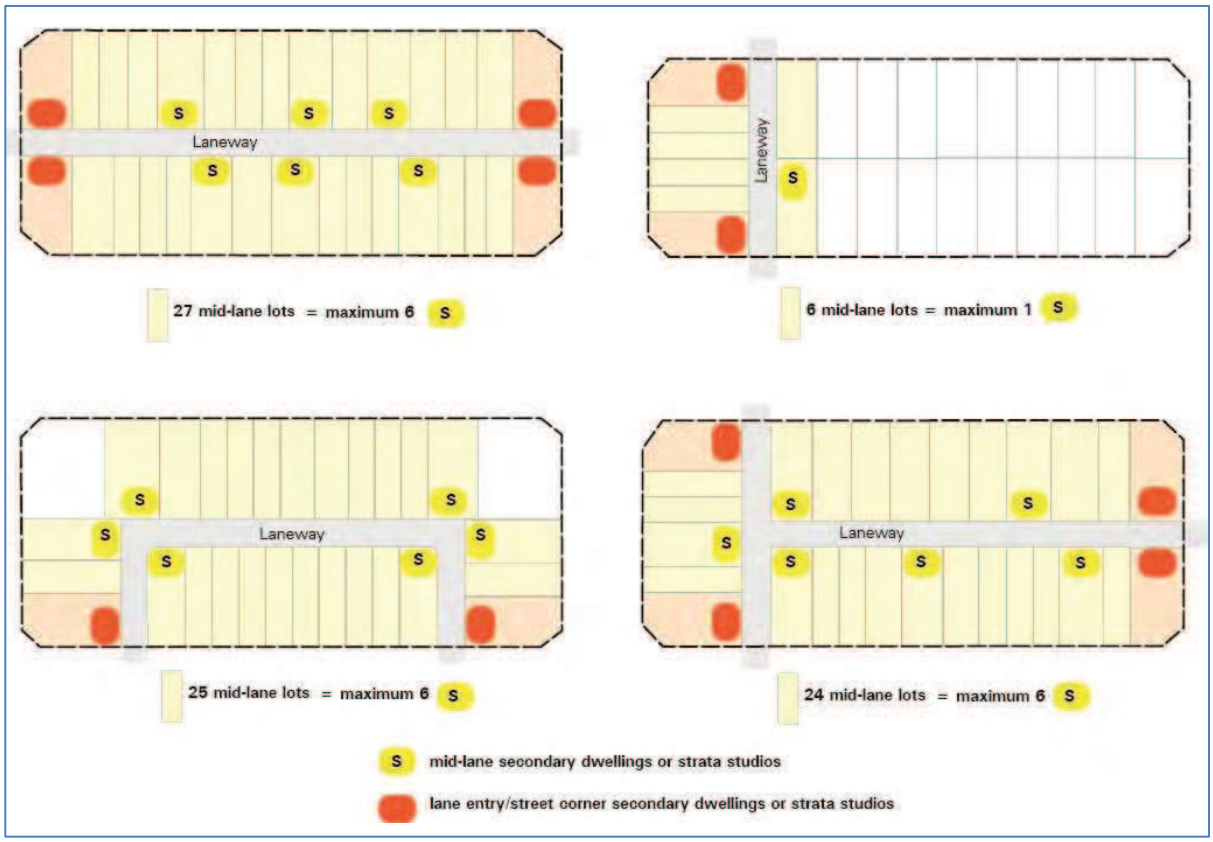


Figure 18. Sample laneways showing maximum number of secondary dwellings or strata studios

3.1.3 Shared Driveways

Shared driveways are privately owned and maintained driveways that serve two or more dwellings through a titling arrangement such as a reciprocal right of way or community title. Shared driveways are usually of minimal dimensions for vehicle access to lots with only a single access to the street network. Garbage collection is usually not a function. Shared driveways are a useful subdivision device for a small number of dwellings with otherwise difficult access or unavoidable block configurations, but are not a substitute in blocks designed with significant numbers of dwellings requiring rear access by laneways.

OBJECTIVES

a. To minimise the impact of vehicle access points on the quality of the public domain and pedestrian safety.

b. To provide safe and convenient access to garages, carports and parking areas.

c. To clearly define public and private spaces, such that driveways are for the sole use of residents.

d. To permit casual surveillance of private driveways from dwellings and from the street.

CONTROLS

1. Shared driveways are to be constructed as one of three general types, depending on block geometry and garages to be accessed. Refer to examples in **Figure 19**.
2. Shared driveways are to have the smallest configuration possible to serve the required parking facilities and vehicle turning movements.
3. The driveway crossing the verge between the property boundary and the kerb is to have a maximum width of 5.4 metres.
4. The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and tree bays and is to maximise the available on-street parking.
5. The maximum travelling distance from a public road to a garbage collection area within a shared driveway is 70m. Where garbage collection is required to occur within the shared driveway (i.e. when an alternative collection point is not available), the layout is to be designed such that no reversing movements are required to be undertaken to enable a garage truck to enter and leave in a forward direction. A minimum pavement width of 5m and a turning circle with sweep turning paths overlaid into the design plan shall be submitted to demonstrate compliance with this requirement.
6. Access to allotments in the vicinity of roundabouts and associated splinter islands shall not be provided within 10m of the roundabout.
7. Driveways are not to be within 0.5m of any drainage facilities on the kerb and gutter.
8. Shared driveways are to have soft landscaped areas on either side, suitable for infiltration.
9. Shared driveways must be in accordance with the shareway principles and vehicle manoeuvring requirements of the **Department of Planning and Environment Delivery Note: Laneways**.

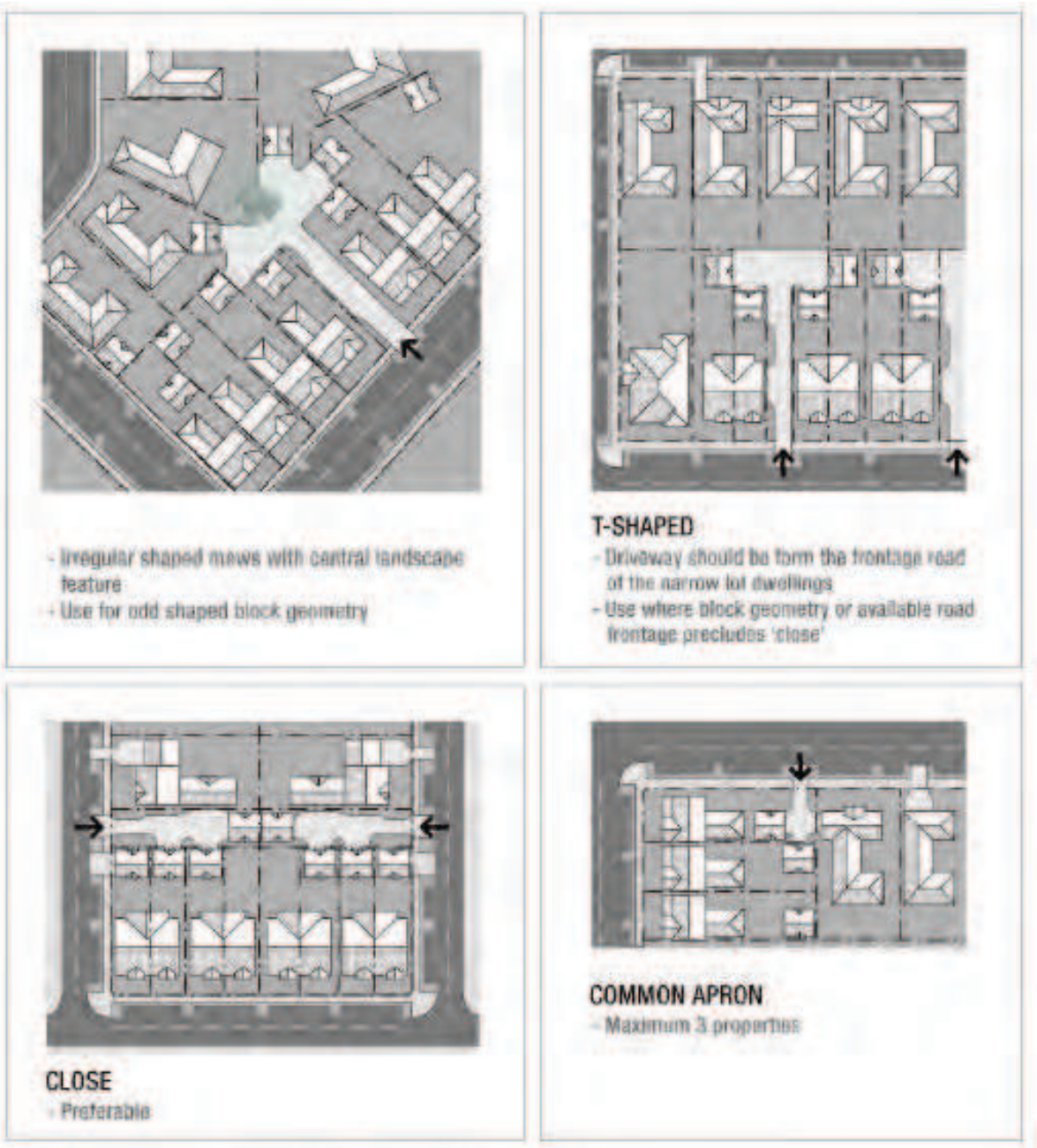


Figure 19. Indicative examples of shared driveways

3.2 Sub-precincts

Development sub-precincts are areas generally bound by fixed roads and indicated in **Figure 20**.

OBJECTIVES

1. To allow departure from the Indicative Layout Plan; and
2. To ensure that access, drainage and servicing is appropriately provided to all sub-precincts.

CONTROLS

An applicant may depart from the subdivision layout within a sub-precinct provided that:

1. The block layout and subdivision objectives and controls outlined in **Section 3.6.1** are met;
2. The level of access to fixed roads is retained;
3. The provision of drainage and service infrastructure is retained; and
4. Any variation from the Indicative Layout Plan does not limit the development potential for adjoining precincts to meet the objectives of the Indicative Layout Plan.
5. Where any variation to the residential street network indicated at **Figure 6** is proposed, the alternative street network is to be designed to achieve the following principles:
    a. a permeable street network that is based on a modified grid system;
    b. maximise connectivity across sub-precincts;
    c. maximise connectivity between residential areas and community facilities, open space and centres;
    d. encourage walking and cycling and reduce travel distances;
    e. take account of topography and accommodate significant vegetation;
    f. optimise solar access opportunities for dwellings;
    g. provide frontage to and maximise surveillance of open space and riparian corridors;
    h. provide views and vistas to landscape features and visual connections to nodal points and centres;
    i. maximise the use of water sensitive urban design measures; and
    j. minimise the use of culs-de-sac. If required, the maximum number of dwellings to be served by culs-de-sac is 10.

