
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 13 December 2016

691 RESOLUTION

1. The planning proposal be held in abeyance until the wider Dural investigation area planning is completed to enable a more cohesive development and infrastructure outcome and provide a clear boundary to urban development.
2. The General Manager write to Hornsby Shire Council to formalise the initial discussions and to prepare a project plan and draft budget, including time table, to enable the strategic investigation of Dural/Round Corner to occur so that this application can be dealt with in the wider context.
3. The General Manager provide a report to Council by April 2017 on the progress of the strategic investigation work with Hornsby Council.

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

VOTING FOR THE MOTION

Clr Keane
Clr Preston
Clr Dr M R Byrne
Clr A N Haselden
Clr Thomas
Clr Dr Gangemi
Clr Dr Lowe
Clr Hay OAM
Clr Harty OAM
Clr Tracey

VOTING AGAINST THE MOTION

None

ABSENT

Clr Taylor MP

7.54pm Councillor Dr Lowe left the meeting and returned at 7.56pm during Item 4.

ITEM-4**POST-EXHIBITION - PLANNING PROPOSAL AND
DCP CHANGES FOR SHOP TOP HOUSING AND MIXED
USE DEVELOPMENTS (11/2016/PLP)****Proceedings in Brief**

Mr Peter Fryar addressed Council regarding this matter.

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

THE MOTION WAS PUT AND CARRIED.

692 RESOLUTION

1. The planning proposal to amend The Hills Local Environmental Plan 2012 and State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to

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shop top housing and mixed use developments, including post-exhibition amendments, progress to finalisation.

2. Draft amendments to The Hills Development Control Plan, the North Kellyville Development Control Plan and the Box Hill Growth Centre Precincts Development Control Plan, including post exhibition amendments, be adopted and come into force when the planning proposal is notified on the NSW Legislation website (ECM Document Nos. 15406451, 15406452, 15406453, 15406454, 15406455).
3. A planning proposal be sent to the Department of Planning and Environment for a Gateway Determination to amend:
 - a) the Floor Space Ratio Map in relation to certain land in the Box Hill and North Kellyville Precincts;
 - b) Clause 4.4A 'Development of Certain Land within the Zone R1 General Residential or Zone B2 Local Centre – Additional Floor Space Ratio' in Appendix 11 The Hills Growth Centre Precinct Plan 2013 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and
 - c) Clause 4.4 'Floor Space Ratio' in Appendix 2 North Kellyville Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

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

VOTING FOR THE MOTION

Clr Keane
Clr Preston
Clr Dr M R Byrne
Clr A N Haselden
Clr Thomas
Clr Dr Gangemi
Clr Dr Lowe
Clr Hay OAM
Clr Harty OAM
Clr Tracey

VOTING AGAINST THE MOTION

None

ABSENT

Clr Taylor MP

8.08pm Councillor Dr Byrne left the meeting and returned at 8.09pm during Item 6.

ITEM-6

**VOLUNTARY PLANNING AGREEMENT - LOT 5 DP
30916, COMMERCIAL ROAD, ROUSE HILL
(2/2016/PLP)**

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

THE MOTION WAS PUT AND CARRIED.

ITEM-4	POST-EXHIBITION - PLANNING PROPOSAL AND DCP CHANGES FOR SHOP TOP HOUSING AND MIXED USE DEVELOPMENTS (11/2016/PLP)
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	13 DECEMBER 2016 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	SENIOR TOWN PLANNER BRONWYN INGLIS
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that a planning proposal to amend Local Environmental Plan 2012 (LEP 2012) and State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) to introduce more controls for shop top housing and mixed use developments proceed to finalisation. The proposed changes seek to limit the maximum building height and require a minimum component of non-residential uses within mixed use developments. The changes also seek to prohibit shop top housing in certain residential zones in the North Kellyville and Box Hill Precincts.

It is further recommended that related amendments to Development Control Plan 2012 (DCP 2012) and the North Kellyville and Box Hill Development Control Plans be adopted and come into force when the planning proposal is notified.

A total of 27 public submissions were received in relation to the exhibition of the proposed changes. The submissions primarily raised concern that the proposed building heights, minimum requirement for non-residential uses within centres and the prohibition of shop top housing are inconsistent with local and State planning policies, will limit housing densities and affordability and reduce property values. Submissions in relation to the North Kellyville and Box Hill Precincts also raised concern that the changes are inconsistent with the development outcomes envisaged by the precinct planning undertaken for those areas.

The proposed amendments to building heights and the imposition of a limit on residential densities within shop top housing and mixed use developments will ensure that developments are in keeping with the intended scale and character for the locality and with the primary business and employment role of centres. The prohibition of shop top housing in low and medium density zones will also ensure that shop top housing is limited to within and surrounding centres that are supported by services and public

transport. Whilst it is recognised that the planning proposal will reduce the maximum height for certain land and prohibit shop top housing in inappropriate locations, the proposal will not impact on the Shire's capacity to meet established housing targets, given that sufficient land has been identified in accordance with Council's hierarchical zoning framework, in locations that are supported by the necessary infrastructure to accommodate growth. Accordingly, there will continue to be sufficient opportunity to achieve high quality development outcomes as intended by the applicable strategic planning policies, LEP 2012 and the Growth Centres SEPP.

The precinct planning for the North Kellyville and Box Hill Growth Centres was finalised over eight years ago for North Kellyville and three years ago for Box Hill, which was prior to the strong market conditions for high density development. Appropriate densities for the precincts were determined based on historic development patterns which have shown relatively low construction of higher density housing types and typically little or no residential development within local and neighbourhood centre business zones. In order to encourage uptake, considerable flexibility has been provided within the Growth Centres planning framework to achieve State government initiatives of boosting housing delivery and affordability across Sydney. However, it has had the unintended consequence of facilitating significant additional density beyond what was anticipated and planned for. The Development Control Plans provide guidance on intended built form outcomes which recommend a scale of development that is being significantly exceeded by recent development proposals that generally meet existing planning controls under the Growth Centres SEPP.

In determining whether any changes are warranted to the proposed controls, the key consideration has been the intended character and built form as articulated in the relevant DCPs and the surrounding local context. In this regard, no changes are generally considered necessary. However, post-exhibition changes are recommended for some sites to facilitate an appropriate scale of development consistent with the intended strategic outcomes such as the Hezlett Road Neighbourhood Centre and the Carrington Road Local Centre. Administrative amendments are also proposed to the North Kellyville and Box Hill Development Control Plans to address anomalies and improve clarity.

This report recommends that a further separate planning proposal be forward for a Gateway Determination to remove provisions applicable to centres within Box Hill and North Kellyville that allow additional floor space for residential development. An amendment to the Floor Space Ratio Map for those centres is also recommended to ensure that the applicable floor space ratio applies to all development on the site and facilitates an appropriate scale of development consistent with the built form outcomes envisaged by the relevant Development Control Plans.

APPLICANT

Council initiated

HISTORY

15/12/2015

Council considered a report on a review of shop top housing and mixed use development controls across the Hills Shire and resolved to forward a planning proposal to the Department of Planning and Environment for a Gateway Determination. Council also resolved to exhibit Development Control Plan changes to support the planning proposal.

12/05/2016

A Gateway Determination was issued by the Department of Planning and Environment authorising Council to proceed with the planning proposal subject to conditions.

- 12/05/2016** Proclamation was made that land south of the M2 in The Hills Shire was to form part of the new City of Parramatta Council.
- 27/05/2016** An alteration to the Gateway Determination was issued by the Department of Planning and Environment to ensure that the planning proposal applies only to land within The Hills Shire local government area and not to any land within the City of Parramatta local government area.
- 28/06/2016 -
29/07/2016** The planning proposal and draft Development Control Plans were publicly exhibited.
- 22/08/2016** Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 was notified on the NSW Legislation website. This amendment applied to land within the Box Hill Precinct to facilitate the relocation of Mt Carmel Road. The amendment included the re-location of two centres zoned B2 Local Centre at 'Mt Carmel Village' and 'Windsor Road/Box Hill Inn Village' to ensure these centres remain along Mount Carmel Road.
- The relocation of centres and amendments to the Land Zoning Map affected some of the land to which planning proposal 11/2016/PLP applied.
- 12/10/2016 -
11/11/2016** The planning proposal and draft Development Control Plans were publicly re-exhibited.

BACKGROUND

Recent market conditions have seen a significant increase in proposals for high density housing forms. Over the past two years a number of applications and enquiries for shop top housing and mixed use developments in this Shire have been received which have proposed outcomes that are inconsistent with the intended density and character of the area and are not in keeping with surrounding development. Many have the potential to compromise the retail and employment role of centres. Many of these proposals seek to include relatively small amounts of retail and business floor space and higher than expected residential densities within local and neighbourhood centres. This has raised concern regarding the ability of centres to serve surrounding populations and the capacity of existing infrastructure in these locations to support the unanticipated additional population.

Given this issue, a review of the controls applying to shop top housing and mixed use developments across all zones in the Shire was undertaken last year, including land under LEP 2012 and land zoned under the Growth Centres SEPP within the North Kellyville and Box Hill Precincts.

REPORT

The purpose of this report is to consider the public exhibition of the planning proposal and draft Development Control Plan changes in relation to shop top housing and mixed use developments across the Shire.

1. SUMMARY OF PLANNING PROPOSAL

This planning proposal seeks to ensure that the type, scale and location of shop top housing and mixed use development is appropriate and that developments reflect the role of centres that was established under Council's Centres Hierarchy. This will be

achieved by limiting the height of shop top housing and mixed use developments in some zones, requiring a minimum provision of non-residential uses within business zones, and by prohibiting shop top housing in certain residential zones in the North Kellyville and Box Hill Release Areas.

The planning proposal as exhibited involves amendments to The Hills Local Environmental Plan 2012 (LEP 2012) and State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) as outlined below.

The Hills Local Environmental Plan 2012

The following amendments are proposed to LEP 2012:

(a) Amend the Key Sites Map to identify certain land zoned B1 Neighbourhood Centre and B2 Local Centre and include a new clause 7.12 'Additional controls applying to shop top housing and residential flat buildings as part of mixed use developments' under Part 7 Additional Local Provisions of LEP 2012. The new clause will provide that:

- The maximum height of buildings for shop top housing on land within the B1 Neighbourhood Centre zone is 7 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential uses; and
- The maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments on land within the B2 Local Centre zone is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential uses.

A summary of the proposed changes and land affected (as exhibited) is provided as Attachment 1.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006North Kellyville

The following amendments are proposed to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 for the North Kellyville Release Area:

(a) Introduce a Key Sites Map to identify land zoned B1 Neighbourhood Centre and B2 Local Centre and include a new clause 6.6 'Additional controls applying to shop top housing and residential flat buildings as part of mixed use developments' under Part 6 Additional Local Provisions of Appendix 2 North Kellyville Precinct Plan of the Growth Centres SEPP. The new clause will provide that:

- The maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments on land zoned B1 Neighbourhood Centre is 7 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential uses;
- The maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments on land zoned B2 Local Centre is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential uses; and
- The maximum height of buildings for residential flat buildings as part of mixed use developments on land zoned R1 General Residential is 7 metres.

Box Hill

The following amendments are proposed to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 for the Box Hill Release Area:

(a) Introduce a Key Sites Map to identify land zoned B2 Local Centre and include a new clause, 6.8 'Additional controls applying to shop top housing' under Part 6 Additional Local Provisions of Appendix 11 The Hills Growth Centre Precincts Plan (known as the Box Hill Precincts) of the Growth Centres SEPP. The new clause will provide that:

- The maximum height of buildings for shop top housing on land zoned B2 Local Centre, apart from the Box Hill Town Centre, is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential uses; and
- The maximum height of buildings for shop top housing within the Box Hill Town Centre is 20 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential uses.

The proposed changes as exhibited also involve prohibiting shop top housing within the R1 General Residential zone in the North Kellyville Release Area and in the R2 Low Density Residential and R3 Medium Density Residential zones in the Box Hill Release Area.

A review of some sites has been undertaken following exhibition, as discussed in Sections 6 – 8.

A summary of the proposed changes and land affected (as exhibited) is provided as Attachment 1.

2. SUMMARY OF DEVELOPMENT CONTROL PLAN CHANGES

The Hills DCP 2012 currently does not apply to residential flat buildings and shop top housing in the growth centres which has resulted in proposals that are quite different to the rest of the Shire. To address this issue and to guide the form and character of future developments, the planning proposal is supported by amendments to DCP 2012 and the North Kellyville and Box Hill Growth Centre DCPs. The amendments consolidate and strengthen existing controls from the Business and Residential Flat Building sections of DCP 2012.

Additional controls are proposed where existing standards are not available or where alternative controls are considered more suitable for shop top/mixed use development. The proposed changes are outlined below.

The Hills DCP 2012:

Draft The Hills DCP Part B Section 8 – Shop Top Housing is a new section that was prepared in support of this planning proposal. New controls primarily relate to building and ceiling heights, setbacks, building design, access, common open space and landscaping. The controls seek to ensure that developments reflect the desired scale for shop top housing, are of a high quality and provide a high level of amenity for future residents. In addition, Part B Section 5 – Residential Flat Building of DCP 2012 has been amended to clarify that the provisions of this section will also apply to shop top housing where it is specifically identified in draft Part B Section 8 – Shop Top Housing. This will ensure that existing controls including unit size/mix, parking, visual privacy, solar access, private open space, ventilation, storage and waste management will apply to shop top housing and residential flat buildings as mixed use developments throughout the Shire to ensure that good quality outcomes are achieved.

Draft Part B Section 8 – Shop Top Housing (Attachment 7) and draft Part B Section 5 – Residential Flat Building (Attachment 6) are attached to this Report (provided under separate cover).

Box Hill Growth Centre Precincts DCP:

The Box Hill DCP has been amended to include new objectives for shop top housing and mixed use developments, and to ensure that such developments reflect the role of centres as articulated within Council's Centres Direction.

Table 19 'Key Controls for residential flat buildings, manor homes and shop top housing' in the Box Hill DCP has also been amended to remove references to shop top housing in the R2 and R3 zones (where shop top housing will become prohibited under this planning proposal). Instead, this table now includes more detailed controls for shop top housing and mixed use developments in the R1 General Residential and R4 High Density Residential zones. Where suitable, reference is made to compliance with existing sections in DCP 2012 (for example car parking and apartment size/mix). In addition, built form controls for some centres have been amended to ensure that building heights reflect the number of storeys that are achievable under the SEPP.

The Draft Box Hill DCP (Attachment 10) is attached to this Report (provided under separate cover).

North Kellyville DCP:

Similar amendments to those outlined above for the Box Hill Growth Centre have also been made to the development controls for North Kellyville. The North Kellyville DCP has been amended to include new objectives for shop top housing and mixed use developments, and to ensure that such developments reflect the role of centres as articulated within Council's Centres Direction.

Table 18 'Key Controls for residential flat buildings, manor homes and shop top housing' in the North Kellyville DCP has been amended to clarify standards for residential flat buildings as part of mixed use developments in the R1 General Residential zone (and to remove reference to shop top housing in the R1 zone as shop top housing will become prohibited under this planning proposal). Where suitable, reference is made to existing sections in The Hills DCP 2012 (for example car parking and apartment size / mix). In addition, built form controls for some centres have been amended to ensure that building heights reflect the number of storeys that are achievable under the SEPP.

The Draft North Kellyville DCP (Attachment 9) is attached to this Report (provided under separate cover).

It is noted that the proposed amendments to the Growth Centres DCPs only 'switch on' certain controls from the Residential Flat Building of DCP 2012 in relation to shop top housing and mixed use developments. These controls include requirements for common open space, car parking, apartment size and mix, privacy and solar access and relate to land zoned R1 General Residential, R4 High Density Residential and B2 Local Centre in Box Hill and R1 General Residential, B1 Neighbourhood Centre and B2 Local Centre in North Kellyville.

The 'switching on' of these and other controls (e.g. setbacks) for residential flat buildings across zones where permissible within the Growth Centres, as outlined in Mayoral Minute 10/2016, is a separate issue which is the subject of discussions with the Minister, together with issues relating to capping of densities for the Growth Centres.

3. GATEWAY DETERMINATION

On 12 May 2016, a Gateway Determination was issued by the Department of Planning and Environment authorising Council to proceed with the planning proposal subject to conditions. Council was not given delegation to finalise the planning proposal.

The Gateway Determination included a condition that required Council to liaise with the Land Release Team of the Department of Planning and Environment with respect to the upcoming amendment to, among other things, remove shop top housing as a permissible use on land zoned R1 General Residential in the North Kellyville Precinct. As a result of discussions with the Department, the prohibition of shop top housing on this land was included as part of the exhibited planning proposal.

4. EXHIBITION DETAILS

The planning proposal was exhibited on two (2) occasions due to the complexities of the proposed amendments and changes arising from the finalisation of a separate planning proposal that rezoned land in the Box Hill Release Area.

The planning proposal was initially exhibited for 32 days from Tuesday 28 June 2016 to Friday 29 July 2016. The amended planning proposal was exhibited for 31 days from Wednesday 12 October 2016 to Friday 11 November 2016.

Council wrote to landowners of all properties to which the proposed amendments apply and to the public authorities listed below, as required by the Gateway Determination:

- NSW Rural Fire Service
- State Emergency Service
- Transport for NSW
- Roads and Maritime Services
- Endeavour Energy
- Sydney Water
- Telstra

A total of 27 separate submissions were received during the two (2) exhibition periods. Of these, 17 related to the Box Hill and North Kellyville Growth Centres, including one submission which was received on behalf of a single landowner who owns numerous properties in Box Hill, and another submission which was received on behalf of 10 properties in Box Hill. It is noted that some landowners made multiple representations. The remaining 10 submissions were from landowners in Glenorie, Castle Hill, Baulkham Hills, Kellyville and Winston Hills. Five (5) public authorities also made submissions.

5. PUBLIC AUTHORITY SUBMISSIONS

Correspondence was received from five (5) public authorities including Sydney Water, NSW Rural Fire Service, Transport for NSW, Endeavour Energy and Roads and Maritime Services who raised no objection to the planning proposal or DCP changes. Sydney Water generally support the proposal as it will provide a level of certainty on potential servicing impacts, as higher than anticipated residential densities will be limited. No comments were received from the State Emergency Service or Telstra in relation to the changes.

A summary of public authority submissions and a response is provided in Attachment 3.

6. PUBLIC SUBMISSIONS

One (1) submission from a landowner in the vicinity of the Stringer Road centre in the North Kellyville Release Area supported the proposed changes as they will limit the

potential for future developments to have adverse character and traffic impacts. Another landowner in the vicinity of the Glenorie Centre suggested that shop top housing should fit in with the existing nature and character of an area, and in relation to Glenorie such a development should reflect the semi-rural village atmosphere and character.

The remaining submissions raised the following key issues with the proposed changes:

- (a) Impact of changes on development applications currently under assessment;
- (b) Consistency with State planning policies;
- (c) Consistency with local planning policies;
- (d) Consistency with the building heights applicable to surrounding land and other forms of development on the same land;
- (e) Ability for proposed building heights to facilitate certain commercial uses;
- (f) Impact on housing supply, affordability and property values;
- (g) Consistency with intended land use outcomes for Hezlett Road neighbourhood centre;
- (h) Impacts of additional retail provision within the Box Hill Precincts;
- (i) Relationship with existing floor space ratio provisions for Box Hill centres; and
- (j) Development Control Plan issues.

A summary of the above issues and a response is provided in the following sections (a) to (j). A full summary of the submissions and responses is provided as Attachment 4.

(a) Impact of changes on development applications currently under assessment

Three submissions relate to development applications that have been lodged, but not yet determined, for shop top housing development at Glenorie Village, Box Hill Town Centre and Nelson Road Village.

Submissions seek confirmation that the changes proposed by the planning proposal will not affect the development application or modification to development applications if approved. For Glenorie and Nelson Road Village it is requested that a 'savings provision' be included to enable the determination of the applications under the current controls applicable at the time of the lodgement of the development application.

One submission author has also requested that Council hold a public hearing on the issues raised in their submission regarding land within the Glenorie rural centre, pursuant to the provisions of Section 57(5) of the *Environmental Planning and Assessment Act, 1979* due to the significant financial implications that the planning proposal will have on their development application.

Comment: The development applications have been lodged under existing controls that allow for shop top housing development at a greater scale than that proposed under the current planning proposal. A comparison of existing and proposed primary controls is provided below.

Centre	Maximum permitted Height		Minimum required non-residential uses	
	Existing	Proposed	Existing	Proposed
Glenorie Village	9m	7m	No minimum	50%
Box Hill Town Centre	24m	20m	No minimum	50%
Nelson Road village	16m	10m	No minimum	50%

Table 1

Comparison of current and proposed controls -centres where DA is under assessment

Under Section 79C of the *Environmental Planning and Assessment Act 1979* a consent authority is required to consider any proposed instrument that has been the subject of public consultation under the Act. Should the planning proposal be supported it will be referred to the Greater Sydney Commission or its delegate for finalisation which will only occur after referral to Parliamentary Counsel for legal drafting. This process generally takes some time and it is possible that the development applications will be determined before the changes are legally made. In this instance the weight given to the draft changes will be determined as part of the development assessment process.

Should the planning proposal changes be finalised prior to the determination of the development application, the applications will need to be assessed under the new regime. It is important to note however, that the planning proposal changes do not seek to prohibit shop top housing or mixed use developments but to ensure developments are of a scale compatible with the local context and the intended role and character of centres. Therefore in such instances there will be a need for applicants to demonstrate whether exceptions to the new standards are justified under clause 4.6 of the LEP or State Policy.

In relation to the request for a public hearing, Section 57(5) of the *Environmental Planning and Assessment Act 1979* is as follows:

"57 Community Consultation

(5) If:

- (a) a person making a submission so requests, and*
- (b) the relevant planning authority considers that the issues raised in a submission are of such significance that they should be the subject of a hearing, the relevant planning authority is to arrange a public hearing on the issues raised in the submission."*

Consideration has been given to the need for a public hearing in relation to the matters raised in the submission, as requested. The key matters raised in the submission primarily relate to the implications of the planning proposal for the development application for shop top housing currently under assessment in Glenorie (DA 182/2017/HA), its permissibility under the current planning framework and the social and economic benefits that such a development will have for the Glenorie Village. The issues raised have been appropriately addressed in the submission summary table (Attachment 4) and are not considered to be of such significance to warrant a public hearing.

Given the mechanisms already available for applications to continue to be assessed and determined, it is not considered necessary to include a savings provision as part of the planning proposal or to undertake a public hearing.

(b) Consistency with State Planning Policies

Precinct planning for North Kellyville and Box Hill

Concern was raised in a number of submissions that the planning proposal and DCP changes will not achieve the development outcomes that were envisaged by the precinct planning for the North Kellyville and Box Hill Release Areas, particularly in relation to the Box Hill Town Centre, Hezlett Road neighbourhood centre, Stringer Road neighbourhood centre and the Nelson Road village centre.

The submissions were primarily concerned that the requirement to provide 50% of floor space in a shop top housing development or mixed use development as non-residential uses will limit development potential, that the changes will affect the viability of retail

centres by limiting building heights and the number of dwellings that can be provided within a mixed use development, and that the proposed changes will result in a different built form and scale for some centres compared to what could be achieved on adjoining land. Submission authors are also concerned that the planning proposal and DCP changes will restrict housing development and choice, and could affect the ability to develop centres in accordance with the indicative centre layout plans in the DCPs that were prepared by the State Government for the release areas.

Comment: The precinct planning for the North Kellyville and Box Hill Release Areas was finalised by the State Government in 2008 and 2013, respectively. There are a number of issues with the planning framework for both precincts which were raised by Council throughout the precinct planning process and following further State Government changes to the SEPP and DCPs, such as the Housing Diversity Package in 2014. Most recently by Mayoral Minute 10/2016 Council has urgently requested a meeting with the Minister for Planning encouraging him to set maximum densities for apartment buildings in release areas. The current shop top housing changes are seeking to address some of these issues which are discussed further in the following sections.

The precinct planning for the North Kellyville and Box Hill Growth Centres was finalised prior to the strong market conditions for high density development. Development assumptions for the precincts were informed by historic patterns which have shown relatively low construction of higher density housing types and typically little or no residential development within local and neighbourhood centre business zones. As part of the precinct planning process, assumptions were made regarding the expected mix of development and uptake rates of different development types. These were informed by development patterns of similar release areas within the Shire which have historically shown relatively low construction of higher density housing types and typically little or no residential development within local and neighbourhood centre business zones. Infrastructure such as public open space, roads, and water and sewer services were planned with the expectation of centres having less residential accommodation than has been proposed in recent development applications.

In order to encourage uptake, considerable flexibility has been provided within the Growth Centres planning framework to achieve State Government initiatives of boosting housing delivery and affordability across Sydney. However, it has had the unintended consequence of facilitating significant additional density beyond what was anticipated and planned for. The Development Control Plans for North Kellyville and Box Hill provide guidance on character and intended built form outcomes which recommend a scale of development that is being significantly exceeded by recent development proposals that generally meet existing planning controls under the Growth Centres SEPP. For example, a current development application for 17 Nelson Road, Box Hill (Nelson Road 'village') is proposing a mixed use development with buildings up to five (5) storeys and 187 apartments which generally complies with the applicable SEPP floor space ratio controls. However, the Box Hill DCP identifies this centre should be of neighbourhood scale with a modern character, generous open space and landscaping and a range of building heights up to a maximum of three (3) storeys which would provide a more sensitive interface with adjoining low density residential land to the west and the adjacent heritage item to the north.

This planning proposal and its accompanying DCP amendments aim to improve development outcomes for shop top housing and mixed use developments. They seek to ensure that the bulk, scale and built form of new development is in keeping with the intended character of the locality, and to ensure that a sustainable mix of retail and residential land uses are provided within centres. The proposed height limits within centres and the requirement to provide a minimum 50% of the floor area within a shop top housing or mixed use development as non-residential uses will assist with achieving

a built form that is compatible with the character and scale of existing and future development in the locality and to ensure a high level of amenity for residents and the community.

In determining whether any change was warranted on a site specific basis, the key consideration has been the intended character and built form articulated in the relevant DCP and the surrounding local context. Accordingly, no change to the proposal is recommended apart from those outlined in Section 6(g) in relation to the Hezlett Road centre in North Kellyville.

Ministerial Section 117 Directions

A number of submissions raised concern that the planning proposal is inconsistent with Ministerial Section 117 Direction – 3.1 Residential Zones as it seeks to reduce the permissible density of land.

Comment: Section 117 Direction 3.1 Residential Zones applies to planning proposals that affect land within any zone in which significant residential development is permitted. The objectives of this Direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services, to ensure new housing has appropriate access to infrastructure and services and to minimise the impact of residential development on the environment and resource lands. When the Direction applies to a planning proposal, the proposal must, among other things, not contain provisions that will reduce the permissible residential density of land.

Further, Ministerial Section 117 Direction – 1.1 Business and Industrial Zones requires that the total potential floor space for employment and related public services in business zones not be reduced, without justification by a strategy. The current development applications, with their bias towards residential, have been effectively reducing the capacity for future growth in retail/commercial space within the Centres which is likely to be required given the residential growth already beyond that anticipated and planned for in the Precincts.

The potential reduction in residential density as a result of the planning proposal is considered justified given it will limit adverse environmental impacts associated with excessive and unforeseen residential densities and ensure that new housing has appropriate access to, and does not place undue pressure on, local infrastructure and services. It will also ensure residential development aligns with Council's hierarchical zoning framework.

A number of submissions suggested that the proposal discourages the provision of a variety of housing types and will fail to provide for existing and future housing needs. However, shop top housing will continue to be permissible in local and neighbourhood centres at an appropriate density which is more in line with the development outcomes originally anticipated for these locations. Additionally, a range of residential uses will continue to be permissible across residential and business zones, with higher density forms being limited to higher order zones where increased densities have been intended and planned for. Accordingly, it is considered that an appropriate variety and choice of high quality housing types will continue to be provided for future residents.

Whilst the proposal does not strictly comply with the part of the S.117 Direction that requires no reduction in residential density, this is considered to be of minor significance given that the proposal meets the key aims and objectives of the Direction.

A Plan for Growing Sydney

One submission from a landowner located within the future Memorial Avenue/Hector Court Centre in Kellyville suggested that the planning proposal is inconsistent with the State Government Policy 'A Plan for Growing Sydney'. The submission notes that the strategic planning already established for neighbourhood and local centres through A Plan for Growing Sydney will be diminished through reduced height and dwelling densities.

Comment: A Plan for Growing Sydney identifies targets for the future growth of Sydney including the provision of an additional 664,000 new homes and 689,000 new jobs over the next 20 years.

Key principles contained within the Plan are to provide housing and employment in and around centres and encourage urban renewal in established areas. The Plan also notes that growth must be supported by essential infrastructure including transport, utilities and social infrastructure such as schools, child care centres, health facilities, open space and recreation.

It is considered that the planning proposal is consistent with the primary objectives of the Plan and the Hills Shire plays a significant role in accommodating a share of Sydney's future population growth. The planning proposal supports a reasonable level of residential growth within centres. In order to provide the quality of life and amenity that is enjoyed and expected by the Hills Shire community, Council is seeking to ensure that future development is of a suitable scale and does not place undue pressure on infrastructure and services. Further, the planning proposal seeks to ensure that sufficient and well-located employment opportunities are available by requiring a minimum provision of non-residential premises within centres so that local employment is supported and protected.

The planning proposal does not seek to prohibit shop top housing and mixed use developments but simply aims to ensure that developments recognise and respond to the context where they are located and meet the land use objectives for the zones within which they are situated. It seeks to improve the quality of development, to maintain the character of existing areas and to ensure that development reflects the intended character within new centres as articulated in the DCPs for the growth centres. Importantly, the proposal will not impact on the Shire's capacity to meet established housing targets, given that sufficient land has been identified in appropriate locations that are supported by the necessary infrastructure to accommodate growth.

State Environmental Planning Policy No.65

One submission suggests that the proposed DCP amendments for Box Hill are inconsistent with State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development, specifically in relation to apartment size/mix.

Comment: The amendments will ensure that the controls applying to shop-top housing within DCP 2012, the Box Hill DCP and the North Kellyville DCP are consistent. The controls within the three development control plans set out Council's position in relation to a number of matters including cross ventilation, private open space and apartment mix and size.

It is acknowledged that SEPP 65 places emphasis on certain sections of the Apartment Design Guide as a method of bypassing locally prepared controls. However, it is imperative that the DCP reflect Council's position with respect to what it considers to be appropriate apartment and shop top housing design. During the assessment of development applications for high density development consideration is given to both the

DCP controls and the Apartment Design Guide. The weight given to a particular control is determined as part of the assessment of the relevant development application.

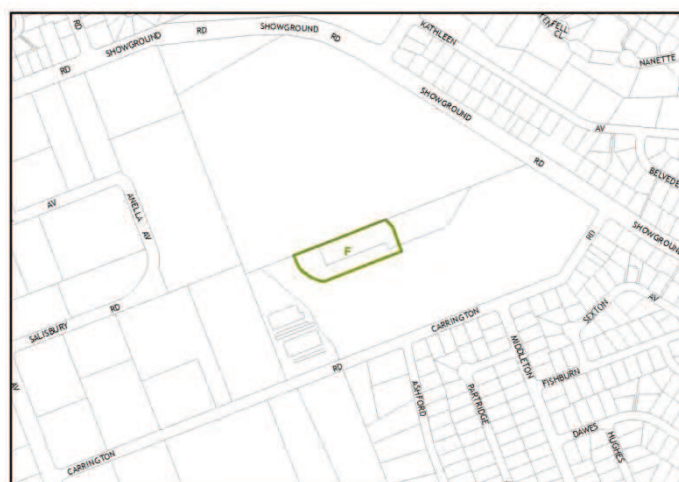
Planning for the Sydney Metro Northwest

One submission from a landowner located in Castle Hill requested that land subject to precinct planning for the Sydney Metro Northwest be exempt from the proposed changes to avoid inconsistencies in areas that are subject to transition as part of planning for the station precincts.

Comment: The proposed controls do not seek to pre-empt or override detailed precinct planning for the rail station precincts. Should alternative outcomes for sites to which the planning proposal and DCP changes apply be identified through the precinct planning process, changes to the controls may be warranted at that time.

Since the subject planning proposal was first considered by Council, draft plans have been exhibited by the Department of Planning and Environment for Showground, Bella Vista and Kellyville Stations.

The Priority Precinct Planning process has identified site specific outcomes for the Carrington Road local centre within the Showground Precinct that are inconsistent with what could be achieved under this planning proposal. It is therefore considered appropriate that this centre be excluded from the planning proposal at this time and the land identified as "Key Site F" be removed from the planning proposal (see following figure).



Key Sites Map

 Area F

Figure 1

Land to be excluded from the planning proposal

For any other centre within the Sydney Metro Northwest Precincts that is subject to site specific planning by Council or the State Government, a clause is included in the draft Shop Top Housing Section of DCP 2012 to ensure that such planning will prevail to the extent of any inconsistency with the new controls. Further consideration of applicable controls and whether any amendments are necessary will be undertaken as part of the future detailed precinct planning.

(c) Consistency with Local Planning Policies**Residential Direction**

Concern was raised that the proposal is inconsistent with Council's Residential Direction and that no study has been prepared to support the changes to the adopted strategy.

Comment: The Residential Direction reflects Council's desired approach to guide the planning, protection and management of the Shire's residential development. It establishes opportunities and mechanisms for ensuring residential development is planned and managed appropriately.

The Direction includes a target for an additional 36,000 dwellings within the Shire to 2031 based on the State's North West Subregional Strategy. It also demonstrates sufficient capacity to meet this target within existing and proposed residential and mixed use zones. Therefore, significant residential densities as currently being proposed within the Shire's business zones are neither expected nor required to meet State government dwelling targets.

Whilst new targets will be established as part of the planning process for the West Central District Plan (currently on exhibition), the draft plan has a strong focus on 'liveability' which includes objectives of quality design, enhancement of character, creating great places and access to social infrastructure. Providing capacity for housing does not need to be at the expense of outcomes that provide good amenity for neighbours and future residents.

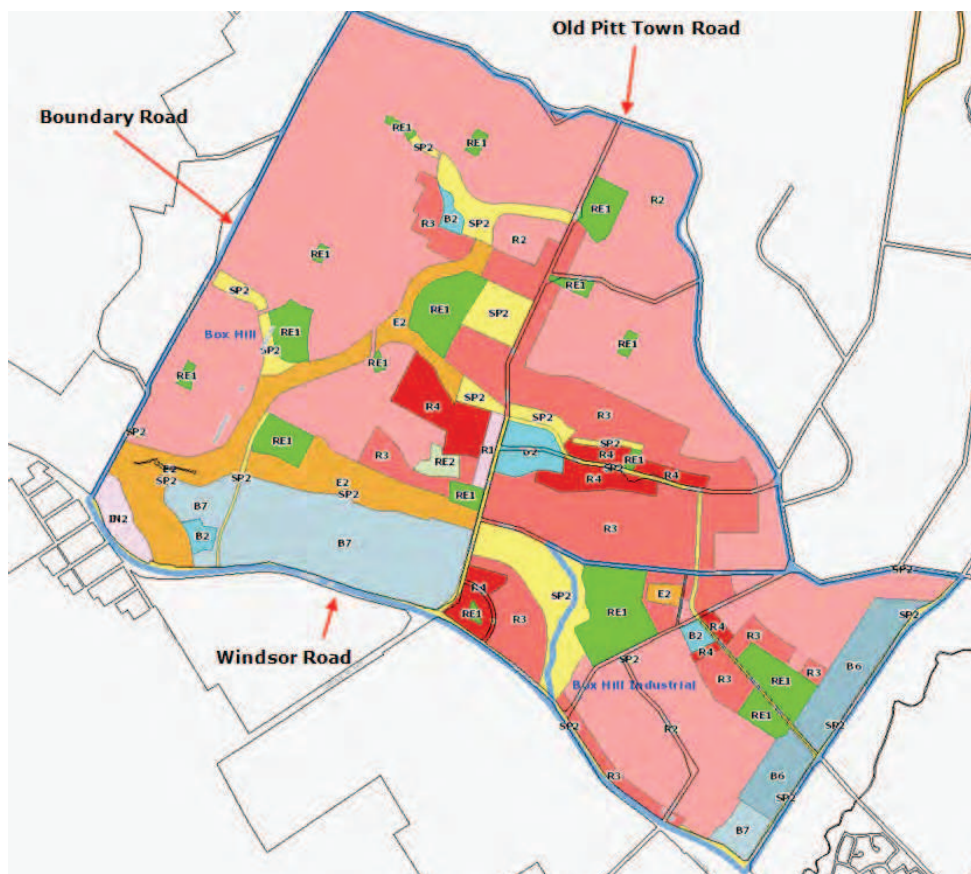
It is considered the proposal is consistent with the Residential Direction given it supports an appropriate level of residential development in appropriate locations, ensuring developments are of a suitable scale and character for their location and are supported by appropriate infrastructure.

Centres Direction

Concern was raised that the proposed changes are inconsistent with Council's Centres Direction, particularly in relation to the typology and zone criteria articulated for town centres such as Box Hill and also the proposed prohibition of shop top housing in the R2 Low Density and R3 Medium Density Residential zones in the Box Hill Release Area. It was also suggested that the rise in shop top housing would not have been predicted in the Centres Direction and it should be reviewed in light of this growing market trend.

Comment: It is agreed that the rise in shop top housing was not predicted at the time the Centres Direction was prepared. However, the provision of shop top housing should not be at the expense of delivering retail/commercial services and facilities that support the local community. The current planning proposal recognises this and the inability of the current framework to properly manage growth.

The Box Hill DCP includes the potential for two neighbourhood centres that could be located on Boundary Road in the west of the Precincts and one on Old Pitt Town Road in the north-east. The neighbourhood centres will provide for a maximum of 1,000m² of retail and commercial floor space and will service the local catchments and the passing traffic along these main roads. The DCP does not identify an exact location for these two neighbourhood centres, although it does suggest that they would be located on land zoned R2 Low Density Residential, which covers a large part of the Precinct as may be seen in Figure 2.

**Figure 2**

Potential location of Box Hill neighbourhood centres on R2 Low Density Residential land

Whilst the Centres Direction notes that neighbourhood centres should permit shop top housing, the Direction was adopted prior to the rezoning of the Box Hill Precincts. It therefore did not anticipate the approach taken in Box Hill whereby neighbourhood shops and shop top housing are permissible across all land zoned R2 Low Density Residential and R3 Medium Density Residential (note: the B1 Neighbourhood Centre zone has typically been applied to neighbourhood centres throughout the rest of the Shire).

The Box Hill DCP provides some guidance on appropriate locations for neighbourhood centres. However, favourable market conditions for higher density development combined with the limited ability for DCPs to 'override' permissibility within the Growth Centres SEPP, means that allowing for shop top housing across all residential zones could result in a proliferation of higher density housing in inappropriate locations across the Precincts.

The potential for two neighbourhood centres in areas zoned R2 Low Density Residential and R3 Medium Density Residential under the SEPP is noted. Neighbourhood shops will continue to be permissible in those zones, to facilitate development of those centres should there be sufficient demand in the future. The development of shop top housing in conjunction with these centres is not considered appropriate and is not needed to achieve the required dwelling targets for the Box Hill Precincts.

The prohibition of shop top housing in low and medium density zones in Box Hill seeks to limit widespread development of higher density housing forms across these zones. It will also align the controls for the Box Hill Precincts with the controls in Council's LEP to facilitate the future translation of the Growth Centres planning framework into Council's planning instruments.

(d) Consistency with the building heights applicable to surrounding land and other forms of development on the same land

Concern was raised that in some instances the proposed height limits for centres would be less than that applicable to surrounding land, for example the Hector Court/Memorial Avenue Centre, Stringer Road in North Kellyville, Nelson Road in Box Hill and the Box Hill Town Centres. Some submissions also suggested that the proposed heights are not appropriate given that other forms of development on the same land, such as retail or commercial developments, would be subject to a greater height limit.

Landowners in the Box Hill Town Centre and Glenorie Rural Village were concerned that the proposed reduction of building heights will result in impacts such as overshadowing from development proposals that are currently under assessment by Council (DA No.945/2016/JP in Box Hill and DA No.182/2017/HA in Glenorie). Concern was also raised by these landowners that approved developments or those currently under assessment by Council will be subject to different building height controls compared to applications that may be lodged in future.

Comment: Heights applicable to centres owned by the submission authors and the heights generally applicable to the surrounding land are provided in the following table.

Centre	Existing Centre Height	Height of Surrounding Land	Proposed Height for Shop Top Housing
Memorial Avenue / Hector Court village	12m	16m (high density residential)	10m
Stringer Road neighbourhood centre	16m	9m (low density and general residential)	7m
Box Hill Town Centre	24m	21m (high density residential) 14m (medium density residential)	20m
Nelson Road village	16m	16m (high density residential) 8.5m (low density residential)	10m

Table 2

Summary of existing, proposed and surrounding heights for certain centres

Whilst it is acknowledged the proposed heights will in some instances be less than the heights applicable to surrounding land, the proposal seeks to address potential amenity impacts given that many local and neighbourhood centres in the Shire are surrounded by lower density residential zones. This is the case for Stringer Road neighbourhood centre, for example, which is intended to be surrounded by detached and small lot housing forms. Whilst under the proposed controls these housing types may be built to a taller height than the Centre, this is considered reasonable as such housing would have a lower scale and density and significantly less impact than a shop top housing development.

Whilst the surrounding buildings may be slightly higher than those within centres, it is not considered that this will have any adverse impact on the primacy of the centres. The role of centres will be reinforced through the provision of a diversity of retail, commercial and/or community uses and a high quality urban form that will identify and ensure the vitality of centres. A consistent or taller building height than adjoining land is not considered necessary and has been resulting in a scale of development that is inconsistent with the intended character for centres across the Shire. It is considered that designing centres with a range of heights that are stepped to provide an appropriate interface with the surrounding buildings is sufficient to provide a positive aesthetic and urban design outcome.

With respect to the heights applicable to non-residential development, the proposed controls seek to ensure that developments proposing residential units are compatible with the surrounding land in terms of character, bulk, scale and density, rather than only considering height. A greater height limit will continue to apply to developments within centres that propose non-residential uses only. This additional height seeks to offer an incentive to developers to encourage uses that provide employment, shopping and services for the community and to discourage provision of excessive residential densities.

It is considered that the outcome of a development application on a nearby site is not suitable justification for an amendment to the proposed height controls. Should the applications for Box Hill Town Centre and Glenorie be approved, it is not considered that slightly lower heights for surrounding properties would provide a poor design outcome. Alternatively, providing a range of heights will provide visual interest and address any interface issues with surrounding land. For example, with Box Hill Town Centre it is considered that providing lower heights south of Mason Road, stepped down towards the adjoining medium density residential land would provide a more sensitive interface with this land which has a maximum building height of 14m. The potential overshadowing of adjoining sites that may arise from current development applications will be a matter for consideration as part of the assessment process.

The reduced height limits are intentionally more restrictive to address the current trend where developers focus primarily on the maximum quantum achievable within the legislative framework, with little regard to the creation of attractive and well-designed centres that meets the needs of a diverse community, or to the guidance on built form provided by DCPs such in North Kellyville and Box Hill. For the Growth Centres, the proposed heights also seek to ensure that the SEPP and DCPs more closely align to address instances where developers have argued that the perceived inconsistency of heights between the SEPP and DCP is justification for varying controls to achieve taller buildings and higher development yields than was intended.

Accordingly, concerns suggesting that the planning proposal will result in inappropriate building heights are not supported and no changes to the heights are considered warranted.

(e) Ability for proposed building heights to facilitate certain commercial uses

A number of submissions raised concern that the proposed heights are not sufficient in terms of floor to ceiling heights to facilitate certain commercial or retail uses such as supermarkets. There was also a concern that the height limit is too restrictive for sloping sites.

Comment: The proposed heights were determined in accordance with Council's typical methodology for calculating building heights under Local Environmental Plan 2012, being 3 metres per residential storey and 4 metres for commercial storeys which accounts for floor structures.

For the B1 Neighbourhood Centre zone where two storey built form is intended, the following recommended heights have been applied:

- Commercial/retail floor – 4 metres
- Residential floor – 3 metres
- **TOTAL – 7 metres (7 metre height limit proposed)**

For the B2 Local Centre zone in which three storey built form is intended, the following heights have been applied:

- Commercial/retail floor – 4 metres
- Residential floors – 6 metres (2 x 3m)
- **TOTAL – 10 metres (10 metre height limit proposed)**

It is acknowledged that sloping sites may not strictly comply with the proposed controls and that some commercial uses may exceed the floor to ceiling heights shown above. For the B2 Local Centre zone, it is further recognised that upper floors may seek to incorporate non-residential uses which would also increase floor to ceiling heights.

However, the purpose of the planning proposal is to ensure that the bulk, scale and density of buildings is compatible with surrounding lower density development. The proposed controls have been determined based on a 'worst case scenario' due to the recent increase in proposals where developers seek to provide buildings with significant bulk and scale in inappropriate locations and propose excessive residential densities with minimal non-residential uses in the Shire's local and neighbourhood centre business zones.

(f) Impact on housing supply, affordability and property values

A number of submissions suggested that the proposal will reduce housing supply, affordability and have an adverse impact on property values. Concern was also raised in a number of submissions that the planning proposal will make development less appealing for both landowners and developers as the return is greatly diminished.

Comment: The planning proposal intends to limit residential densities in certain locations to ensure that developments provide appropriate amenity and do not impact upon the provision of infrastructure beyond what was planned for. As was discussed previously within this report, the housing densities that are being proposed in various locations across the Shire are well in excess of the yields that were anticipated which will have significant implications for access to infrastructure and services, and on the quality of life for future residents of these areas. Housing supply should not be at the expense of providing quality housing outcomes and a high standard of living for existing and future residents.

Housing affordability is a complex issue and is subject to a number of different market forces. One method of achieving improved housing affordability is to ensure that an appropriate diversity of housing stock is available in the marketplace. This will facilitate housing choice and will also ensure that the housing stock is durable over the long term. It is considered there will continue to be sufficient potential to provide a diversity of housing forms across the Growth Centres Precincts including detached dwellings, townhouses, terraces, small lot housing, apartments and shop top housing at suitable densities and locations as intended by the precinct planning. Comments within the submissions that the proposal will negatively impact on housing affordability are not supported. Rather, it is considered that the amendments will ensure that the yields that are achieved are appropriate, have regard to their context and are capable of being serviced with infrastructure.

Whilst it is recognised that the planning proposal will in some instances reduce the maximum building height for certain land and will prohibit shop top housing in low and medium density residential locations, there will continue to be sufficient potential to meet housing targets and achieve high quality development outcomes in accordance with Council's strategic policy framework.

(g) Consistency with intended land use outcomes for Hezlett Road Neighbourhood Centre

The owners of 9 Hezlett Road, Kellyville (subject site) raised concern that the proposed prohibition of shop top housing in the R1 General Residential zone is inconsistent with the concept initially planned for the intersection of Samantha Riley Drive and Hezlett Road. Also, a mixed use development comprising ground level mixed use space and 52 residential units above is currently under construction at 21 Hezlett Road, Kellyville (immediately to the north of the subject site). They suggest that the proposed planning changes will not achieve orderly development and will potentially result in the poor planning outcome of a gateway site that contains two storey townhouse development being located next to multi-storey shop top housing. They are concerned that the proposed change to building heights will result in a development that is unsuitable for the location.

The owners' preference is that no change occurs to the site and its development potential by leaving shop top housing as a permissible use, and the height of buildings at 16m, in accordance with building heights as approved and under construction on the surrounding sites (refer figure below).

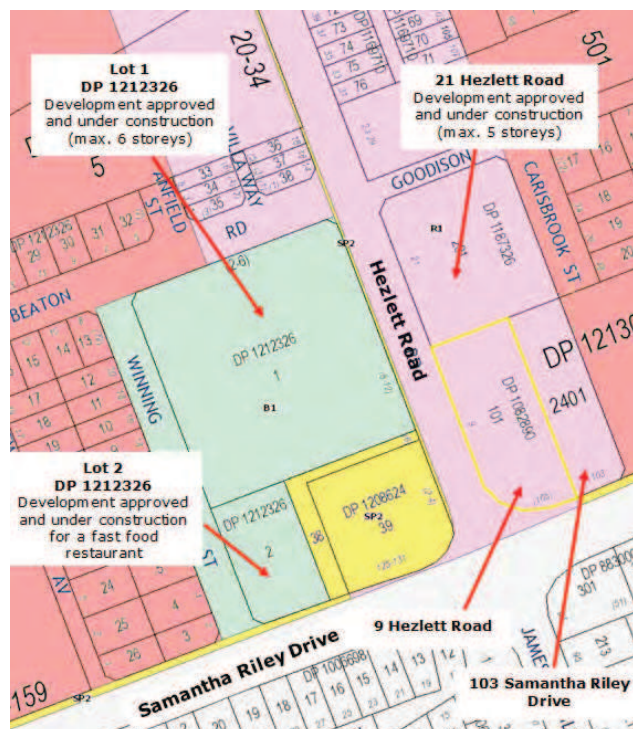


Figure 3
9 Hezlett Road, Kellyville and surrounds



Figure 4
Indicative layout of the Hezlett Road Neighbourhood Centre (from North Kellyville DCP)

Comment: The subject site is zoned R1 General Residential with an existing height limit of 16m. Shop top housing and residential flat buildings are currently both permissible on the site. The planning proposal is seeking to prohibit shop top housing and to impose a maximum height limit of 7 metres for residential flat buildings that are part of mixed use developments on land in the R1 General Residential zone in North Kellyville. A residential flat building would continue to be permissible on the subject site at a maximum height of 16m.

The North Kellyville DCP identifies the subject site and immediately surrounding properties as being part of the Hezlett Road Neighbourhood Centre, despite having a residential zoning rather than the B1 Neighbourhood Centre zone which has been applied to the remainder of the centre (refer figure above). The subject site is one of the only remaining sites within the neighbourhood centre for which no development applications have been approved or lodged (along with the adjoining property to the east at 103 Samantha Riley Drive).

The North Kellyville Development Control Plan provides guidance on desired built form outcomes for the neighbourhood centre and it envisaged that mixed use and residential flat buildings would be appropriate across the Centre, including on land at 9 Hezlett Road (see indicative layout in the figure above). To ensure orderly development and avoid isolation, future development on 9 Hezlett Road should also incorporate the adjoining property at 103 Samantha Riley Drive, Kellyville.

The subject site is prominently located next to the Samantha Riley Drive/Hezlett Road intersection. Given the unique location of the site at the entrance to the North Kellyville Release Area, its identification as part of the neighbourhood centre which is predominantly already under construction and the intent of the North Kellyville DCP, it is recommended that Schedule 1 'Additional permitted uses' in the North Kellyville Precinct Plan of the Growth Centres SEPP be amended to identify that shop top housing is a permitted use on Lot 101 DP1082890 (9 Hezlett Road, Kellyville), Lot 201 DP1187326 (21 Hezlett Road, Kellyville) and Lot 2401 DP1213071 (103 Samantha Riley Drive, Kellyville). This measure will retain the opportunity for future development on the site to incorporate a component of retail floor space that will serve the neighbourhood centre, whilst providing a suitable and orderly built form outcome. It is also proposed that these sites be excluded from the mapped "Area C" which limits the height of residential flat buildings as part of a mixed use development to 7m. This will ensure that the height of a residential flat building as part of a mixed use development remains at 16m.

The property at 21 Hezlett Road, Kellyville is proposed to be included in the Schedule 1 Amendment to the North Kellyville Precinct Plan of the Growth Centres SEPP for consistency and to recognise its location within the centre although a mixed use development is currently under construction on this site. To achieve further consistency within the centre, Lots 1 and 2 DP1212326 will be excluded from the mapped "Area A" which limits the height of shop top housing and residential flat buildings as part of a mixed use development to 7m. As identified on Figure 3 above, these sites already have existing approvals. The proposed Additional Permitted Uses Map for land zoned R1 General Residential within the centre is shown below.

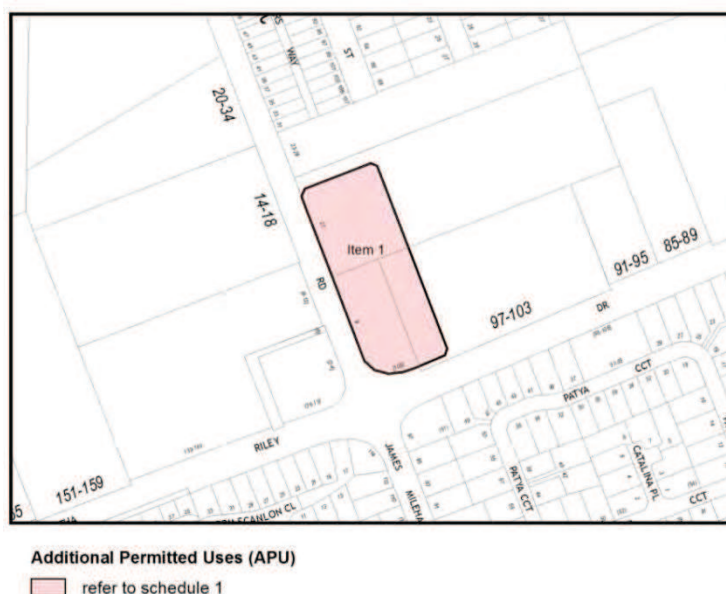


Figure 5
 Proposed Additional Permitted Uses Map

These controls will allow development that is of a scale consistent with the character established by current approvals. It is recognised that this is not an ideal outcome however the introduction of new DCP controls will facilitate development that is appropriate in terms of form and scale, and will allow for development that was envisaged in the North Kellyville DCP to occur. A future development application for shop top housing or a residential flat building as part of a mixed use development on this site will be subject to the new development controls contained in the North Kellyville DCP. The amended controls relating to apartment size/mix, common open space, solar access and setbacks adjoining low density development will ensure that future development in this location more closely aligns with Council's desired outcome for multi-unit developments and will provide improved amenity for residents. It is noted that the draft clause requiring a minimum 50% of non-residential uses to be provided within shop top housing or mixed use developments will not apply to the properties zoned R1 General Residential in the Hezlett Road centre as they are located within a residential zone.

A post-exhibition amendment to the North Kellyville DCP is proposed to leave the maximum building height at four storeys rather than two storeys as was originally proposed for the neighbourhood centre. Table 18 in Section 4.3.4 'Key controls for residential flat buildings, manor homes and shop top housing' of the DCP will also be amended to include reference to shop top housing in the R1 zone in the Hezlett Road Centre. A further administrative amendment is also proposed to Figure 3 'Character Areas' to accurately identify the whole extent of the Hezlett Road centre and identify the Stringer Road centre which is currently not identified on the map.

(h) Retail provision within the Box Hill Precincts

A number of submissions raised concern that the requirement for at least 50% of the total floor area to comprise non-residential uses is inappropriate and inconsistent with the original intent for the Box Hill Precinct. One submission in relation to the Box Hill Town Centre suggests that the proposed provision of retail floor space as part of an existing application (945/2016/JP) provides sufficient retail floor space to meet demand and achieve the identified role for the Town Centre. Concern was also raised that developers may seek to maximise potential upon individual sites for residential

development which may result in the unintended consequence of constructing additional unnecessary commercial floor space that could undermine the performance of the centre and that reducing the residential population would impact on the viability of centres.

Comment: The precinct planning undertaken for Box Hill included an assessment of future retail demand and envisaged approximately 10,000 dwellings across the precinct. However, as discussed in previous sections, the planning framework for the growth centres is allowing for significant additional residential development beyond what was anticipated when the precinct planning was undertaken. Based on trends to date, it is likely that the eventual yield that is achieved within Box Hill will be well in excess of the yield planned for as part of the precinct planning process. For instance, 93 apartments have already been approved in the precinct with a further 1,259 under assessment whereas the anticipated apartment yield was only 841 in total across the Precinct. Given the current strong market conditions for apartment construction, it is likely that the significant remaining land where apartments are permissible will be taken up, resulting in significant additional overall dwelling yields within the Precinct.

The expected additional dwellings will have significant implications for access to infrastructure and services including provision of sufficient retail and commercial floor space for residents into the future. Accordingly, it is anticipated there will be demand for additional retail and commercial floor space beyond what has been planned for as part of the precinct planning process. It is considered that the Box Hill Town Centre provides a good opportunity to meet any additional demand due to its central location and designation as the higher order retail centre for the Precinct. Accordingly, submissions that suggest there will be inadequate demand for additional retail floor space are not supported.

An amendment to Section 2.3.1 'Centres' and 8.1.2 'Box Hill Town Centre' within the Box Hill DCP is proposed to reflect the potential demand for additional retail and commercial uses and note these will be considered within the Town Centre subject to an assessment of demand as part of any future development application.

(i) Relationship with existing bonus floor space ratio provisions for Box Hill centres

Concerns were raised regarding the relationship between the requirement for 50% of the total floor space to comprise non-residential uses and the existing floor space ratio and 'bonus' floor space ratio where shop top housing is provided. It was raised that the mapped floor space ratio of 0.5:1 for the Box Hill Town Centre and the requirement for a minimum 50% of non-residential floor space would limit the achievable residential floor space. This would be inconsistent with existing Clause 4.4A 'Development of certain land within Zone R1 General Residential or Zone B2 Local Centre—additional floor space ratio' of the Box Hill Precinct Plan in the Growth Centres SEPP which permits a higher floor space ratio of 2:1 where shop top housing is provided. Submission authors generally noted that the existing height and floor space ratio controls would be sufficient to achieve the intended outcomes as identified through the precinct planning process.

Comment: Clause 4.4A of the Box Hill Precinct Plan allows a 'bonus' floor space ratio for the Box Hill Town Centre where the development site is 3 hectares or more in area to encourage the centre to develop in a holistic manner. Also, the clause allows additional floor space for shop top housing within the Box Hill Town Centre and village centres, as well as the town centre 'interface' which is zoned R1 General Residential and adjoins the town centre.

As set out in section 6(b) of this report considerable flexibility has been provided within the Growth Centres planning framework to encourage development uptake when the

market was not as strong as it is today. An unintended consequence has been significant additional residential density beyond what was anticipated and articulated within the Development Control Plan. The intended character and built form in the DCP and the surrounding local context are key considerations in determining whether change is warranted to the planning proposal.

A review of Clause 4.4A of the Box Hill Precinct Plan in the Growth Centres SEPP has been undertaken and it is agreed that clarification is needed of the relationship between the existing and proposed clauses, to ensure consistency of provisions and facilitate an appropriate scale of development consistent with the built form outcomes envisaged by the relevant Development Control Plans. To this end, a further separate planning proposal is recommended to amend clause 4.4A and the Floor Space Ratio Map. Details of the separate recommended planning proposal are set out in section 8 of this report.

(j) Development Control Plan

Some submissions raised concern with anomalies in the Box Hill DCP such as incorrect cross-referencing. A review has been undertaken to correct anomalies within the North Kellyville, Box Hill and shop top housing DCPs as outlined in Section 7 of the Report. The DCPs with post-exhibition amendments are provided in Attachments 7, 9 and 10 of this Report. Highlighting in yellow denotes changes as exhibited. Highlighting in blue denotes a post-exhibition amendment.

7. POST-EXHIBITION AMENDMENTS

Following a review of the exhibited proposal and the consideration of submissions, it is recommended that the following post-exhibition amendments be made to the planning proposal and draft Development Control Plans:

The Hills Local Environmental Plan 2012

Carrington Road:

- Exclude the local centre near Carrington Road from draft Clause 7.12 'Additional controls applying to shop top housing and residential flat buildings as part of mixed use developments' and the mapped Key Sites F for the B2 Local Centre zone ("Area F") under LEP 2012 (Figure 1) to reflect the exhibition of planning changes for the Sydney Metro Northwest Priority Precincts.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – North Kellyville

Hezlett Road Neighbourhood Centre:

- Amend Schedule 1 'Additional permitted uses' in The Hills LEP 2012 to identify that shop top housing is a permitted use on Lot 101 DP1082890 (9 Hezlett Road, Kellyville), Lot 201 DP1187326 (21 Hezlett Road, Kellyville) and Lot 2401 DP1213071 (103 Samantha Riley Drive, Kellyville).
- Exclude 9 Hezlett Road, Kellyville, 21 Hezlett Road, Kellyville and 103 Samantha Riley Drive, Kellyville from draft Clause 6.6 'Additional controls applying to shop top housing and residential flat buildings as part of mixed use developments' and the mapped Key Sites C for the R1 General Residential Zone ("Area C") in the North Kellyville Release Area to ensure that the height of any future residential flat building as part of a mixed use development on the site remains at 16m.
- Exclude Lots 1 and 2 DP1212326 from the mapped "Area A" which limits the height of shop top housing and residential flat buildings as part of a mixed use development to 7m.

The Hills DCP 2012 Part B Section 8 – Shop Top Housing

- Include a note within Section 1 'Site Planning' – Setbacks that 'active frontages' are defined within Section 2 to improve clarity.
- Remove the provision that a zero setback may be considered where a development adjoins a business zone or laneway to avoid conflict with the front, side and rear setbacks also listed in the DCP. It is considered appropriate setbacks based on adjoining zoning or rear laneways be considered on merit on a site-by-site basis.
- Refine the definition of 'active frontages' to be consistent with the current work being undertaken for the Sydney Metro Northwest Priority Precincts.

The Hills DCP 2012 Part C Section 1 – Parking

- Amend Table 1 'Required Minimum Car Parking Provisions' to identify that the rate for 'residential flat buildings' and 'multi dwelling housing' also applies to the land use 'shop top housing'.

North Kellyville DCP

- Include a reference in Section 1.3 'Relationship to other plans' clarifying that the Residential Flat Building Section of The Hills DCP 2012 should be read in conjunction with the North Kellyville DCP.
- Amend Figure 2 'Indicative Layout Plan', Figure 3 'North Kellyville Character Areas', Figure 21 'Public Transport' and Figure 22 'Pedestrian and Bicycle Network' to identify the whole extent of the Hezlett Road and Stringer Road centres where the centres are not currently identified.
- Amend Table 18 in Section 4.3.4 'Controls for residential flat buildings, manor homes and shop top housing' to:
 - Clarify that common open space at ground level must only be accessible by residents to be consistent with the proposed approach within the new Shop Top Housing section of The Hills DCP 2012;
 - Remove the provision that a zero setback may be considered where a development adjoins a business zone or laneway to avoid conflict with the front, side and rear setbacks also listed in the DCP. It is considered appropriate setbacks based on adjoining zoning or rear laneways be considered on merit on a site-by-site basis;
 - Include reference to shop top housing in the R1 General Residential zone for land at Nos.9 and 21 Hezlett Road and 103 Samantha Riley Drive, Kellyville;
 - Remove reference to 'residential flat buildings' within section that relates only to 'manor homes' within B1 Neighbourhood Centre and B2 Local Centre zones.
 - Identify that cross reference to the Residential Flat Building and Business Sections of The Hills DCP 2012 is for 'additional' controls to ensure that controls such as those relating to waste management currently within the North Kellyville DCP are also considered.
- Include provision within Section 5.1.4 'Parking' to refer to the Parking Section of The Hills DCP 2012 for shop top housing parking rates.
- No change to stated height of four storeys (maximum 16m in Growth Centres SEPP) within Section 5.2.1 'Hezlett Road Neighbourhood Centre'.

Box Hill DCP

- Include a reference in Section 1.3 'Relationship to other plans' clarifying that the Residential Flat Building Section of The Hills DCP 2012 should be read in conjunction with the Box Hill DCP.
- Amend Section 2.3.1 'Centres' and 8.1.2 'Box Hill Town Centre' within the Box Hill DCP to reflect the potential demand for additional retail and commercial uses and

note these will be considered within the town centre subject to an assessment of demand as part of any future development application.

- Amend Table 19 in Section 5.4 'Controls for residential flat buildings, manor homes and shop top housing' to:
 - Clarify that common open space at ground level must only be accessible by residents to be consistent with the proposed approach within the new Shop Top Housing section of The Hills DCP 2012;
 - Remove the provision that a zero setback may be considered where a development adjoins a business zone or laneway to avoid conflict with the front, side and rear setbacks also listed in the DCP. It is considered appropriate setbacks based on adjoining zoning or rear laneways be considered on merit on a site-by-site basis;
 - Remove reference to building heights for shop top housing and mixed use developments in the R1 General Residential and R4 High Density Residential zones as the proposed new SEPP clause for shop top housing does not apply to residential zones in Box Hill; and
 - Update references refer to the Box Hill Precinct Plan and the building heights in draft Clause 6.8 under the Growth Centres SEPP. Remove references to the North Kellyville Precinct Plan and the duplicate reference to the Residential Flat Building Section of the Hills DCP.
 - Identify that cross reference to the Residential Flat Building and Business Sections of The Hills DCP 2012 is for 'additional' controls to ensure that controls such as those relating to waste management currently within the Box Hill DCP are also considered.
- Include a note within Table 24 'Side and rear setbacks' and Table 27 'Open Space Provision' to identify that the table refers only to developments comprising commercial uses only and that controls for shop top housing are contained within Table 19.
- Include provision within Section 8.1.1.4 'Parking' to refer to the Parking Section of The Hills DCP 2012 for shop top housing parking rates.

8. NEW PLANNING PROPOSAL

As set out in Section 6(i) of this report, a new planning proposal is recommended to better align the provisions of the Growth Centres SEPP with the new controls relating to shop top housing and ensure that future built form outcomes for North Kellyville and Box Hill Precincts more accurately reflect what is articulated in the respective DCPs for those precincts.

Review of provisions for Box Hill Centres

Clause 4.4A of the Box Hill Precinct Plan allows 'bonus' floor space ratio for the Box Hill Town Centre the Box Hill village centres, as well as the town centre 'interface' which is zoned R1 General Residential and adjoins the town centre. The purpose of the bonus is to encourage site amalgamation over 3 hectares for the town centre and also to encourage uptake of shop top housing opportunities. The clause as it is currently written does not align with the objectives and provisions of the current planning proposal that seeks to ensure at least half of the floor space within the centres is for retail, employment and related services, rather than residential.

An extract of the existing clause 4.4A and floor space ratio map are provided below.

4.4A Development of certain land within Zone R1 General Residential or Zone B2 Local Centre—additional floor space ratio

- (1) Despite clause 4.4 (2), the maximum floor space ratio for a building on land shown hatched red and lettered "A" on the Floor Space Ratio Map is 1:1 if the site area is 3 hectares or more.
- (2) Despite clause 4.4 (2), the maximum floor space ratio for the shop top housing component of a building containing shop top housing:
 - (a) on land shown hatched red and lettered "A" on the Floor Space Ratio Map, is 2:1, and
 - (b) on land shown hatched red and lettered "B" on the Floor Space Ratio Map, is 0.5:1, and
 - (c) on land shown hatched red and lettered "C" on the Floor Space Ratio Map, is 1.25:1.
- (3) Subclause (1) is subject to subclause (2) (a).
- (4) In this clause, site area has the same meaning as it has in clause 4.5 (3).

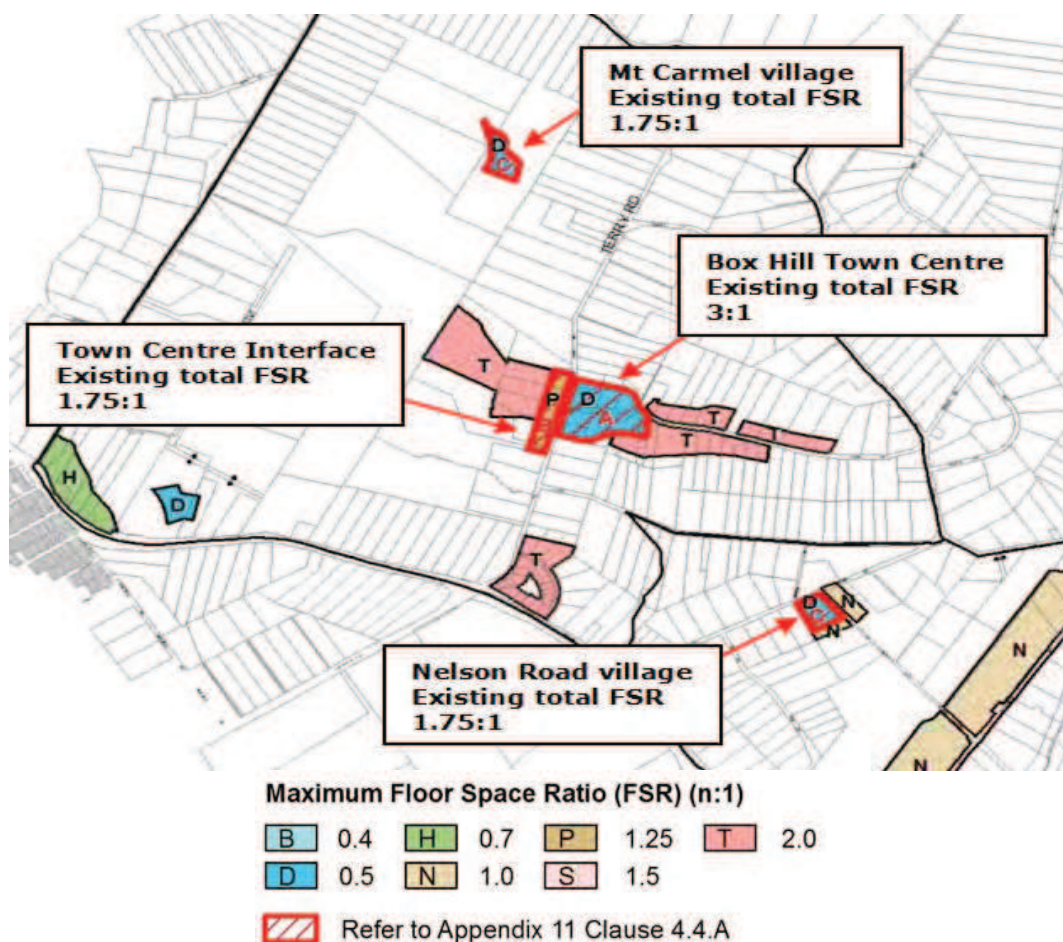


Figure 6

Box Hill centres – existing floor space ratio map including 'bonus' for shop top housing and site amalgamation under Clause 4.4A

It is noted that the current wording of Clause 4.4A which refers to the 'shop top housing component of a building containing shop top housing' is unclear and difficult for the community to interpret. Given the complex nature and wording of the clause, a more simple and clear approach is recommended that better aligns with the proposed Clause 6.8 'Additional controls applying to shop top housing' which requires a minimum of 50% of the total floor space to comprise non-residential uses in Box Hill centres.

It is proposed to prepare a separate planning proposal to delete the bonus shop top housing provisions within Clause 4.4A for land designated "A", "B" and "C" on the Floor Space Ratio Map and amend the Floor Space Ratio Map as described below:

- Delete the hatching for land designated "B" and "C" on the map. Land designated "A" will remain to identify that additional floor space of 0.5:1 will be permitted in the town centre where a site area is 3 hectares or more. This bonus is considered reasonable to encourage site amalgamation and encourage development of the centre in a coordinated manner to achieve high quality urban design outcomes.
- Amend the maximum floor space ratio for each centre which will now apply to all development to ensure the built form aligns with the outcomes intended by the Box Hill DCP.

Further discussion of the existing and proposed floor space ratios for each centre, to be included within the new planning proposal, are provided below.

Box Hill Town Centre

The Box Hill DCP describes the town centre as having a mixed use character with a range of building heights up to a maximum of six (6) storeys and up to 30,000m² of retail/commercial floor space. To achieve this, the existing floor space ratio map under the Growth Centres SEPP allows a maximum floor space ratio of 0.5:1 which would facilitate approximately 30,000m² of retail/commercial space (however is not limited to the provision of such uses). In addition, the existing Clause 4.4A of the SEPP allows an additional 0.5:1 of floor space if the site area is 3 hectares or more and an additional 2:1 for the 'shop top housing component of a building containing shop top housing'.

If the bonus floor space ratios are added to the mapped floor space ratio, as suggested by the ambiguous drafting of Clause 4.4A, the total allowable floor space ratio would be 3:1. This floor space ratio could facilitate a scale of development in excess of nine (9) storeys which is a significant departure from the outcomes envisaged by the DCP. It would appear the intent of the clause was to provide a higher total floor space ratio of 2:1 to facilitate the desired site amalgamation and mixed use outcomes. A floor space ratio of 2:1 better aligns with the built form outcomes of approximately six (6) storeys as envisaged by the Box Hill DCP.

Accordingly, it is proposed to remove the provision allowing a 'bonus' floor space ratio of 2:1 for shop top housing and amend the floor space ratio map from 0.5:1 to 1.5:1. Whilst this will actually increase the mapped floor space ratio, the total allowable floor space ratio for the site would decrease from 3:1 to 2:1. A floor space ratio of 2:1 would only be achievable if the site area is 3 hectares or more, otherwise a maximum floor space ratio of 1.5:1 would apply. A summary of the existing and proposed floor space ratio provisions for the town centre are provided below.

FSR Provision	Current	Proposed
Mapped FSR	0.5:1	1.5:1
Bonus for 3ha plus site	0.5:1	0.5:1
Bonus for shop top housing	2.0:1	Nil
Total allowable FSR	3.0:1	2.0:1

Table 3

Summary of existing and proposed allowable floor space – Box Hill Town Centre

Going forward, the permissible mix of development will be subject to the proposed shop top housing clause which requires a minimum of 50% of the total floor space to comprise non-residential uses. A minimum floor space ratio of 1:1 would need to be provided as non-residential uses to achieve the maximum residential floor space of 1:1. As

discussed previously in Section 6(h), this provides an opportunity for additional retail and commercial development beyond the 30,000m² envisaged to address demand from unanticipated residential densities currently being proposed and delivered within the precinct.

Town Centre Interface (R1 General Residential zone)

The intent for the Town Centre Interface to the west of the town centre as noted within the Box Hill DCP is for offices and ancillary services such as child care centres and medical centres. There is no specific guidance on intended built form outcomes within the DCP.

Similar to the Box Hill Town Centre, if the mapped floor space ratio for the interface area of 1.25:1 is added to the existing bonus floor space ratio of 0.5:1, the total floor space could be in excess of six (6) storeys. This height is not consistent with the existing maximum height under the Growth Centres SEPP of 16m, which could comfortably facilitate a four (4) storey mixed use building.

To address this inconsistency, it is proposed to remove the provision allowing a 'bonus' floor space ratio of 0.5:1 for shop top housing and retain the existing mapped floor space ratio of 1.25:1 as this better aligns with the existing height limit of 16m. A summary of the existing and proposed floor space ratio provisions are provided below.

FSR Provision	Current	Proposed
Mapped FSR	1.25:1	1.25:1
Bonus for shop top housing	0.5:1	Nil
Total allowable FSR	1.75:1	1.25:1

Table 4

Summary of existing and proposed allowable floor space – Town Centre Interface

Further, to ensure a suitable amount of commercial development is provided as intended by the DCP, a new provision is proposed to be included within the shop top housing clause to identify a minimum amount of non-residential uses required. It is considered appropriate that at least 50% of the total floor space within future developments be required as non-residential uses consistent with the adjacent Box Hill Town Centre and the Box Hill DCP which identifies a predominantly business outcome for this land. The proposed mix also reflects the relevant zone objectives for this land which encourage housing as well as uses that support adjoining/nearby commercial centres.

Nelson Road and Mount Carmel Road villages

The Nelson Road and Mt Carmel Road villages are intended as smaller scale centres for the precinct providing local retail, business and community uses. The Box Hill DCP, as gazetted, includes a maximum built form of three (3) storeys for Nelson Road village and four (4) storeys for Mt Carmel Road village. It is noted as part of the current amendments that the height for Mt Carmel village is proposed to be reduced to three (3) storeys, consistent with the proposed height of 10m for shop top housing and with the Nelson Road village and other villages throughout the Shire. There are no specific provisions within the Box Hill DCP that encourage residential uses in these centres, though such uses are permissible and at a reasonable scale and density would help to achieve the DCP objectives for vibrant, mixed use villages.