Neighbourhood Block Design

1. The size of the block must facilitate circulation on public streets through each sub precinct.
2. The subdivision layout is to create a legible and permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and solar design principles.
3. Orientate blocks, wherever possible, to maximise the number of east, west and south facing lots and to minimise the number of narrow north facing blocks.
4. Variation in the size of the blocks is permitted provided that a regular layout of streets allows for ease of circulation, and that the number of streets as indicated in the Indicative Layout Plan (refer to **Figure 2**) is not reduced.
5. Maximum block dimensions are not to exceed 85 metres x 220 metres.

Figure 20 Sub Precincts

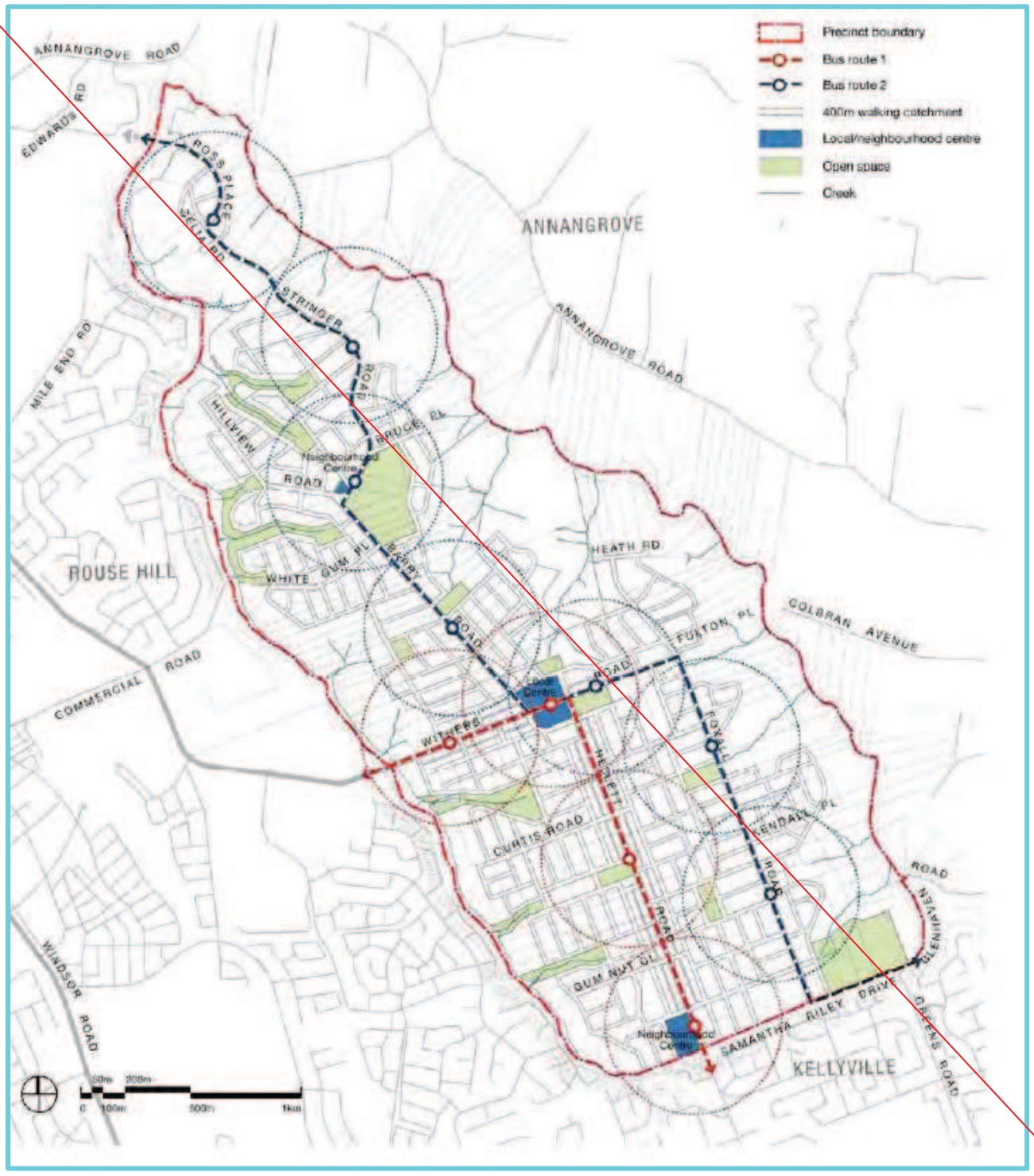
3.3 Public Transport

OBJECTIVES

1. Encourage the use of public transport through the provision of integrated bus, pedestrian and cycle routes.
2. To encourage the provision and use of public transport within North Kellyville.
3. To ensure clear, safe pedestrian links to public transport stops.
4. To ensure that the majority of residential lots are within 400 metres distance from an existing or proposed bus stop.

CONTROLS

1. Bus stops should be provided generally in accordance with **Figure 21** and be indicated on the subdivision DA drawings where the bus route is known. The final location of bus stops will be determined by Council's Local Traffic Committee.
2. Bus stops should be provided on-street and not within indented bays. Bus shelters are to be provided at key stops and installed at the subdivision construction stage by the developer.


Precinct boundary
Bus route 1
Bus route 2
400m walking catchment
Local/neighbourhood centre
Open space
Creek
ANNANGROVE
ROUSE HILL
KELLYVILLE
ANNANGROVE ROAD
EDWARDS RD
ROSS PLACE
STRINDER ROAD
MILE END RD
HILLVIEW
BRUCE PL
Neighbourhood Centre
WHITE GUM PL
BERRY ROAD
HEATH RD
COLBRAN AVENUE
FULTON PL
COMMERCIAL ROAD
Local Centre
WITHERS
CURTIS ROAD
HERBERT ROAD
FOXALL ROAD
KENDALL PL
GUM NUT CL
SAMANTHA RILEY DRIVE
WINDSOR ROAD
GREENS ROAD
0
100m
500m
1km

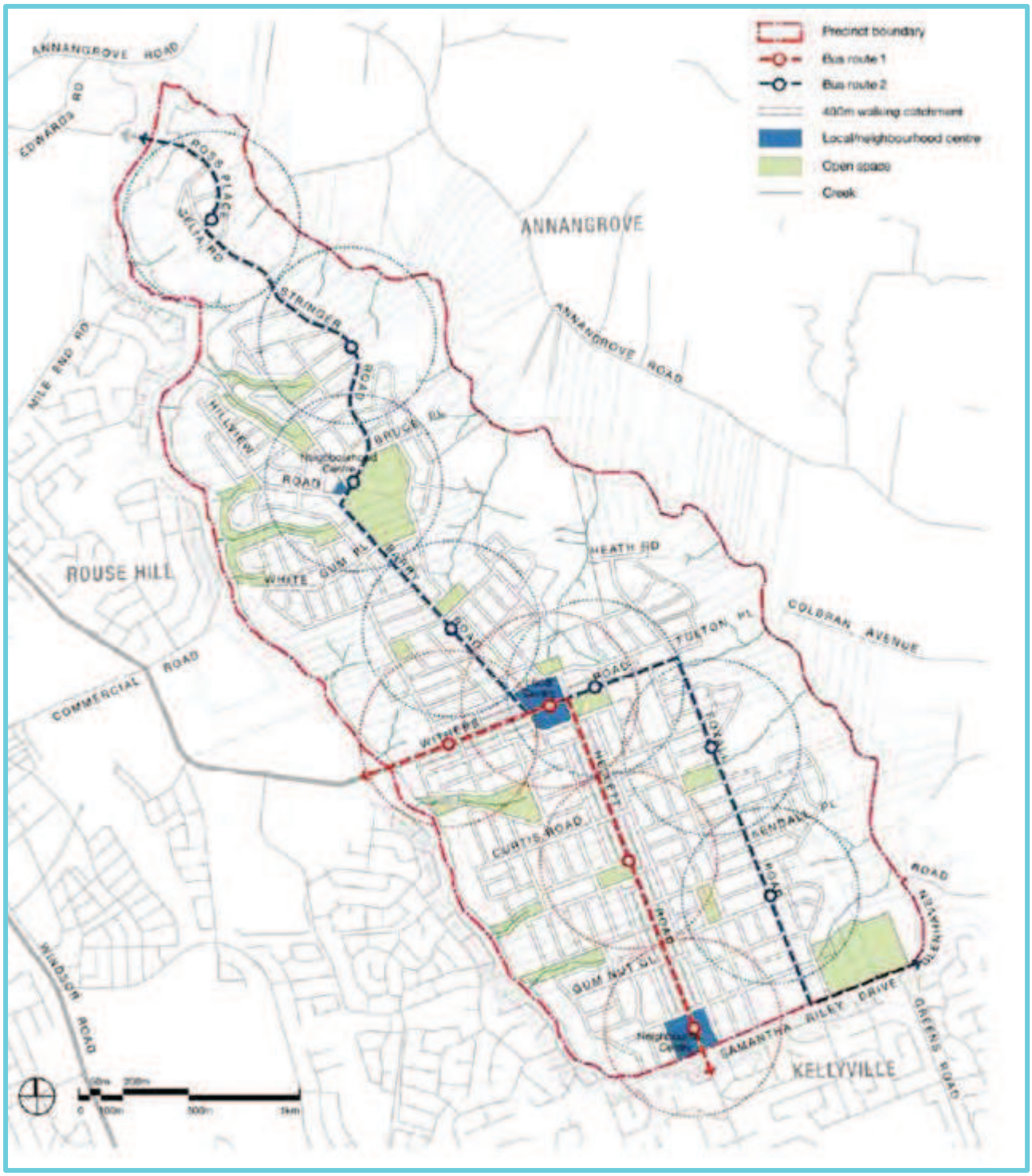


Figure 21. Public Transport

3.4 Pedestrian and Cycle Network

OBJECTIVES

1. To provide a convenient, efficient and safe network of pedestrian and cycleway paths for the use of the community, within and beyond the site.

2. To encourage residents to walk or cycle, in preference to using motor vehicles, as a way of gaining access to the schools, shops, and local community and recreation facilities.

3. To avoid duplication by allowing pedestrian pathways and cycleways to be located within parks and corridors wherever practical.