If the mapped floor space ratio of 0.5:1 is added to the bonus floor space ratio of 1.25:1 for each centre, the total floor space ratio would equal 1.75:1 which could facilitate a scale of development significantly exceeding the existing and proposed outcomes envisaged in the DCP (i.e. in the order of five (5) storeys).

It is therefore recommended to remove the 'bonus' floor space ratio of 1.25:1 and amend the floor space ratio map for both centres from 0.5:1 to 1:1. Whilst this will actually increase the mapped floor space ratio, the total allowable floor space ratio for the site would decrease from 1.75:1 to 1:1. It will also ensure consistency with the total floor space ratio allowable within other village centres within the Shire under LEP 2012 such as Kellyville and Rouse Hill villages. A summary of the existing and proposed floor space ratio provisions are provided below.

FSR Provision	Current	Proposed
Mapped FSR	0.5:1	1.0:1
Bonus for shop top housing	1.25:1	Nil
Total allowable FSR	1.75:1	1.0:1

Table 5

Summary of existing and proposed allowable floor space – Nelson Road & Mt Carmel Road villages

Going forward, the permissible mix of development will be subject to the proposed shop top housing clause which requires a minimum of 50% of the total floor space to comprise non-residential uses. A minimum floor space ratio of 0.5:1 would need to be provided as non-residential uses to achieve the maximum residential floor space of 0.5:1, which is consistent with the anticipated provision of retail floor space for these centres.

A map of the proposed floor space ratios for each of the centres is provided below.

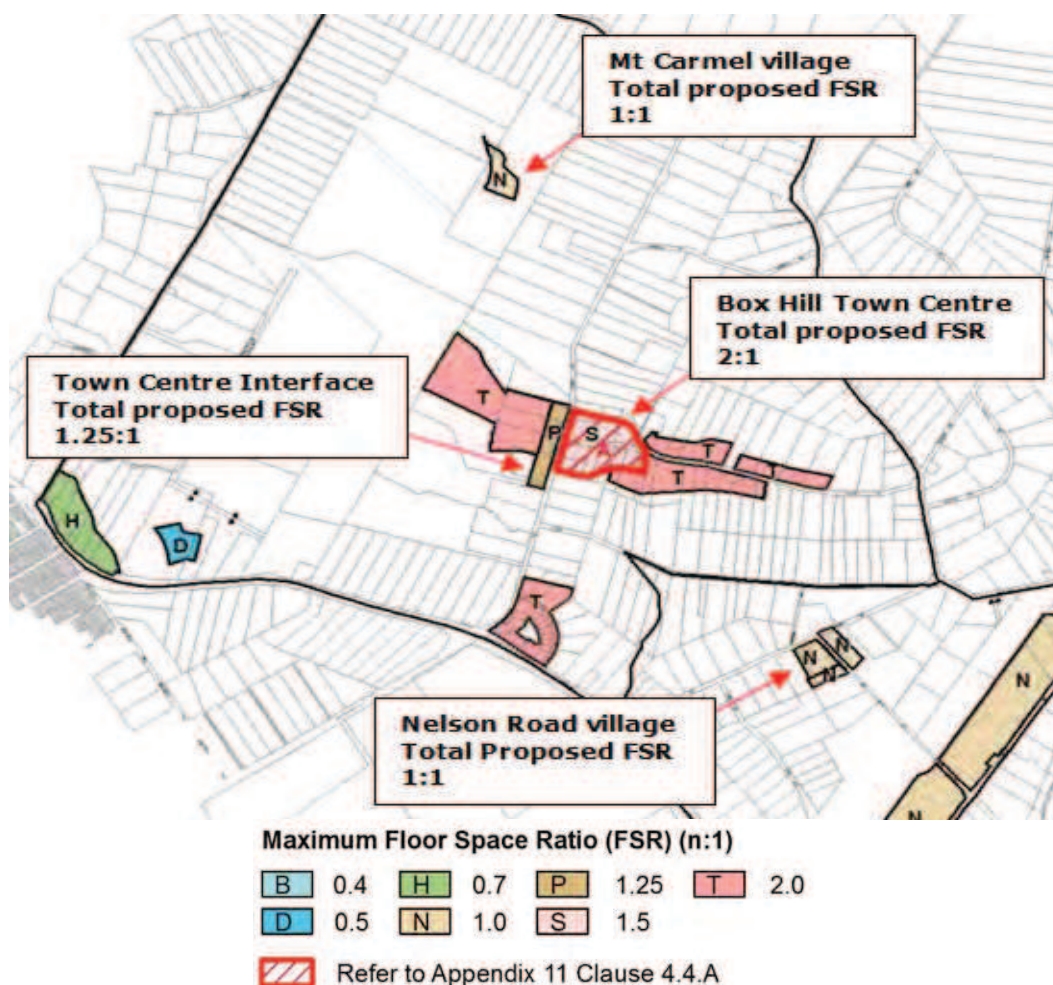


Figure 7

Box Hill centres – proposed floor space ratio map including 'bonus' for site amalgamation under Clause 4.4A

Review of provisions for North Kellyville centres

To ensure the provisions for Box Hill and North Kellyville align as closely as possible with each other and with LEP 2012, a review has also been undertaken of the floor space ratio provisions in North Kellyville.

Currently in North Kellyville, centres are subject to mapped floor space ratios of 0.5:1 (land zoned B1 Neighbourhood Centre) or 1:1 (land zoned B2 Local Centre). Additionally, Clause 4.4 'Floor space ratio' in the Growth Centres SEPP for the North Kellyville Precinct provides that any part of a building in Zone B1 Neighbourhood Centre or Zone B2 Local Centre used for residential accommodation is not to be included in the calculation of floor space ratio (refer clause and figure below).

4.4 Floor space ratio

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

- (a) *to control the bulk and scale of future development in the North Kellyville Precinct,*
- (b) *to ensure that control of the bulk and scale in the business zones does not restrict the provision of shop top housing.*

(2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

(2A) *Despite any other provision of this Precinct Plan, any part of a building in Zone B1 Neighbourhood Centre or Zone B2 Local Centre used for residential accommodation is not to be included in the calculation of floor space ratio.*

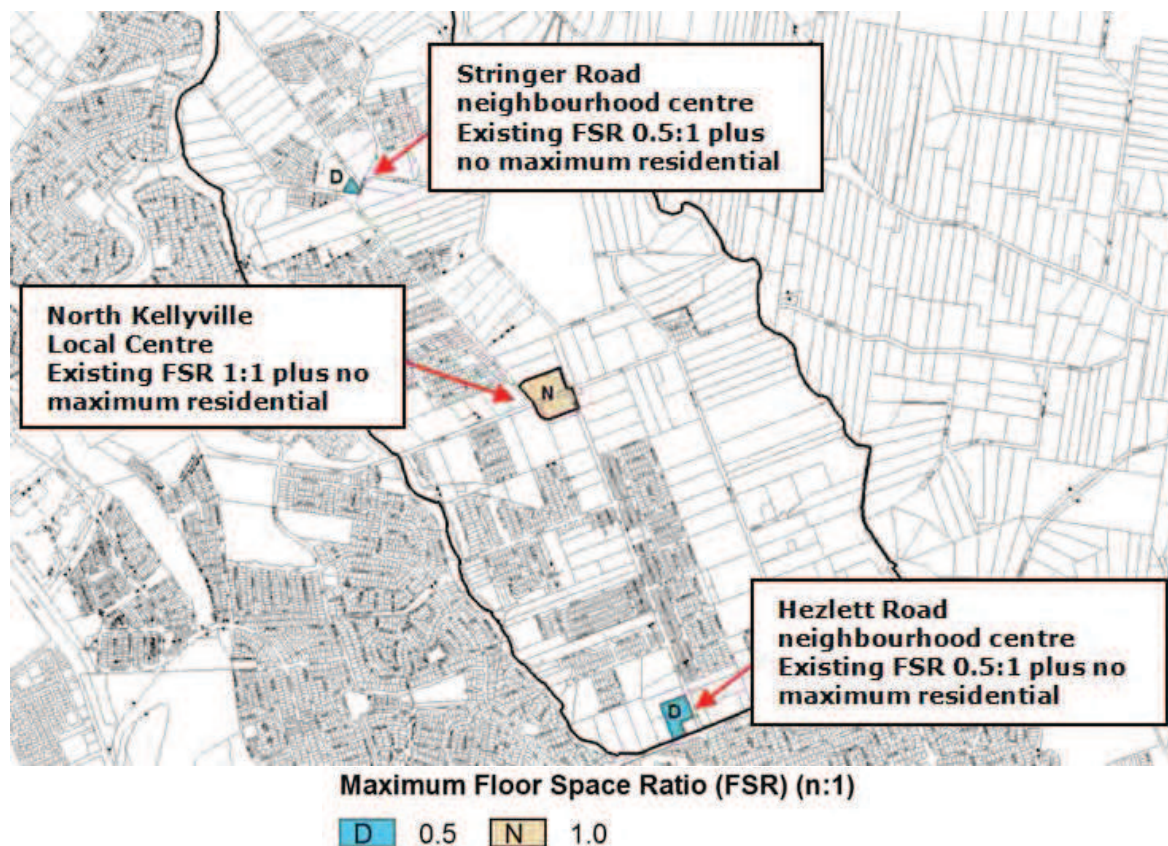


Figure 8

North Kellyville centres – existing floor space ratio map including note re no maximum residential floor space

Stringer Road Neighbourhood Centre

The existing Clause 4.4(2A) provides insufficient certainty for the community as to the future character and built form outcomes, in particular for the Stringer Road neighbourhood centre for which no development application has yet been lodged. It is also inconsistent with the floor space ratio for neighbourhood centres under LEP 2012 and the proposed approach for Box Hill Centres where the mapped floor space ratio applies to all development on the site.

It is therefore proposed that Clause 4.4(2A) and the associated objective be deleted and a new objective be included to require that the future built form is consistent with the role of local and neighbourhood centres. It is further proposed that the Floor Space Ratio Map be amended from 0.5:1 to 1:1. Whilst this will actually increase the mapped floor space ratio, the total allowable floor space ratio for the site will be capped at 1:1 (rather than no maximum for residential development as is currently the case). The proposed floor space ratio of 1:1 is consistent with that applied to neighbourhood centres under LEP 2012 and provides greater certainty of built form outcomes by capping the total amount of development possible for the centre.

North Kellyville Local Centre and Hezlett Road Neighbourhood Centre

Approvals have already been issued for mixed use developments in the North Kellyville Local Centre and the portion of the Hezlett Road centre zoned B1 Neighbourhood Centre and development is currently under construction. However, it is considered appropriate to make amendments for these centres similar to Stringer Road to ensure consistency of controls across the precinct and align the controls more closely with LEP 2012 to facilitate the future integration of the growth centres SEPP and DCPs into Council's LEP 2012 and DCP 2012. The proposed controls, once in force, will also apply should any modifications or additions be proposed for either centre in the future.

In addition to the removal of Clause 4.4(2A), it is proposed to retain the existing floor space ratio of 1:1 for the Local Centre and amend the floor space ratio from 0.5:1 to 1:1 for Hezlett Road Centre. This would make the total allowable floor space ratio 1:1 for all centres in North Kellyville consistent with that applied to neighbourhood and local centres under LEP 2012.

A map of the proposed floor space ratios for each of the centres is provided below.

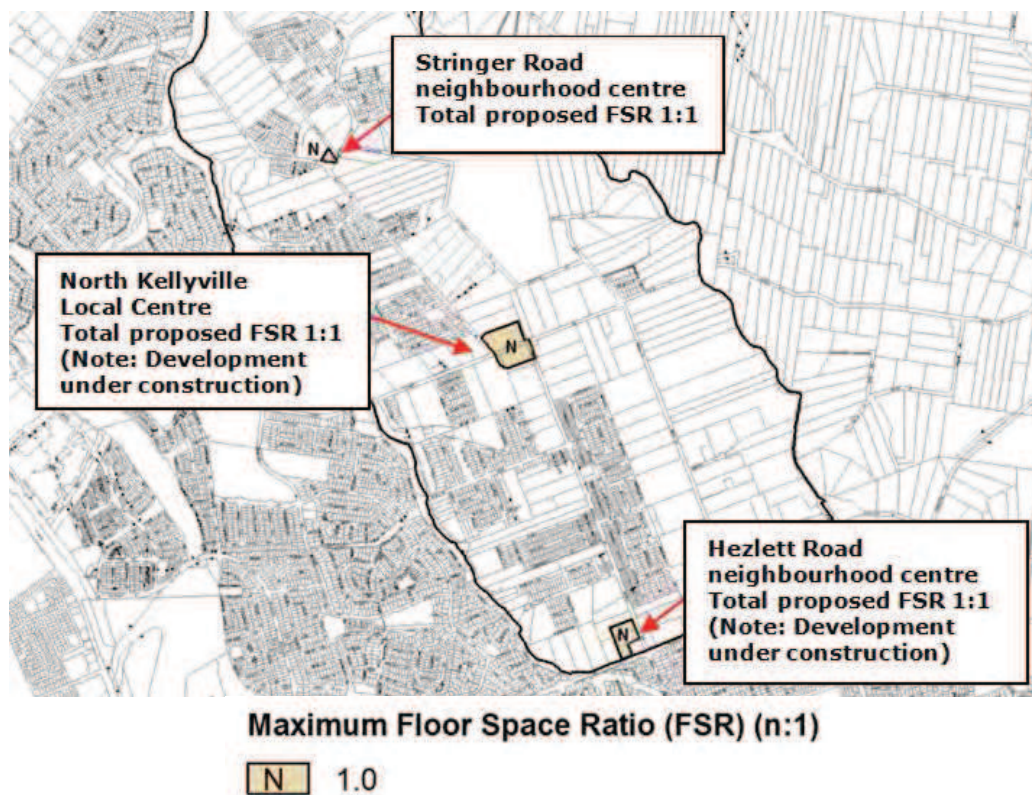


Figure 9
North Kellyville centres – proposed floor space ratio map

The changes recommended to the Growth Centres SEPP are as follows:

Box Hill

- Amend Clause 4.4A 'Development of certain land within Zone R1 General Residential or Zone B2 Local Centre—additional floor space ratio' to delete provisions 4.4A (2A), 4.4A (2B), 4.4A (2C) and 4.4A (3).
- Amend Clause 4.4A 'Development of certain land within Zone R1 General Residential or Zone B2 Local Centre—additional floor space ratio' to amend the maximum floor space ratio for the Box Hill Town Centre to 2:1 if the site area for the development application is 3 hectares or more.
- Amend the Floor Space Ratio Map to amend the floor space ratio for the Box Hill Town Centre from 0.5:1 to 1.5:1 and for the Nelson Road and Mt Carmel Road villages from 0.5:1 to 1:1.
- Amend the Floor Space Ratio Map to delete the hatching for land designated "B" and "C" on the map.
- Include a new provision within proposed Clause 6.8 'Additional controls applying to shop top housing' within the Box Hill Precinct Plan in the Growth Centres SEPP to require at least 50% of the total floor area to comprise non-residential uses for land zoned R1 General Residential within the Box Hill Town Centre interface area.

North Kellyville

- Amend Clause 4.4 'Floor space ratio' to delete provision 4.4 (2A) and the associated objective and include a new objective to ensure built form is consistent with the role of local and neighbourhood centres.

- Amend the Floor Space Ratio Map to identify an amended floor space ratio for the Hezlett Road Neighbourhood Centre from 0.5:1 to 1:1 and for the Stringer Road Neighbourhood Centre from 0.5:1 to 1:1.

CONCLUSION

The planning proposal seeks to ensure that the character, type, scale and location of shop top housing and mixed use development is appropriate for the Hills Shire and to achieve development that reflects the role of centres that was established within Council's Centres Hierarchy. Amendments to building heights and the imposition of a limit on residential densities within shop top housing and mixed use developments will ensure that new development maintains the desired existing and future character of the locality. The planning proposal aims to achieve lively, interesting and functional centres that have the capacity to meet the retail, commercial, service and entertainment needs of the community while also providing for a diversity of housing choice.

The draft development controls aim to strengthen existing provisions for shop top housing and mixed use developments, and will improve the amenity, liveability and built form outcomes for future residents and the community. Proposed amendments to the North Kellyville and Box Hill Growth Centre Precincts will generally align with the standards and controls proposed for LEP 2012 and DCP 2012 which will reduce complexity and improve the consistency and quality of development across the Shire.

A further planning proposal to amend floor space ratio provisions for Box Hill and North Kellyville centres will ensure greater consistency of provisions applicable to the centres. This will ensure the floor space ratio map applies to all development on the sites to facilitate an appropriate scale of development consistent with the built form outcomes envisaged by the respective Development Control Plans.

IMPACTS

Financial

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

The Hills Future - Community Strategic Plan

Community Strategic Direction 7.2 requires Council to manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations. The proposed amendments will better enable Council to ensure that the density and built form of shop top housing and mixed use developments are appropriate and that developments minimise impacts on surrounding development and existing and future public infrastructure.

RECOMMENDATION

1. The planning proposal to amend The Hills Local Environmental Plan 2012 and State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to shop top housing and mixed use developments, including post-exhibition amendments, progress to finalisation.
2. Draft amendments to The Hills Development Control Plan, the North Kellyville Development Control Plan and the Box Hill Growth Centre Precincts Development Control Plan, including post exhibition amendments, be adopted and come into force when the planning proposal is notified on the NSW Legislation website (ECM Document Nos. 15406451, 15406452, 15406453, 15406454, 15406455).

3. A planning proposal be sent to the Department of Planning and Environment for a Gateway Determination to amend:
 - a) the Floor Space Ratio Map in relation to certain land in the Box Hill and North Kellyville Precincts;
 - b) Clause 4.4A 'Development of Certain Land within the Zone R1 General Residential or Zone B2 Local Centre – Additional Floor Space Ratio' in Appendix 11 The Hills Growth Centre Precinct Plan 2013 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and
 - c) Clause 4.4 'Floor Space Ratio' in Appendix 2 North Kellyville Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

ATTACHMENTS

1. Draft clauses, land use tables and summary of land affected – current planning proposal (as exhibited) (6 pages)
2. Draft clauses, land use tables and LEP 2012 / Growth Centres SEPP Maps – amended planning proposal (post-exhibition) (17 pages)
3. Summary of public authority submissions (4 pages)
4. Summary of public submissions (28 pages)
5. Further proposed amendments to floor space ratio provisions for Box Hill and North Kellyville Centres – new planning proposal (3 pages)
6. Draft The Hills DCP 2012 Part B Section 5 – Residential Flat Building (***under separate cover – ECM Doc No 15406451***)
7. Draft The Hills DCP 2012 Part B Section 8 – Shop Top Housing with post exhibition changes (***under separate cover – ECM Doc No 15406452***)
8. Draft The Hills DCP 2012 Part C Section 1 – Parking with post-exhibition changes (***under separate cover – ECM Doc No 15406453***)
9. Draft North Kellyville DCP with post exhibition changes (***under separate cover – ECM Doc No 15406454***)
10. Draft Box Hills DCP with post exhibition changes (***under separate cover – ECM Doc No 15406455***)

ATTACHMENT 1

DRAFT CLAUSES, LAND USE TABLES & SUMMARY OF LAND AFFECTED
CURRENT PLANNING PROPOSAL (AS EXHIBITED)

Local Environmental Plan 2012

7.12 Additional controls applying to shop top housing and residential flat buildings as part of mixed use developments

- (1) The objectives of this clause are as follows:
- (a) To reinforce Council's established centres hierarchy and ensure centres are appropriate in scale and design for their location; and
 - (b) To ensure shop top housing and residential flat buildings as part of mixed use developments are compatible with the prevailing character and amenity of surrounding land.

Key Sites E (B1 Neighbourhood Centre Zone)

- (1) This sub-clause applies to land identified as Area E on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, that would result in the building having a building height exceeding 7 metres.
- (3) Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Key Sites F (B2 Local Centre Zone)

- (1) This sub-clause applies to land identified as Area F on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing or a residential flat building as part of a mixed use development, that would result in the building having a building height exceeding 10 metres.
- (3) Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing or a residential flat building as part of a mixed use development, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Note: this clause affects the following land:

Zone	Locations
B1 Neighbourhood Centre (Key Sites E)	- Arthur Street Neighbourhood Centre, Baulkham Hills - Cross Street Neighbourhood Centre, Baulkham Hills - Stone Mason Drive planned neighbourhood centre, Kellyville - Glenhaven Neighbourhood Centre, Glenhaven - Dural Rural Centre - Annangrove Rural Centre - Kenthurst Rural Centre - Glenorie Rural Centre - Maraylya Rural Centre - Crestwood Neighbourhood Centre - Bella Vista Neighbourhood Centre
B2 Local Centre (Key Sites F)	- Winston Hills Centre - Coonara Avenue Village, West Pennant Hills - Carrington Road Local Centre, Castle Hill* - Windsor Road Village, Kellyville - Memorial Avenue / Hector Court Village - Wrights Road Town Centre, Kellyville - Knightsbridge Village, Castle Hill - Beaumont Hills Village - Mile End Road Village, Rouse Hill

* See Section 7 'Post-Exhibition Amendments' in Report for Carrington Road Local Centre.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – North Kellyville**6.6 Additional controls applying to shop top housing and residential flat buildings as part of mixed use developments**

- (1) The objectives of this clause are as follows:
- (a) To reinforce Council's established centres hierarchy and ensure centres are appropriate in scale and design for their location; and
 - (b) To ensure shop top housing and residential flat buildings as part of mixed use developments are compatible with the prevailing character and amenity of surrounding land.

Key Sites A (B1 Neighbourhood Centre Zone)

- (1) This sub-clause applies to land identified as Area A on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing or a residential flat building as part of a mixed use development, that would result in the building having a building height exceeding 7 metres.
- (3) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing or a residential flat building as part of a mixed use development, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Key Sites B (B2 Local Centre Zone)

- (1) This sub-clause applies to land identified as Area B on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing or a residential flat building as part of a mixed use development, that would result in the building having a building height exceeding 10 metres.
- (3) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing or a residential flat building as part of a mixed use development, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Key Sites C (R1 General Residential Zone)

- (1) This sub-clause applies to land identified as Area C on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a residential flat building as part of a mixed use development, that would result in the building having a building height exceeding 7 metres.

Note: this clause affects the following land:

Zone	Locations
B1 Neighbourhood Centre (Key Sites A)	- Hezlett Road Neighbourhood Centre - Stringer Road Neighbourhood Centre
B2 Local Centre (Key Sites B)	- North Kellyville Local Centre
R1 General Residential Zone (Key Sites C)	- All land in North Kellyville Precinct zoned R1 General Residential (excluding Hezlett Road Neighbourhood Centre)

* See Section 7 'Post-Exhibition Amendments' in Report for Hezlett Road Neighbourhood Centre.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Box Hill**6.8 Additional controls applying to shop top housing**

- (1) The objectives of this clause are as follows:
- (a) To reinforce Council's established centres hierarchy and ensure centres are appropriate in scale and design for their location; and
 - (b) To ensure shop top housing is compatible with the prevailing character and amenity of surrounding land.

Key Sites D (B2 Local Centre Zone - Other than the Box Hill Town Centre)

- (1) This sub-clause applies to land identified as Area D on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, that would result in the building having a building height exceeding 10 metres.
- (3) Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Key Sites E (B2 Local Centre Zone - Box Hill Town Centre)

- (1) This sub-clause applies to land identified as Area E on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, that would result in the building having a building height exceeding 20 metres.
- (3) Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Note: this clause affects the following land:

Zone	Locations
B2 Local Centre (Key Sites D)	- Mt Carmel Village, Box Hill - Nelson Road Village, Box Hill - Windsor Road Village, Box Hill
B2 Local Centre (Key Sites E)	- Box Hill Town Centre, Mason and Terry Roads, Box Hill

PROPOSED LAND USE TABLE AMENDMENTS

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – North Kellyville

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage medium density housing in locations of high amenity adjoining open space and accessible transport corridors.
- To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.
- To allow for low intensity tourist and visitor accommodation that does not interfere with residential amenity.
- To provide for a variety of recreational uses within open space areas.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Group homes; Home businesses; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; **Shop top housing**; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Amusement centres; Biosolid waste applications; Bulky goods premises; Business premises; Canal estate developments; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Home occupations (sex services); Industries; Information and education facilities; Marinas; Passenger transport facilities; Public administration buildings; Retail premises; Rural workers' dwellings; **Shop top housing**; Storage premises; Tourist and visitor accommodation; Vehicle sales or hire premises; Waste or resource management facilities; Wholesale supplies

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Box Hill**Zone R2 Low Density Residential****1 Objectives of zone**

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

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home industries; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; **Shop-top housing;** Studio dwellings

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential**1 Objectives of zone**

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

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Manor homes; Marinas; Moorings; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations;

Residential flat buildings; Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sex services premises; **Shop top housing**; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

ATTACHMENT 2

**DRAFT CLAUSES, LAND USE TABLES & LEP/SEPP MAPS
AMENDED PLANNING PROPOSAL (POST-EXHIBITION)**

Local Environmental Plan 2012

**7.12 Additional controls applying to shop top housing and residential flat buildings
as part of mixed use developments**

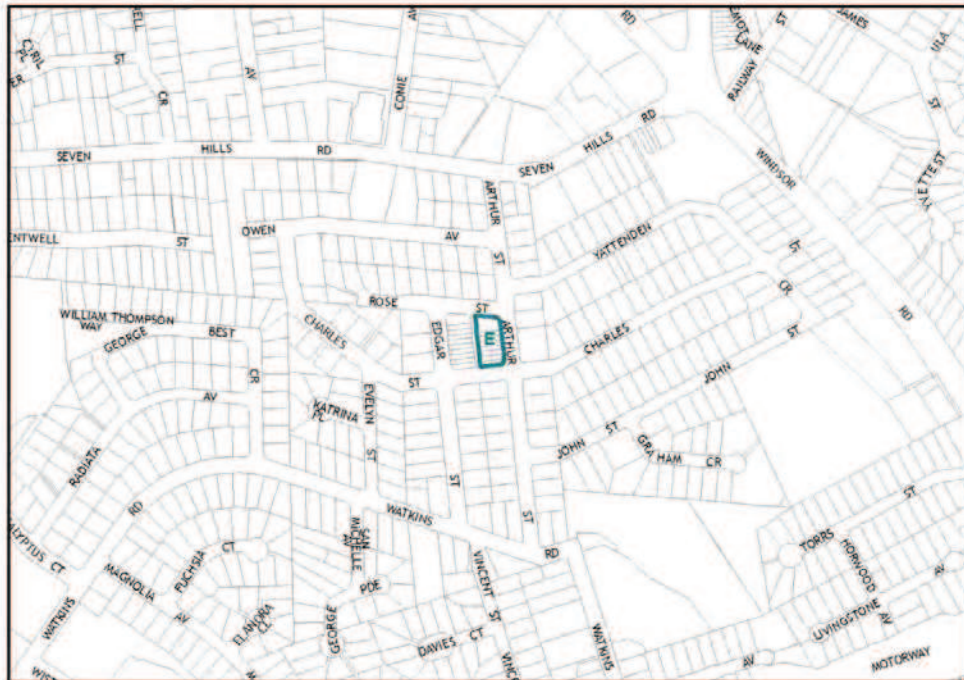
- (1) The objectives of this clause are as follows:
 - (a) To reinforce Council's established centres hierarchy and ensure centres are appropriate in scale and design for their location; and
 - (b) To ensure shop top housing and residential flat buildings as part of mixed use developments are compatible with the prevailing character and amenity of surrounding land.

Key Sites E (B1 Neighbourhood Centre Zone)

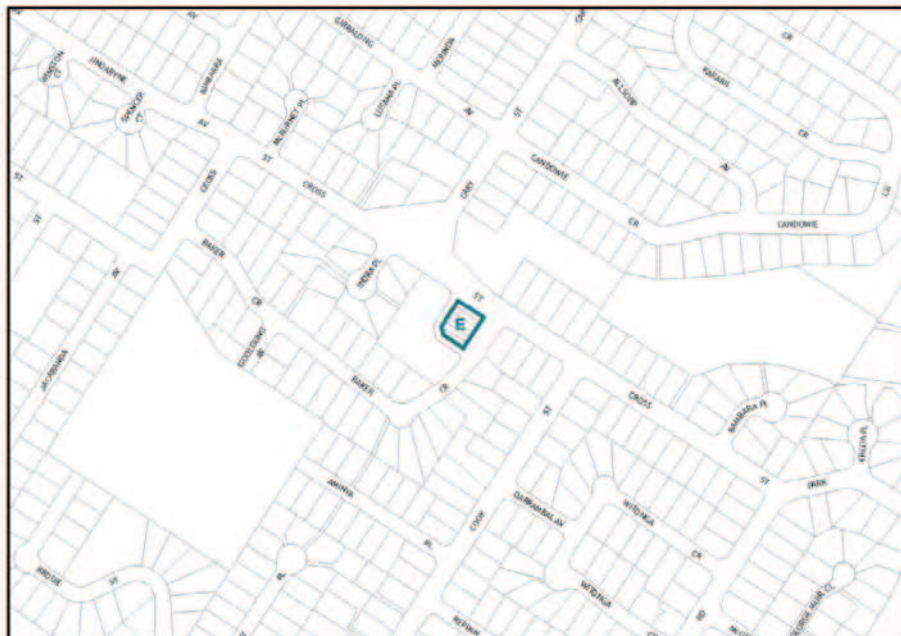
- (1) This sub-clause applies to land identified as Area E on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, that would result in the building having a building height exceeding 7 metres.
- (3) Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Key Sites F (B2 Local Centre Zone)

- (1) This sub-clause applies to land identified as Area F on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing or a residential flat building as part of a mixed use development, that would result in the building having a building height exceeding 10 metres.
- (3) Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing or a residential flat building as part of a mixed use development, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Arthur Street Neighbourhood Centre**Key Sites Map**

 Area E

Cross Street Neighbourhood Centre**Key Sites Map**

 Area E

Stonemason Drive Neighbourhood Centre (Planned)



Key Sites Map

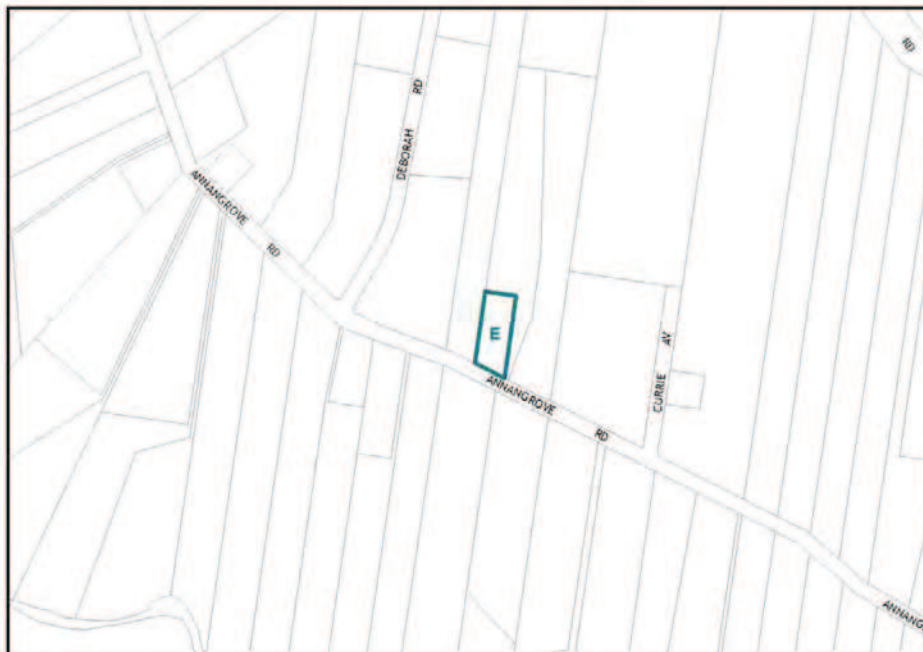
☐ Area E

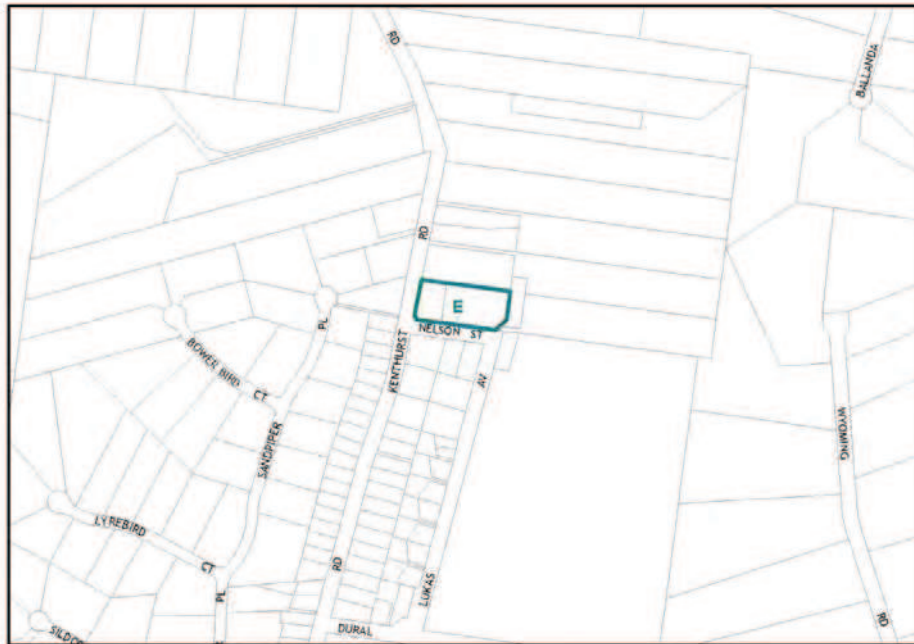
Glenhaven Neighbourhood Centre



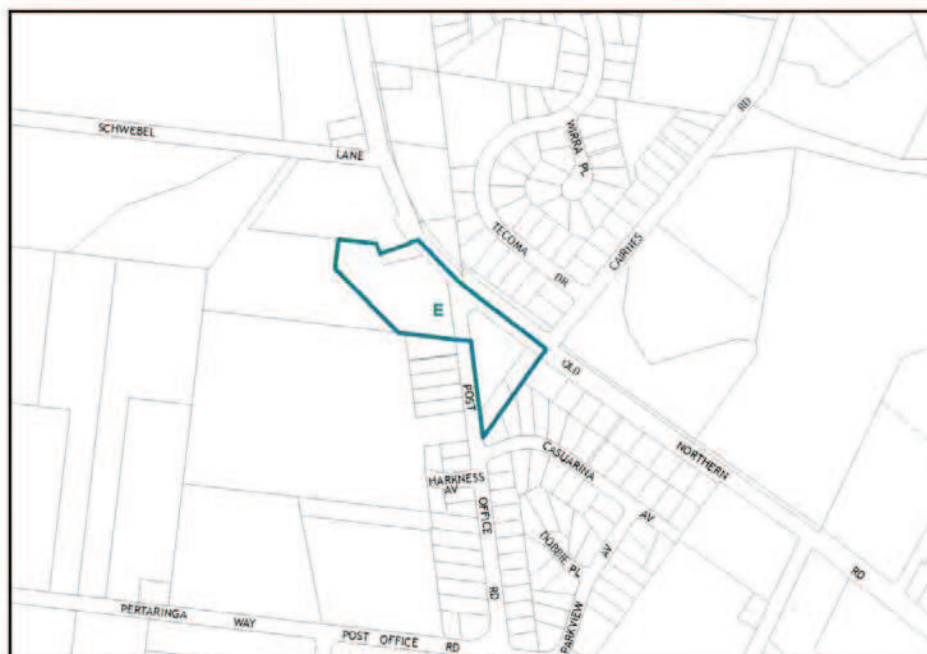
Key Sites Map

☐ Area E

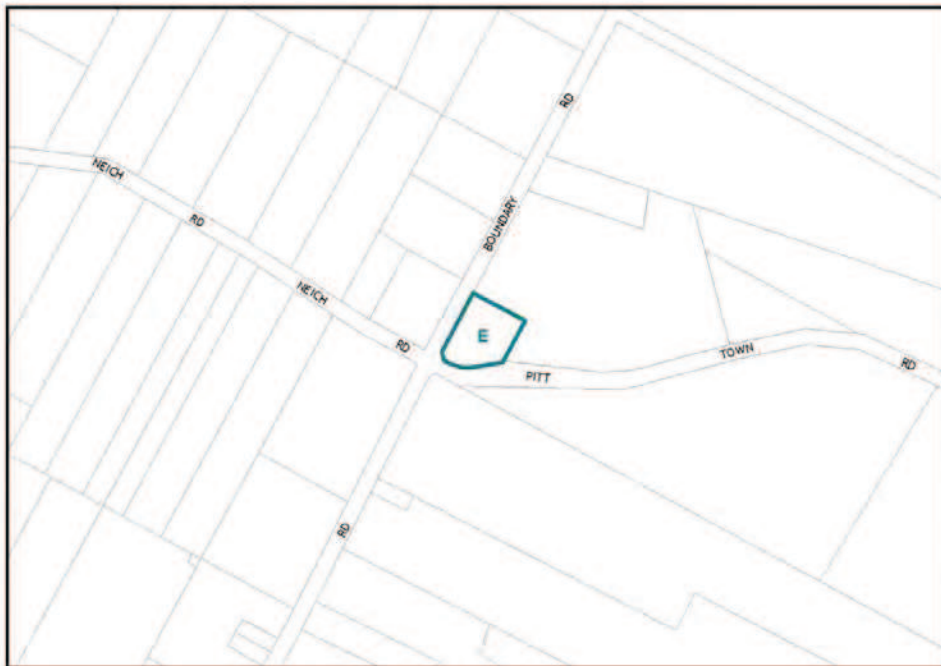
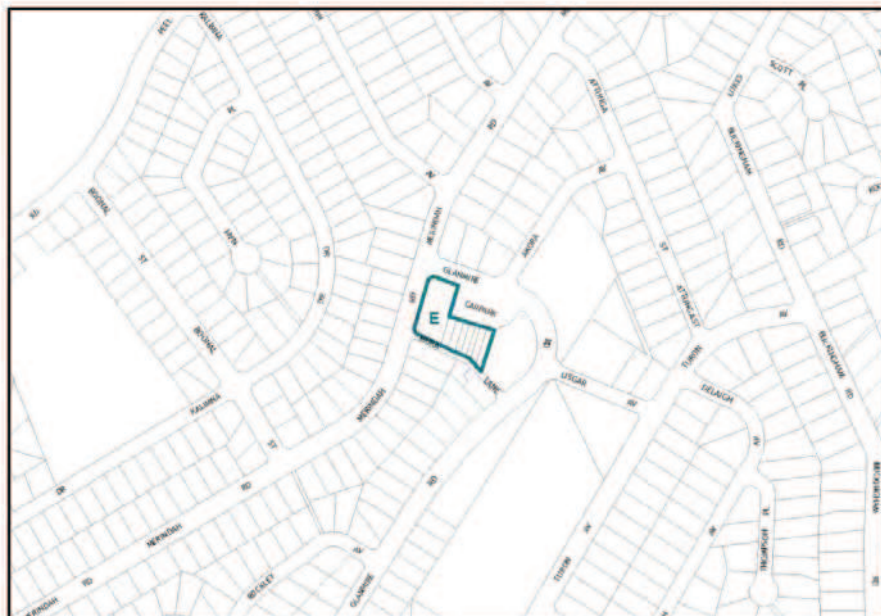
Dural Rural Centre**Key Sites Map** Area E**Annangrove Rural Centre****Key Sites Map** Area E