CONTROLS

1. Footpaths and cycle paths are to be provided in accordance with street sections provided in **Section 3.1** Street Network and Design

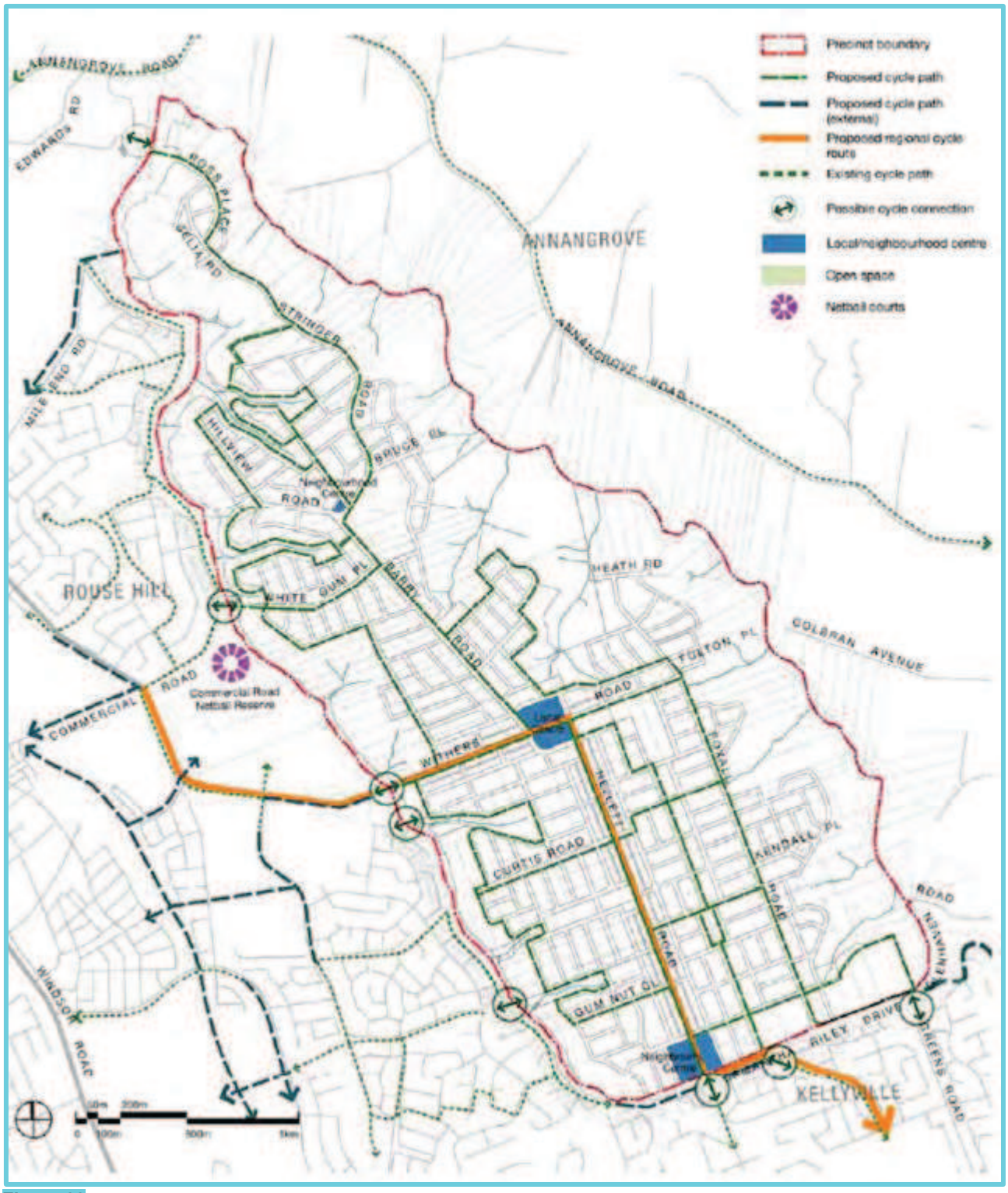
2. All pedestrian and cycle routes are to be consistent with the Planning Guidelines for Walking and Cycling (DIPNR & RTA 2004) and Council's Pedestrian Access and Mobility Plan 2003.

3. Pedestrian paths, cycle routes and facilities in public spaces are to be safe, well lit, clearly defined, functional and accessible to all.

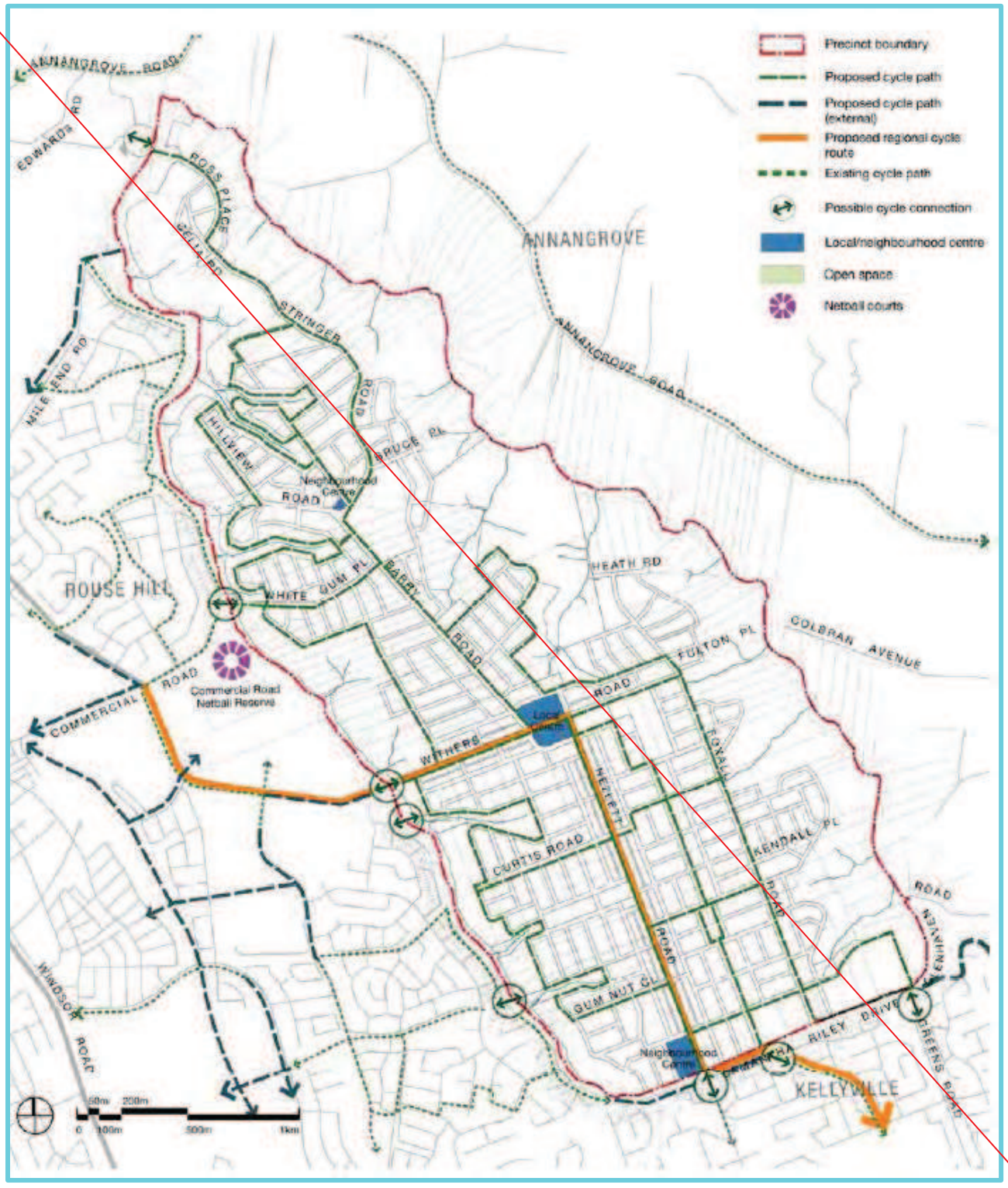
4. Pedestrian paths, cycle paths and pedestrian refuge islands are to be designed to be fully accessible by all in terms of access points and gradients, generally in accordance with Australian Standard 1428:1-4.

5. Pedestrian and cycle pathways are to be constructed as part of the infrastructure works for each residential stage with detailed designs to be submitted with the construction certificate application. Concept approval will be required at DA stage.

6. Pedestrian and cycle routes shall be in accordance with


Precinct boundary
Proposed cycle path
Proposed cycle path (external)
Proposed regional cycle route
Existing cycle path
Possible cycle connection
Local/neighbourhood centre
Open space
Netball courts
ANNANGROVE
ROUSE HILL
KELLYVILLE
COMMERCIAL ROAD
Commercial Road Netball Reserve
ANNANGROVE ROAD
ROSES PLACE
DELTA RD
EDWARDS RD
MILE END RD
STRINGER
HILLVIEW
BRIDGE CL
WHITE GUM PL
BARRY ROAD
HEATH RD
COLBRAN AVENUE
FORTON PL
WITHERS
CURTIS ROAD
KENDALL PL
GUM NUT CL
RILEY DRIVE
WINDSOR ROAD
GREENS ROAD

7.
8. **Figure 22**.