Kenthurst Rural Centre**Key Sites Map**

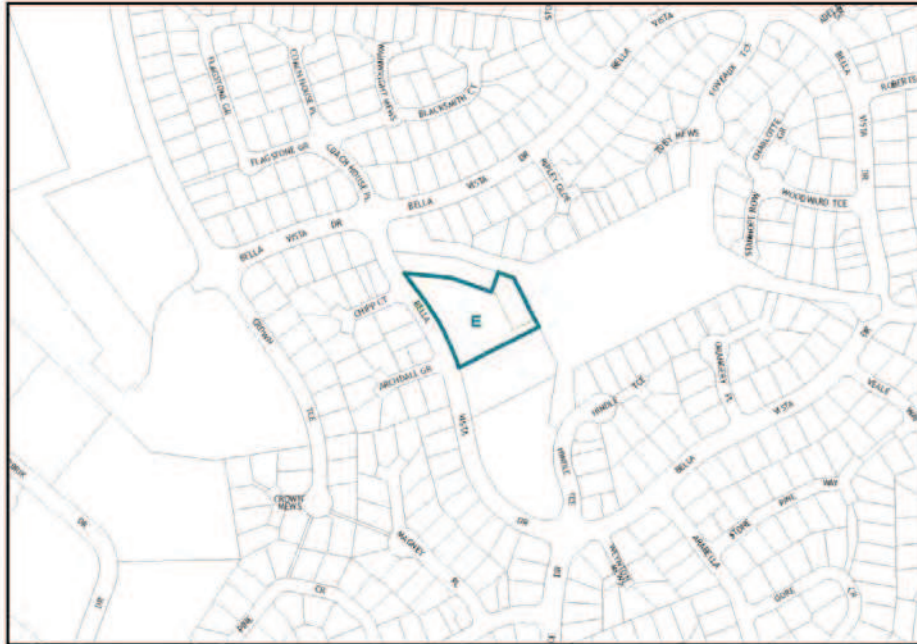
 Area E

Glenorie Rural Centre**Key Sites Map**

 Area E

Maraylya Rural Centre**Key Sites Map** Area E**Crestwood Neighbourhood Centre****Key Sites Map** Area E

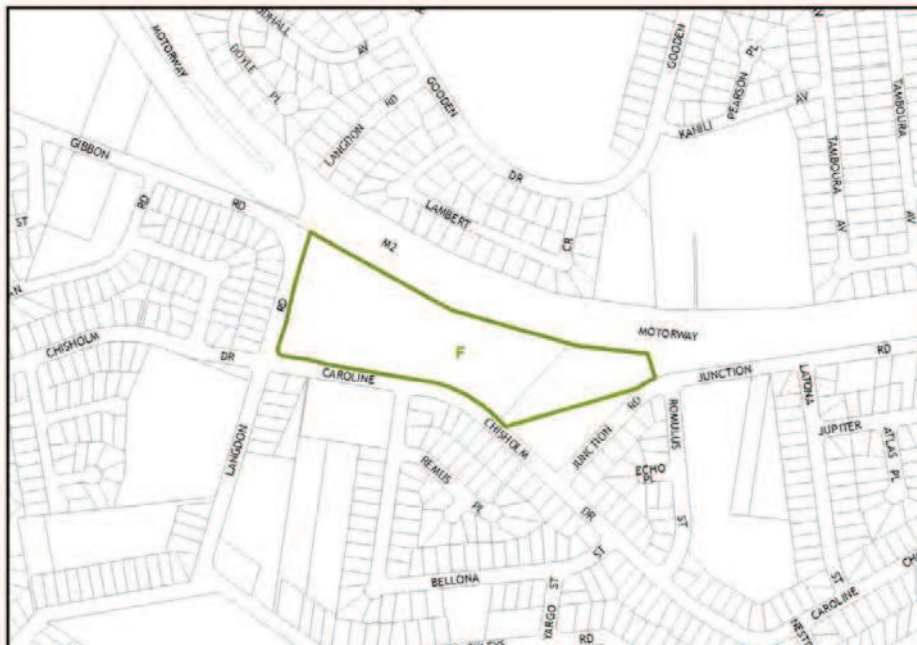
Bella Vista Neighbourhood Centre



Key Sites Map

☐ Area E

Winston Hills Centre



Key Sites Map

☐ Area F

☐ Area F

This is a detailed street map of a residential neighborhood in the City of Chicago. The map shows a grid of streets including Harrison Ave, Madison St, and various local streets like Harrison Ct, Madison Ct, and Harrison Pl. Three specific lots are highlighted with green outlines and labeled with the letter 'F'. The first lot is located on Harrison Ave, between Madison St and Harrison Pl. The second lot is located on Harrison Ave, between Harrison Pl and Harrison Ct. The third lot is located on Harrison Ave, between Harrison Ct and Harrison Pl. The map also shows other streets like Harrison St, Harrison Dr, and Harrison Dr. The map is oriented with North at the top.

☐ Area F

Wrights Road Town Centre**Key Sites Map**

 Area F

Knightsbridge Village**Key Sites Map**

 Area F

Beaumont Hills Village**Key Sites Map**

 Area F

Mile End Road Village**Key Sites Map**

 Area F

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – North Kellyville**6.6 Additional controls applying to shop top housing and residential flat buildings as part of mixed use developments**

- (1) The objectives of this clause are as follows:
 - (a) To reinforce Council's established centres hierarchy and ensure centres are appropriate in scale and design for their location; and
 - (b) To ensure shop top housing and residential flat buildings as part of mixed use developments are compatible with the prevailing character and amenity of surrounding land.

Key Sites A (B1 Neighbourhood Centre Zone)

- (1) This sub-clause applies to land identified as Area A on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing or a residential flat building as part of a mixed use development, that would result in the building having a building height exceeding 7 metres.
- (3) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing or a residential flat building as part of a mixed use development, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Key Sites B (B2 Local Centre Zone)

- (1) This sub-clause applies to land identified as Area B on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing or a residential flat building as part of a mixed use development, that would result in the building having a building height exceeding 10 metres.
- (3) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing or a residential flat building as part of a mixed use development, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Key Sites C (R1 General Residential Zone)

- (1) This sub-clause applies to land identified as Area C on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a residential flat building as part of a mixed use development, that would result in the building having a building height exceeding 7 metres.

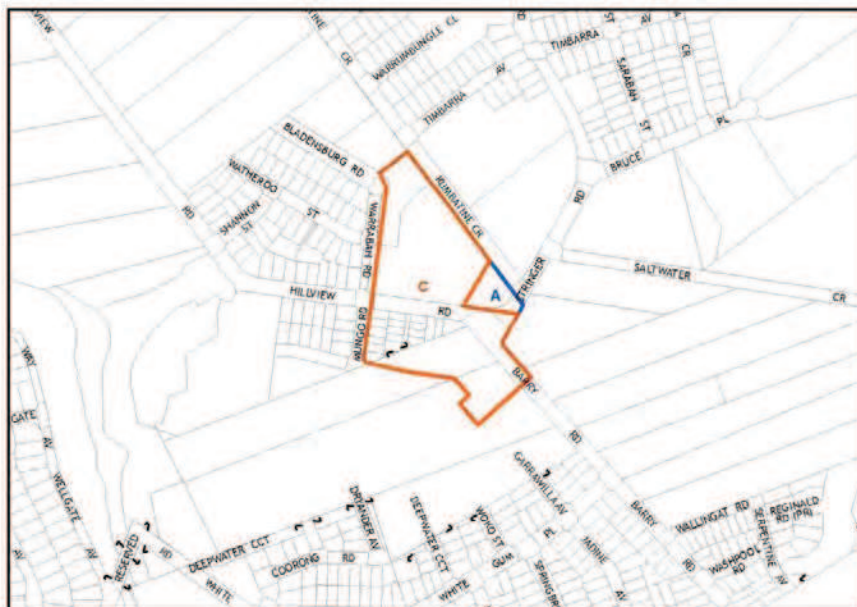
North Kellyville Local Centre and Land zoned R1 General Residential in North Kellyville



Key Sites Map



Stringer Road Neighbourhood Centre and Land zoned R1 General Residential in North Kellyville



Key Sites Map



State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Box Hill**6.8 Additional controls applying to shop top housing**

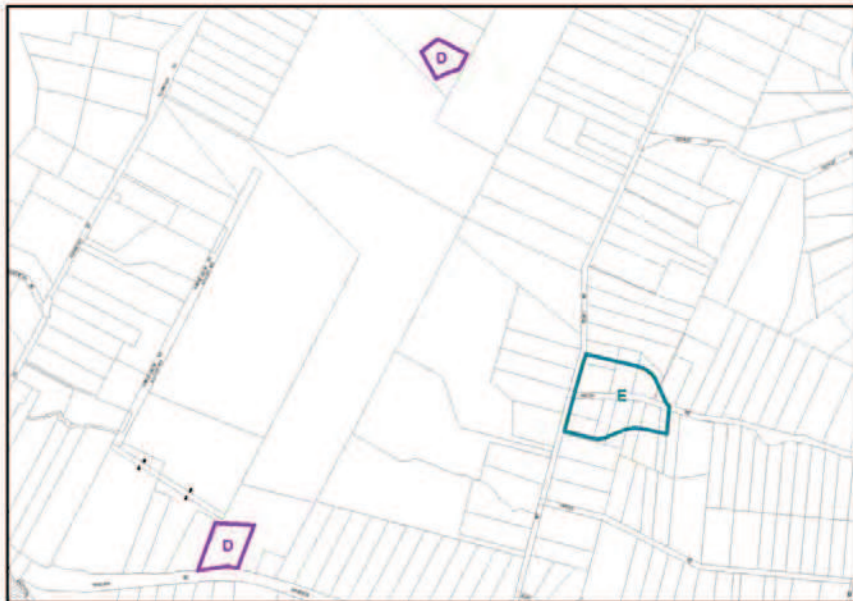
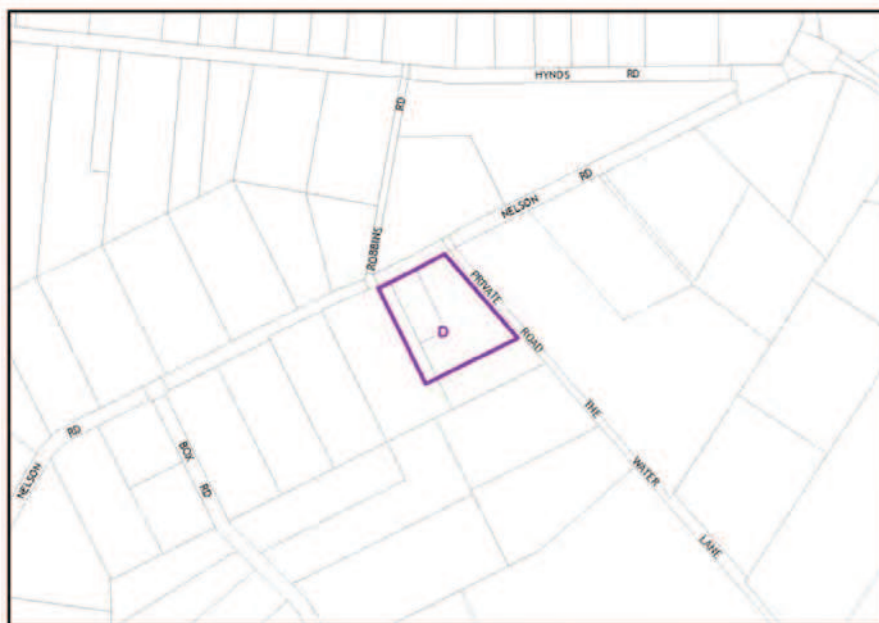
- (1) The objectives of this clause are as follows:
 - (a) To reinforce Council's established centres hierarchy and ensure centres are appropriate in scale and design for their location; and
 - (b) To ensure shop top housing is compatible with the prevailing character and amenity of surrounding land.

Key Sites D (B2 Local Centre Zone - Other than the Box Hill Town Centre)

- (1) This sub-clause applies to land identified as Area D on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, that would result in the building having a building height exceeding 10 metres.
- (3) Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Key Sites E (B2 Local Centre Zone - Box Hill Town Centre)

- (1) This sub-clause applies to land identified as Area E on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, that would result in the building having a building height exceeding 20 metres.
- (3) Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Box Hill Town Centre, Mt Carmel Road Village and Windsor Road Village**Key Sites Map****Nelson Road Village****Key Sites Map**

PROPOSED LAND USE TABLE AMENDMENTS

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – North Kellyville

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage medium density housing in locations of high amenity adjoining open space and accessible transport corridors.
- To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.
- To allow for low intensity tourist and visitor accommodation that does not interfere with residential amenity.
- To provide for a variety of recreational uses within open space areas.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Group homes; Home businesses; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; **Shop top housing**; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Amusement centres; Biosolid waste applications; Bulky goods premises; Business premises; Canal estate developments; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Home occupations (sex services); Industries; Information and education facilities; Marinas; Passenger transport facilities; Public administration buildings; Retail premises; Rural workers' dwellings; **Shop top housing**; Storage premises; Tourist and visitor accommodation; Vehicle sales or hire premises; Waste or resource management facilities; Wholesale supplies

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Box Hill**Zone R2 Low Density Residential****1 Objectives of zone**

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

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home industries; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; **Shop top housing;** Studio dwellings

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential**1 Objectives of zone**

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

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Manor homes; Marinas; Moorings; Mortuaries; Office premises; Open cut mining; Passenger

transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sex services premises; **Shop top housing**; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

ATTACHMENT 3

SUMMARY SHEET OF PUBLIC AUTHORITY SUBMISSIONS

FIRST EXHIBITION

No.	1
Authority	NSW Rural Fire Service
Issues raised	1. RFS raises no concerns in relation to bushfire. Planning Comments: Noted.
Action	No action required.
No.	2
Authority	Sydney Water
Issues raised	1. Sydney Water generally supports the proposal as it will provide a level of certainty on potential servicing impacts and limit incompatible residential uses close to sensitive assets. Planning Comments: Noted.
Action	No action required.
No.	3
Authority	Transport for NSW
Issues raised	1. No objections are raised in relation to the proposed amendments. Planning Comments: Noted.
Action	No action required.
No.	4
Authority	Roads and Maritime Services
Issues raised	1. RMS raise no objection to the proposal as it is not considered likely to have a significant impact on the classified road network. Planning Comments: Noted. 2. Due to the significant public transport infrastructure projects currently planned and being constructed across the Shire, consideration could be given to a reduction in the on-site parking rates specified within Development Control Plan 2012, particularly for medium and high density residential developments in the B1 and B2 zones (which tend to be concentrated in more dense and accessible areas). Parking rates stipulated within the RMS Guide to Traffic Generating Developments could

	<i>assist with encouraging the use of public and active transport modes as the infrastructure becomes more available.</i> Planning Comments: It is acknowledged that a review of parking requirements throughout the Shire in light of improved public transport infrastructure such as the Sydney Metro Northwest is warranted. However, applying the standardised parking rates within the RMS Guide to Traffic Generating Developments is not considered appropriate at this time. Any change to parking rates should be considered as part of a comprehensive review of car parking policies for The Hills Shire.
Action	No action required.

SECOND EXHIBITION

No.	1
Authority	Sydney Water
Issues raised	<i>1. Sydney Water generally supports the proposal as it will provide a level of certainty on potential servicing impacts and limit incompatible residential uses close to sensitive assets.</i> Planning Comments: Noted.
Action	No action required.
No.	2
Authority	NSW Rural Fire Service
Issues raised	<i>1. NSW RFS raises no objection to the proposal.</i> Planning Comments: Noted. <i>2. The aims and objectives of Planning for Bushfire Protection 2006 should be considered in any subsequent development application.</i> Planning Comments: Planning for Bushfire Protection 2006 will be considered as part of the assessment of any future development application where land is affected by bushfire.
Action	No action required.

No.	3
Authority	Transport for NSW
Issues raised	<i>1. The current submission should be read in conjunction with the previous response provided by TfNSW in July 2016.</i> Planning Comments: This submission has been addressed in the First Exhibition section earlier. <i>2. TfNSW raises no issues with the proposed amendments to LEP 2012 and the Growth Centres SEPP.</i> Planning Comments: Noted.
Action	No action required.
No.	4
Authority	Endeavour Energy
Issues raised	<i>1. Endeavour Energy has no objections to the planning proposal.</i> Planning Comments: Noted. <i>2. A number of recommendations are made with regard to electricity transmission or distribution networks in relation to future development.</i> Planning Comments: These matters will be considered as part of the development assessment process for future proposals.
Action	No action required.
No.	5
Authority	Roads and Maritime Services
Issues raised	<i>1. A number of the key sites are affected by existing road widening reservations. No structures are to be erected within the area dedicated for road widening purposes.</i> Planning Comments: Any land identified for road widening is zoned SP2 Infrastructure and is included on the Land Reservation Acquisition Map of LEP 2012. Clause 5.1A of LEP 2012 requires that development consent must not be granted to any development on land identified on the Land Reservation Acquisition Map that is to be acquired for a public purpose unless the consent authority is satisfied that the development is likely to be consistent with the public purpose identified on that map for that land. <i>2. Future development on land adjoining classified roads</i>

	<i>should be restricted to left-in and left-out vehicular movements and incorporate noise mitigation measures as required.</i> Planning Comments: These matters will be considered as part of the assessment of each shop top housing development application.
Action	No action required.

ATTACHMENT 4

SUMMARY OF PUBLIC SUBMISSIONS
FIRST EXHIBITION

No.	1
Issues raised	1. <i>Areas subject to precinct planning for the Sydney Metro Northwest should be exempt from the proposal.</i> Planning Comments: Agreed. Change recommended to Planning Proposal to exclude the Carrington Road centre. Refer to Section 6(b) of Council Report.
Action	Refer to Section 7 of Council Report.
No.	2
Issues raised	1. <i>Author strongly supports the proposal on the basis of adverse character and traffic impacts, and supports a more sustainable solution for future developments.</i> Planning Comments: Noted.
Action	No action required.
No.	3
Issues raised	<u>Hezlett Road Neighbourhood Centre, North Kellyville</u> 1. <i>The site is subject to an existing height of 16 metres and the North Kellyville Development Control Plan indicates that mixed use and residential flat buildings would be an appropriate outcome for this site. The site is envisaged to have an active street frontage and unique corner element defining the entrance/gateway to the commercial centre and the precinct.</i> Planning Comments: Amendments to the proposed controls for the Hezlett Road neighbourhood centre, including 9 Hezlett Road, Kellyville are recommended as discussed in Section 6(g) of the Council Report. 2. <i>The intended outcomes for this site are consistent with development approved and under construction on surrounding sites including 21 Hezlett Road and the 'North Village'.</i> Planning Comments: Amendments to the proposed controls for the Hezlett Road neighbourhood centre, including 9 Hezlett Road, Kellyville are recommended as discussed in Section 6(g) of the Council Report. 3. <i>Prohibiting shop top housing on this property is discriminatory and damaging to the author's interests.</i> Planning Comments: Refer to Section 6(g) of Council Report.

Action	Refer to Section 7 of Council Report.
No.	4
Issues raised	<u>Stringer Road Neighbourhood Centre, North Kellyville</u> <i>1. After extensive consultation as part of the precinct planning for North Kellyville, controls were introduced that adequately address impact issues.</i> Planning Comments: Refer to Section 6(b) of Council Report. <i>2. The previous planning studies for North Kellyville outlined that medium density housing in a variety of locations is necessary to provide cheaper housing options for young people and persons on lower incomes. The planning proposal restricts such housing in the area.</i> Planning Comments: Refer to Sections 6(b) and 6(f) of Council Report. <i>3. The proposed height for land zoned B1 Neighbourhood Centre is less than surrounding residential land and does not reflect the desired scale of the location.</i> Planning Comments: Refer to Section 6(d) of the Council Report. The planning proposal will ensure that controls within the SEPP and the Development Control Plan are more consistent and will provide greater certainty that the Growth Centres SEPP will achieve the intended outcomes as outlined in the Development Control Plan. <i>4. The proposed height for land zoned B1 Neighbourhood Centre will limit buildings to two storeys as commercial buildings generally require 4.5m per floor.</i> Planning Comments: As noted above, the intended built form outcome for this centre is for two storey buildings. Further discussion on required heights is provided in Section 6(e) of the Council Report.
Action	No action required.
No.	5
Issues raised	<u>Winston Hills Shopping Centre</u> <i>1. Winston Hills Mall should be exempt from the proposed 10m height control because approved development on the site already complies with the minimum retail floor area.</i> Planning Comments: Whilst existing approvals may comply with the required mix of business and residential uses, application of the proposal will ensure that any future proposals on the site maintain the required minimum floor area of business uses.

	2. <i>The owners of the site are committed to retaining the retail shopping centre.</i> Planning Comments: Noted, however planning controls cannot rely on landowner commitments as future owners may seek alternative development outcomes. 3. <i>A height limit of 10m is inconsistent with the 12m control that would normally apply to retail development on the site.</i> Planning Comments: Refer to Section 6(d) of Council Report.
Action	No action required.
No.	6 & 7
Issues raised	<u>Box Hill Town Centre</u> 1. <i>The proposed changes are in direct contradiction with the objectives set down within the NSW future development plans for the Box Hill area.</i> Planning Comments: Refer to Section 6(b) of the Council Report. 2. <i>By altering the maximum building height from 24m to 20m there will be a shadowing effect during all the daylight hours (summer and winter) created by Development Application No. 945/2016/JP that is currently under assessment. This Development Application has applied to increase the building height to 29.5m on five of the nine apartment blocks in the development which will have a shadowing effect.</i> Planning Comments: Refer to Section 6(d) of the Report. The proposed 20m height for the Box Hill town centre will ensure that future development is consistent with the built form envisaged by the Box Hill Development Control Plan which is for a maximum of six storeys. This height reflects the centre's higher order function and increased density and built form outcomes, and will allow a reasonable scale of development to occur. A 20m height limit will allow the centre to become the retail and community focus for the Box Hill Precincts. The potential overshadowing of adjoining sites that may arise from Development Application No. 945/2016/JP (which relates to land at 29 – 31 Terry Road, Box Hill) will be a matter for consideration in the assessment of the Development Application. 3. <i>While the submission author does not object to DA No. 945/2016/JP, it is reasonable to expect that development on both sides of the road will be on a level playing field, with the same opportunity for development and with complimentary architecture. There should be consistent</i>

	<i>controls from one side of Mason Road to the other.</i> Planning Comments: Refer to Sections 6(d) and 6(h) of the Council Report. <i>4. The requirement for 50% of the floor space of a new shop top housing development to comprise non-residential uses will have a direct impact on the infrastructure, roadways and parking facilities due to increased traffic generation.</i> Planning Comments: The potential for impacts regarding traffic, infrastructure and parking will be a matter for consideration in the assessment of any future Development Application. The Box Hill Development Control Plan outlines minimum parking rates for development to ensure an appropriate level of parking is provided on site and that any adverse parking impacts are minimised. <i>5. The planning proposal will also impact on the potential retail purchases by residents after business hours and on weekends.</i> Planning Comment: The proposed requirement to provide 50% of the total floor area for non-residential uses will ensure that key zone objectives are achieved, particularly the provision of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. It is not considered that the planning proposal will have a significant impact on future retail sales that may occur after hours and on weekends. Further discussion on retail demand is provided in Section 6(h) of the Council Report. <i>6. Council staff have advised that DA 945/2016/JP will not be affected by these proposed changes. This DA proposes a mixture of staggered building heights to attempt to minimise shadowing and enhance the visual appeal to the architecture and design, which is a sensible approach. The submission author does not object to the DA, however if approved it will set a precedent for future development in the immediate area and make the height restriction to 20m contradictory. Having the same set of controls for the whole town centre makes more sense.</i> Planning Comment: Refer to Section 6(a) of the Council Report. It is considered that the proposed 20m height limit for the Box Hill Town Centre will achieve a high quality development outcome that reflects its role and function as the primary retail and community centre in the Precinct. The outcome of a Development Application on a nearby site is not suitable justification for an amendment to the proposed 20m height limit for the centre as a whole. <i>7. The requirement for a development application to provide a minimum of 50% of the total floor area as non-</i>
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residential floor area will impact on the sense of community within the immediate area. The reduced number of residents, in association with an increased number of businesses, raises questions of safety within the shop top housing complexes.

Planning Comment:

The planning proposal will continue to permit a reasonable scale of residential development to achieve the intended mixed use character and provide activation and passive surveillance of the centre. Safety issues would be a consideration in design of the development and would be assessed as part of any future Development Application for the centre.

8. *The draft Development Control Plan requirement that the common open space area must only be accessible by the residents of the development is unclear if the total floor space ratio is divided 50% between residential and mixed business use.*

Planning Comment:

The requirement for common open space to only be accessible by residents of the development would be achieved through the careful design of the development. It will ensure that residents will not bear the cost and public liability issues associated with providing a publicly accessible open space. The requirement for landscaped common open space at ground will ensure that centres provide a green urban character and prevent sites from being predominantly covered by buildings.

9. *Query why DA No. 945/2016/JP is not affected by the proposed planning control changes. The North Kellyville and Winston Hills development proposals were rejected on the basis that they were inappropriate for the site, incompatible with planning objectives and adjoining land uses, and would compromise the opportunity for the centres to be developed to their maximum potential as a local provider of retail services and employment.*

Planning Comment:

Refer to Section 6(a) of the Council Report.

10. *The proposed restrictions on the Box Hill Town Centre development do not align with the goal for the Hills Shire area of introducing future housing opportunities in a town centre community environment. The proposed Box Hill Town Centre is a smaller community town centre that will depend heavily on residential occupancy to thrive and be a successful model for future development in other Hills Shire areas.*

Planning Comment:

The planning proposal will not compromise the centre's ability to provide a modern, mixed use, community-focused town centre for the community to live in, work in, and enjoy. Accordingly, the proposal is considered to be consistent with

	the overall objectives for the town centre and the Box Hill Precinct. <i>11. The proposed changes will have adverse impacts on property values and sale potential.</i> Planning Comments: Refer to Section 6(f) of Council Report.
Action	No action required.
No.	8
Issues raised	<u>Memorial Avenue / Hector Court Village</u> <i>1. The proposed amendments conflict with Section 117 Directions including:</i> - <i>3.1 Residential Zones; and</i> - <i>7.1 Implementation of 'A Plan for Growing Sydney'</i> Planning Comments: Refer to Section 6(b) of Council Report. <i>2. The proposed changes are in conflict with Council's Residential Direction. No suitable study has been undertaken to demonstrate the changes are consistent with this policy.</i> Planning Comments: Refer to Section 6(b) of Council Report. <i>3. The site immediately south of the subject land has a greater height limit. Combined with the changes this will impact the future primacy of the centre. No study has been undertaken to demonstrate that the changes will not impact the primacy of the centre.</i> Planning Comments: Refer to Section 6(d) of Council Report. <i>4. The proposed changes will have an adverse impact on dwelling yield and will adversely affect property values.</i> Planning Comments: Refer to Section 6(f) of Council Report. <i>5. The wording of the draft clauses is ambiguous. It should specify that the requirement for 50% non-residential uses only applies to shop top housing or mixed used developments.</i> Planning Comments: A minor amendment was made to the wording of the draft clauses prior to the second exhibition period to improve clarity. As noted in the planning proposal, the clauses will be subject to further review and refinement at the legal drafting stage to ensure they achieve the intended outcomes.

	6. <i>A typical supermarket requires a floor to floor height of 6m with a commercial building providing uses such as gyms, child care etc. requiring 5m. The proposed limit of 10m will remove the ability to provide these important facilities.</i> Planning Comments: The proposed height limit for shop top housing and mixed use developments is 10m and therefore would not preclude provision of facilities at the ground floor that require a 6m floor to floor height. Further, should only retail or business uses be provided on the site, these would be subject to the existing maximum height of 12m. Further discussion on required building heights is provided in Section 6(e) of the Council Report. 7. <i>The subject site is burdened by council imposed infrastructure costs namely the construction of Severn Vale Drive and works to Hector Court. The site will now be further burdened by the reduced height, limiting the ability for a true mixed use to maximise FSR and afford to pay for the development.</i> Planning Comments: No evidence has been provided to demonstrate that the planning proposal would result in a non-viable development outcome for this site. 8. <i>The planning proposal should not apply to land zoned B2 Local Centre or the subject site should be excluded from the planning proposal. Otherwise, the proposed height control should be reconsidered.</i> Planning Comments: No amendment to the proposal is considered to be warranted. The proposed planning changes will achieve development that is compatible in terms of character, type and scale for its location.
Action	No action required.
No.	9
Issues raised	<u>Box Hill – Various Zones</u> 1. <i>The proposed restrictions to shop top housing are contrary to the objectives of the State Government's Housing Diversity package.</i> Planning Comments: Refer to Section 6(b) of Council Report. 2. <i>The planning proposal is inconsistent with Section 117 Direction – 3.1 Residential Zones. The planning proposal should address this inconsistency.</i> Planning Comments: Refer to Section 6(b) of Council Report. 3. <i>Addressing changing lifestyle trends, housing choice and</i>

	<i>convenience shopping for local residents are growing trends being sought after within the Shire. Council should be working with these trends rather than restricting development and limiting housing choice.</i> Planning Comments: Refer to Section 6(f) of Council Report. 4. <i>The planning proposal is inconsistent with Council's Centres Direction which notes that neighbourhood centres should permit neighbourhood shops and shop top housing. Additionally, height and floor space ratio controls should be appropriate with surrounding residential character. The Centres Direction would not have anticipated the recent rise in shop top housing given it was adopted in 2009. This Direction should be reviewed.</i> Planning Comments: Refer to Section 6(c) of Council Report.
Action	No action required.
No.	10
Issues raised	<u>Nelson Road Village Centre, Box Hill</u> 1. <i>Lodgement of a development application for this site has been delayed by attempts to incorporate Council's community centre.</i> Planning Comments: Noted. 2. <i>The existing FSR controls for the site specifically envisage a residential outcome 2-3 times greater than the commercial component (0.5:1 for commercial and bonus 1.25:1 for residential development). The proposal is not consistent with this outcome. The draft instrument should not apply to 17 Nelson Road, Box Hill and adjoining parcels zoned B2. The site has been the subject of detailed technical studies to guide its desired densities and building heights.</i> Planning Comments: Agreed – changes recommended. Refer to Section 6(i) of Council Report. There is considerable flexibility within the existing Growth Centres planning framework which has had the unintended consequence of facilitating significant additional density beyond what was anticipated and planned for. This planning proposal seeks to ensure that the bulk, scale and built form of new development is in keeping with the intended character of the locality, and to ensure that a sustainable mix of retail and residential land uses are provided within centres. 3. <i>The proposed changes for the site are inconsistent with the objectives for the B2 Local Centre zone.</i> Planning Comments:

The proposed changes will ensure the primary retail focus of the centre is maintained whilst allowing a suitable provision of residential development as envisaged by the Box Hill Development Control Plan. It is therefore considered the changes are consistent with the Growth Centres SEPP and DCP objectives for the centre.

4. *The proposed height of 10m is lower than the 16m height that applies for surrounding land. This will result in a poor urban design outcome and is contrary to appropriate planning where densities and heights increase as you get closer to centres.*

Planning Comments:

Refer to Section 6(d) of the Report.

5. *The decreased potential for residential development as well as other unplanned retail development in the vicinity e.g. 322 Annangrove Road will impact on the viability of the centre.*

Planning Comments:

No evidence has been provided to demonstrate that the planning proposal would result in a non-viable development outcome for this site. Further discussion on retail impacts is discussed in Section 6(h) of the Council Report.

6. *There is nothing in the exhibited material that explains how the original precinct planning was incorrect in its assumptions for density generated by the planning controls.*

Planning Comments:

Refer to Section 6(b) of Council Report.

7. *The planning proposal will not permit a development that is sympathetic and clearly separates the residential component of the development from the business and community uses on the site. The proposed requirement for 75% of communal open space at ground level is inconsistent with providing separate communal areas for residential and non-residential land uses.*

Planning Comments:

The requirement for common open space to only be accessible by residents of the development would be achieved through the careful design of the development. The requirement for landscaped common open space at ground level will ensure that centres provide a green urban character and prevent sites from being predominantly covered by buildings.

8. *Requirement relating to ground level private open space should be removed as this is inconsistent with the definition of shop top housing under the Growth Centres SEPP. Ground level courtyards are not legally able to be provided.*

	Planning Comments: The definition of 'shop top housing' under the Growth Centres SEPP allows for residential uses at ground level (refer definition below). <i>"Shop top housing means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises".</i> The requirement to provide private open space will apply where shop top housing is located at ground level. This control has been retained as it will improve amenity outcomes for future residents. 9. <i>The proposed private open space and apartment size controls are inconsistent with the Apartment Design Guide and pursuant to SEPP 65, have no effect. The controls should be removed.</i> Planning Comments: Refer to Section 6(b) of Council Report. 10. <i>The relationship of the Box Hill Development Control Plan with Development Control Plan 2012 should be clarified.</i> Planning Comments: Agreed – changes recommended. Refer to Section 6(j) of Council Report. 11. <i>The proposed parking rates for residential development in centres are higher than for standalone residential flat buildings. Given local centres are well connected to public transport the existing lower parking rates should apply.</i> Planning Comments: It is considered appropriate that parking rates for shop top housing and residential flat buildings as mixed use developments be consistent with the rates applied to within other centres within the Shire. No amendment is considered warranted. 12. <i>The changes are unclear. The exhibition materials contain errors that warrant re-exhibition.</i> Planning Comments: To assist community understand of the proposal, a further exhibition was undertaken from October to November 2016.
Action	Refer to Sections 7 and 8 of Council Report.
No.	11
Issues raised	<u>Box Hill Town Centre</u> 1. <i>The development application currently under assessment for the site includes sufficient retail floorspace at ground level to ensure the role and function of the site as a town centre is maintained.</i>

	Planning Comments: Refer to Section 6(h) of Council Report. 2. <i>The proposed development on the site is consistent with the indicative layout plan for the town centre in the Box Hill Development Control Plan.</i> Planning Comments: Noted. 3. <i>The proposed development on the site generally complies with the existing height controls. A reduced scale and density on the site would not necessarily correspond to less environmental impact.</i> Planning Comments: The proposed height for the town centre will ensure future development is consistent with the built form envisaged by the Box Hill Development Control Plan being a maximum of six storeys. This height reflects the centre's higher order function and increased density and built form outcomes, and will allow a reasonable scale of development to occur and will allow the centre to provide the retail and community focus for the Box Hill Precincts. 4. <i>The planning proposal may compromise suitability of the site and other properties to accommodate Sydney's rapidly growing population as per State Policy and Strategy and a density that supports communities to be self-sufficient from their inception and throughout.</i> Planning Comments: Refer to Section 6(b) and 6(f) of Council Report. 5. <i>Confirmation is requested that the proposed changes will not impact the current application under assessment for the site.</i> Planning Comments: The amount of weight that is applied to the draft amendments will be determined as part of the assessment and determination of the development application.
Action	No action required.
No.	12
Issues raised	<u>Kellyville Village Centre</u> 1. <i>Concern is raised with the proposed changes for the site on the following grounds:</i> - <i>The proposed plans are restrictive and damaging to the owner's plans for retail and shop top housing on the site;</i> - <i>The proposed height could reduce future development by almost one floor; and</i> - <i>Shop top apartments on this site would have one of the best views in The Hills.</i> Planning Comments:

	Council is currently undertaking a master planning process for the Kellyville Village Centre that will consider appropriate outcomes and guide redevelopment to achieve a more cohesive and attractive centre. Until the master planning process is finalised, it is considered appropriate that the planning proposal continue to apply to the centre. If required, a future planning proposal will be initiated to facilitate the outcomes of the master plan.
Action	No action required.