Precinct boundary
Proposed cycle path
Proposed cycle path (external)
Proposed regional cycle route
Existing cycle path
Possible cycle connection
Local/neighbourhood centre
Open space
Netball courts
ANNANGROVE
ANNANGROVE ROAD
EDWARDS RD
ROSS PLACE
BELLA RD
STRINGER ROAD
MILE END RD
HILLVIEW ROAD
SPRUCE PL
Neighbourhood Centre
ROUSE HILL
WHITE GUM PL
BARRY ROAD
HEATH RD
COLBRAN AVENUE
FULTON PL
COMMERCIAL ROAD
Commercial Road Netball Reserve
WITHERS ROAD
HERLETT ROAD
CURTIS ROAD
KENDALL PL
ROYALL ROAD
GUM NUT CL
RILEY DRIVE
GREENS ROAD
KELLYVILLE
WINDSOR ROAD
0 100m 500m 1km

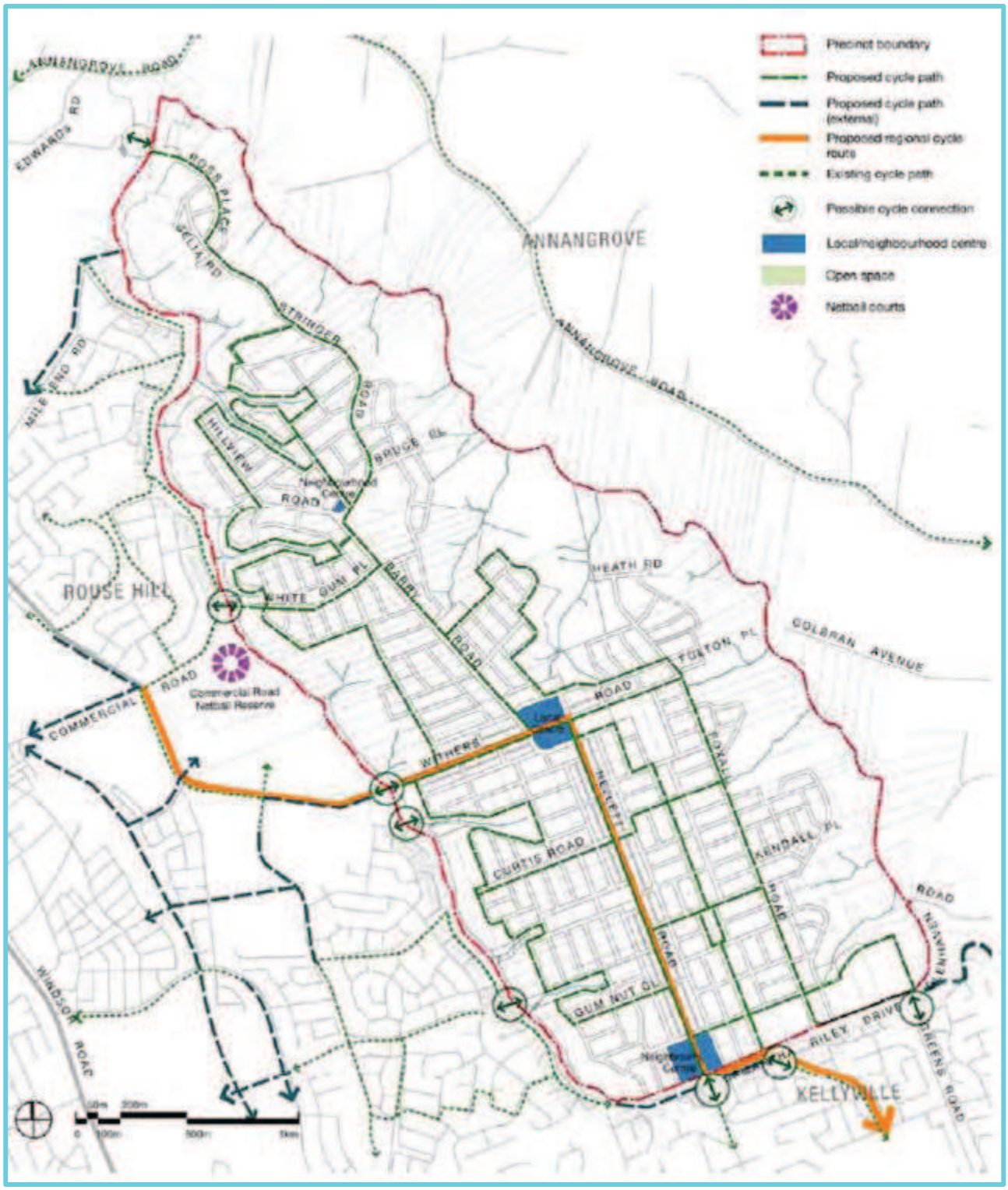


Figure 22. Pedestrian and Bicycle Network

3.5 Public Domain Works

OBJECTIVES

1. To meet the public open space and recreational needs of residents.
2. To provide an equitable distribution of public open space and recreation opportunities.
3. To ensure a high quality of design and embellishment of all public open space.
4. To ensure environmentally and visually sensitive land contributes to the landscape character of the Precinct.
5. To ensure that all the public domain elements like street trees, paving, street furniture, lighting, and signage contribute to a consistent street character.
6. To ensure that adequate provision is made for utilities.
7. To ensure that all utilities are integrated into the development and are unobtrusive.
8. To ensure that all parks are managed to the extent required to provide acceptable asset protection to adjoining dwellings.

CONTROLS

Public parks and landscape

1. Public parks should be provided in accordance with **Figure 23.**
2. Parks should be located and designed to accommodate remnant vegetation and where appropriate, should be linked to and integrated with riparian corridors. They should also be located to take advantage of views and vistas.
3. Parks should be generally bordered by streets on all sides with houses oriented towards them for surveillance. Smaller lot housing is encouraged around parks.
4. Riparian corridors and conservation areas are to provide opportunities for pedestrian and cycle ways, fitness trails and additional open space in a manner that maintains the environmental significance of these areas. A range of themed elements such as boardwalks, eco-pathways, and educational tracks should be utilised in appropriate locations (i.e. within the riparian corridor buffer).
5. A Landscape Plan is required to accompany a subdivision DA creating any park and is to provide details on elements such as:
    1. asset protection zones
    2. earthworks
    3. furniture
    4. plant species and sizes (with consideration for bush fire risks)

5. play equipment
6. utilities and services
7. public art
8. hard and soft landscaping treatments
9. signage
10. any entry statements
11. waste facilities
12. any other embellishment.

Street Planting

1. Street trees are required for all streets. Street planting is to:
   - Be consistently used to distinguish between public and private spaces and between different classes of street within the street hierarchy;
   - Minimise risk to utilities and services;
   - Be durable and suited to the street environment and, wherever appropriate, include endemic species;
   - Maintain adequate lines of sight for vehicles and pedestrians, especially around driveways and street corners;
   - Provide appropriate shade; and
   - Provide an attractive and interesting landscape character and clearly define public and private areas, without blocking the potential for street surveillance.

2. Street trees will be required to be planted at the time of subdivision construction. Street trees will be protected with tree guards and a 12-month bond will be imposed to ensure the preservation of each tree.

3. Street tree planting is to be provided to all streets with a spacing of between 7 and 10 metres, with a minimum of one tree per lot frontage. Corner lots will have a minimum of two street trees and normally three trees. The location of street trees must complement proposed driveway locations.

4. Street tree species must be in accordance with Council's list of preferred planting species in **Appendix B.**

5. Street tree species must be consistent with Council's Non- Indigenous Planting Zone Map in **Appendix B**.

6. All enhanced collector roads are to be planted with a consistent species of tree in order to provide a boulevard treatment of the streetscape.

7. Landscape works in roundabout islands may include low-maintenance groundcover planting and native grasses with a mature height of up to 0.5 metres as well as clear-stemmed tree planting. A metered water supply point and subsurface drainage is required in all small island planter beds.

8. Access streets located adjacent to arterial roads are to include landscape treatment of the verge adjoining the arterial road. Road verges provide opportunities for unifying the appearance and landscape character of the area and should be provided as a continuous design feature along the length of the arterial road.

Signage, Street Furniture, Lighting and Public Art

1. Signage, street furniture and lighting is to be:
   - Consistent with BHSC DCP 2007 Part D Section 3 Landscaping;
   - Designed to reinforce the distinct identity of the development;
   - Coordinated in design and style;
   - Located so as to minimise visual clutter and obstruction of the public domain; and
   - Of a colour and construction agreed by Council.
2. The integration of artworks into the design of public spaces is encouraged.
3. Artworks should, where possible, serve a dual role, e.g. as play equipment for children, informal seating or a marker for a meeting place.
4. Locating entry signage and the like within a public road reserve is subject to Council agreement.
5. The location and design of signage and street furniture is to be indicated on engineering construction drawings.
6. All lighting proposed is to be identified with the engineering plans accompanying an application for a Construction Certificate. The level of street lighting is to be designed to meet the current Australian Standards AS/NZS 1158 series.

Utilities

1. Gas and water services may be located in a shared trench on one side of the street and electricity power and telephone located in a shared trench on the other side of the street. The North Kellyville Precinct is also to be serviced with a recycled water supply, which will require an increase in Sydney Water's service allocation.
2. All development shall incorporate underground electricity reticulation and telecommunications.
3. Any existing aboveground electricity reticulation services shall be relocated underground with the exception of main transmission lines.
4. Where agreement to develop shared trench practices cannot be met, or location of services are unable to be limited to one side of the road, the alignment of services shall be to a standard acceptable to Council.
5. Utilities and services are to be supplied and constructed in accordance with the requirements of the relevant authority.
6. Details of the location of all sewer reticulation mains are to be supplied to Council for assessment of environmental and property considerations.
7. Pipes and conduits through bushland areas and areas with significant vegetation cover are to be avoided. Where it cannot be avoided, pipes are to be or under-bored with the aid of small machinery, causing minimal disturbance to vegetation and exposed rock outcrops.
8. Development is to have a water supply for fire-fighting purposes in accordance with the NSW Rural Fire Service's *Planning for Bushfire Protection 2006* (as amended).

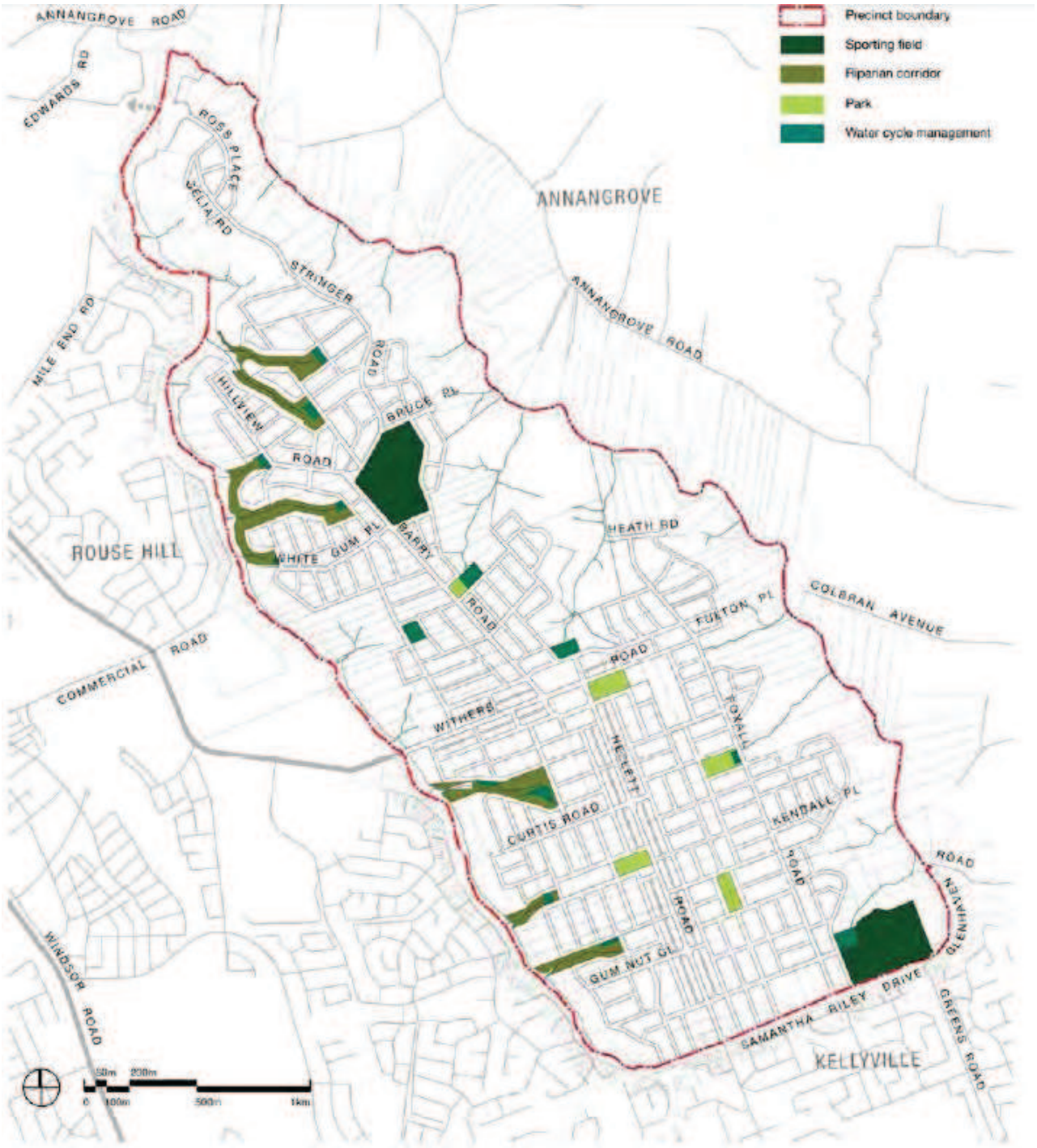


Figure 23. Open Space

3.6 Residential Subdivision

3.6.1 Block and Lot Layout

OBJECTIVES

a. To establish a clear urban structure that promotes a 'sense of neighbourhood' and encourages walking and cycling.

b. To efficiently utilise land and achieve the target dwelling yield for the relevant Precinct.

c. To emphasise the natural attributes of the site and reinforce neighbourhood identity through the placement of visible key landmark features, such as parks, squares and landmark buildings.

d. To optimise outlook and proximity to public and community facilities, parks and public transport with increased residential density.

e. To encourage variety in dwelling size, type and design to promote housing choice and create attractive streetscapes with distinctive characters.

f. To accommodate a mix of lot sizes and dwelling types across a precinct.

g. To establish minimum lot dimensions for different residential dwelling types.

CONTROLS

BLOCKS

11. Residential neighbourhoods are to be focused on elements of the public domain such as a school, park, retail, or community facility that are typically within walking distance.

12. Subdivision layout is to create a legible and permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and site features, place making opportunities and solar design principles.

13. Pedestrian connectivity is to be maximised within and between each residential neighbourhood with a particular focus on pedestrian routes connecting to public open space, bus stops and railway stations, educational establishments and community/recreation facilities.

14. Street blocks are to be generally a maximum of 250m long and 70m deep. Block lengths in excess of 250m may be considered by Council where pedestrian connectivity, stormwater management and traffic safety objectives are achieved. In areas around neighbourhood and town centres, the block perimeters should generally be a maximum of 520m (typically 190m x 70m) to increase permeability and promote walking.

LOTS

15. Minimum lot sizes for each dwelling type will comply with the minimum lot size provisions permitted by the Sydney Region Growth Centres SEPP, summarised here as **Table 7.** In certain density bands, variations to some lot sizes may be possible subject to clauses 4.1AD and 4.1AE and in the Sydney Region Growth Centres SEPP.

16. Minimum lot frontages applying to each density band will comply with **Table 8.** Lot frontage is measured at the street facing building line as indicated in **Figure 24.**

Table 7 Minimum lot size by density bands

	R1 General Residential	R2 Low Density Residential	R3 Medium Density Residential
Minimum Net Residential Target (dwellings/Ha)	**12.5**	**10**	**20**
Dwelling House (base control)	300	360	300
With BEP	240	360	225
As Integrated DA	240	360	200
Studio Dwelling	No minimum lot size as strata development not subject to minimum lot size controls		
Secondary Dwelling	450	450	In principle lot
Dual Occupancy	600	600	500
Semi Detached Dwelling	300	300	150
Attached Dwelling	1500	Not permissible	375
Multi Dwelling Housing	1500	Not permissible	1500
Manor Homes	Not permissible	Not permissible	600
Residential Flat Buildings	4000	Not permissible	2000

Table 8 Minimum lot frontages by density bands

		Net Residential Density Target (dw/Ha)		
		10 to 12.5dw/Ha	**15dw/Ha**	**20 to 45dw/Ha**
Minimum Lot Frontages	Front Loaded	12.5m	9m	7m
	Rear Loaded	4.5m	4.5m	4.5m

Note: *The combination of the lot frontage width and the size of the lot determine the type of dwelling that can be erected on the lot, and the development controls that apply to that dwelling.*

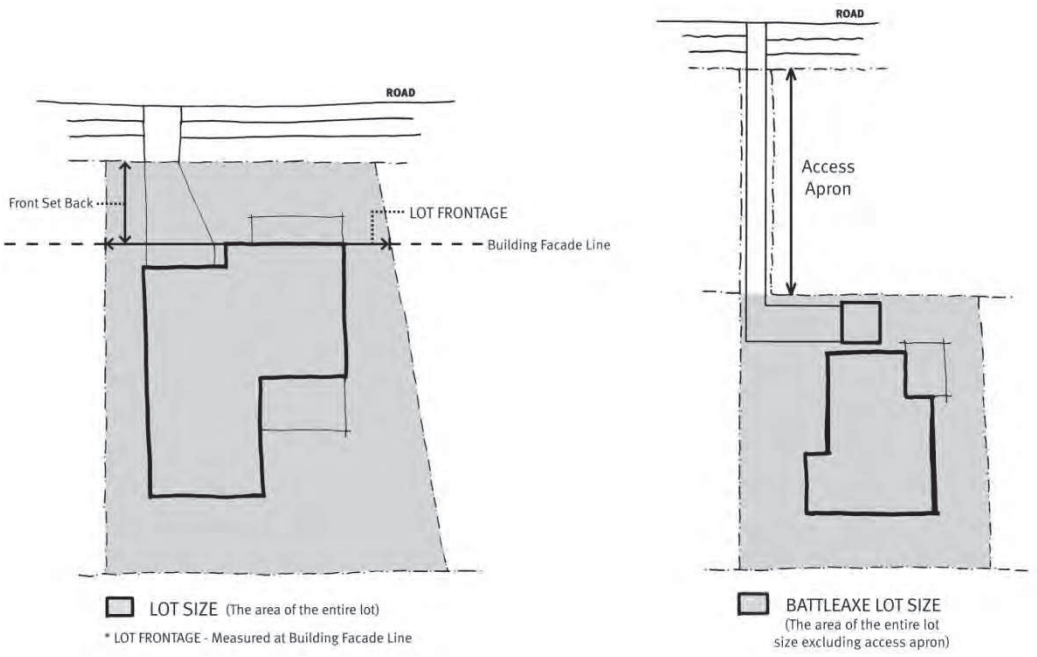


Figure 24. Measurement of minimum lot widths and lot area

17. A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.

18. In areas with a minimum residential density of ≤20dw/ha no more than 40% of the total residential lots proposed in any one street block may have a frontage of less than 10m wide. Lots subdivided using Subdivision Approval Pathway B1 or B2 (Integrated Housing) for attached or abutting dwellings are exempt from this control. Note: A street block is defined as a portion of a city, town etc., enclosed by (usually four) neighbouring and intersecting streets.

19. In density bands ≤25dw/Ha, total lot frontage for front accessed lots greater than or equal to 7m and less than 9m should not exceed 20% of any block length due to garage dominance and on-street parking impacts.

20. Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.

21. Where residential development adjoins land zoned RE1 Public Recreation or SP2 Drainage, subdivision is to create lots for the dwelling and main residential entry to front the open space or drainage land.

22. The orientation and configuration of lots is to be generally consistent with the following subdivision principles:

    - Smallest lots achievable for the given orientations fronting parks and open space with the larger lots in the back streets;
    - Larger lots on corners;
    - North to the front lots are either the widest or deepest lots, or lots suitable for residential development forms with private open space at the front. Narrowest lots with north to the rear.

23. Preferred block orientation is established by the road layout on the Indicative Layout Plan in the relevant Precinct Schedule. Optimal lot orientation is east-west, or north-south where the road pattern requires. Exceptions to the preferred lot orientation may be considered where factors such as the layout of existing roads and cadastral boundaries, or topography and drainage lines, prevent achievement of the preferred orientation.

24. An alternative lot orientation may be considered where other amenities such as views and outlook over open space are available, and providing appropriate solar access and overshadowing outcomes can be achieved.

Note: *The combination of the lot frontage width and the size of the lot determine the type of dwelling that can be erected on the lot, and the development controls that apply to that dwelling.*

ZERO LOT LINES

25. The location of a zero lot line is to be determined primarily by topography and should be on the low side of the lot to minimise water penetration and termite issues. Other factors to consider include dwelling design, adjoining dwellings, landscape features, street trees, vehicle crossovers and the lot orientation as illustrated at **Figure 40**.

26. On all lots where a zero lot line is permitted, the side of the allotment that may have a zero lot alignment must be shown on the approved subdivision plan.

27. Where a zero lot line is nominated on an allotment on the subdivision plan, the adjoining (burdened) allotment is to include a 900mm easement for single storey zero lot walls and 1200mm for two storey zero lot walls to enable servicing, construction and maintenance of the adjoining dwelling. No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement. Any services and projections permitted under Clause 4.4 (6) within the easement to the burdened lot dwelling should not impede the ability for maintenance to be undertaken to the benefitted lot.

28. The S88B instrument for the subject (benefited) lot and the adjoining (burdened) lot shall include a note identifying the potential for a building to have a zero lot line. The S88B instrument supporting the easement is to be worded so that Council is removed from any dispute resolution process between adjoining allotments.

For more information, refer to the **Department of Planning and Environment Delivery Notes: Zero Lot Boundaries and Building Envelope Plans**.