SECOND EXHIBITION

No.	1
Issues raised	1. <i>Request to be kept informed of changes relating to the rezoning of their property. Agreement to the rezoning of the area to a high density residential zone.</i> Planning Comment: The submission author will be kept informed of the progress of this planning proposal. However, it is noted that this proposal does not seek to rezone land in Baulkham Hills.
Action	No action required.
No.	2
Issues raised	1. <i>In addition to being "attractive", a proposed development should fit in with the existing nature and character of the area. For example, in Glenorie the development should reflect the semi-rural village atmosphere and not appear as an out of character, starkly contrasting, modernistic structure.</i> Planning Comment: The character of any future development proposal in Glenorie or elsewhere will be subject to assessment as part of the development application process. Existing and proposed controls within Development Control Plan 2012 provide guidance on appropriate character and built form outcomes for shop top housing and mixed use developments.
Action	No action required.
No.	3
Issues raised	1. <i>The rezoning of their land as an outlook area for the Rouse Hill House is unreasonable. The property cannot be seen from Rouse Hill House, it is on the opposite side of Windsor Road and was never owned by the Rouses. The submission author strongly objects to the proposal and requests that it be changed.</i> Planning Comment: This planning proposal does not seek to change the 'Historic View Corridor' designation that is identified in the Box Hill Development Control Plan. The current changes relate to shop top housing only.
Action	No action required.
No.	4
Issues raised	1. <i>Prefer shop-top housing.</i> Planning Comment: The submission author's property is zoned R4 High Density Residential under The Hills LEP 2012. It is not envisaged that there will be a high demand for shop top housing in the R4

	High Density Residential zone given that residential flat buildings are permissible and more likely to be developed due to lower commercial risk and generally higher profits. Accordingly, it is not considered warranted to establish any specific shop top housing controls within The Hills LEP 2012 for this zone. However, it is proposed that the new Shop Top Housing section of the Hills Development Control Plan 2012 apply to the R4 High Density Residential zone to ensure appropriate outcomes should any such proposals be received.
Action	No action required.
No.	5
Issues raised	<u>Glenorie Village Centre</u> <i>1. The planning proposal will have a significant impact on the design and built form of Development Application No. 182/2017/HA for Glenorie Shopping Centre. The changes should not apply to this site or the Development Application that is currently under evaluation by Council. The proposed development in its current proposed form is considered to be consistent with Council's planning policies given it will provide employment opportunities and local services and facilities for the community, provide additional housing stock and is consistent with the desired future character for Glenorie. It will have minimal amenity impacts.</i> <i>The submission author was advised by the Council when preparing the Statement of Environmental Effects and lodging the Development Application that a Gateway Determination had not been granted for this planning proposal. Accordingly, the proposed amendments were not a statutory consideration for Council in the assessment of this Development Application under Section 79C of the Environmental Planning and Assessment Act 1979 at the time of submission of the DA. The Development Application has been made under the provisions of the current LEP and DCP and is consistent with the primary objectives of the zone.</i> <i>Request that Council insert a "Savings Provision" within the re-exhibited LEP amendment that will enable Council to determine DA No. 182/2017/HA under the terms of the planning controls that were applicable to the site at the time of lodgement.</i> Planning Comment: Refer to Section 6(a) of the Council Report. The proposed controls for the Glenorie village intend to ensure that the centre provides a suitable scale and built form for its location, consistent with the envisaged role and function of the centre under Council's Centres Direction. In this regard, the Centres Direction notes that rural centres such as Glenorie are to provide small scale retail uses to meet the daily needs of the local rural community with a built form that is in keeping with the surrounding rural and

	rural residential character. Accordingly, no change to the controls for the Glenorie village centre is considered warranted. 2. <i>Shop top housing is permissible in the B1 zone. The proposed development is of a scale permitted under the LEP. The scale, design and siting of the proposed development is consistent with the current adopted controls applying to the land and with the desired future character statements for the Glenorie Village as outlined in the Rural Lands Study.</i> Planning Comment: It is acknowledged that shop top housing is permissible in the B1 Neighbourhood Centre zone. The objectives of this zone are: • <i>"To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.</i> • <i>To ensure the scale and type of development is compatible with the character and amenity of a neighbourhood centre.</i> • <i>To allow for residential development that contributes to the economic and social vitality of the neighbourhood centre and does not detract from the primary objective of the zone.</i> • <i>To promote commercial activities in locations that encourages walking and cycling to and from the neighbourhood centre."</i> Following a review of recent shop top housing development applications, changes are proposed to address overly flexible controls which are being used to achieve excessive densities and inappropriate development in terms of scale and location. The Rural Lands Study (2003) includes a number of key objectives to guide development within rural villages such as Glenorie including: • Retain rural village character. • Develop a core commercial centre. • Ensure that new dwellings respect the character of surrounding dwellings. • Make provision for commercial and community facilities to serve the surrounding areas. • Ensure new residential development blends with the existing streetscape. It is considered that the planning proposal will assist with achieving development outcomes that are consistent with these objectives. It will help to limit the form and scale of such developments, to ensure that they are consistent with the existing character and intended outcomes for rural areas. 3. <i>Alternatively, the submission author requests that the Council arrange a public hearing on the issues raised in</i>
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	<i>the submission pursuant to S.57(5) of the Environmental Planning and Assessment Act 1979 due to the significant financial implications that the planning proposal will have on the Development Application.</i> Planning Comment: Consideration has been given to the need for a public hearing in relation to the matters raised, as requested. This issue has been addressed in Section 6(a) of the Council Report.
Action	No action required.
No.	6 & 11
Issues raised	<u>Box Hill Town Centre</u> 1. <i>By altering the maximum building height from 24m to 20m there will be a shadowing effect during all the daylight hours (summer and winter) created by Development Application No. 945/2016/JP that is currently under assessment. This Development Application has applied to increase the building height to 29.5m on five of the nine apartment blocks in the development which will have a shadowing effect.</i> Planning Comments: Refer to Section 6(d) of the Report. The proposed 20m height for the Box Hill town centre will ensure that future development is consistent with the built form envisaged by the Box Hill Development Control Plan which is for a maximum of six storeys. This height reflects the centre's higher order function and increased density and built form outcomes, and will allow a reasonable scale of development to occur. A 20m height limit will allow the centre to become the retail and community focus for the Box Hill Precincts. The potential overshadowing of adjoining sites that may arise from Development Application No. 945/2016/JP (which relates to land at 29 – 31 Terry Road, Box Hill) will be a matter for consideration in the assessment of the Development Application. 2. <i>While the submission author does not object to DA No. 945/2016/JP, it is reasonable to expect that development on both sides of the road will be on a level playing field, with the same opportunity for development and with complimentary architecture. There should be consistent controls from one side of Mason Road to the other.</i> Planning Comments: Refer to Section 6(d) and 6(h) of the Council Report. 3. <i>The requirement for 50% of the floor space of a new shop top housing development to comprise non-residential uses will have a direct impact on the infrastructure, roadways and parking facilities due to increased traffic generation.</i> Planning Comments:

The potential for impacts regarding traffic, infrastructure and parking will be a matter for consideration in the assessment of any future Development Application. The Box Hill Development Control Plan outlines minimum parking rates for development to ensure an appropriate level of parking is provided on site and that any adverse parking impacts are minimised.

4. *The planning proposal will also impact on the potential retail sales by residents after business hours and on weekends. It will be the residents living in the centre and surrounding area that will make or break the success and viability of the Box Hill Town Centre, not the mixed business operators.*

Planning Comment:

The proposed requirement to provide 50% of the total floor area for non-residential uses will ensure that key zone objectives are achieved, particularly the provision of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. Further discussion on retail demand is provided in Section 6(h) of the Council Report.

5. *Council staff have advised that DA 945/2016/JP will not be affected by these proposed changes, however if approved it will set a precedence for future development in the immediate area and make the height restriction to 20m contradictory.*

Planning Comment:

Refer to Section 6(a) of the Report.

It is considered that the proposed 20m height limit for the Box Hill Town Centre will achieve a high quality development outcome that reflects its role and function as the primary retail and community centre in the Precinct. The outcome of a Development Application on a nearby site is not suitable justification for an amendment to the proposed 20m height limit for the centre as a whole.

6. *The proposal to restrict shop top development to 50% residential and 50% mixed use will have an impact on the sense of community within the immediate area. The reduced number of residents, in association with an increased number of mixed-use businesses, raises questions of safety within the shop top housing complexes. Safety is paramount in a community. The required 50/50 mix of business and residential could deter potential residents from purchasing or renting in the area and doesn't make sense from a community or safety perspective.*

Planning Comment:

The planning proposal will continue to permit a reasonable scale of residential development to achieve the intended mixed use character and provide activation and passive surveillance of the centre. Safety issues would be a consideration in design of the development and would be

assessed as part of any future Development Application for the centre.

7. *The draft Development Control Plan requirement that the common open space area must only be accessible by the residents of the development is unclear if the total floor space ratio is divided 50% between residential and mixed business use.*

Planning Comment:

The requirement for common open space to only be accessible by residents of the development would be achieved through the careful design of the development. It will ensure that residents will not bear the cost and public liability issues associated with providing a publicly accessible open space. The requirement for landscaped common open space at ground will ensure that centres provide a green urban character and prevent sites from being predominantly covered by buildings.

8. *Query why DA No. 945/2016/JP is not affected by the proposed planning control changes. The North Kellyville and Winston Hills development proposals were rejected on the basis that they were inappropriate for the site, incompatible with planning objectives and adjoining land uses, and would compromise the opportunity for the centres to be developed to their maximum potential as a local provider of retail services and employment.*

Planning Comment:

Refer to Section 6(a) of the Council Report.

9. *The proposed restrictions on the future Box Hill Town Centre development do not align with the goal for the Hills Shire area of introducing future housing opportunities in a town centre community environment. The proposed Box Hill Town Centre will be a small community town centre that will depend heavily on residential occupancy to thrive and be a successful model for future development in other Hills Shire areas.*

Planning Comment:

The planning proposal will not compromise the centre's ability to provide a modern, mixed use, community-focused town centre for the community to live in, work in, and enjoy. Accordingly, the proposal is considered to be consistent with the overall objectives for the town centre and the Box Hill Precinct.

10. *The recently announced "Esplanade – Norwest" development is a direct contradiction to this planning proposal. It contains two towers (19 storeys and 20 storeys in height) containing residential apartments and private facilities such as an open-air cinema, pool and gym, as well as boutique commercial suites. More than 60% of the residential apartments sold pre-DA, demonstrating a huge appetite for the convenience and lifestyle that comes with apartment living.*

	Planning Comment: The Box Hill Town Centre will be in close proximity to residential development and its built form should reflect Council's established Centres Hierarchy. The Norwest Business Park is located within a business park and is expected to have a higher built form outcome.
Action	No action required.
No.	7
Issues raised	<u>Hezlett Road Neighbourhood Centre</u> 1. <i>The area of the site has already been reduced from over 4000m² to 3,689m² due to road widening for the roundabout at the Samantha Riley / Hezlett Road intersection. A further decrease of development potential and achievement of the planning principles of the Hezlett Road Neighbourhood Centre are unwarranted. The site lies within the area designated as the Hezlett Road Neighbourhood Centre in the North Kellyville Development Control Plan. The Development Control Plan describes the future centre as follows:</i> <i>"Mixed-use and/or residential flat buildings will front the eastern side of Hezlett Road with shops, restaurants and cafes on the ground floor and other commercial uses and apartments located on the upper floors."</i> Planning Comment: Amendments to the proposed controls for the Hezlett Road neighbourhood centre, including 9 Hezlett Road, Kellyville are recommended as discussed in Section 6(g) of the Council Report. 2. <i>The owner's principal preference is that no change occurs to the site and its development potential by leaving shop top housing as a permissible use and a height of building at 16m which is in accordance with building heights as approved and under construction on the adjoining site.</i> Planning Comment: Amendments to the proposed controls for the Hezlett Road neighbourhood centre, including 9 Hezlett Road, Kellyville are recommended as discussed in Section 6(g) of the Council Report. 3. <i>Notwithstanding that first preference, the proposed removal of shop top housing is not opposed provided that a residential flat building and height of 16m remains permissible on the site to complete the orderly development of the Hezlett Road Neighbourhood Centre in accordance with the planning objectives and controls already applied to the other sites in the neighbourhood centre. It is our understanding that the 16m height of building control is not proposed to be amended for this site under this planning proposal.</i> Planning Comment:

	The planning proposal currently on exhibition does not affect the existing height controls for a residential flat building that does not form part of a mixed use development. The existing 16m height limit will continue to apply for that form of development. 4. <i>This site forms the gateway to the Hezlett Road Neighbourhood Centre, the growth centre residential area and Adventist School development accessed from Hezlett Road. Orderly development will not occur in this location should the planning provisions be altered to not permit at least residential flat building development to the same height of 16m (or equivalent to that adjoining on the remaining site) at 9 Hezlett Road. A two storey townhouse development on this gateway site would not be considered orderly development.</i> Planning Comment: Amendments to the proposed controls for the Hezlett Road neighbourhood centre, including 9 Hezlett Road, Kellyville are recommended as discussed in Section 6(g) of the Council Report.
Action	Refer to Section 7 of Council Report.
No.	8
Issues raised	<u>Kellyville Village Centre</u> 1. <i>Submission author's objection stands as per their correspondence submitted during the first exhibition period.</i> Planning Comment: The original submission has been addressed in the first exhibition submission table. Refer submission 12.
Action	No action required.
No.	9
Issues raised	<u>Box Hill Town Centre</u> 1. <i>The proposed clauses will affect the scale, pace and sustainability of development within the Box Hill Town Centre. For the Box Hill Town Centre to provide major commercial and community services for the precincts, Council should not be limiting the FSR of the Town Centre's shop top housing to be the same as the surrounding local centres. Once the land is developed it becomes nearly impossible to amend or add any future developments over the existing one.</i> Planning Comment: The planning proposal seeks to ensure that sufficient retail floor space is provided to meet the needs of the community while ensuring that the planned infrastructure can support the anticipated residential population. The changes aim to achieve shop top housing that is appropriate for its location in terms of scale, and to ensure that development within centres is of a scale that reflects Council's established Centres Hierarchy.

	2. <i>The planning proposal will make development less appealing for both land owners and developers as the return is greatly diminished.</i> Planning Comment: Refer to Section 6(f) of Council Report. 3. <i>By severely limiting the amount of shop top housing, the majority of nearby residents will have to travel to the Town Centre either by car or public transport. This is less environmentally friendly and some may prefer to shop elsewhere (such as Rouse Hill Town Centre). By limiting the shop top housing it drastically limits the pace that developers want to develop the Box Hill Town Centre, which has a negative effect on the sustainability of the region in the long run.</i> Planning Comment: It is not considered that the planning proposal will limit the sustainability or viability of the future Box Hill Town Centre, or its attractiveness to developers. The proposal will ensure that the centre develops to become a vibrant and attractive town centre that has a sustainable mix of residential, retail, commercial, community and recreational uses in the long term.
Action	No action required.
No.	10
Issues raised	<u>Box Hill – various zones</u> 1. <i>Given that shop top housing is now prohibited on the subject properties, the submission authors request that Council allow low rise 3 to 4 level apartment type dwellings. Justification includes:</i> - <i>Land on Alan Street has properties directly opposite and adjoining which are zoned high density. Subject properties are also in very close proximity to a large business park on the corner of Windsor and Terry Road.</i> - <i>Allowing multi-storey development on the subject land will result in consistency of character, and avoid issues of privacy and shadowing.</i> - <i>Subject properties are not of heritage significance, nor contain critical habitat and are largely devoid of trees and substantial vegetation.</i> - <i>Allowing low rise 3-4 level multi-storey apartment type development on the subject land will not significantly put strain on infrastructure nor substantially increase density but provide uniformity in this contained pocket.</i> Planning Comments: The subject properties are either zoned R3 Medium Density Residential or SP2 Infrastructure. Council's intent for the R3 Medium Density Residential zone is for medium density housing types such as townhouses and small lot housing. Residential flat buildings are not currently permissible and a

	change to permit these would increase potential densities and place additional pressure on existing and future infrastructure. The SP2 land is intended for infrastructure only and residential uses are not an appropriate use for this zone. The subject properties provide a transition between high density uses bound by Windsor Road, Terry Road and Alan Street and the future open space/riparian corridor to the northeast. Retaining this transition is consistent with Council's hierarchical zoning approach where building heights and densities decrease further away from centres and major transport routes. It will also provide a more aesthetically appropriate interface with the open space/riparian land.
Action	No action required.
No.	12
Issues raised	<u>Nelson Road Village centre</u> 1. <i>The current development application under assessment for the site (which includes a full service supermarket and 19 specialty shops) demonstrates that an appropriate amount of retail space to service the release area will be provided.</i> Planning Comments: The planning proposal is considered appropriate to ensure both retail and residential outcomes are appropriate, provide suitable amenity and are able to be appropriately serviced with necessary infrastructure. 2. <i>Applying the same controls as other centres zoned B2 Local Centre in the Shire is inappropriate and does not appropriately consider the detailed technical studies and analysis that informed and refined the current site-specific planning controls. The planning controls envisioned a residential component that was 2 – 3 times greater than the commercial / retail component of the development.</i> Planning Comments: Refer to Section 6(b) of Council Report. 3. <i>The proposed amendments warrant further revision to account for site specific planning for the site and logical urban design analysis to accommodate greater development than that envisioned by the proposed controls.</i> Planning Comments: No amendment to the planning proposal or development control plan is considered warranted for this site. Development outcomes for this centre should be in accordance with the objectives and the indicative layout plan for the centre as contained in the Box Hill DCP. The DCP objectives seek to achieve a vibrant mixed use village that provides a range of small-scale retail, business and

community uses which serve the needs of people who live and work in the surrounding area.

A further planning proposal is recommended to amend Clause 4.4A of the Box Hill Precinct Plan in the Growth Centres SEPP to ensure consistency with this planning proposal.

4. *If Council proceeds with the planning proposal, Clause 1.8A of the Box Hill Precinct Plan in the Growth Centres SEPP should be amended to specifically state that the clause applies to the subject site.*

Planning Comments:

Refer to Section 6(a) of the Council Report.

5. *The current height control of 16m should be retained. The application of a 10m height control for shop top housing development is directly contrary to objective 4.3(2) of the SEPP for the area that states: "to facilitate higher density development in and around commercial centres and major transport routes." Applying a 10m height control would result in surrounding apartment buildings (that can be up to 5 storeys given the 16m height limit) having a greater height than the focal point that is the B2 local centre. Density and heights should increase as you get closer to a local centre. The provision of a two storey shop top housing development adjacent to a 5 storey residential flat building is a poor urban design outcome.*

Planning Comments:

Refer to Section 6(d) of Council Report.

6. *Clause 4.4A of the SEPP that provides a 1.25:1 FSR bonus for shop top housing will cause confusion as proposed clause 6.8 will override it. Clause 6.8 should not proceed. Clause 4.4A should be retained as the primary clause for shop top housing on the site. Providing less residential accommodation than Clause 4.4A envisages will further affect the viability of this centre.*

Planning Comment:

A further planning proposal is recommended to amend Clause 4.4A of the Box Hill Precinct Plan in the Growth Centres SEPP to ensure consistency with this planning proposal. Refer to Section 6(i) of the Council Report for further information.

7. *The Growth Centres website indicates that following exhibition of the draft precinct plans that the final plans increase the amount of land zoned for residential development. This is contrary to the commentary throughout this planning proposal that the precinct is unable to cater for the additional yield being generated through development applications. This approach does not have merit in priority precincts identified by the*

	<i>Growth Centres SEPP.</i> Planning Comment: Refer to Section 6(b) of Council Report. 8. <i>The current controls for this site are consistent with the objectives of the B2 zone and permit a development that is sympathetic and clearly separates the residential, business and community uses of the site. Altering the height control and limiting the amount of residential floor space to a maximum of 50% does not assist with achieving the objective. Current controls should be retained. Proposed Clause 6.8 should not proceed.</i> Planning Comment: The proposed changes will ensure that the primary retail focus of the centre is maintained whilst allowing a suitable provision of residential development as envisaged by the Box Hill Development Control Plan. It is therefore considered that the changes are consistent with the Growth Centres SEPP and DCP objectives for the centre. 9. <i>The reference to North Kellyville within the proposed Box Hill Development Control Plan is confusing as is the reference to the 7m height limit, whereas proposed clause 6.8 of Appendix 11 to the SEPP refers to a 10m height limit. This is a drafting error and the proposed amendments to this section should be re-exhibited.</i> Planning Comment: The draft DCP has now been amended to remove reference to North Kellyville. To assist community understand of the proposal, a further exhibition was undertaken from October to November 2016. 10. <i>The proposed DCP requirement that 75% of the communal open space be provided at ground level should not proceed. It is inconsistent with the urban planning principle of providing separate communal open space areas for residential and non-residential land uses. The controls within the Apartment Design Guide that facilitate the provision of upper level communal open space on a podium above a shop top housing development would provide a much improved environment and higher level of amenity for residents.</i> Planning Comment: The requirement for common open space at ground level to be accessible only by residents of the development would be achieved through the careful design of the development and will ensure that a high level of amenity and useable open space is provided for future residents. The requirement for landscaped common open space at ground level will ensure that centres provide a green urban character and prevent sites from being predominantly covered by buildings. 11. <i>The proposed Development Control Plan requirement to provide ground level private open space should be</i>
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removed from the Development Control Plan as it cannot be legally provided. The proposed controls should be revised to be consistent with the requirements of the SEPP as outlined in the Apartment Design Guide.

Planning Comment:

The definition of 'shop top housing' under the Growth Centres SEPP allows for residential uses at ground level (refer definition below).

"Shop top housing means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises".

The requirement to provide private open space will apply where shop top housing is located at ground level. This control has been retained as it will improve amenity outcomes for future residents.

12. The proposed amendments to the DCP should be amended and re-exhibited to clarify what sections are proposed to be amended. Section 1.3 should be updated to clarify the relationship between The Hills Development Control Plan 2012 and the Box Hill Development Control Plan and avoid uncertainty. For example, Table 20 in the draft DCP refers to Part B Sections 5 – Residential Flat Buildings, however they are not referred to in Section 1.3 of the DCP.

Planning Comment:

Refer to Section 6(j) of the Council Report. To ensure clarity, Section 1.3 'Relationship to Other Plans' of the Box Hill Growth Centre Precincts Development Control Plan 2016 has been amended to include a reference to Part B Section 5 – Residential Flat Building of The Hills DCP 2012.

13. The controls for apartment sizes should be removed and the provisions of SEPP 65 and the Apartment Design Guide should prevail. Apartment size controls are inconsistent with SEPP 65 and should not be included as they are contrary to the SEPP and cause confusion.

Planning Comment:

Refer to Section 6(b) of the Report.

14. The DCP amendments introduce higher car parking rates for the residential flat component of shop top housing developments. The DCP should confirm that the parking rates are to be consistent with the rates in the Box Hill DCP for apartments. The local centres are well connected to public transport and there is the opportunity for overflow visitor parking to occur within the retail parking areas, especially as they are likely to have different peaks for usage.

Planning Comment:

It is considered appropriate that parking rates for shop top housing and residential flat buildings as mixed use

	developments be consistent with the rates applied to within other centres within the Shire. No amendment is considered warranted.
Action	Refer to Section 7 and 8 of Council Report.
No.	13
Issues raised	<u>Glenorie Village Centre</u> 1. <i>Development Application No. 182/2017/HA has been lodged for land immediately adjoining this site to the south and west and, if approved, will have a significant adverse impact the submission author's property by way of vegetation loss, overshadowing, loss of privacy, excessive bulk, and increased traffic generation and grossly exceeds the controls proposed under the current planning proposal.</i> <i>The development was lodged after the planning proposal had been publicly exhibited (the first time). The controls under this planning proposal should be given determining weight in the assessment of DA 182/2017/HA.</i> Planning Comment: Refer to Section 6(a) of the Report. The proposed shop top housing controls aim to ensure that development in the Glenorie village is of a suitable scale and built form for its location, consistent with the envisaged role and function of the centre under Council's Centres Direction. In this regard, the Centres Direction notes that rural centres such as Glenorie are to provide small scale retail uses to meet the daily needs of the local rural community, with a built form that is in keeping with the surrounding rural and rural residential character. Accordingly, no change to the controls for the Glenorie village centre is considered warranted. 2. <i>It is unreasonable for such a divergent set of planning policies to be applied to the two neighbouring sites. This would result in a very different scale and form of development. Request for confirmation that any controls applied to this site under the planning proposal will be equally imposed on the neighbouring B1 zoned site.</i> Planning Comment: The proposed controls will apply to all land within the Glenorie Village. No changes to the planning proposal are recommended. With respect to the development application that is currently under assessment, the amount of weight that is given to the draft amendments will be determined as part of the assessment and determination of the development application.
Action	No action required.
No.	14 & 15
Issues raised	<u>Box Hill Town Centre</u> 1. <i>Concern that a built form of six storeys as intended by</i>

the Box Hill DCP will not be achievable within a maximum building height of 20m. A maximum building height of 22m would permit 2 x levels of commercial premises, 4 x levels of residential development and lift overrun and rooftop communal open space.

Planning Comment:

Refer to Section 6(e) of Council Report.

2. *The requirement to provide 75% of the required common open space land at ground level conflicts with the indicative layout plan for the Box Hill Town Centre which illustrates much of the ground floor of the Box Hill Town Centre as being occupied by roads, building footprints, loading areas and car parking.*

The benefits of providing communal open space on rooftops in mixed use areas, where commercial, retail and loading facilities occupy a large portion of the ground floor should not be discounted, and applicants not inhibited from providing these areas upon a rooftop.

By definition, shop top housing developments are separated from their association with the natural ground level which is dominated by commercial activities. The requirement for more than one level of commercial use (i.e. a minimum 50% of the building volume), will further disassociate the shop top housing component of a development from its required communal open space.

Communal open space requirements for developments within the B2 Local Centres should be consistent with the Apartment Design Guide requirements in recognition of the limited opportunities for high amenity ground level communal open space in mixed use developments.

Planning Comment:

The requirement to provide a reasonable quantity of landscaped common open space at ground level will ensure that centres provide a green urban character and prevent sites from being predominantly covered by buildings.

Applicants will not be precluded from providing 25% of the required common open space above ground level.

3. *The proposed amendments will significantly reduce the yield of potential development within the Box Hill Town Centre by inhibiting the bonus floor space that was previously available for shop top housing. There will be a conflict with Clause 4.4A(2) 'Development of certain land within Zone R1 General Residential or Zone B2 Local Centre – additional floor space ratio' of SEPP (Sydney Region Growth Centres) 2006 which allows additional floor space for developments that include shop top housing.*

They have raised concern that this would be inconsistent with the objectives of the B2 Local Centre zone

	<i>objectives and Council's Centres Direction as it will restrict the ability to provide a range of retail, business and commercial uses to serve the needs of residents, workers and visitors and to provide for the weekly shopping needs of the local community.</i> Planning Comment: Refer to Section 6(i) of Council Report. The Centres Direction includes local environmental plan zone objectives / zone criteria for town centres such as the Box Hill town centre. According to the Direction a town centre should provide a range of retail, business and commercial uses to serve the needs of residents, workers and visitors and provide for the weekly shopping needs of the community. The height and floor space ratio of development should reflect the scale of surrounding residential development, and there should be a broad diversity of retail and commercial land uses, as well as community facilities. The Centres Direction typology for a town centre envisages local scale built form with medium and higher density housing. It is considered that the planning proposal and draft DCP changes will still achieve the intended outcomes for the Box Hill town centre as articulated in the Centres Direction. The requirement to provide a 50:50 mix of residential and non-residential uses within mixed use developments will ensure that the town centre can meet the shopping and service needs of the surrounding community whilst still providing housing opportunities within the centre. The proposed controls aim to create a town centre that is a vibrant and attractive place to live, work, shop and visit. Clause 4.4A is further discussed in Section 6(i) of the Council Report. 4. <i>Limiting the development potential of the Box Hill Town Centre and reducing its residential population will impact on the viability of the town centre.</i> <i>The current controls have the appropriate effect of activating the adjacent public domain by limiting residential development to shop top housing only, and otherwise satisfying the objective of providing a maximum of 30,000m² gross floor area of retail and commercial premises within the centre.</i> <i>Developers may maximise the potential upon individual sites for residential development which could result in the unintended consequence of constructing commercial floorspace that is beyond the capacity of the town centre and undermine the performance of the centre and take-up rates for ground floor premises.</i> Planning Comment: Refer to Section 6(h) and 6(i) of the Council Report.
Action	Refer to Section 8 of Council Report.

ATTACHMENT 5

**FURTHER PROPOSED AMENDMENTS TO FLOOR SPACE RATIO PROVISIONS
FOR BOX HILL AND NORTH KELLYVILLE CENTRES
NEW PLANNING PROPOSAL**

Box Hill Precinct

The following changes are proposed to Clause 4.4A of the Box Hill Precinct Plan under the Growth Centres SEPP:

4.4A Development of certain land within Zone R1 General Residential or Zone B2 Local Centre—additional floor space ratio

(1) Despite clause 4.4 (2), the maximum floor space ratio for a building on land shown hatched red and lettered "A" on the Floor Space Ratio Map is ~~1:1~~ **2:1** if the site area is 3 hectares or more.

~~(2) Despite clause 4.4 (2), the maximum floor space ratio for the shop top housing component of a building containing shop top housing:~~

~~(a) on land shown hatched red and lettered "A" on the Floor Space Ratio Map, is 2:1, and~~

~~(b) on land shown hatched red and lettered "B" on the Floor Space Ratio Map, is 0.5:1, and~~

~~(c) on land shown hatched red and lettered "C" on the Floor Space Ratio Map, is 1.25:1.~~

~~(3) Subclause (1) is subject to subclause (2) (a).~~

(4) In this clause, site area has the same meaning as it has in clause 4.5 (3).

The following changes are proposed to the proposed shop top housing clause which forms part of 11/2016/PLP:

6.8 Additional controls applying to shop top housing

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

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

Key Sites D (B2 Local Centre Zone - Other than the Box Hill Town Centre)

- (1) This sub-clause applies to land identified as Area D on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, that would result in the building having a building height exceeding 10 metres.
- (3) Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Key Sites E (B2 Local Centre Zone - Box Hill Town Centre)

- (1) This sub-clause applies to land identified as Area E on the Key Sites Map under this plan.

- (2) Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, that would result in the building having a building height exceeding 20 metres.
- (3) Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, unless at least 50% of the total floor area of the building is intended for non-residential uses.

Key Sites F (R1 General Residential Zone)

- (1) This sub-clause applies to land identified as Area F on the Key Sites Map under this plan.
- (2) Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, unless at least 70% of the total floor area of the building is intended for non-residential uses.

Proposed Key Sites Map**Key Sites Map**

 Area A	 Area C	 Area E
 Area B	 Area D	 Area F

North Kellyville Precinct

The following changes are proposed to Clause 4.4 of the North Kellyville Precinct Plan under the Growth Centres SEPP:

4.4 Floor space ratio

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

(a) *to control the bulk and scale of future development in the North Kellyville Precinct,*

~~(b) to ensure that control of the bulk and scale in the business zones does not restrict the provision of shop top housing.~~

~~(b) to provide for a built form that is compatible with the role of local and neighbourhood centres.~~

(2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

~~(2A) Despite any other provision of this Precinct Plan, any part of a building in Zone B1 Neighbourhood Centre or Zone B2 Local Centre used for residential accommodation is not to be included in the calculation of floor space ratio.~~

The Hills Development Control Plan (DCP) 2012

THE
HILLS
Sydney's Garden Shire

www.thehills.nsw.gov.au

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 6 (under separate cover)

DRAFT



Part B Section 5
Residential Flat Building

B5

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1. INTRODUCTION

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

1.1. LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This Section of the DCP applies to land where, under the provisions of The Hills Local Environmental Plan (LEP) 2012, residential flat buildings are a permissible use. **The provisions of this Section also apply to shop top housing where specifically identified in the Part B Section 8 – Shop Top Housing of this DCP.**

1.2. STATE ENVIRONMENTAL PLANNING POLICY NO. 65 (SEPP 65) – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

Refer to State Environmental Planning Policy No. 65.

2. AIMS AND OBJECTIVES OF THIS SECTION OF THE DCP

OBJECTIVES

Council's objectives for residential flat building development are:

- (i) *Encourage a high standard of aesthetically pleasing and functional residential flat building developments that sympathetically relate to adjoining and nearby developments.*
- (ii) *Ensure that development will not detrimentally affect the environment of any adjoining lands and ensure that satisfactory measures are incorporated to ameliorate any impacts arising from the proposed development.*
- (iii) *Encourage innovative and imaginative designs with particular emphasis on the integration of buildings and landscaped areas that add to the character of the neighbourhood.*
- (iv) *Provide high levels of amenity and safety for future residents of any residential flat building development.*

- (v) *To ensure that residential flat building developments incorporate the principles of Ecologically Sustainable Development.*

3. OBJECTIVES AND DEVELOPMENT CONTROLS

Objectives and development controls for residential flat buildings are set out in the following sections.

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

- Part C Section 1 – Parking
- Part C Section 2 – Signage
- Part C Section 3 – Landscaping
- Part C Section 4 – Heritage
- Part C Section 6 – Flood Controlled Land

A checklist identifying the development controls is provided as a summary in Appendix A – Development Control Calculations/Compliance Sheet within this section.

3.1. SITE REQUIREMENTS

OBJECTIVES

- (i) *To ensure development sites have sufficient areas to provide adequate access, parking, landscaping and building separation.*
- (ii) *To provide for the orderly development of residential land through the consolidation of lots.*
- (iii) *To ensure development on a particular site has due regard to adjoining developments in accordance with Council's ESD objective 7.*

DEVELOPMENT CONTROLS

- (a) The minimum road frontage requirement is 30 metres.
- (b) Development sites shall not be accessed via a right of way and/or access handle. Access driveways should be centrally located within any proposed residential flat building development site.
- (c) A residential flat building development shall not isolate adjoining lots so that they are incapable of multi dwelling housing development, meaning there will be insufficient area to meet the

minimum site area requirement in Clause 4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings of the LEP 2012.

SUBMISSION REQUIREMENTS

- Site plan
- Location and general description of any adjoining developments.

3.2. SITE ANALYSIS

OBJECTIVES

- To encourage a comprehensive approach to site planning, design and assessment of development.*
- To facilitate assessment of how future buildings relate to their immediate surroundings and each other.*
- To facilitate development of a design that minimises the negative impacts on the amenity of adjoining commercial or residential development in accordance with Council's ESD objective 7.*
- To ensure development is compatible with land capability.*

- To ensure during consideration of the site layout and design, that disturbance to the natural environment is minimised in accordance with Council's ESD objective 4.*

DEVELOPMENT CONTROLS

- Development is to be designed to respect site constraints such as topography, drainage, soil landscapes, flora, fauna and bushfire hazard.
- Development on land adjoining bushland reserves should incorporate measures (such as setbacks and buffers) to prevent any impact on the reserves.
- Development is to be sited so as to minimise the impact of the development on the amenity of adjoining residences while recognising the character of the area.
- Siting of development is to take into account solar passive design principles.

SUBMISSION REQUIREMENTS

- Site Analysis. An example of a site analysis diagram is shown in Figure.1. The site analysis provided at pre-lodgement stage must include an Isometric Drawing as shown in Figure 2.

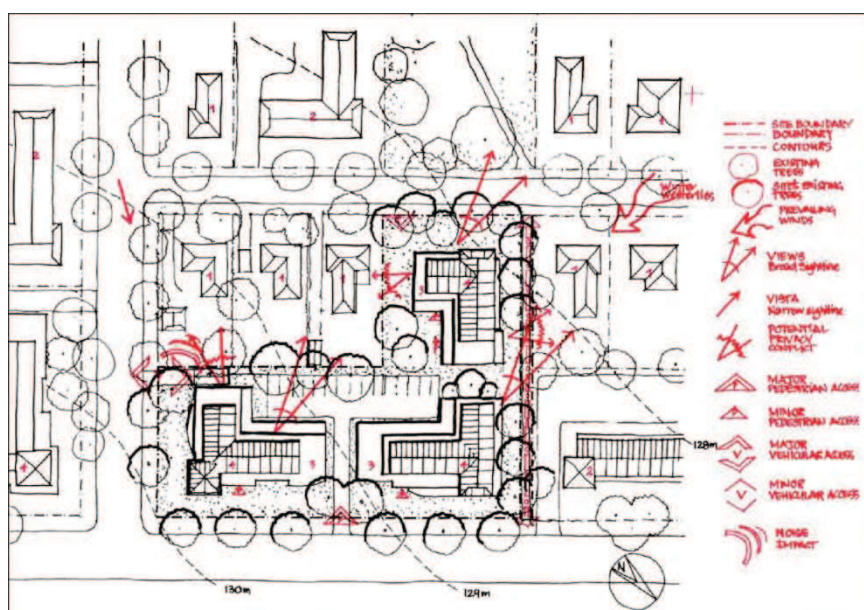


Figure 1 Site Analysis

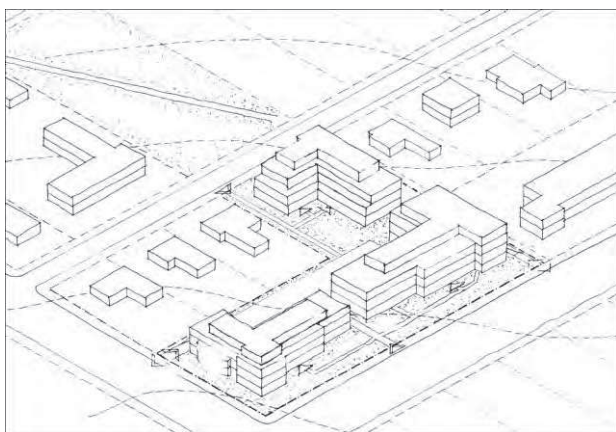


Figure 2 Isometric Drawing

Isometric Drawing

- An isometric drawing must be drawn to the same scale as the Site Plan and Site Analysis (1:500 or 1:1000), and include the following:
 - Contours clearly marked – natural and man-made differentiated;
 - Street patterns clearly identified;
 - Proposed common areas;
 - Proposed main entrances/exits; and
 - Proposed landscaped treatments/features.

3.3. SETBACKS – BUILDING ZONES

OBJECTIVES

- (i) *To provide setbacks that complement the setting and contributes to the streetscape and character of the street while allowing flexibility in siting of buildings.*
- (ii) *To ensure that the space in front of the building is sufficient to permit landscaping that will complement the building form and enhance the landscape character of the street.*
- (iii) *Side and rear setbacks are to be proportioned to the slope of the site having regard to the height and relationship of the buildings on adjoining properties.*
- (iv) *The setbacks of proposed buildings are to minimise any adverse impacts such as overshadowing and privacy on adjacent and adjoining properties.*
- (v) *To ensure placement of buildings takes into account the retention and protection of existing trees.*

Building Zone

The Building Zone identifies the area where buildings may be erected. No building or works (other than landscaping, driveway, drainage works, post boxes, pergolas and barbecues) will be permitted outside the building zone. This includes any work on basement parking areas.

The identification of a Building Zone as part of the Site Analysis process identifies the setbacks for any particular site. The process for identifying the setbacks is provided below.

1. Building Zone Requirement No 1 - Setbacks to Protect Trees

Setbacks are to be established so that any trees located within 10 metres of the front boundary, 8 metres of the rear boundary and 6 metres of any side boundary can be retained.

DEVELOPMENT CONTROLS

- (a) Where trees are identified in the site analysis and are located within the 10 metre front setback, 8 metre rear setback and 6 metre side setback, the Building Zone boundaries will be set so that all buildings are 5 metres from the trees or clear of the drip line of the trees (Figure 3) whichever is the greater distance. The distance must be measured from the outside of the tree trunk at ground level.

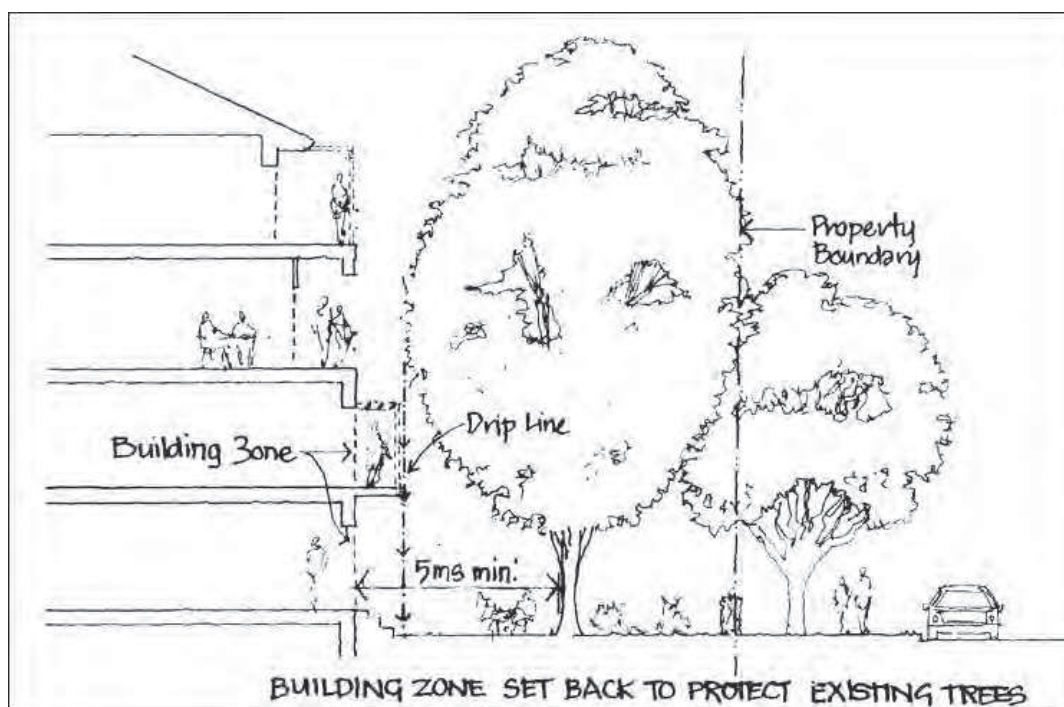


Figure 3 Building Zone Boundaries

2. Building Zone Requirement No 2 – Building Alignment

The setbacks outlined in Table 1 apply to residential flat building sites. Figures 4 and 5 provide a demonstration of how these may be applied.

DEVELOPMENT CONTROLS

- (a) Except where a greater setback is required to satisfy Building Zone Consideration No 1 - Setbacks to Protect Trees, the setbacks shall be in accordance with Table 1.

Table 1 Setbacks

Front (one street frontage)	10 metres
Front (two street frontages)	
Primary Frontage	10 metres
Secondary Frontage	6 metres
Side	6 metres
Rear	8 metres

- (b) Additional setback will be applied to sloping sites as calculated below:

$$S = \frac{H \times L}{4}$$

- S** = Side or Rear Setback
H = Height of building at the outmost wall from natural ground level to the ceiling of the uppermost floor.
L = Levels of building above natural ground level, with basement included as a level should it protrude more than 1m above natural ground level.

- (c) Building closer to the side boundary may be permissible, subject to ensuring there is no unreasonable adverse impact on the privacy or solar access of adjoining properties.
 (d) No balcony shall protrude into the setback area.

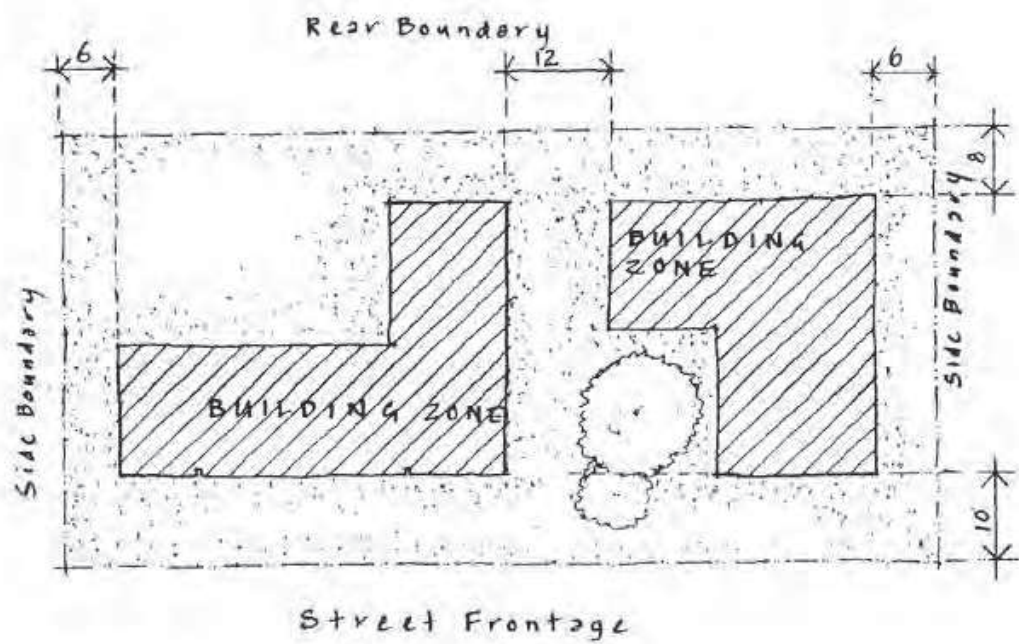


Figure 4 Ground Floor Building Zone Setbacks – One Street Frontage

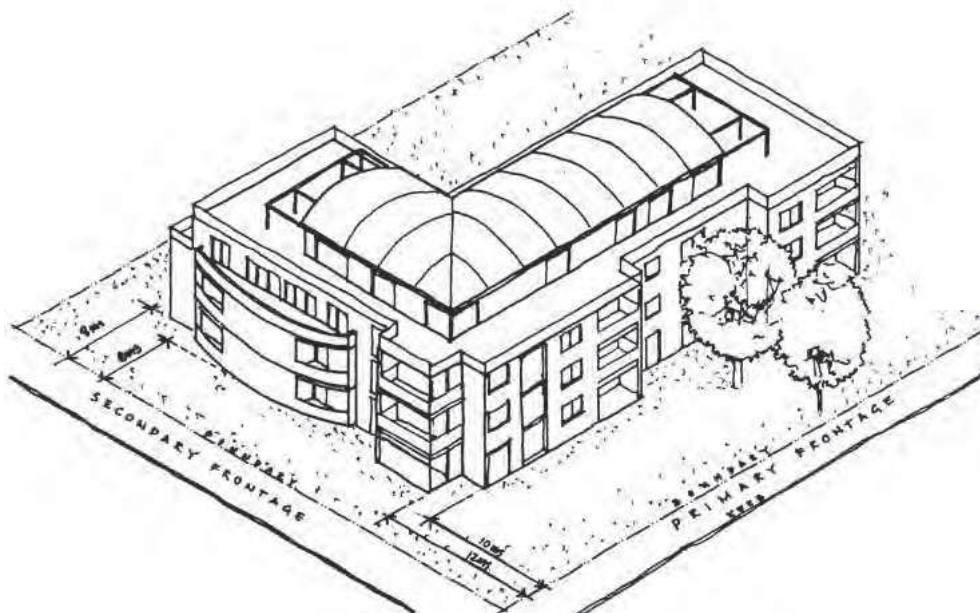


Figure 5 Building Zone Setbacks – Corner Site

3.4. BUILDING HEIGHTS

OBJECTIVES

- (i) *To ensure that buildings reflect the existing landform of the neighbourhood, including ridgelines and drainage depressions.*
- (ii) *To protect privacy and amenity of surrounding allotments and residential development in accordance with Council's ESD objective 7.*
- (iii) *To minimise overshadowing of adjoining properties.*

DEVELOPMENT CONTROLS

- (a) Developments on sloping sites are to be stepped so that the ground floor does not exceed one metre above natural ground level immediately below any point on the ground floor.
- (b) The floor level of any residential room must be no lower than one metre below natural ground level.
- (c) No building shall contain more than 4 storeys above natural ground level.

SUBMISSION REQUIREMENTS

- Shadow diagrams

3.5. BUILDING SEPARATION AND TREATMENT

OBJECTIVES

- (i) *To ensure privacy within buildings.*
- (ii) *To avoid overlooking of living spaces and private open space.*
- (iii) *To minimise the visual impact of residential flat building developments by minimising the bulk and scale of residential flat buildings and promoting suitable landscaping between buildings.*

DEVELOPMENT CONTROLS

- (a) The minimum separation between buildings is 12 metres.
- (b) The space between buildings must be capable of extensive landscaping utilising deep rooted planting. In cases where underground parking

limits the soil depth, landscape beds/tubs to provide additional soil depth, must be provided. Larger trees /shrubs must be integrated into the landscape design to ensure suitable planting is achievable between buildings.

3.6. LANDSCAPE AREA

OBJECTIVES

- (i) *To provide a satisfactory relationship between buildings, landscaping areas and adjoining developments.*
- (ii) *To minimise stormwater runoff and provide the opportunity for on-site groundwater recharge in accordance with Council's ESD objective 3.*
- (iii) *To ensure a high standard of environmental quality of residential flat building developments and the overall visual amenity and character of the neighbourhood.*
- (iv) *To ensure that landscaped areas can be efficiently maintained.*
- (v) *To ensure that existing trees are given every opportunity to be incorporated into the final design.*
- (vi) *To ensure a satisfactory relationship between buildings and open spaces.*
- (vii) *To ensure that vegetation removed as a part of the land development process is replaced by suitable indigenous species in accordance with Council's ESD objective 4.*
- (viii) *To avoid the creation of drainage and runoff problems though minimising the amount of impervious area.*
- (ix) *To minimise bulk and scale of the development.*

DEVELOPMENT CONTROLS

- (a) The landscape area shall be a minimum of 50% of the area of the site.
Such areas shall exclude building and driveway areas. Terraces and patios within one metre of natural ground level will be included in landscape area, including common open space above basement car park provided the area is grassed and suitably landscaped.
- (b) Landscaped areas must have minimum dimensions of 2 metres. Areas less than 2

metres in width will be excluded from the landscape area calculation.

- (c) Existing trees and vegetation should be preserved especially those in the front setback. The existing tree canopy should be retained and enhanced wherever possible.
- (d) All setbacks and any above ground car parking areas are to be landscaped and maintained to a high standard.
- (e) Landscaping is to be provided in accordance with the provisions set out in Part C Section 3 - Landscaping of this DCP.
- (f) Landscape treatments are to harmonise with building designs. They should reflect the scale of the building and should consist of trees, shrubs, groundcovers and grass.
- (g) Native species are to be used to maintain a strong natural theme for the neighbourhood and owing to their low maintenance characteristics, relative fast growth, aesthetic appeal and suitability to the natural habitat.
- (h) The landscape design should take into consideration the safety of residents and permit natural surveillance of common areas and pathways.

SUBMISSION REQUIREMENTS

- Landscape Plan

3.7. BUILDING LENGTH

OBJECTIVES

- (i) *To reduce the visual bulk and scale of residential flat building developments.*
- (ii) *To ensure that developments will enhance and contribute to the streetscape and desired character of the future and existing neighbourhood.*

DEVELOPMENT CONTROL

- (a) The maximum linear length of any residential flat building is to be 50 metres.

3.8. BUILDING DESIGN AND STREETSCAPE

OBJECTIVES

- (i) *To ensure residential flat building development of a high standard based on appropriate building design and attention to detail, which integrates suitably into the existing or future urban environment.*
- (ii) *To achieve residential flat building developments that is of a high standard of design and construction in terms of both internal and external appearance.*
- (iii) *To ensure that developments are aesthetically pleasing, encourage creativity and diversity in design, incorporating architectural relief and modulation of facades to avoid a bulky or monotonous appearance.*
- (iv) *To ensure the appearance of residential flat building developments enhance the streetscape, complement adjoining and surrounding development in terms of scale and character.*

DEVELOPMENT CONTROLS

- (a) Applicants must refer to Council's "Multi-Unit Housing: Urban Design Guidelines, 2002" which have been adopted by Council as a guide for the design of residential flat building development.
- (b) Designs must be in harmony in terms of form, mass, colour and structure with the existing and likely future development in the street.
- (c) The siting and design should seek to ensure a clear definition of the street edge and reinforce street corners. Building lines together with landscaping treatments should distinguish the public and private realms.
- (d) Developments must not be repetitive in design and should incorporate harmonious variations into design features such as verandas, entrances, facades etc.

Walls and Rooflines

- (e) Walls should be articulated in plan and section to reduce building bulk.
- (f) Walls should comprise a variety of colours to reduce monotony and add variety to the streetscape.

- (g) Walls should incorporate windows to enhance façade appearance.
- (h) Walls and roofs are the major elements that determine the development form, scale and bulk. Carefully designed walls with well-balanced vertical and horizontal proportions play a significant role in establishing the character of the development and the streetscape as a whole.
- (i) Break up large horizontal facades, whether walls or roofs, into smaller sections of no longer than 10 metres, with careful consideration given to materials and colours.
- (j) Enhance the façade through the use of well-proportioned and balanced projections and recesses.
- (k) Provide architectural features in the façade that give human scale at ground floor level, such as entry porches, pergolas and so on.

Garages

- (l) Any visible garage walls should be comprised of more than one material and colour to enhance visual attractiveness and interest.
- (m) Any ground level car parking, garages and/or basement garage doorways should be concealed or screened by planting from the street and public view, as much as possible.

Entrances

- (n) Entrances to residential flat buildings should be clearly visible from the public and semi-public areas. Lighting should be provided for safety at night. These entries contribute to the streetscape and character; therefore, they need to be considered in the design.
- (o) Building entries should be readily apparent from the street and clearly visible from inside the dwelling to improve casual surveillance.
- (p) The space around the building entrance should be sufficiently large to stand out and have a distinctive architectural form.
- (q) Site entries should be distinctive, attractive and welcoming.
- (r) Provide sheltered transitional areas around building entries.
- (s) All ground floor dwellings should have their own entry at ground level.

- (t) Building entries should be visible from, or address, the site front boundary. Building entries in walls should be clearly delineated and observable from the driveway.

Views and Siting

- (u) Siting of the building is to take advantage of any views to nearby/adjoining landscaped open space or any public reserve.
- (v) The siting and design of dwellings should also take advantage of any views to open space, public reserves and bushland to promote natural surveillance and to enhance the visual amenity of residents. Blank courtyard walls along boundaries shared with open space or reserves should be avoided and opportunities to create and orient dwellings to permit direct views from living areas into the open space/reserve should be pursued in design.
- (w) Dwellings that have courtyards facing a street or public place should be avoided. Where other design constraints dictate the need for a fence facing a public street or space. The design must comply with the controls specified in section 3.27 - Fencing of this Section of the DCP and consideration must be given to streetscape and visual impact issues

SUBMISSION REQUIREMENTS

- Elevations Plans.
- Design verification as required by SEPP 65 (Refer to section 1.2).

3.9. URBAN DESIGN GUIDELINES

OBJECTIVES

- (i) *To encourage urban design principles which reinforce the character of the precinct.*
- (ii) *To ensure that future development responds to and is compatible with the landscape, topography and visual setting of the area.*
- (iii) *To promote a built form of high architectural quality which compliments existing streetscape character and improves the amenity of public space.*

DEVELOPMENT CONTROLS

- (a) Applications must demonstrate conformity with “Baulkham Hills Multi Unit Housing – Urban Design Guidelines, 2002” which has been adopted by Council as a guide for the design of residential flat buildings. This document also details desired future character statements for each precinct and sub-precinct.

SUBMISSION REQUIREMENTS

- Provide a detailed statement, which addresses the “Baulkham Hills Multi Unit Housing – Urban Design Guidelines 2002,” – Section 6 - Precinct Character Statements and Section 7 - Sub-Precinct Character Statements.

3.10. DENSITY

OBJECTIVES

- (i) *To ensure residential flat building development does not over-tax existing services and facilities.*
- (ii) *To provide opportunities for a suitable density housing form that is compatible with the existing surrounding development.*

DEVELOPMENT CONTROLS

- (a) The maximum population density permitted is 175 persons per hectare with a desirable range between 150-175 persons per hectare. The density is based upon the occupancy rates in Table 2:

Table 2 Occupancy Rates

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

Note. The maximum density should not be considered as a desired yield for each site. The yield will be dependent on identifying designs that address the objectives of this Section of the DCP.

SUBMISSION REQUIREMENTS

- Provide details of the proposed density of the development.

3.11. UNIT LAYOUT AND DESIGN

OBJECTIVES

- (i) *To ensure that individual units are of a size suitable to meet the needs of residents.*
- (ii) *To ensure the layout of units is efficient and units achieve a high level of residential amenity.*
- (iii) *To provide a mix of residential flat types and sizes to accommodate a range of household types and to facilitate housing diversity.*
- (iv) *Address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.*
- (v) *To ensure designs utilise passive solar efficient layouts and maximise natural ventilation.*

DEVELOPMENT CONTROLS

Apartment Mix

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments.
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.

Residential Flat Development (less than 30 units)

- (c) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:

1 bedroom unit	75m ²
2 bedroom unit	110m ²
3 bedroom unit	135m ²

Residential Flat Development (30 or more units)

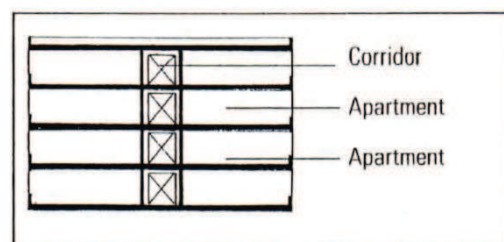
- (d) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:

Apartment Size Category	Apartment Size
Type 1	
1 bedroom	50m ²
2 bedroom	70m ²
3 or more bedrooms	95m ²
Type 2	
1 bedroom	65m ²
2 bedroom	90m ²
3 or more bedrooms	120m ²
Type 3	
1 bedroom	75m ²
2 bedroom	110m ²
3 or more bedrooms	135m ²

- (e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
 (f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
 (g) All remaining apartments are to comply with the Type 3 apartment sizes.

All Residential Flat Buildings

- (h) Unit layouts that achieve the following are required:-
- Minimise corridors/circulation space and avoid dormant areas with little or no natural surveillance;
 - Permit sunlight access;
 - Achieve cross ventilation; and
 - Protect the visual and acoustic privacy of residents.
- (i) In this regard double loaded floor plans and single aspect units (Refer to Figure 6) must not be used unless:-
- Four (4) hours of direct sunlight is available for windows of primary living areas between 9am and 3pm on 21 June; and
 - Adequate ventilation can be achieved.

Figure 6 Double Loaded Floor Plan With Corridor On Every Floor

Double-loaded floor plan with corridor every floor

Source: Better Urban Living Guidelines for Urban Housing in NSW.

- (j) Floor to ceiling height must be in accordance with Building Code of Australia requirements. Where deeper floor plans are used higher floor to ceiling heights are encouraged to increase penetration of sunlight and air.

SUBMISSION REQUIREMENTS

- Site plan.
- Dimensioned development application plans including a schedule of floor areas for each dwelling. For developments containing 30 or more apartments the schedule is to specify the apartment size category for each apartment.

3.12. BUILDING MATERIALS**OBJECTIVES**

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

DEVELOPMENT CONTROLS

- (a) All building construction must comply with the Local Government Act-1993 Local Government Regulations and the Building Code of Australia.

- (b) Building materials and appearance play a significant role in establishing the character of new development. Consideration should be given to the existing character and streetscape in the design of new development. A mix of materials (at least two types not including glass windows) should be used in any elevation visible from the street or any adjoining property. Elevations dominated by rendered masonry finishes will not be acceptable.
- (c) Choice of materials should be based on consideration of both their environmental and economic costs.
- (d) Buildings materials should be selected carefully so as to reflect and complement the existing character of the street.
- (e) Graffiti resistant materials should be used in areas that are accessible by the general public and communal areas within the development.
- (f) Ensure that colours used are visually pleasing to the viewer and reflect the predominant colours in the area.
- (g) Avoid the use of materials and colours that would cause excessive glare.
- (h) The following factors must be considered when selecting materials:
 - Suitability for the purpose;
 - Durability;
 - Long term appearance;
 - Local environmental impacts;
 - Broader and longer term environmental impacts; and
 - The quantity of material required.
- (i) Avoid materials that are likely to contribute to poor internal air quality such as those generating formaldehyde or those that may create a breathing hazard in the case of fire (e.g. polyurethane).
- (j) Select materials that will minimise the long-term environmental impact over the whole life of the development.
- (k) Preference is to be given to materials derived from renewable sources or those that are sustainable and generate a lower environmental cost, recycled material or materials with low embodied energy, better lifecycle costs and durability. For example, use of sustainable timbers rather than old growth or rainforest timbers.

SUBMISSION REQUIREMENTS

- Schedule of materials.
- Streetscape Perspective of proposed development including landscaping.

3.13. OPEN SPACE

OBJECTIVES

- (i) *To provide open space for recreation and for use by residents within residential flat buildings.*
- (ii) *To enhance the quality of the built environment by providing opportunities for landscaping.*

Private Open Space

OBJECTIVES

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

DEVELOPMENT CONTROLS

- (a) Private open space must be readily accessible from living areas of dwelling units.

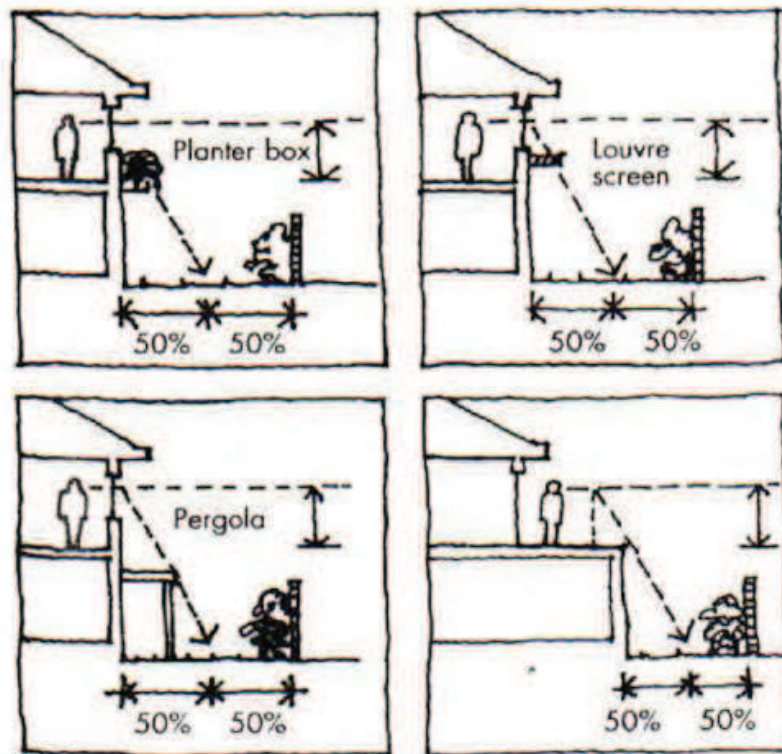
At Ground Level:

- (b) For dwellings with ground level access private open space shall be provided with a minimum width of 4 metres and depth of 3 metres.
- (c) This private open space shall be provided within one metre of natural ground and may be included as part of the minimum landscape area requirements.
- (d) Private (ground level) open space areas shall be enclosed with a wall/fence or landscape screen with an effective height of 1.8 metres from the finished ground level.
- (e) The design of the building and landscaping treatment should ensure the privacy of these ground level spaces. Enclosing screen walls or fences shall be designed to ensure privacy, both from communal open space or access ways and from dwellings and their courtyards.
- (f) Design techniques that protect the privacy of the courtyards by restricting overlooking from above

are also encouraged. Potential techniques are shown in Figure 9 below.

Above Ground Level:

- (g) In order to provide useable open space to dwellings above ground level, any balcony or terrace shall have a minimum area of 10m² and a minimum depth of 2.5 metres.



Techniques for providing visual privacy to a lower dwelling's private open space.

Figure 7 Protecting Privacy Of Courtyards

Source: Australia's Guide to Good Design – Residential.

Common Open Space

OBJECTIVES

- (i) To provide a functional open space area within the development for the informal recreation of all residential flat building residents and children's play.
- (ii) To provide opportunities for additional landscaping and retention of any significant features that add to the amenity of the site in accordance with Council's ESD objective 4.^(iv)

DEVELOPMENT CONTROLS

- (a) In order to provide for the recreational needs of the residents a common open space area is to be provided in a singular large parcel. Such open space area is to include opportunities for both active and passive recreation facilities (i.e. equipment such as seating, shade structures, BBQ and children's play equipment for passive recreational use).
- (b) Large developments (greater than 20 dwellings) shall consider provision of a swimming pool, common room and hard stand outdoor play area.
- (c) The common open space is to be centrally located and such area shall be capable of surveillance from at least two dwellings for safety reasons.
- (d) The orientation and location of the open space should also take into consideration opportunities to maximise solar access to the open space during winter. It must receive at least four hours of sunlight between 9am and 3pm on 21 June.
- (e) The area provided shall be equivalent to the rate of 20m² per dwelling.
- (f) Common open space must be sufficient in size to enable it to be used for recreational activities, or be capable of growing substantial vegetation.
- (g) Common open space must be designed in conjunction with pedestrian pathways.

SUBMISSION REQUIREMENTS

- Plans are to indicate those areas including dimensions of any part of the site to be used for private and common open space.

3.14. SOLAR ACCESS

OBJECTIVES

- (i) To orient the development in a way that best allows for appropriate solar access and shading.
- (ii) To maximise natural lighting to internal living and open space areas in winter and provide adequate shading to internal areas and private open space during summer to improve residential amenity.
- (iii) To ensure no adverse overshadowing of adjoining allotments/developments.

Solar Access Design Considerations

DEVELOPMENT CONTROLS

- (a) Orient and design buildings to maximise the number of dwellings with direct sunlight where possible. Ideally, face the long axis of the development up to 30 degrees east and 20 degrees west of true north. This is illustrated in Figure 10.

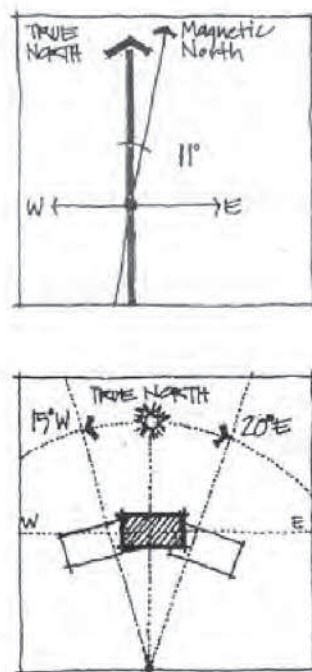
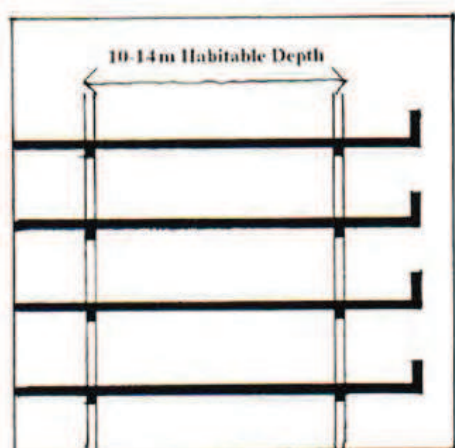


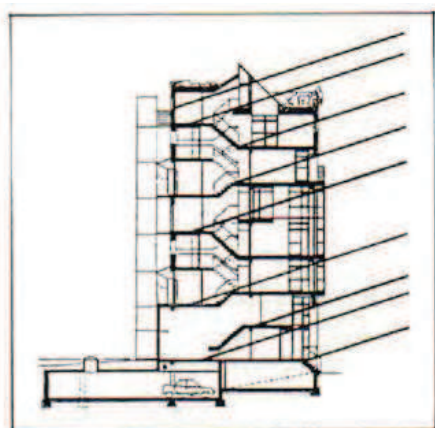
Figure 8 Building Orientation

- (b) Face living spaces to the north wherever possible.

- (c) Narrow footprint buildings and split level floor plans permit good solar access (Refer to Figure 9).
- (d) Main windows should have suitable shading or other solar control to avoid discomfort (shutters/blinds/screens/retractable awnings).
- (e) Use horizontal shading devices (for north facing windows) including eaves, verandas, pergolas, awnings and external horizontal blinds to allow low summer sun whilst providing shade from high summer sun.



Narrow footprint buildings allow good daylight access



Narrow buildings allow good daylight access. Split level plans can enhance environmental quality

Figure 9 Designing For Solar Access

Source: Better Urban Living Guidelines for Urban Housing in NSW.

- (f) East and west facing windows can cause excess heat in summer. Minimise the size of east and west facing windows, or consider external vertical shading devices such as vertical blinds, blade walls and thick vegetation.

- (g) Shading elements are to be integrated into the overall elevation design.

Overshadowing

DEVELOPMENT CONTROLS

- (h) The common open space area must receive at least four hours of sunlight between 9am and 3pm on 21 June.
- (i) Buildings must be designed to ensure that adjoining residential buildings and the major part of their landscape receive at least four hours of sunlight between 9am and 3pm on 21 June.

SUBMISSION REQUIREMENTS

- Shadow Diagrams

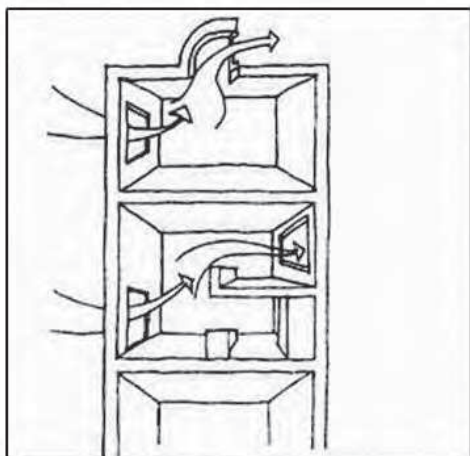
3.15. VENTILATION

OBJECTIVES

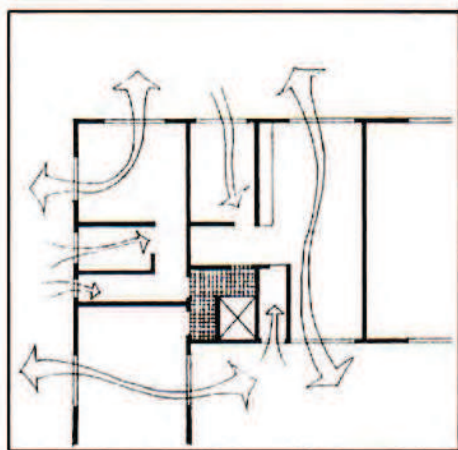
- (i) To maximise ventilation flows in each dwelling.
- (ii) To minimise the filtering of cold or warm air through gaps in the construction of each dwelling in accordance with Council's ESD objective 5.

DEVELOPMENT CONTROLS

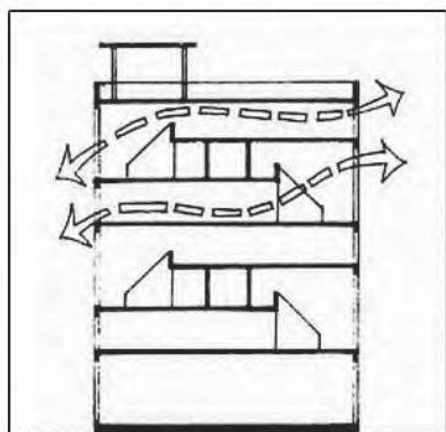
- (a) Consider ventilation in early design stages. Figure 10 identifies design options for achieving natural ventilation.
- (b) Consider prevailing breezes in relation to building orientation, window design and internal circulation.
- (c) Place windows to allow for cross ventilation i.e. on opposite sides of the building rather than adjacent walls where possible. These windows are to be lockable in a partly open position.
- (d) Promote air circulation and consider the installation of fans, roof vents, louvered windows and high-level windows to aid air circulation.
- (e) Provide security screen doors at unit entries.
- (f) Minimise air gaps by incorporating door and window seals.



Cross ventilation can be achieved through roof vents and air shafts. Apartments with mezzanines and two storey apartments assist in air movement.



Cross ventilation is best achieved through narrow floor plans



Good cross ventilation can be achieved with double orientation apartments, having split levels and corridors on alternative floors

Figure 10 Design Options - Ventilation

Source: Better Urban Living – Guidelines for Urban Housing in NSW.

3.16. LIGHTING

OBJECTIVE

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

DEVELOPMENT CONTROLS

- (a) Lighting is to be provided and installed in accordance with the Building Code of Australia.
- (b) Lighting must be adequate to ensure the security and safety of residents and visitors.
- (c) Maximise the use of natural lighting through window placement and skylights.
- (d) In common areas lights are to be time switched and energy efficient fitting should be used.
- (e) Motion detectors are to be used for unit entries, lobbies and outdoor security.
- (f) Incorporate dimmers motion detectors, and automatic turn-off switches where appropriate.
- (g) Provide separate switches for special purpose lights.

3.17. STORMWATER MANAGEMENT

OBJECTIVES

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

DEVELOPMENT CONTROLS

- (a) Drainage easements will be required where the development property does not drain directly into the existing stormwater drainage system or a public road. Development Consent will not be

issued until the submission of documents demonstrating the creation of any necessary easements over downstream properties.

- (b) Discharge points are to be controlled and treated to prevent soil erosion, and may require energy dissipating devices on steeper topography, to Council's requirements.
- (c) Where necessary, downstream amplification of existing drainage facilities will be required including Council infrastructure if required.
- (d) Developments within the Upper Parramatta River Catchment must comply with any requirements of the Sydney Catchment Management Authority.
- (e) On-site detention, water recycling, or water quality management systems may be required to Council's and/or the Sydney Catchment Management Authority and/or the Hawkesbury Catchment requirements, to counteract an increase in stormwater runoff.
- (f) The design of drainage systems is to be in accordance with Council's Design Guidelines for Subdivisions/ Developments.
- (g) Water Sensitive Urban Design (WSUD) principles shall be employed in the management of the site's stormwater in terms of water retention, reuse and cleansing. In this regard the drainage design is to include measures to manage the water quality of stormwater runoff. At a minimum the design is to integrate bio-retention filters along roadways, driveways and within open space area.
- (h) On site detention tanks are only permitted in common areas within a proposed development (for example driveways, common open space) and not within private courtyards.

SUBMISSION REQUIREMENTS

- Preliminary Engineering Drainage Plans indicating the proposed drainage infrastructure.
- Details of easements to be created over downstream properties if they do not already exist, including the written concurrence of all the affected landowners.
 - If OSD is required, OSD plans must be submitted with the development application.

3.18. VEHICULAR ACCESS

OBJECTIVES

- (i) *To ensure that vehicles may enter and exit residential flat building developments in a safe and efficient manner in accordance with Council's ESD objective 7.*
- (ii) *To maintain the performance of roads that provides an arterial or sub-arterial function in accordance with Council's ESD objective 7.*

DEVELOPMENT CONTROLS

- (a) Access to the site is to be in accordance with the requirements within Part C Section 1 – Parking of this DCP.
- (b) Adequate vehicular entry and exit and circulation areas are to be provided. The design must:
 - Provide a safe environment for both pedestrians and vehicles using the site and surrounding road networks;
 - Ensure vehicular ingress and egress to the site is in a forward direction at all times;
 - Provide for service vehicles where possible; and
 - Be designed to minimise the visual impact of hard paved areas.
- (c) The driveway shall be centrally located within the development and be a minimum of 10 metres from any side boundary or street.
- (d) Driveways are to have a minimum width of 6 metres at the property boundary for a distance of 6 metres within the development to ensure easy entry/exit of vehicles.
- (e) Driveway gradients shall be in accordance with Australian Standard – AS 2890.1 – 1993 – Part 1 – Parking Facilities – Off Street Car Parking.

SUBMISSION REQUIREMENTS

- Applicants are required to submit plans and details with the development application of proposed vehicular access and circulation for Council's approval. Details must specifically relate to vehicular movement, layout and turning circles.

3.19. CAR PARKING

OBJECTIVES

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

DEVELOPMENT CONTROL

- (a) All car parking required by Council shall be provided on-site in accordance with the requirements of Part C Section 1 – Parking of this DCP.
- (b) On site car parking is to be provided at the following rates:
 - 1 bedroom unit 1 space
 - 2 or 3 bedrooms unit 2 spaces
- (c) Any car parking provided at ground level shall:
 - Comprise lockable single garages with minimum clear dimensions of 5.5 metres x 3.0 metres (exclusive of any storage area) and lockable double garages of 5.5 metres x 5.4 metres exclusive of storage area (not applicable to visitor parking);
 - Be enclosed in a manner that screens the vehicles from the street; and
 - Be separated from any adjoining property boundaries by a 2 metre wide landscaped strip.
- (d) Visitor parking:
 - Must be provided at the rate of 2 per 5 dwellings. The number required will be rounded up to the nearest whole number;
 - Have minimum dimensions of 5.5 metres x 2.6 metres; and
 - Must be made accessible at all times. Where visitor parking is proposed behind security gates, the access to visitor parking must be maintained through the operation of an intercom system installed at or near the gate.
- (e) The intercom shall be located to allow a free movement of traffic around the stationary vehicle using the intercom to ensure queuing does not adversely affect traffic or pedestrian movement on the street. A maximum driveway gradient of 5% for 6 metres before the intercom is required

to minimise problems associated with using the intercom on steep driveway gradients.