SUBDIVISION OF SHALLOW LOTS

29. Shallow lots (typical depth 14-18m, typical area <200sqm) intended for double storey dwellings should be located only in locations where it can be demonstrated that impacts on adjoining lots, such as overshadowing and overlooking of private open space, satisfy the requirements of the DCP. For lots over 225sqm where development is not Integrated Assessment, the Building Envelope Plan should demonstrate in principle how DCP requirements such as solar access and privacy to neighbouring private open spaces will be satisfied.

SUBDIVISION FOR ATTACHED OR ABUTTING DWELLINGS

30. Subdivision of lots for Torrens title attached or abutting dwellings must take into account that construction will be in 'sets'. A 'set' is a group of attached or abutting dwellings built together at the same time that are designed and constructed independently from other dwellings.

31. The maximum number of attached or abutted dwellings permissible in a set is six.

32. The composition of sets needs to be determined in the subdivision design to take into account the lot width required for a side setback to the end dwellings in each set. Examples of lot subdivisions for sets are illustrated in **Figure 25**

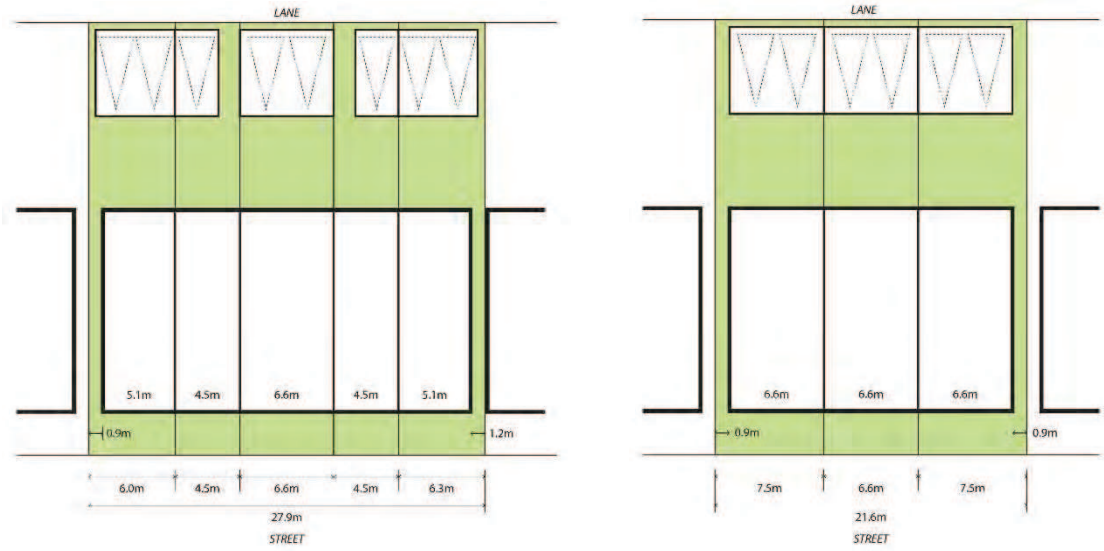


Figure 25. Two examples of lot subdivision for 'sets' of attached or abutting terraces.

RESIDENTIAL FLAT BUILDINGS

33. A person may not amalgamate two or more adjoining allotments after principle subdivision to create a larger lot that achieves the minimum lot size required for residential flat buildings.

3.6.2 Battle-axe Lots

OBJECTIVES

a. To limit battle-axe lots to certain circumstances.

b. To ensure that where a battle-axe lot without public road or open space frontage is provided, their amenity and the amenity of neighbouring lots is not compromised by their location.

c. To enable battle-axe shaped lots or shared driveway access to lots fronting access denied roads.

CONTROLS

1. Principles for the location of battle-axe lots are illustrated at **Figure 26.**

2. Subdivision layout should minimise the use of battle-axe lots without public frontage to resolve residual land issues.

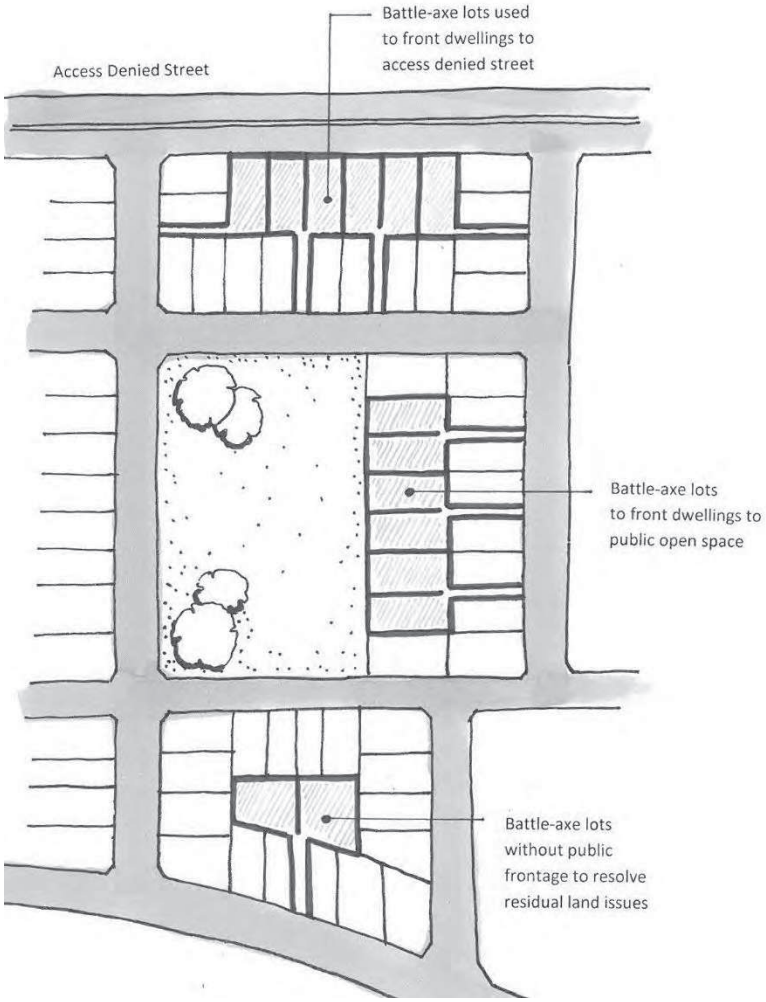


Figure 26. Examples of locations of battle-axe lots

3. In density bands 10, 15 and 20dw/Ha, the minimum site area for battle-axe lots without any street or park frontage is 500m² (excluding the shared driveway) and only detached dwelling houses will be permitted.

4. The driveway or shared driveway will include adjacent planting and trees, as indicated in **Figure 27**.

5. Driveway design, including dimensions and corner splays, is to be in accordance with Council's Engineering Specifications.

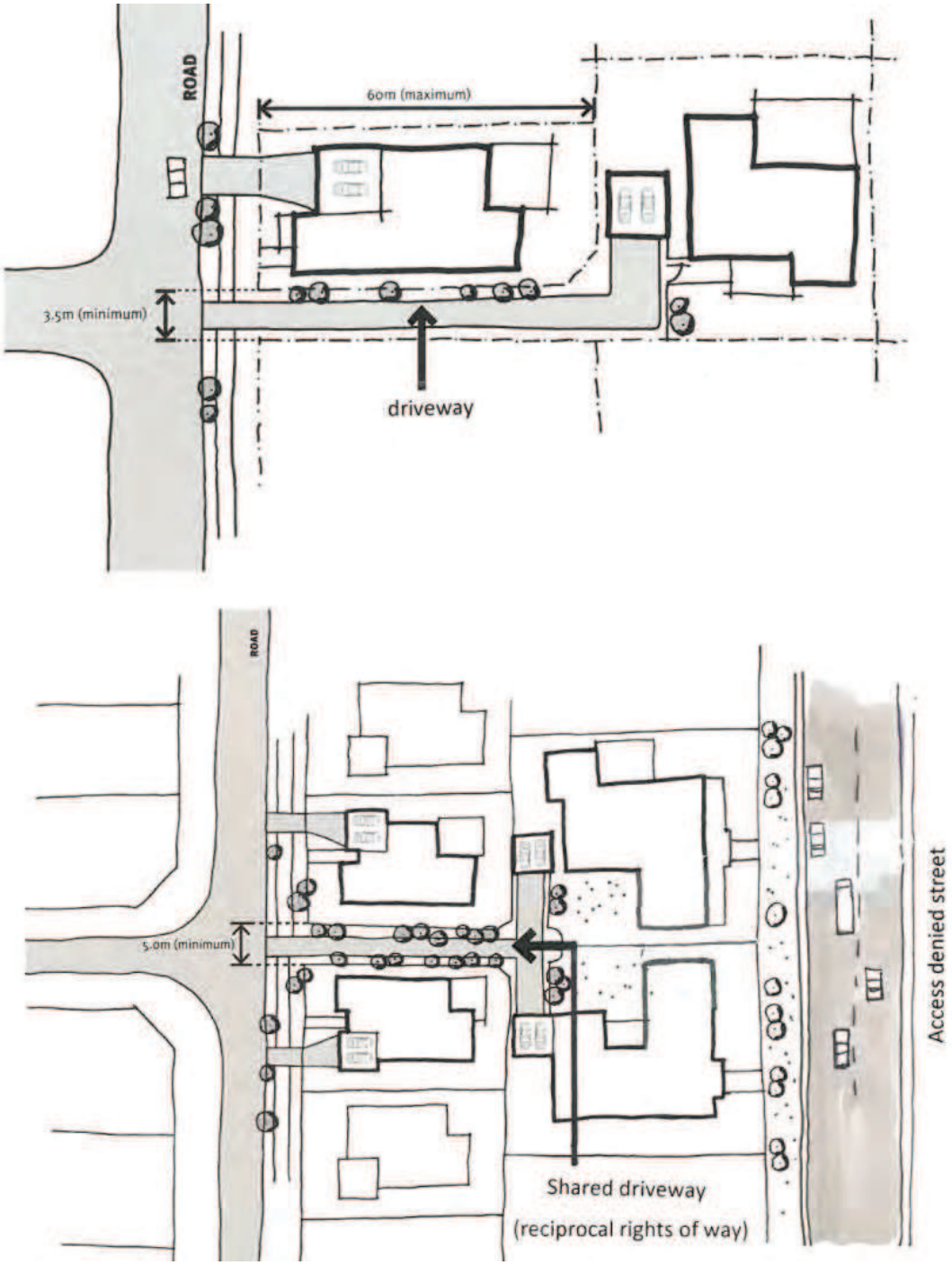


Figure 27. Examples of driveways and shared driveways for battle-axe lots

3.6.3 Corner Lots

OBJECTIVES

a. To ensure corner lots are of sufficient dimensions and size to enable residential controls to be met.