- (f) A separate vehicle turning facility should be provided between the intercom location and the security door to ensure visitor vehicles are able to manoeuvre and leave the site in a forward direction using a 3 point turn manoeuvre should the resident be unavailable or deny access to the visitor.
- (g) If the side boundary of any car parking space is a wall or fence or if it is obstructed (i.e. column) so that door opening is restricted 300mm must be added to the width. If the space is obstructed on both sides 600mm must be added.
- (h) Manoeuvring areas to all car parking spaces shall comply with the standards in Part C Section 1 – Parking. The layout must be designed to ensure vehicles utilising any parking spaces can enter and leave the site in a forward direction.
- (i) Parking areas within the front setback are discouraged and in this regard, no more than 2 spaces shall be provided within the setback area.
- (j) Developments in excess of 10 units are to provide pedestrian access from the street separate from the vehicular access.
- (k) Vehicle reversing bays or an alternative arrangement is to be provided at the end of aisles to ensure all parking spaces can be accessed in a satisfactory manner.
- (l) Resident car parking shall be safely secured with any opportunity for unauthorised entry minimised.
- (m) A carwash bay must be provided in accordance with Part C Section 1 - Parking.
- (n) All internal stairs that connect the car parking areas to the residential units are to be accessible only to the residents and their authorised visitors. All fire exits from the car parking areas must be designed to be independent from stairs that provide access to residential units.

SUBMISSION REQUIREMENTS

- Site Plan showing the number of car parking spaces, calculations and the dimensions of all parking spaces and driveway widths.

3.20. STORAGE

OBJECTIVES

- (i) *To ensure that each dwelling has reasonable private storage space (storage requirements include household items either within the dwelling or in secure garage areas).*

DEVELOPMENT CONTROLS

- (a) At least 10m³ must be provided for storage space per dwelling within a lockable garage. It must not encroach into the parking space, and must cover a minimum area of 5m² with a minimum dimension of 2 metres required. The storage space shall be adjacent to a car space and not overhead.
- (b) A suitable secure area for storing garden maintenance should be provided.

SUBMISSION REQUIREMENTS

- Plans must show the designated storage area for each dwelling.

3.21. ACCESS AND ADAPTABILITY

In order to provide for disabled people and the ageing population, dwellings must be capable of adaptation so as to accommodate residents who may have special needs, declining mobility or sight. This is in addition to being appropriately designed for everyday pedestrian use.

OBJECTIVES

- (i) *To ensure that developments provide appropriate and improved access and facilities for all persons (consistent with the provisions of Australian Standard AS1428.1-1998).*
- (ii) *To encourage designers/developers to consider the needs of people who are mobility impaired and to provide greater than minimum requirements for access and road safety.*
- (iii) *To ensure that building design does not prevent access by people with disabilities.*
- (iv) *Incorporate design measures that are appropriate to people with disabilities.*

DEVELOPMENT CONTROLS

- (a) All units in a building two storeys and above are to be served by a lift, which must be accessible to the front door of each unit.
- (b) Units with a lowest floor level within 1.5 metres of the natural ground must be accessible to the front door of each unit.
- (c) One visitor parking bay and one pick-up and drop-off bay for mobility impaired people must be provided complying with the provisions of AS 2890 for people with a disability additional to the requirements for any visitor parking elsewhere in this DCP.
- (d) At least one unit in development with less than 20 units, or 5 percent of the units in any development of 20 or more units, must be either;
- An accessible unit to AS 1428 Part 2, suitable for occupation by a wheelchair user; or
 - Meeting Class B adaptability under AS 4299.
- (e) Each unit so provided above shall have an accessible car-parking bay complying with AS 2890 for people with a disability, and be accessible to a pick-up and drop-off point. An accessible route between the car parking space and unit shall be provided.
- (f) Any building located in a designated 'Accessible Precinct or Accessible Zone' must have an accessible link to the footpath network. Refer to the definition below.
- (g) Any unit built under SEPP (Seniors Living) 2004 or as housing for people with a disability or as senior citizens housing must be accessible to the front door, and at least 50 % of units must be accessible to AS 1428 Part 1, unless otherwise permitted by Council.
- (h) All stairs intended for circulation between levels, whether external or internal, shall comply with AS 1428 Part 1 if they are located on common property.
- (i) Any toilet provided on the common property must be accessible.
- (j) Any common facilities on the common property must be accessible.

'Accessible' used above is defined as follows:

- An internal accessible path of travel shall comply with AS 1428 Part 1. All security devices, intercoms, light switches, and doors on the route shall be mounted at one metre above floor level. The front door of the unit shall be at least 820 leaf, and have a clear space of at least one metre behind it, or a complying path of travel to AS 1428 Part 1. The front door need not comply with AS 1428 Part 1 otherwise.
- An external accessible path of travel shall comply with AS 1428 Part 1, except that abutment tolerance shall be increased to 10mm at paving joints.
- The accessible path of travel shall connect pick-up and drop-off point, the required parking bay and the front door of the unit.

- (k) An accessible pick-up and drop-off point can be located on the public road (with Council or RMS permission) or on the site, but it must allow for vehicles up to a Coaster size bus to pick up and drop off.
- (l) Residential units should be designed to provide for future low-cost modifications to bathrooms and kitchen.
- (m) Units are to be designed to permit adaptation of units so that they can change to meet future needs. Design features that might be included are:
 - Lightweight non-load bearing walls that can be removed to reconfigure rooms;
 - Panels that can be removed to connect adjoining residential flat buildings and cater for larger extended families.

SUBMISSION REQUIREMENTS

- Documentation to demonstrate how the objectives and controls are satisfied.

3.22. PEDESTRIAN / BICYCLE LINKS

OBJECTIVES

- (i) To consider the needs of the residents with particular consideration to access requirements, safety and security.
- (ii) To ensure that appropriate pathways, with high levels of pedestrian amenity are provided for residents in the locality along identified desire

lines in accordance with Council's ESD objective 9.

- (iii) To ensure provision is made for bicycle access and storage in accordance with Council's ESD objective 9.

Within the Site

DEVELOPMENT CONTROLS

- (a) Access to dwellings should be direct and without unnecessary barriers. There should be no steps between the street frontage and the principle building entrances.
- (b) Clearly defined pedestrian pathways are to be provided between proposed developments and proposed footpaths along sub-arterial roads.
- (c) Multi-unit developments are to have adequate lighting in common and access areas.
- (d) All pathways and ramps should conform to the minimum dimensional requirements set out in AS1428 Part 1-1998 Design for Access and Mobility and AS1428 Part 2-1992 and Council's Policy "Making Access for All 2002".
- (e) All surfaces should be stable, even and constructed of slip resistant materials. Any stair nosings should have a distinctive colour and texture.
- (f) Building and unit numbering and all signage is to be clear and easy to understand. International Symbols of Access should be displayed where buildings, crossings, amenities, car parking, pathways and ramps are accessible, as detailed in The Hills Shire Council policy entitled "Making Access for All 2002".
- (g) Pathway locations must ensure natural surveillance of the pathway from primary living areas of adjoining units. Dwelling entries must not be hidden from view and must be easily accessible.
- (h) A bicycle lockup facility is to be provided close to the main entry to the building.

Local Pedestrian Links

DEVELOPMENT CONTROLS

- (a) Where it is possible, a pedestrian link through the site must be provided as part of the development to increase the connectivity of the area for local pedestrians. The following factors

should be considered when identifying the most appropriate location for the link of the pathway:-

- The link must be no less than 3m wide;
 - It should be a straight-line link through the site linking streets or other public spaces; and
 - The link cannot include stairs and any ramps. It must have a reasonable gradient. Refer to AS 1428.1 - 1988 Design for Access and Mobility and supplementary AS 1428.2 - 1992.
- (b) The design and layout of any building adjoining and landscaped spaces adjoining the pathway should ensure there is natural surveillance of the pathway to protect the amenity of users. A solid fence along the boundary of the pathway restricting views of the pathway from adjoining properties will not be acceptable.
- (c) The pedestrian link must be dedicated to Council as a public footway and the footpath, and lighting must be provided at no cost to Council.

SUBMISSION REQUIREMENTS

- Statement addressing AS 3671 – Road Traffic Noise Intrusion Guidelines.

3.23. PRIVACY - VISUAL AND ACOUSTIC

OBJECTIVES

- (i) *To site and design buildings to ensure visual privacy between dwellings in accordance with Council's ESD objective 7.*
- (ii) *To avoid overlooking of living spaces in dwellings and private open spaces.*
- (iii) *To contain noise within dwellings and communal areas without unreasonable transmission to adjoining dwellings.*

DEVELOPMENT CONTROLS

- (a) Minimise direct overlooking of main internal living areas and private open space of dwellings both within and adjoining the development through building design, window locations and sizes, landscaping and screening devices (Refer to section 3.13 Open Space).
- (b) Consider the location of potential noise sources within the development such as common open space, service areas, driveways, and road

frontage, and provide appropriate measures to protect acoustic privacy such as careful location of noise-sensitive rooms (bedrooms, main living areas) and double glazed windows.

- (c) Dwellings that adjoin arterial roads are to be designed to acceptable internal noise levels, based on AS 3671 – Road Traffic Noise Intrusion Guidelines.

SUBMISSION REQUIREMENTS

- Statement addressing AS 3671 – Road Traffic Noise Intrusion Guidelines.

3.24. SERVICES

OBJECTIVES

- (i) *To ensure that the physical services necessary to support residential flat building development are available in accordance with Council's ESD objective 6.*
- (ii) *To ensure that service facilities are integrated with the design of the development and are suitably sized for the convenience of the occupants.*

DEVELOPMENT CONTROLS

- (a) Development consent will not be granted until arrangements satisfactory to the relevant authorities are made for the provision of services.
- (b) Pump out sewage management systems are not considered acceptable for residential flat building developments.
- (c) Site services and facilities (such as letterboxes, clothes drying facilities and garbage facility compounds) shall be designed so as:
 - To provide safe and convenient access by residents and the service authority; and
 - Be visually integrated with the development and to have regard to the amenity of adjoining development and streetscape.
- (d) All electricity and telephone services on site must be underground.
- (e) Laundries shall be provided to each dwelling.

SUBMISSION REQUIREMENTS

- Preliminary discussions should be held with the service authorities listed below prior to submission of any application. Any advice

provided by these authorities should be submitted with the application.

- Sydney Water for potable and recycled water, sewage and drainage;
- Telecommunications carrier for telephones and associated equipment;
- Energy authority for underground electricity;
- AGL for gas supplies; and
- NSW Fire Brigades.
- Documentation to demonstrate how the objectives and development controls are satisfied.

3.25. WASTE MANAGEMENT – STORAGE AND FACILITIES

Waste collection for residential flat building developments must be undertaken in a safe, healthy and clean manner. Kerbside waste collection is considered unsuitable in most circumstances given the high number of bins required to await collection, the time taken to service the bins and amenity and safety issues. Accordingly, it is required that all developments provide for on-site waste collection either at grade or via a basement. Where this is not possible due to site-specific constraints, kerbside collection may be supported if it can be demonstrated that this arrangement will not create any adverse appearance, amenity and safety outcomes. Matters which will be considered with respect to collection arrangements include whether the development is located on a road with high traffic volumes, the number of bins required to service the development, the length of the street frontage/s of the site and any other relevant considerations. Reference should be made to Council's Bin Storage Facility Design Specification and discussions undertaken with Council's Resource Recovery Team.

OBJECTIVES

- (i) *To minimise the overall environmental impacts of waste.*
- (ii) *To maximise, through appropriate design, the opportunities to deal with domestic waste according to the Waste Hierarchy as given in Council's ESD objective 6.*
- (iii) *To provide domestic waste management systems that allow for ease of use by occupants and safe and efficient service by collection contractors.*
- (iv) *To encourage on-site waste collection.*

(v) *To provide waste storage and collection areas that are integrated with the design of the development.*

(vi) *To ensure minimum visual impact of the waste storage facilities.*

(vii) *To assist in achieving Federal and State Government waste minimisation targets.*

DEVELOPMENT CONTROLS

General

- (a) Waste collection and separation facilities must be provided for each dwelling. Each dwelling should have a waste storage cupboard in the kitchen capable of holding at least a single days waste, and sufficient to enable separation of recyclable material.
- (b) On-site storage and collection of waste must be provided and integrated with the design of the development.
- (c) Sufficient clearance and manoeuvring space must be provided to allow Council's (or its contractor's) waste collection vehicles to enter and exit in a forward direction, collect waste and recyclables with minimal or no need for reversing and without impeding upon general access to, from or within the site. Applicants should liaise with Council's Resource Recovery Department on truck sizes, required turning paths and access/servicing arrangements.
- (d) Where Council is satisfied that on-site collection is not possible, bin storage areas must be located to allow bins to be wheeled to the street kerb over flat or ramped surfaces with a maximum grade of 7% (5% for bulk garbage bins) to be serviced by a garbage truck on a flat surface and not over steps, landscape edging or gutters.
- (e) All waste must be removed at regular intervals and not less frequently than once per week for garbage and fortnightly for recycling.

Storage and Facilities

- (f) Adequate storage for waste materials must be provided on site.
- (g) Waste storage and facilities must be convenient and accessible to the occupant(s) of all units. Storage areas must be accessible by wheelchair where dwellings do not have access to waste garbage chutes or recycling cupboards.
- (h) Adequate storage is to be provided for the number of bins required in accordance with the

ratios provided below or as advised by Council's Resource Recovery Department:

GARBAGE	RECYCLING
An equivalent of 120 litres (minimum) available per unit per week (in the form of a shared bulk garbage bin)	For one bedroom units: 1 x 240 litre bin per four units For two bedroom units: 1 x 240 litre bin per three units For three bedroom units: 1 x 240 litre bin per two units For four bedroom units: 1 x 240 litre bin per unit

Note: The required number of bins will be assessed as part of the development application process and will be given as a condition of consent.

- (i) In locating and designing waste storage areas consideration must be given to screening views of the facility from any adjoining property or public place while still ensuring there is some natural surveillance from within the development to minimise vandalism and other anti-social activity. Communal storage areas should be located within reasonable travel distance from all dwellings within a development.
- (j) Waste storage areas must be kept clean, tidy and free from offensive odours at all times.
- (k) The design of the bin storage and collection facilities and on-going use by the occupants is to be addressed in the Design of Facilities and On-Going Management sections of the Waste Management Plan as required in the Submission Requirements of section 3.26 – Waste Management Planning. The design is to be in accordance with Council's Bin Storage Facility Design Specification available on Council's website.
- (ii) To maximise, reuse and recycle building/construction materials.
- (iii) To encourage building designs and construction techniques that will minimise waste generation.
- (iv) Minimise waste generation to landfill via the waste hierarchy in accordance with Council's ESD objective 6.
- (v) To assist in achieving Federal and State Government waste minimisation targets.

Demolition

DEVELOPMENT CONTROLS

- (a) Site operations should provide for planned work staging, at source separation, re-use and recycling of materials and ensure appropriate storage and collection of waste.
- (b) Straight demolition should be replaced by a process of selective deconstruction and reuse of materials. Careful planning is also required for the correct removal and disposal of hazardous materials such as asbestos.
- (c) Project management must seek firstly to re-use and then secondly to recycle solid waste materials either on or off site. Waste disposal to landfill must be minimised to those materials that are not re-useable or recyclable.
- (d) When separated, materials are to be kept uncontaminated to guarantee the highest possible reuse value.
- (e) Details of waste sorting areas and vehicular access are to be provided on plan drawings.

3.26. WASTE MANAGEMENT PLANNING

OBJECTIVES

- (i) To promote improved project management and to reduce the demand for waste disposal during demolition and construction.

Construction

DEVELOPMENT CONTROLS

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

SUBMISSION REQUIREMENTS

- Waste Management Plan

3.27. FENCING

OBJECTIVE

- (i) *To ensure that fencing does not detract from the overall visual amenity and character of the area.*

DEVELOPMENT CONTROLS

- (a) The fencing materials chosen must protect the acoustic amenity and privacy of courtyards. Courtyard fences shall be constructed of masonry.
- (b) All boundary fencing/ walls fronting a street shall be setback a minimum of 2 metres, to permit landscaping, and shall include recesses and other architectural features.
- (c) All fencing or walls shall be combined and integrated with site landscaping.
- (d) The following fencing or finishes are not acceptable because of its poor visual appearance:
 - Pre-painted solid, metal fencing; or
 - Rendered finishes where the entire fence is fully rendered.

SUBMISSION REQUIREMENT

- Fencing details for the site, clearly showing the location, height and type of proposed fencing is to be submitted as part of the development application.

3.28. DEVELOPER CONTRIBUTIONS

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

4. INFORMATION REQUIRED FOR A DEVELOPMENT APPLICATION

In preparing plans applicants must also address the submission requirements listed in section 3 of this Section of the DCP relevant to the application. The following plans and details will be required with all residential flat building applications along with the relevant application form(s).

STATEMENT OF ENVIRONMENTAL EFFECTS

SITE PLANS

SITE ANALYSIS

- Refer to section 3.2.

ARCHITECTURAL PLANS

- Internal layout of unit/building (existing and proposed)
- Elevations

PRELIMINARY ENGINEERING DRAINAGE PLANS

- Including any On Site Detention Plans

LANDSCAPE PLAN

- These plans are to be in accordance with Part C Section 3 - Landscaping.

EARTHWORKS PLAN

SIGNAGE PLANS

- See Part C Section 2- Signage

STREETSCAPE PERSPECTIVE

MODEL

- For all developments comprising 10 or more units a scale model must be provided including adjoining properties at the time of the submission

of the development application and be on display for the duration of the public exhibition period.

- Should a model not be submitted with the application, an immediate “stop the clock” order be placed on the development application until the model is presented.

WASTE MANAGEMENT PLAN

DESIGN VERIFICATION

- As per SEPP 65 requirements.

BASIX CERTIFICATE

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

5. REFERENCES

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

Baulkham Hills Shire Council, 1997 Residential Development Strategy.

Baulkham Hills Shire Council, 1999 Urban Capability Assessment of Residential 2(a) Zones in Baulkham Hills Shire.

Baulkham Hills Shire Council, 2002 Making Access For All.

Department of Urban Affairs and Planning and the NSW Government Architect, 1998 Better Urban Living – Guidelines for Urban Housing in NSW.

Department of Urban Affairs and Planning State Environmental Planning Policy No. 53 - Metropolitan Residential Development.

Department of Urban Affairs and Planning State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

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

ERM Mitchell McCotter 1991, Baulkham Hills Shire Residential Development and Traffic Study, Prepared on behalf of Baulkham Hills Shire Council.

Faculty of the Constructed Environment, RMIT University et al, Australia’s Guide to Good Design –

Residential, Prepared on behalf of the National Office for Local Government.

NSW Planning Department, 2002, Residential Flat Design Code, Tools for improving the design of residential flat buildings.

APPENDIX A - DEVELOPMENT CONTROL CALCULATIONS/COMPLIANCE SHEET

Give appropriate detail and/or explanation where applicable to demonstrate compliance (or non-compliance) with the development controls in this Section of the DCP.

Development Controls		Proposed Development	Compliance
1	3.1 Site Requirements ➤ Min. frontage – 30m		
2	3.3 Setbacks – Building Zone ➤ 5 metres clear of existing trees (or the drip line) ➤ Complies with Table 1		
3	3.4 Building Heights		
4	3.5 Building Separation and Treatment 12 metre building separation		
5	3.6 Landscaped Area – 50%		
6	3.7 Building Length – max 50 metres		
7	3.8 Building Design & Streetscape		
8	3.9 Urban Design Guidelines Demonstrate conformity with “Baulkham Hills Multi Unit Housing – Urban Design Guidelines 2002”.		
9	3.10 Density ➤ 150-175 persons per Ha		
10	3.11 Unit Layout and Design ➤ 1 bedroom – 75m ² ➤ 2 bedroom – 110m ² ➤ 3 bedroom – 135m ²		
11	3.13 Open Space Private: ➤ Ground level – min 4 metres x 3 metres ➤ Above ground – min 10m ² , min. depth 2.5 metres Common: ➤ 20m ² per dwelling		

Development Controls		Proposed Development	Compliance
12	3.14 Solar Access ➤ Adjoining buildings & / open space areas – four hours between 9am & 3pm on 21 June ➤ Common open space – four hours between 9am & 3pm on 21 June		
13	3.17 Stormwater Management		
14	3.19 Car parking Rate per unit & visitor parking: ➤ 1 bedroom – 1 space ➤ 2 or 3 bedroom – 2 spaces ➤ Visitor – 2 spaces per 5 dwellings ➤ Lockable single garages min. dimension – 5.5 metres x 3 metres (exclusive of storage) ➤ Lockable double garages min. dimension – 5.5 metres x 5 metres (exclusive of storage) ➤ Visitor parking dimensions – 5.5 metres x 2.6 metres Manoeuvring and ramps: ➤ The first 6 metres of the driveway inside the property boundary to be a maximum of 5% ➤ Ramp grades comply with Australian Standard 2890.1 ➤ Manoeuvring in accordance with Australian Standard 2890.1		
15	3.20 Storage 10m ³ with an area 5m ² and dimension 2 metres.		
16	3.21 Adaptability, Pedestrian Access & Safety ➤ Lift provided if greater than 2 storeys Accessible housing: ➤ 1 unit in a development < 20 units, or ➤ 5% in a development >20 units		

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Part B Section 8 Shop Top Housing and Mixed Use Development

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 7 (under separate cover)

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INTRODUCTION

LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This section applies to land where, under the provisions of The Hills Local Environmental Plan (LEP) 2012, shop top housing is a permissible use. Additionally, this Section applies to mixed use developments containing retail and/or commercial premises and residential flat buildings.

AIM

The following controls seek to ensure that shop top housing and mixed use developments provide an appropriate balance of business and residential uses, are of a suitable scale and density for their location and maintain the amenity of surrounding neighbourhoods.

STATEMENT OF OUTCOMES AND DEVELOPMENT CONTROLS

Shop top housing is defined under LEP 2012 as “one or more dwellings located above ground floor retail premises or business premises”. Consistent with this definition shop top housing must comprise only retail or business uses at ground level with flexibility for retail, commercial or residential development above the ground floor.

Mixed use development is defined under LEP 2012 as “a building or place comprising 2 or more different land uses”. A mixed use development containing retail and/or commercial premises and residential flat buildings could provide a similar development outcome to shop top housing, however with mixed use development there would be flexibility for residential accommodation at ground level.

Shop top housing and mixed use retail/commercial/residential developments are permitted in a number of business and residential zones across the Shire. Each zone has specific objectives and development standards which apply under LEP 2012. LEP 2012 also contains an additional local clause outlining objectives and controls specific to shop top housing and mixed use proposals.

The design of shop top housing and mixed use developments can vary from low scale strip retailing with a strip of dwellings above, to taller buildings comprising multiple levels of retailing, commercial premises and/or residential units. The desired scale of these developments will vary based on the role and objectives of the zone in which they are located. The controls in this DCP seek to ensure that the form and scale of shop top housing and mixed use development is appropriate with respect to surrounding development. They also aim to ensure that developments reflect the objectives of the zones within which they are located and where proposed within neighbourhood or local centres reflect the established role and typology of these centres as articulated within Council's Centres Direction.

In some circumstances, potential variations to a development control in this DCP, due to such matters as slope or existing building location, are identified to allow flexibility in the application of the control where the variation sought would meet the outcome to be achieved. Other variations may be considered as part of a merit assessment and would be evaluated against the Statement of Outcome for that control.

In addition to those policies, guidelines and documents specified in the *Introduction*, this Shop Top Housing Section of the DCP is to be read in conjunction with other relevant Parts relating to:

- | | |
|-------------------|--------------------------------|
| ➤ <i>Business</i> | ➤ <i>Landscaping</i> |
| ➤ <i>Parking</i> | ➤ <i>Heritage</i> |
| ➤ <i>Signage</i> | ➤ <i>Flood Controlled Land</i> |

Where a development control within this section of this DCP is inconsistent with a site specific control from another section of this DCP, the site specific control within that Section shall prevail to the extent of the inconsistency.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development also applies to shop top housing in specific circumstances. These provisions would apply if the building concerned is at least 3 or more storeys and contains at least 4 or more dwellings. Refer to SEPP No. 65 for further information on the application of the Policy to shop top housing.

1. Site Planning

STATEMENT OF OUTCOMES

- Developments maintain a distinct neighbourhood or local character depending on the zone within which they are located.
- Developments are compatible with the character and form of existing and future development in the locality.
- Developments provide for the amenity of, and minimise impacts on, residents living within or surrounding the developments.
- Developments include usable and attractive outdoor spaces that provide for active and passive recreation opportunities.
- Developments are of a high design quality and provide an attractive visual presentation to the street and other surrounding development.

DEVELOPMENT CONTROLS

Building and ceiling height	The applicable height of buildings standard under Clause 7.112 of LEP 2012 equates to the following maximum building heights in storeys: - 7 metres: 2 storeys - 10 metres: 3 storeys Minimum floor to ceiling heights are: - 3.3m for commercial floors - 2.7m for residential floors
Setbacks	Front (primary and secondary street) setbacks: - Zero setback if active frontage provided - 3 metres if no active frontage provided - 3 metres for residential floors above the first storey or for residential floors above an existing retail development (unless active frontage provided where consistent with existing development can be provided) (Refer Section 2 for definition of 'Active Frontage') Side and rear setbacks: - 6 metres where adjoining low density residential development - 3 metres where not adjoining low density residential development Zero setback may be considered where the development adjoins a business zone or a public road or laneway. Upper residential floors must incorporate building articulation such as awnings, porticos, recesses, blade walls and projecting bays. Where a variation to the setback controls is proposed, consideration must be given to the existing and future character and amenity of the surrounding area.
Common open space	Where a development comprises five or more dwellings, a minimum of 20m² per dwelling is to be provided as a consolidated common open space area. At least 75% of the common open space area must be provided at ground level and be well landscaped. Upper level or roof top common open space may be considered for a portion of the common open space.

	Common open space should be designed to enable it to be used for recreational activities and be capable of growing substantial vegetation. The common open space area must only be accessible by the residents of the development.
Landscaping	Where adjoining a residential zone, landscape screening strips with a minimum width of 2 metres must be provided within setback areas. Outdoor parking areas are to include landscape screening strips with a minimum width 2 metres. Screen planting should be provided within private and common open space areas to improve privacy and amenity for residents and surrounding properties. At least 15% of the site area should incorporate deep soil planting. This can be accommodated within common open space areas and setback areas. Where upper level or rooftop common open space is proposed these spaces are to incorporate landscaping features such as planter boxes or vertical gardens.

2. Building Design

STATEMENT OF OUTCOMES

- Developments provide weather protection to pedestrians and users of the development at street level.
- Developments are attractive and add visual interest and variety to streetscapes.
- Developments provide a reasonable of acoustic amenity for occupants and residents living within neighbouring properties.

DEVELOPMENT CONTROLS

Awnings	Awnings are to be provided along streets where active frontages are provided and at main entries to residential components of developments. Awning must have sufficient depth but also be setback sufficiently to allow street trees, furniture etc.
Street frontages	Active frontages are encouraged at ground level to all public streets. Active frontages may be are defined as one or a combination of the following: • Entrance to retail; • Shop front; • Café or restaurant if accompanied by an entry from the street; • Community and civic uses with a street entrance; • Recreation facilities with a street entrance; • Glazed entryway; • Street entryway.
Acoustic amenity	Noise sources within the development such as common open space,

	service areas, driveways, and road frontages should be managed through measures such as separation, building layout, double glazed windows etc.
Other controls	Refer to the Residential Flat Building or Business Sections of this DCP for further controls relating to unit size and mix, visual privacy, solar access, private open space, ventilation, storage and waste management.

3. Access and Parking

STATEMENT OF OUTCOMES

- Access arrangements minimise impacts on streetscape, amenity, pedestrian safety and circulation.
- Pedestrian access ensures connectivity to the street and public areas and ensures that residents and users of developments can navigate developments conveniently and with minimal difficulties.
- Buildings provide separate and clearly defined entries and access points for commercial and residential components of the development.
- Car parking and vehicular access ways do not diminish the attractiveness of a streetscape or visually dominate the front of a site.

DEVELOPMENT CONTROLS

Vehicular and pedestrian access and circulation	Vehicular access should not be via primary streets where alternative street/laneway access is available. Vehicular and pedestrian access, parking and services should be completely separate for residential and retail/commercial uses. Pedestrian safety is to be maximised through ensuring clear sight lines at pedestrian and vehicular crossings.
Building entries	Separate building entries are to be provided for the residential and commercial components of developments.
Car parking	The preferred location for car parking is within a basement or to the rear of developments.
Other controls	Refer to the Residential, Business and Carparking Sections of this DCP for other controls relating to loading and car parking.

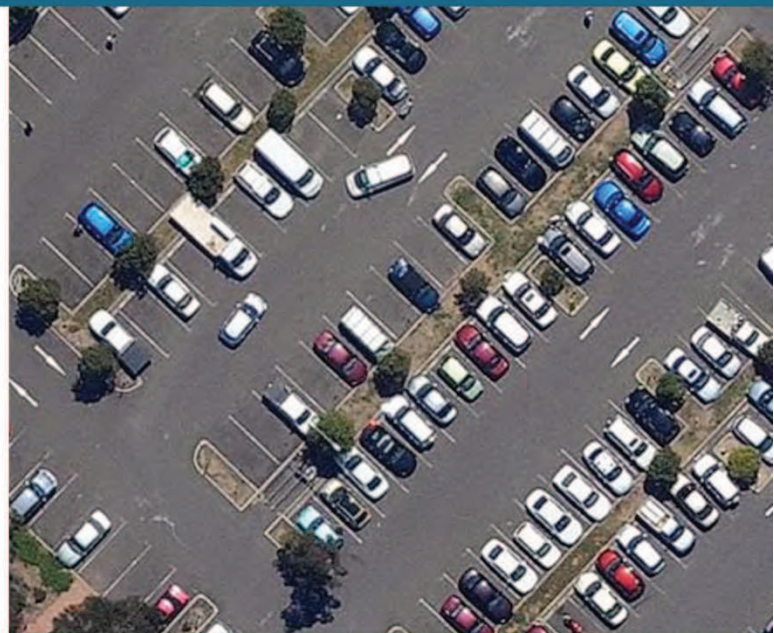
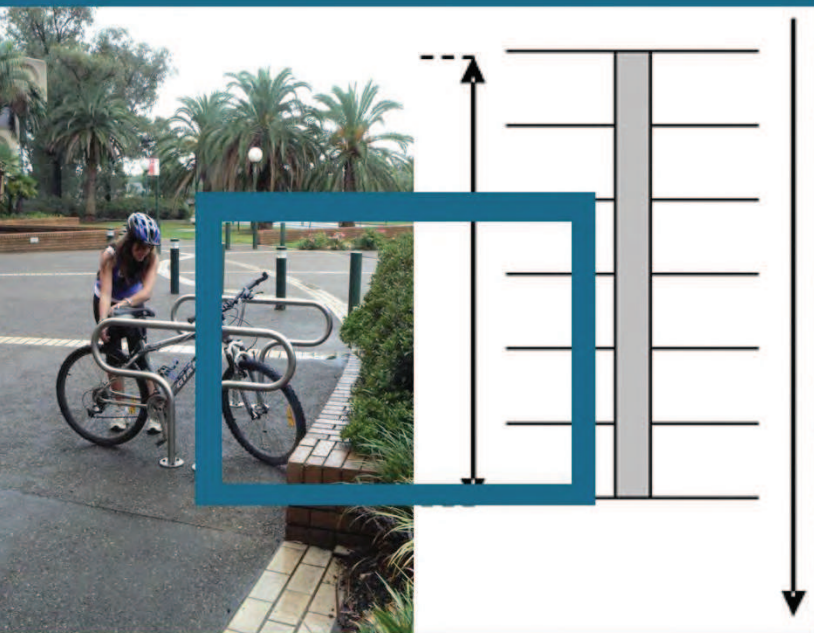
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Part C Section 1
Parking

C1

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1. INTRODUCTION

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

1.1. LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This Section of the DCP applies to all land identified under The Hills Local Environmental Plan (LEP) 2012 and to all permissible parking activities as defined in the LEP 2012. Where the provision of parking is ancillary to the overall development, further specific controls are included in separate relevant Sections of this DCP.

1.2. AIMS AND OBJECTIVES OF THIS SECTION OF THE DCP

The aim of this Section of the DCP is to establish Council's specific objectives and development controls for the provision of parking within the Shire.

OBJECTIVES

Council's overarching objectives for parking developments are:

- (i) *To provide guidelines aimed at improving overall traffic management and safety.*
- (ii) *To ensure satisfactory access, parking provisions, circulation and goods loading and delivery facilities are provided within developments.*
- (iii) *To ensure the efficient flow of traffic through car parks to minimise the potential for pedestrian and vehicle conflict.*
- (iv) *To set out Council's planning and engineering standards for parking in the Shire.*
- (v) *To encourage the use of more ecologically sustainable forms of transport such as bicycles.*
- (vi) *To ensure that all parking provided by development relates to the site's environmental conditions.*

2. OBJECTIVES AND DEVELOPMENT CONTROLS

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

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

- Part C Section 3 – Landscaping

2.1. GENERAL PARKING REQUIREMENTS

OBJECTIVE

- (i) *To provide sufficient parking that is convenient for the use of residents, employees and visitors of the development.*

DEVELOPMENT CONTROLS

2.1.1. GENERAL

- (a) Number of required parking spaces and associated conditions must be provided in accordance with Table 1. Any part spaces must be rounded up to the nearest whole number.
- (b) All car parking spaces must be provided on-site.
- (c) The minimum provision of spaces for restaurants or café as required in Table 1 applies to indoor and outdoor seating.
- (d) The provision of boat trailer and boat wash down areas are required for caravan parks and/or holiday cabin developments in the vicinity of the Hawkesbury River.
- (e) Car parking for child care centres must be situated in a convenient location, allowing for safe movement of children to and from the centre.
- (f) Parking spaces for an exhibition home may be permitted to be located within the front setback, provided the parking area is reinstated to lawn upon the expiry of the exhibition home consent. In the case of exhibition home villages a centralised parking area should be provided.
- (g) Any changes to parking provisions occurring after development consent or implementation of development consent must be subject to an application under Section 96 of the Environmental Planning and Assessment Act 1979.

- (h) Where justified, a proportion of car parking may be subject to time restrictions upon application, consideration and approval by Council. All employees parking are to be provided on-site.
- (i) Stack parking will not be included in the assessment of the number of car parking spaces for retail, commercial, medium density residential and industrial development and the like.
- (j) Access arrangements in bush fire prone areas shall be in accordance with Planning for Bushfire Protection 2006.

2.1.2. MIXED USE PARKING

- (a) Where the component uses are operated concurrently, parking will be assessed as the sum of the requirements for each component. Component parking requirements are to be based on requirements in Table 1. Calculations shall include an appropriate proportion of any shared common or administrative area.

2.1.3. DUAL USE PARKING

- (a) Where the component uses are not operated concurrently, parking provisions will be based on whichever of the components generates the greatest car parking requirement. The onus will be on the applicant to satisfy Council that the uses are not operated concurrently.
- (b) Where the main usage periods of the component uses do not coincide, Council may consider a reduction in the car parking requirements provided that the total car parking is not less than that needed for the component that generates the greatest requirement. The onus will be on the applicant to satisfy Council that the main usage periods do not coincide.

2.1.4. REMODELLING OR ALTERATIONS TO EXISTING PREMISES

- (a) If the development does not result in increased floor space and the use of the building is not significantly changed, then additional parking provisions may not be required.
- (b) If the remodelling results in increased floor area, then additional parking will be required for the increase.

- (c) If the use of the development is changed, this will be taken into account in assessing the parking requirement according to the new use as well as any increase in floor space.

SUBMISSION REQUIREMENTS

- Parking calculations – number of spaces provided for the proposed development using Table 1. Any part spaces must be rounded up to the nearest whole number.
- A Traffic Impact Report should be provided:
 - Where development is likely to generate significant traffic, or
 - Where it is a requirement of another section of the DCP.
- A Parking Study – will be required where proposed parking provisions need to be substantiated. This occurs when:
 - An activity or land use is not included in Table 1, or
 - Dual use or mixed use car parking arrangements may be proposed.