CONTROLS

1. Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.
2. Corner lots are to be designed to allow dwellings to positively address both street frontages as indicated in **Figure 28.**
3. Garages on corner lots are encouraged to be accessed from the secondary street or a rear lane.
4. Plans of subdivision are to show the location of proposed or existing substations, kiosks, sewer man holes and/or vents affecting corner lots.

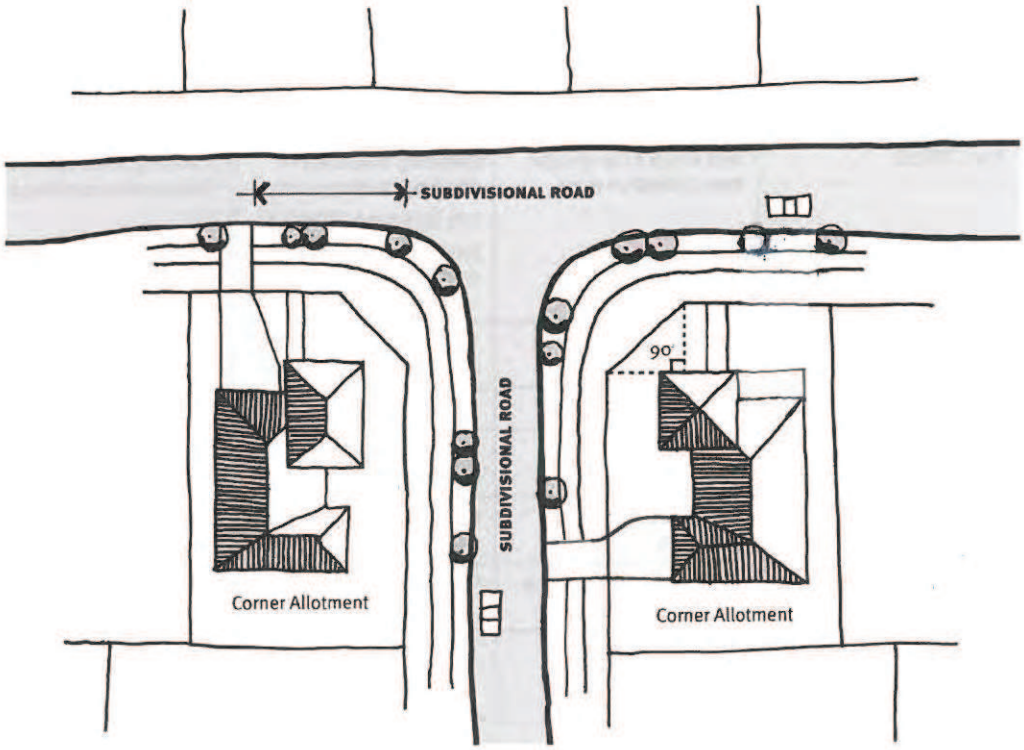


Figure 28. Corner lots

3.7 Subdivision Approval Process

Objectives

a. To facilitate a diversity of housing sizes and products.

b. To ensure that subdivision and development on smaller lots is undertaken in a coordinated manner.

c. To ensure that all residential lots achieve an appropriate level of amenity.

Controls

1. The land subdivision approval process is to be consistent with the requirements of **Table 9.**

2. Subdivision of land creating residential lots less than 225m^2 or lots less than 9m wide shall include a dwelling design as part of the subdivision development application. The dwelling design is to be included on the S88B instrument attached to the lot.

Table 9. Subdivision Approval Process

Approval pathway	DA for Subdivision *Pathway A1*	DA for Subdivision with Building Envelope Plan *Pathway A2*	DA for Integrated Housing (Integrated Assessment with subdivision prior to construction of dwellings) *Pathway B1*	DA for Integrated Housing *Pathway B2*
Application	Lots equal to greater than 300m^2	Lots less than 300m^2 and equal to or greater than 225m^2 in area, and with a width equal to or greater than 9m*.	Dwelling construction involving **detached** or **abutting** dwellings on: lots less than 225m^2, or lots with a width less than 9m*.	Dwelling construction involving common walls (ie **attached** dwellings) on: lots less than 225m^2, or lots with a width less than 9m*.
Dwelling plans required	As part of future DA or CDC	As part of future DA or CDC	Yes as part of subdivision application	Yes as part of subdivision application
Dwelling Design 88B restriction required	No	Yes	Yes, only approved dwelling can be built	Yes, only approved dwelling can be built
Timing of subdivision (release of linen plan)	Pre-construction of dwellings	Pre-construction of dwellings	Prior to the issue of the CC	Post-construction of dwellings
Housing Code applicable	Yes	Yes (for 200m^2 lots and above)	No	No

*Minimum lot width refer to **Table 8.**

3. Subdivision applications that create lots smaller than 300m^2 and larger than or equal to 225m^2 must be accompanied by a Building Envelope Plan (BEP). An example of a BEP is included at **Figure 29**.

The BEP should be at a legible scale (suggested 1:500) and include the following elements:

- Lot numbers, north point, scale, drawing title and site labels such as street names
- Maximum permissible building envelope (setbacks, storeys, articulation zones)
- Preferred principal private open space
- Garage size (single or double) and location
- Zero lot line boundaries

A BEP should be fit for purpose and include only those elements that are necessary for that particular lot. Other elements that may be relevant to show include:

- Special fencing requirements
- Easements and sewer lines
- Retaining walls
- Preferred entry/frontage (e.g. corner lots)
- Access denied frontages
- Electricity kiosks or substations
- Indicative yield on residue or super lots

For further information, refer to the **Department of Planning and Environment Delivery Note: Building Envelope Plans**

4. Applications for subdivision using approval pathways A2, B1 and B2 require a Public Domain Plan (PDP) to be submitted as part of the application. The purpose of the PDP is to demonstrate how the public domain will be developed as a result of future development on the proposed lots. An example of a PDP is included at **Figure 30.**

The PDP should be a legible scale (suggested 1:500) and include the following elements:

- Lot numbers, north point, scale, drawing title and site labels such as street names.
- Indicative building footprints on the residential lots.
- Location of driveways and driveway crossovers.
- Verge design (footpath, landscape).
- Surrounding streets and lanes (kerb line, material surface where special treatments proposed).
- In laneways, indicative provision for bin collection.
- Street tree locations. (Sizes and species list can be provided on a separate plan).
- Demonstrated provision and arrangements for on-street car parking particularly in relation to street tree planting, driveways and intersections.*
- Extent of kerb line where parking is not permitted.*

* In principle, not as public domain works

Other elements that may be relevant to show include:

- Location and type of any proposed street furniture
- Location of retaining walls in the public domain
- Electricity substations
- Indicative hydrant locations at lane thresholds

Information on landscape treatment within the private lot is not required.

For further information, refer to the **Department of Planning and Environmental Delivery Note: Public Domain Plans**

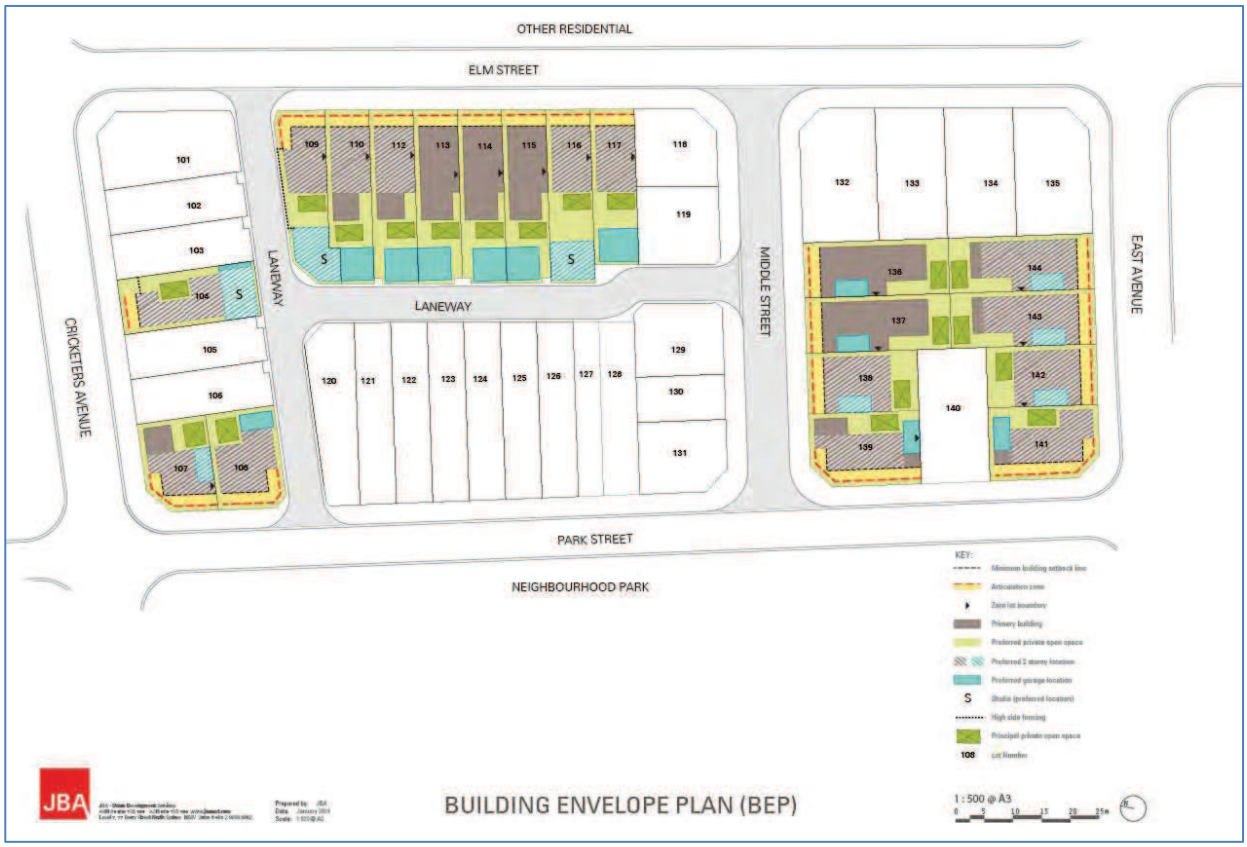


Figure 29. Sample of a Building Envelope Plan (BEP)

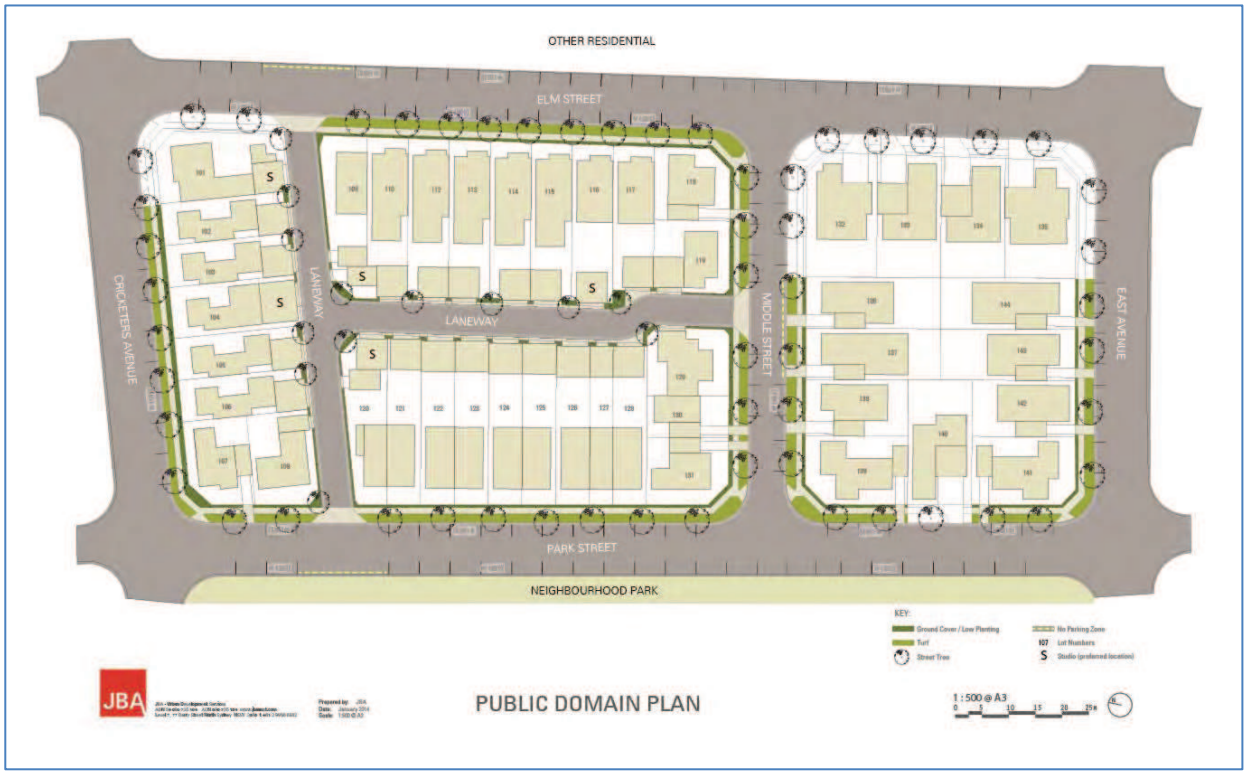


Figure 30. Sample of a Public Domain Plan (PDP)

Subdivision in the E3 Zone

1. Any lot created must be capable of providing a building platform for the dwelling of at least 15m x 20m clear of any restrictions (including any Asset Protection Zones) or building line setbacks. The building platform shall be sited in an accessible and practical location suitable for residential building construction.

2. Suitable graded vehicle access shall be provided from a public road to the identified building platform in accordance with Councils minimum driveway requirements.

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

4. A covenant must be written to apply to all newly created lots within the E3 Environmental Management Zone, indicating that maintenance and management of Native Vegetation as shown in State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No. 3), Native Vegetation Protection Map must be undertaken by the owner of the subdivided lot in accordance with:
   - a landscape plan;
   - the Environmental Management Plan attached in **Appendix C;**
   - payment of 5 year bond to the council.

Subdivision in the E4 Zone

1. The minimum lot width is 30m unless the subdivision is undertaken as a community title scheme as outlined in point 6 below.

2. Any lot created must be capable of providing a building platform for the dwelling of at least 15m x 20m clear of any restrictions (including any Asset Protection Zones) or building line setbacks. The building platform shall be sited in an accessible and practical location suitable for residential building construction.

3. Suitable graded vehicle access shall be provided from a public road to the identified building platform in accordance with Councils minimum driveway requirements.

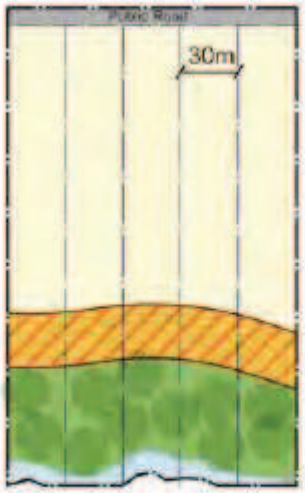
4. The subdivision plans must clearly indicate where the building platforms can be located on each lot and indicate the proposed access paths to the platforms, free of any restrictions or building line setbacks.

5. A covenant must be written to apply to all newly created lots within the E4 Environmental Living Zone, indicating that maintenance and management of Native Vegetation as shown in State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No. 3), Native Vegetation Protection Map must be undertaken by the owner of the subdivided lot in accordance with:
   - a landscape plan;
   - the Environmental Management Plan attached in **Appendix C;**
   - payment of 5 year bond to the council.

Community Title subdivision

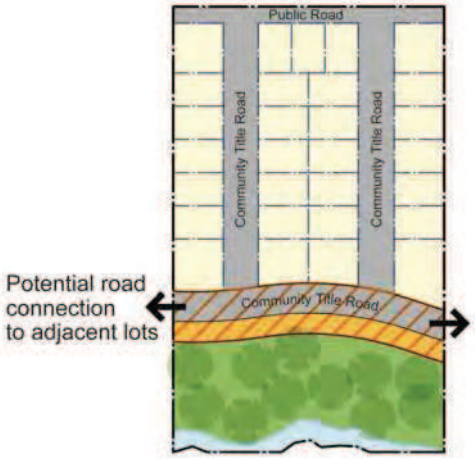
In some circumstances existing slope and vegetation require Asset Protection Zones (APZs) for Bushfire Hazard Management that limit the development opportunities available on land in the E4 Environmental Living zone. In these circumstances the aim is to achieve a consistency in streetscape character regardless of the underlying zoning applying to the land. Community title subdivision under the provisions of the *Community Land Development Act 1989* (NSW) is encouraged to achieve this objective.

1. Community Title subdivision of land to create lots with narrower frontages and reduced side and front boundary setbacks in the E4 Environmental Living zone in accordance with *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No. 3*) will be permitted where:
   (a) The development is concentrated on the land within the development site excluding native vegetation shown in the Native Vegetation Protection Map and/or Riparian Protection Area;
   (b) The land is subdivided into ten (10) or more lots (excluding the Community Lot);
   (c) The land identified as contained vegetation shown in the Native Vegetation Protection Map and/or Riparian Protection Area is wholly contained within the Community Lot;
   (d) The Community Lot is managed in accordance with a Plan of Management which creates and maintains fire protection zones and provides for the management, protection and enhancement of the environmental values of any land identified as contained native vegetation as shown in the Native Vegetation Protection Map and/or Riparian Protection Area. The Plan of Management shall contain, but is not limited to, an Environmental Management Plan, Bushfire Hazard Management Plan and details of the obligations of landowners in the ongoing management of Community Land;
   (e) The Plan of Management will form part of the public authority by-laws in the Community Management Statement. The public authority by-laws relating to the Plan of Management shall provide that amendments to the Plan of Management may not be made without the consent of the public authority (Hills Shire Council) in accordance with the *Community Land Management Act 1989 (NSW)*;
   (f) The design of roads and lots within the development provide for NSW Rural Fire Service vehicle access and comply with the provisions of *Planning for Bushfire Protection 2006* (as amended) where required. Roads which are adjacent to land identified as Riparian Protection Area, that avoid significant land reformation and provide for street-orientated development are encouraged;
   (g) Stormwater drainage be provided in accordance with the urban flow attenuation rates identified in Section 6.1 of this Development Control Plan.
2. Development applications for community title subdivision are to be consistent with the design principles illustrated in **Figure 31** to **Figure 33** which focus on providing street oriented and accessible subdivision designs.



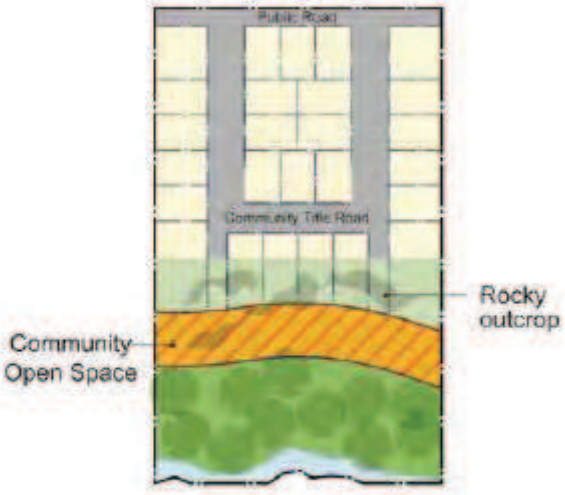
Traditional Torrens Title subdivision
Minimum lot size: 2000m²/4000m²
Minimum lot width: 30m

Figure 31. Traditional Torrens Subdivision



Community Title subdivision
Minimum lot size: 600m²

Figure 32. (A) Community Title Subdivision



Community Title subdivision
Minimum lot size: 600m²

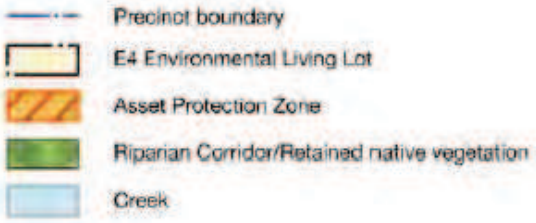


Figure 33. (B) Community Title Subdivision

3.8 Residue Lots

OBJECTIVES

1. To ensure that any residue lot created as part of the subdivision can meet the requirements of the DCP.

CONTROLS

Any development proposal including creation of residue lots for future subdivision must:

- Include documentation demonstrating how the minimum density can be achieved across each residue lot through future subdivision. The minimum density for each site should in accordance with **Section 2.4.**
- Demonstrate how the future development of each residue lot can be consistent with the character statement for the local area in terms of the built form, dwelling types, bulk and scale, height and other public domain considerations.
- Demonstrate that the residue lot can be serviced and accessed in accordance with **Figure 2**. Indicative Layout Plan.
- Demonstrate that development of the residue lot can be undertaken without compromising the other objectives and controls of this DCP.