Table 1 Required Minimum Car Parking Provisions**GFA** = Gross Floor Area**GLFA** = Gross Leasable Floor Area

Land Use Class	Land Use	Required Minimum Provision
Residential	Dwelling	1 space per dwelling
	Residential Flat Buildings, Shop Top Housing and Multi Dwelling Housing	1 space per 1 bedroom unit 2 spaces per 2 or 3 bedroom unit 2 visitor spaces per 5 units
	Residential Flat Buildings in Centre (See note 1 below)	1 space per 1 bedroom unit 1.5 spaces per 2 bedroom unit 2 spaces per 3 bedroom unit 2 visitor spaces per 5 units
	Dual Occupancy	1 undercover space per dwelling below 125m ² of floor space 2 spaces (1 undercover) per dwelling above 125m ² of floor space
	Home Business or Home Industry	Car parking rate will be determined on a merit based assessment but must be provided at a rate that will ensure that the proposal does not result in a significant increase in traffic in accordance with LEP 2012.
Commercial	Commercial premises (including business premises, office premises)*	1 space per 25m ² GFA
	Centre Commercial	1 space per 40m ² GFA
Retail	Shops * # (including shopping centres and general business retail)	1 space per 18.5m ² GLFA
	Service Station & Convenience Store	6 spaces per work bay, plus with Convenience Store - 1 space per 20m ² GFA, plus with Restaurant - 15 spaces per 100m ² GFA of restaurant or 1 space per 3 seats whichever is the greater, plus 1 space per restaurant employee

Land Use Class	Land Use	Required Minimum Provision
	Vehicle repair station	3 spaces per 100m ² of GFA or 3 spaces per work bay, whichever is the greater
	Vehicle sales or hire premises	0.75 spaces per 100m ² of site area, plus 6 spaces per work bay where vehicle servicing is provided on site.
	Garden Centre, Plant Nurseries, Landscaping Material Supplies	1 space per employee, plus 1 space per 18.5m ² GLFA of ancillary retail floor space. Additional parking spaces to be determined by Council in respect of each application to ensure that parking demand generated by the activity is contained within the subject site. Traffic and parking study is required to accompany the application.
	Roadside Stall	Minimum of 4 spaces located within the property boundaries.
	Market	2.5 spaces per stall (customers only)
	Bulky Goods Premises	1 space per 40m ² of GFA
Industry component uses –	Industrial	1 space per 50m ² of GFA, or 1 space per 2 employees, whichever is greater.
	Industrial – Edwards Road Precinct (See note 2 below)	1 space per 75m ² of GFA
	Warehouse	1 space per 50m ² of GFA
	Warehouse – Edwards Road Precinct(See note 2 below)	1 space per 75m ² of GFA
	Vehicle body repair workshop	1 space per 2 employees, plus 6 spaces per work bay
	Sex Services Premises	1 space per room used or capable of being used for sex services plus 1 space per employee. All car parking areas shall be well lit, easy to locate and monitored by surveillance.
	Visitor Parking	1 space for every 2 units constructed

Land Use Class	Land Use	Required Minimum Provision
Entertainment	Pubs/, Registered Clubs	1 space per 1.85m ² of service area in bar and lounge plus 1 space per 2 employees
	Entertainment Facilities*#	1 space per 5 seats or 1 space per 10m ² of non-fixed seating floor space
	<u>Food and Drink Premises</u>	
	Take-away food and drink premises* (No seating)	1 space per 18.5m ² GFA.
	Restaurant or café*	1 per 5 seats, plus 12 spaces per 100m ² of GFA, plus 10 car spaces for queuing where a drive through facility is proposed.
	Function Centre	1 space per 3 seats, or 15 spaces per 100m ² GFA, whichever is the greater. These rates apply to both indoor and outdoor seating.
	Restaurant or cafe within a commercial office building and Main Street Precinct, Castle Hill (see note 3)	1 space per 25m ² of GFA.
	Restaurant or cafe within a retail shopping complex	1 space per 18.5m ² of GLFA.
	Restaurant or café within Main Street Precinct, Castle Hill outdoor dining component (see note 3)	No car parking required.
Recreational Facilities	Gymnasiums/Fitness Centre*	1 space per 25m ² of GFA
	Squash Courts & Tennis Courts*	3 spaces per court plus 1 space per 5 seats where spectator seating/galleries are provided
	Bowling Green	30 spaces for the first green, plus 15 spaces per each additional green
	Bowling Alley	3 spaces per alley
	Indoor Cricket or Soccer Centre*	15 spaces per pitch
	Equestrian Centre, Other Recreational Facility	Submit parking study to substantiate proposed car parking provisions.

Land Use Class	Land Use	Required Minimum Provision
Health	Hospital Nursing and Convalescent Homes	1 space per 2 beds for visitors plus 1 space per 1.5 employees plus 1 space per 2.5 visiting medical officers Unless otherwise specified by Seniors Living SEPP.
	Medical Centres, Health consulting rooms	3 spaces per consulting room plus 1 space per support employee
Education	Child Care Centre [#] (including Kindergartens, Crèches)	1 space per employee plus 1 space per 6 children enrolled for visitors and/or parent parking Also see section 2.1.1(e)
	Educational Establishment (School) [#]	1 space per employee plus 1 space per 8 year 12 students, plus 1 space per 30 students enrolled for visitors and/or parent parking
	Educational Establishment (Tertiary Institution) [#]	1 space per 2 students enrolled
Accommodation	Bed & Breakfast Accommodation	1 space per guest room in addition to residential requirement
	Caravan Park/Holiday Cabins	1 space per caravan or camping site plus Also see section 2.1.1(d)
	Hotel or Motel Accommodation [#]	1 space per 1 guest room plus 1 space per 2 employees in addition to any space generated by a public bar or restaurant.
	Marina	0.6 spaces per wet berth 0.2 spaces per dry storage berth 0.2 spaces per swing mooring 0.5 spaces per marina employee Development applications are to be accompanied by a traffic and parking study to ensure that parking demand generated by the activity is contained within the subject site.
Other	Veterinary Hospital	3 spaces per consulting room plus 1 space/10 cats or dogs accommodated overnight
	Animal Boarding or Training Establishment.	Development applications are to be accompanied by a traffic and parking study to ensure that parking demand generated by the activity is contained within the subject site.

Land Use Class	Land Use	Required Minimum Provision
	Place of public worship	1 space per 5 seats
	Funeral home/chapel	1 space per 4 seats plus 1 space per funeral service area
	Exhibition Home	4 spaces per exhibition home Also see section 2.1.1(f)

Note. *Bicycle parking is also required – refer to Table 3 for provisions.

Set down areas are to be provided for these land uses – refer to section 2.6.

1. Centre parking rates apply to Castle Hill Major Centre, Baulkham Hills Town Centre and Rouse Hill Major Centre as identified in Sheet 1, 2 and 3 in Appendix A – Centre Maps to this Section.
2. Land within the Edwards Road Precinct is identified within Appendix B – Edwards Road Precinct to this Section.
3. Main Street Precinct, Castle Hill includes properties fronting Old Northern Road and part of Showground Road, Castle Hill and is identified in Sheet 1 in Appendix A – Centre Maps to this Section.

2.2. PARKING FOR DISABLED PERSONS AND PARENTS WITH PRAMS

OBJECTIVES

- (i) *To ensure appropriate on-site provision and design of parking for disabled persons and parents with prams.*
- (ii) *To ensure that designated spaces provided are easily accessible to points of entry to building or facility.*
- (iii) *To ensure amenity and safety in the design and construction and operation of the development in accordance with Council's ESD Objective 7.*

DEVELOPMENT CONTROLS

- (a) A proportion of the total parking spaces required shall be provided for disabled persons in accordance with Table 2.
- (b) A continuous, accessible path of travel in accordance with AS 1428.1 shall be provided between each parking space and an accessible entrance to the building or to a wheelchair accessible lift.
- (c) A proportion of the total parking spaces required shall be provided for parents with prams at the rate of 1 space per 100 spaces at:-
 - shopping centres;
 - transport terminals;
 - hospitals; and
 - other large public facilities.
- (d) Parking spaces for disabled persons and parents with prams should:-
 - have minimum 3.2 metres x 5.4 metres dimensions for each designated parking space;
 - be provided adjacent to an accessible entrance or a wheelchair accessible lift;
 - be signposted and identified for the nominated parking use;
 - have a clearance height of 2.5 metres from floor level; and
 - provide a level area with a gradient less than 1:40.
- (e) Directional signage to designated parking spaces should be provided from the entry of the parking facility.

- (f) Set down areas should be level with a gradient less than 1:40, have adequate circulation space and be located away from traffic flow. Adjacent kerb ramps should be provided to allow access to a footpath, building entrance or a wheelchair accessible lift.
- (g) Refer to Council's "Making Access for All: guidelines ensuring criteria for all public facilities" for further parking and access designs. This document is available at the Customer Service Centre at Council's Administration Building or at Council's website.

SUBMISSION REQUIREMENTS

- Site plan indicating:
 - parking layout and locations of designated spaces for disabled persons and parents with prams; and
 - locality of adjacent wheelchair accessible entrances and lifts.
- Parking calculations.

Table 2 Disabled Persons Parking Provisions

Source: AS 2890.1 1993 – Part 1 Parking Facilities – Off Street Car Parking

Land Use	Required Provision (percentage of total car parking)
<u>Retail/Commercial</u> A shopping centre with or without commercial premises (banks, credit union, restaurants or cafes, offices etc), or an office area. Includes strip shopping centres or CBD areas, shopping complexes, supermarkets, and variety stores. May include post office, entertainment, community, recreation venues and the like.	2%
<u>Transport</u> Railway stations, bus/rail interchanges	3%
<u>Community</u> Civic centres, town halls, community centres, senior citizen's clubs, and health care.	3%
<u>Recreation</u> Leisure centres, gymnasiums, swimming pools, parks, gardens, foreshore, and sporting venue.	3%
<u>Education</u> Schools	3%
Tertiary institutions	2%
<u>Entertainment</u> Theatres, libraries, art galleries, sports centres, entertainment centres	4%
<u>Medical</u> Hospitals	4%
Medical Centres (including community health centres, radiology units, rehabilitation units)	3%
<u>Places of Public Worship</u> Individual churches or religious centres	3%

Notes.

- Percentages in Table 2 apply to the total number of parking spaces to be provided.
- Small car parks must provide a minimum of 1 space for disabled persons.

2.3. BICYCLE PARKING**OBJECTIVES**

- To provide convenient and accessible on-site bicycle parking and appropriate associated facilities.
- To encourage the use of bicycles in order to help reduce the dependence on motor vehicles in accordance with Council's ESD Objective 9.

DEVELOPMENT CONTROLS

- The provision of bicycle parking must in accordance with Table 3.
- Bicycle parking should be located in close proximity to building entrances and clustered in lots not exceeding 16 spaces.
- Bicycle parking facilities should not impede pedestrian or vehicular circulation.

- (d) Bicycle parking facilities should be located in highly visible, illuminated areas to minimise theft and vandalism.
- (e) Provision of shower and change facilities for bicycle riders should be provided in accordance with Table 3.
- (f) Installation and dimensions of bicycle parking facilities and storage should be in accordance with:
 - AS 2890.3-1993 – Parking Facilities – Bicycle parking facilities; and
 - Guide to Traffic Engineering Practice BICYCLES - Part 14 - Austroads (Standards Australia).

SUBMISSION REQUIREMENTS

- Parking calculations
- Site plan indicating location of:
 - designated bicycle spaces/storage facilities; and
 - shower and change facilities.
- Statement of Environmental Effects Indicating:
 - security details for bicycle parking areas; and
 - provision of shower and change facilities.

Table 3 Provision of Bicycle Parking According To Land Use

Source: Guide to Traffic Engineering Practice “BICYCLES - Part 14 – Austroads” (Standards Australia).

Land Use	Minimum Bicycle Parking Provisions	Change and Shower Facilities
Commercial Premises (including business premises and office premises)	2 spaces plus 5% of the total number of car spaces required where – New development exceeds 5,000m ² in GFA or Additions to existing developments that increase the size of the total development to greater than 5,000m ² GFA.	Yes
Gymnasium/Fitness Centre or Squash/Tennis courts or Indoor Cricket/Soccer	1 per 4 employees plus 1 per 200m ² GFA	Yes
Industry – Warehousing, Factories	2 spaces plus 5% of the total number of car spaces required where – New development exceeds 4,000m ² in GFA or Additions to existing developments that increase the size of the total development to greater than 4,000m ² GFA.	Yes
Retail/Shops	2 spaces plus 5% of the total number of car spaces required where – New retail developments exceed GFLA of 5,000m ² or Additions to existing developments that increase the size of the total development to greater than 5,000m ² GFLA.	Yes
Bulky Goods Premises	2 spaces plus 5% of the total number of car spaces required where – New development exceeds 4,000m ² in GFA or Additions to existing developments that increase the size of the total development to greater than 4,000m ² GFA.	Yes
Schools	1 space per 5 pupils over year 4	Yes

Land Use	Minimum Bicycle Parking Provisions	Change and Shower Facilities
Tertiary Institution	1 space per 50 full-time students	Yes

2.4. MOTORCYCLE PARKING

OBJECTIVES

- (i) To have equitable provision of parking for motorcyclists.

DEVELOPMENT CONTROLS

- (a) Motorcycle parking is to be provided for all developments with on-site parking of more than 50 car parking spaces, at a rate of 1 motorcycle parking space for every 50 car parking spaces or part thereof.
- (b) Motorbike spaces should be 1.2 metres wide and 2.5 metres long when spaces are 90 degrees to the angle of parking. (See Figure 1 - Motorcycle Parking Dimensions).

SUBMISSION REQUIREMENTS

- Parking calculations.
- Site plan - indicating location of designated motorcycle parking spaces.

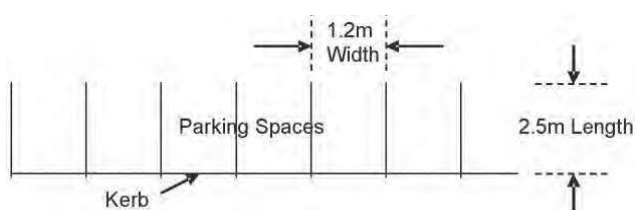


Figure 1 Motorcycle Parking Dimensions At 90 Degree Angle

Source: AS 2890.1 1993 – Parking Facilities-Part1: Off Street Car Parking

2.5. CARWASH BAYS

OBJECTIVES

- (i) To provide on-site car wash facilities within residential multi-unit developments.

- (ii) To ensure during the design, construction and operation of car wash bays, that water is utilised efficiently and that water leaving the site is of a quality and quantity comparable to that which is received in accordance with Council's ESD Objective 3.

DEVELOPMENT CONTROLS

- (a) The carwash bay can be either a designated car space separate to that of total car spaces as calculated, or can be a visitor space when not utilised by visitors.
- (b) A minimum provision of one designated carwash bay space per residential multi-unit development.
- (c) Car wash bays are not to be used to carry out engine degreasing or mechanical repairs and must be signposted to reflect this prohibition.
- (d) Wastewater must be treated so as to remove grease, oil and silt and must be either reused for car washing or used for irrigation of landscaped areas on site. To treat wastewater in this way application for a licence must be applied for from the Office of Environment and Heritage. Approval can be sought from www.environment.nsw.gov.au/licensing/.
- (e) Alternatively wastewater can be discharged to the sewer, This is only where (b) is not feasible according to a report provided by a hydraulic engineer, the Council or the Office of Environment and Heritage. Approval from Sydney Water must be sought by applying for "Permission to Discharge Trade Wastewater". Refer to the fact sheet on Sydney Water's web site www.sydneywater.nsw.gov.au. - "Disposal of Trade Wastewater from Residential Car Wash Bays".
- (f) Wastewater option (e) requires the construction of a roof over the designated car wash space and must be bunded to exclude rainwater as per Sydney Water's requirements.

- (g) Approval must be obtained either from the Office of Environment and Heritage or Sydney Water prior to construction of the development.

SUBMISSION REQUIREMENTS

- Site plan indicating locations of designated car wash spaces.
- Statement of Environmental Effects indicating:
 - Details of method wastewater removal.

2.6. SET DOWN AREAS

OBJECTIVES

- (i) *To provide designated set down areas in close proximity to busy centres.*
- (ii) *To provide safe and convenient designated set down areas for passengers to arrive close to their destination.*

DEVELOPMENT CONTROLS

- (a) Set down areas must not conflict with the movement of other traffic, pedestrians and other vehicle parking.
- (b) There must be a safe continuous accessible path of travel from set down area/s to a wheelchair accessible entrance or lift.
- (c) The following forms of development should provide set down areas for cars:
- Educational establishments.
 - Shopping centres.
 - Community centres.
 - Libraries.
 - Entertainment facilities.
 - Child Care Centres.
 - Recreational facilities.
 - Transport terminals and interchanges.
- (d) The following forms of development should provide set down areas for coaches and community buses:
- Hotel or Motel Accommodation.
 - Community Centres.
 - Registered Clubs.
 - Tourist Destinations and Centres.
 - Transport Terminals and Interchanges.
- (e) The number of set down areas must be in accordance to the developments needs.

- (f) Set down areas for cars must be separate to set down areas used for coaches and community buses.
- (g) Set down areas, except those used for coaches and community buses, must be used only to drop off passengers and must not be used for passenger collection.
- (h) Set down areas must be signposted to indicate that their use is time limited.

SUBMISSION REQUIREMENTS

- Site plan indicating location and design of designated set down areas.
- Statement of Environmental Effects - Details of types of vehicles expected to set down passengers and the likely frequency of use.

2.7. CAR PARK DESIGN AND LAYOUT

OBJECTIVES

- (i) *To provide safe, convenient and accessible design and layout of parking areas.*
- (ii) *To provide suitable dimensions for all types of parking spaces.*
- (iii) *To provide appropriate parking design and layout that complements building design and function.*
- (iv) *To ensure pedestrian amenity is enhanced.*

DEVELOPMENT CONTROLS

2.7.1. GENERAL

- (a) The layout of the car park should facilitate ease of access and egress of vehicles through the parking area at all times without congestion.
- (b) For all development other than single dwelling houses and dual occupancies, vehicles must enter and exit the site in a forward direction.
- (c) Adequate queuing distance should be provided where the parking area fronts an arterial road as justified by relevant data or a study carried out by a suitably qualified person.
- (d) Any changes to parking layout and design occurring after development consent or implementation of a development consent must

be subject to an application under Section 96 of the Environmental Planning and Assessment Act 1979.

- (e) Provisions within this section are in accordance with AS 2590.1 –1993 Parking Facilities – Part 1 Off Street Car Parking. For further design requirements for car park design and layout please refer to the Australian Standard.

2.7.2. PARKING DIMENSIONS

- (a) The minimum car parking dimensions required for right angle parking shall be provided in accordance with Table 4.
- (b) Two-way aisles are not recommended for angle parking other than for parking at right angles (90 degrees).
- (c) The preferred parking angle should be at 90 degrees to the aisle. Where site area is limited other angles of parking will be considered. For angle parking design requirements other than at 90 degrees refer to AS 2890.1-1993 – Parking Facilities – Part 1: Off Street Parking.
- (d) All parking spaces shall be designed to ensure they can be accessed by a maximum 3 point combined manoeuvre, i.e. 1 movement to enter the space and 2 movements to leave, or 2 movements to enter and 1 to leave. (See Figure 2 for manoeuvres).
- (e) Parallel parking is to be avoided unless it can be demonstrated that it does not disrupt traffic circulation or create a hazard.
- (f) At blind aisles the end spaces should be made one metre wider than the adjacent spaces. (See Figure 3). Otherwise, provision should be made for cars to turn round at the end of aisles and allow vehicles to exit in a forward direction.
- (g) Spaces adjacent to obstructions must be 300mm wider on the side of the obstruction.
- (h) The width of car spaces in multi-storey or basement parking areas is to be exclusive of any building columns.
- (i) Basement parking areas should be setback the same distance as the building above.

2.7.3. PEDESTRIAN CIRCULATION AND SAFETY

- (a) Parking areas should be designed so that pedestrian entrances and exits are separate from vehicle entrances and exits.

- (b) Safe crossing points through to or leading to entrances must have adequate sight distance and must be provided with appropriate directional signs and indicative pavement markings.
- (c) Lifts and stair lobbies, and access to buildings should be clearly marked.
- (d) Where possible, parking aisles should be orientated parallel with expected pedestrian travel paths. (See Figure 4).

2.7.4. DRAINAGE

- (a) All car parking areas are to provide adequate drainage of surface water to prevent flooding of adjoining properties.

2.7.5. LIGHTING AND VENTILATION

- (a) Covered or enclosed car parks must have adequate lighting and ventilation, preferably by natural means.
- (b) Where car parks might be utilised in the evening, adequate artificial lighting should be provided for the whole car park area.

2.7.6. PARKING DIRECTIONS

- (a) All car parking spaces should be clearly line marked.
- (b) Where designated parking spaces are provided such as customer, visitor, parents with prams and disabled persons parking, signposting must clearly indicate the location of these spaces.
- (c) Arrow markings on the surface of aisles and driveways should be used to demonstrate circulation pattern, whether in one-way or two-way directions.
- (d) Entries and exits must be appropriately signposted.

SUBMISSION REQUIREMENTS

- Site Plan indicating car park layout including:
 - Traffic circulation details;
 - Location of parking spaces;
 - Location of directional and parking signs;
 - Pedestrian access and circulation through parking areas;
 - Contours demonstrating existing spot levels and proposed finished levels;

- Vehicle turning path detail overlaid on the plans demonstrating that entry and exit is achieved in a forward direction; and
- Location and height of any retaining walls.
- Cross Section indicating:
 - Extent of cut and fill;
 - Location and height any of retaining walls;
 - Headroom clearance to overhead obstructions (eg. Fire sprinklers, servicing ducts, piping etc.); and
 - Longitudinal section of the driveway from the centreline of the public roadway from where access is proposed to the rear of the parking area. Transition grades to prevent vehicle scraping are to be detailed.
- Statement of Environmental Effects detailing:
 - Method of drainage; and
 - Lighting and ventilation methods.

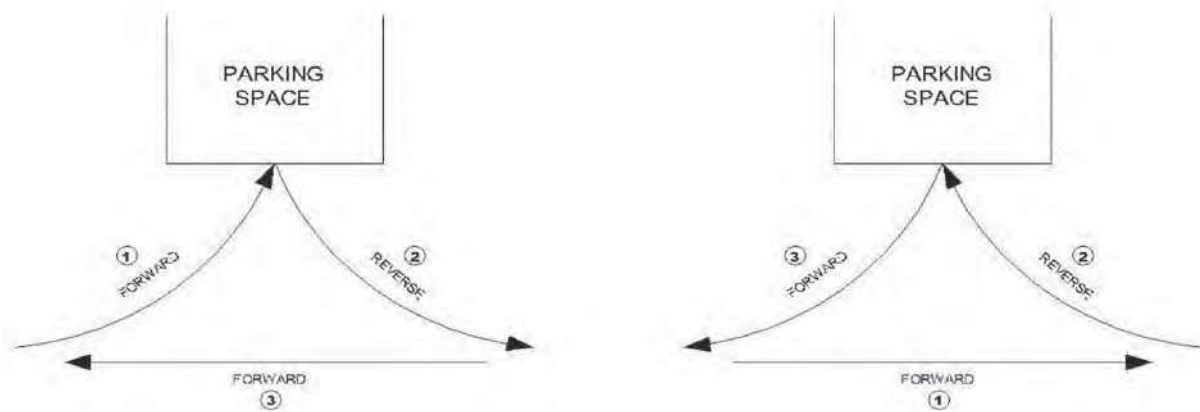


Figure 2 Vehicle Movements In And Out Of Parking Spaces

Table 4 Minimum Parking Bay Dimension For Right-Angled Car Parking

Source: AS 2890.1 1993 – Parking Facilities – Part 1: Off Street Parking

Land Uses	User Class No.	Required Door Opening	Space Width (metres)	Space Length (metres)	Aisle Width (metres) One Way	Aisle Width (metres) Two Way
Tenant, employee and commuter parking, universities (generally parking all day)	1	Front Door, first stop	2.4	5.4	6.2	7.0
Long-term town centre parking, sports facilities, entertainment centres, hotels, motels (generally medium-term parking)	2	Front Door, second stop	2.5	5.4	5.8	7.0
Short-term town centre parking, shopping centres, supermarkets, hospitals & medical centres (generally short-term parking and where children & goods can be expected to be loaded into the vehicles).	3	Rear Door, full opening	2.6	5.4	5.4	7.0
Parking for people with disabilities	4	Front door, full opening plus wheelchair manoeuvre space	3.2	5.4	5.0	7.0

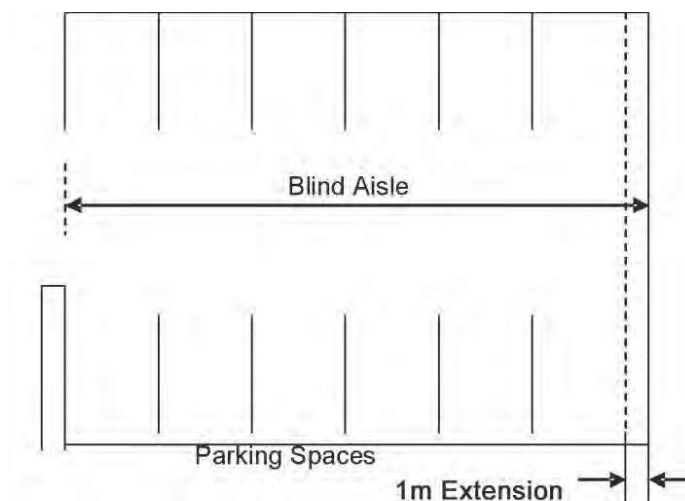


Figure 3 Blind Aisle Extension

Note. The maximum length of blind aisle is equal to six 90 degree car spaces.

Source: AS 2890.1 1993-Parking Facilities-Part 1: Off Street Car Parking

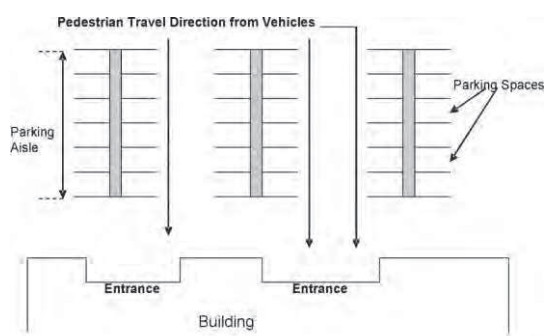


Figure 4 Example Of Direct Pedestrian Access To Entrance

2.8. LANDSCAPING

OBJECTIVES

- (i) *To provide appropriate landscaping for external and uncovered car parks so that they do not detract from the surrounding area.*
- (ii) *To provide shade and improve amenity of loading, service and parking areas and to provide a buffer to neighbouring properties.*
- (iii) *To utilise landscaping to provide amenity to neighbouring properties in accordance with Council's ESD objective 7.*

DEVELOPMENT CONTROLS

- (a) Outdoor parking areas are to be provided with two metre wide landscaping strips:
 - Between rows served by different aisles.
 - Between spaces at a rate of one in every ten car parking spaces.
- (b) Outdoor parking areas are to be screened by a minimum of two metre wide landscaping strips. Such landscaping is to be of a mature and dense nature and be designed according to Part C Section 3 – Landscaping of this DCP.
- (c) Driveways are to be screened by a minimum of two metre wide landscaping strip on either side.
- (d) Where soils permit infiltration the landscaping strips should be used to promote reuse of drainage water.
- (e) Landscaping species selected should not:
 - block signs;
 - impede entry and access points;
 - overgrow paths;
 - cause restrictions to pedestrian and vehicle movements; and
 - compromise safety aspects such as sight distances.
- (f) Shade trees are to be provided within landscaping strips.
- (g) Plant and tree species selected for the purpose of providing shade should not be of a kind that will cause damage to vehicles because of their nature of dropping fruit, cones or nuts.
- (h) In addition reference should be made to Part C Section 3 - Landscaping of this DCP when selecting appropriate species.

SUBMISSION REQUIREMENTS

- Landscape Plan

2.9. LOADING AND DELIVERY REQUIREMENTS

OBJECTIVES

- (i) *To provide suitable access on-site for service vehicles, for the purpose of loading and/or delivering goods.*
- (ii) *To ensure that types of loading and delivery areas are suited to the needs of the development.*
- (iii) *To ensure that adequate numbers of loading and delivery areas are allocated for appropriate types of service vehicles.*
- (iv) *To protect neighbourhood amenity and safety in the design and construction and operation of loading and service areas in accordance with Council's ESD objective 7.*

DEVELOPMENT CONTROLS

- (a) All loading and delivery areas are to be provided on-site.
- (b) Loading and delivery facilities are to be designed in accordance with AS 2890.2-1989, Off Street Parking - Part 2: Commercial vehicles facilities.
- (c) The use of loading and delivery areas must not conflict with the safe efficient circulation of pedestrians and other vehicles on-site.
- (d) In larger developments loading and delivery areas should operate independently of other parking areas.
- (e) Service vehicles are to be able to efficiently manoeuvre to and from loading and delivery areas in accordance with AUSTROADS Design Vehicular and Turning Templates.
- (f) Loading and delivery areas must not affect the amenity of adjoining residential properties.
- (g) Loading bays are not to be used for the storage of goods that may impede the use of the bay for the delivery or loading of goods.
- (h) The number of loading bays for supermarkets, department stores, mixed small shops and offices are required in accordance with Table 5.

- (i) Council may consider variations to the standards required by Table 5 in circumstances where the applicant is able to demonstrate compliance with the objectives of this Section of the DCP by alternate means.
- (j) For those land uses not referred to in Table 5 the applicant will be required to demonstrate the development proposal satisfies the objectives of this Section of the DCP. In this regard the following information is to be submitted:
- The types of vehicles expected to load and deliver on-site.
 - The frequency with which these vehicles will visit the site.
 - The largest vehicles expected to visit the site. These areas must be able to be utilised by all smaller loading and delivery vehicles also.

Table 5 Minimum Number Of Loading Bays Required

GLFA = Gross Leasable Floor Area

GFA = Gross Floor Area

Development	Number of Loading Bays
Supermarket (GLFA)	2 for the first 930m ² 2 for the next 930m ² 1 for each extra 930m ²
Department Store (GLFA)	2 for the first 4,645m ² 2 for the next 4,645m ² 1 for each extra 4,645m ²
Mixed Small Shops (GFLA)	2 for the first 465m ² 2 for the next 465m ² 1 for each extra 530m ²
Offices (GFA)	1 for the first 1,860m ² 1 for next 3,720m ² 1 for the next 3,720m ² 1 for each extra 9,250m ²

SUBMISSION REQUIREMENTS

- Site Plan must indicate:
 - the relevant locations and dimensions of loading and delivery areas; and
 - the swept path of the design service vehicle to be overlaid on the site plan to demonstrate all turning movements of service vehicles from the public road to the delivery/loading dock.
- Loading Bay Calculations – in accordance with Table 5.
- Statement of Environmental Effects – where Table 5 is not applicable the statement of environmental effects must indicate the following to substantiate that the design and number of loading and delivery areas are appropriate for the proposed development:
 - The type/s of service vehicles expected to delivery to and load from the site;
 - The frequency with which these vehicles will visit the site, indicating times during the day/night and approximate number of visits per week or month; and
 - Illustration that the dimensions of the loading and delivery areas are suited to the types of vehicles visiting the site. (Refer to AS 2890.2-1989 – Part 2: Commercial vehicle facilities for dimension requirements).

2.10. ACCESS DRIVEWAYS

OBJECTIVES

- (i) To provide driveways with safe access and egress to and from properties.
- (ii) To reduce conflicts between entering and exiting street traffic and car park traffic.
- (iii) To ensure safety in the design, construction and operation of access driveways in accordance with Council's ESD objective 7.

DEVELOPMENT CONTROLS

- (a) Access driveway widths are to comply with AS 2890.1-1993 Parking Facilities – Part 1: Off Street Car Parking.
- (b) Driveways are to be provided in locations that have adequate sight distance.
- (c) Driveways will be prohibited in the locations shown in Figures 5 and 6.
- (d) Access driveways are to be constructed in accordance with Council's "Specification for the Construction of Footpath & Gutter Crossings" (2001).

- (e) Access driveways are to be located a minimum of one metre from drainage structures and other service facilities located on the nature strip.
- (f) Except for residential properties, driveway entrances and exits should be signposted appropriately.
- (g) Access driveways should not be entered from or exited onto intersections where one or more of the intersecting roads are a collector, sub-arterial or arterial road.
- (h) Indirect access must be sought in preference to direct access where the proposed development fronts a high-volume road. Where direct access is proposed, a study by a suitably qualified person must be conducted to indicate potential impacts. This study will also be assessed by the RMS.
- (i) Driveways for multi dwelling housing, residential flat buildings and Seniors Living SEPP developments must be able to be accessed by service vehicles such as fire tankers, ambulances and bushfire tankers.
- (j) In addition, application of controls for driveways in other applicable Sections of the DCP should be applied.

SUBMISSION REQUIREMENTS

- Site Plan including:
 - Indication of driveway locations in relation to the existing roadway and the kerb alignment; and
 - All tangent points on the kerb return must be identified.

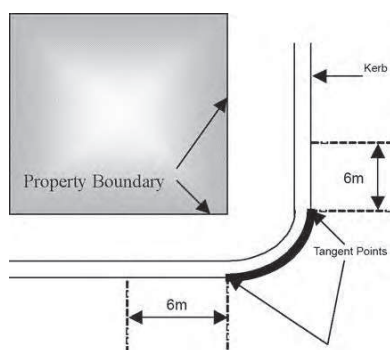


Figure 5 Driveways Prohibited Within 6 Metres From Tangent Points Of Kerb

Source: AS 2890.1 – 1993 Parking Facilities – Part 1: Off-Street Car Parking

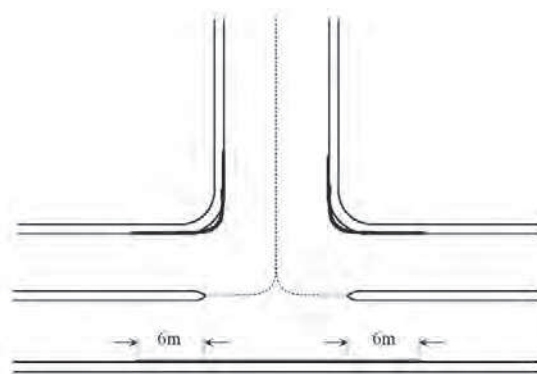


Figure 6 Driveways Prohibited On The Opposite Side Of The Road Or Within 6m Of Median Opening

3. REFERENCES

Australian Standard – AS 2890.1 – 1993 – Part 1 Parking Facilities – Off Street car parking.

Australian Standard – AS 2890.2 – 1989 – Off Street parking – Part 2: Commercial vehicle facilities.

Australian Standard – AS 2890.3 – 1993 – Parking Facilities – Bicycle parking - facilities.

Baulkham Hills Shire Council, 1993 Kellyville/Rouse Hill Landscape and Urban Design Strategy.

Department of Environment and Planning, 1981 Technical Bulletin 14: Guidelines for Site Landscaping of Commercial and Industrial Development.

Department of Urban Affairs & Planning, 1988 Rural Land Evaluation: A Manual for Conducting a Rural Land Evaluation Exercise at the Local Planning Level. Department of Urban Affairs and Planning, Sydney.

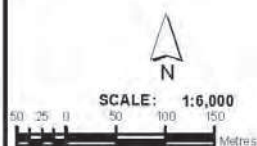
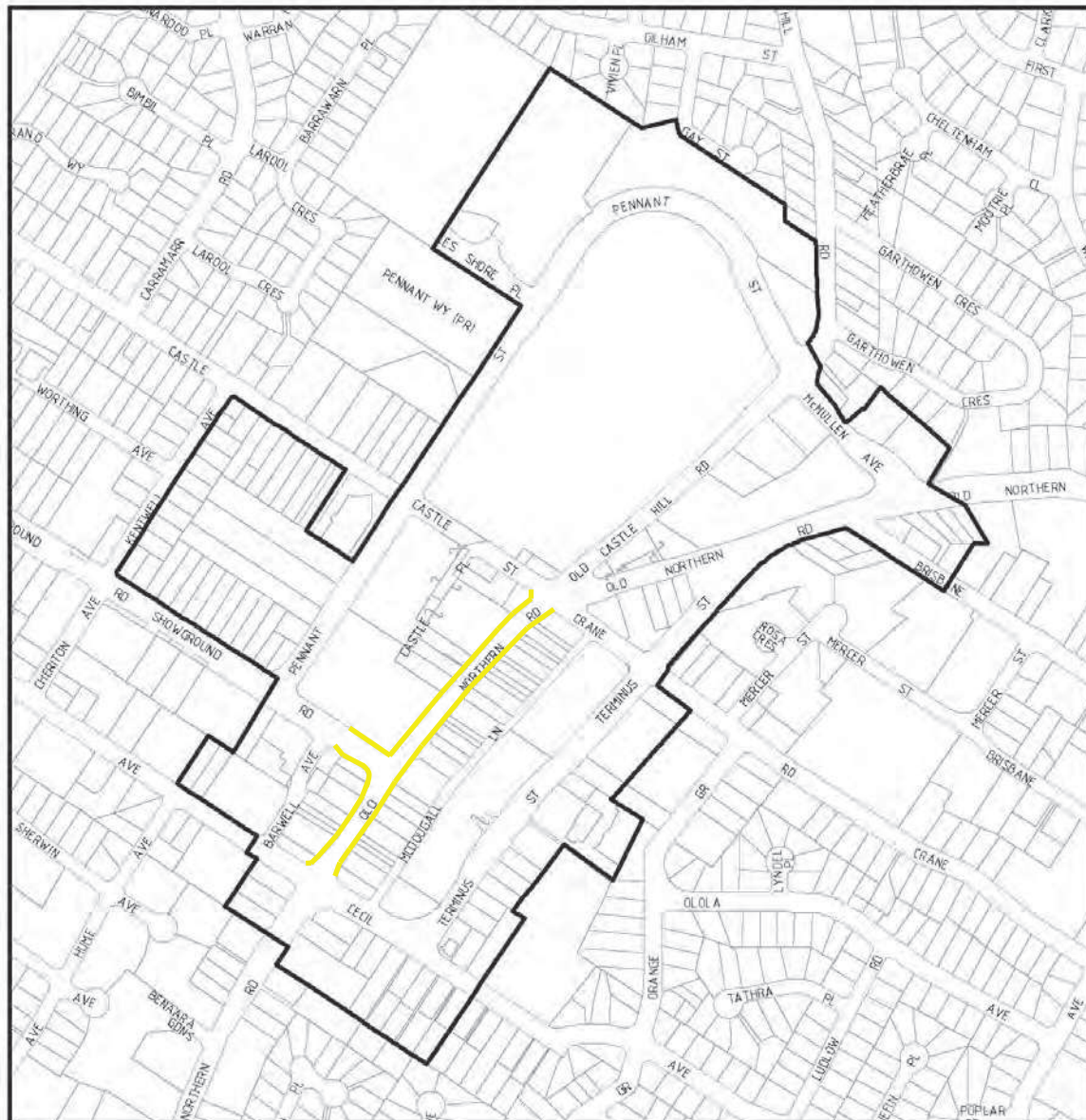
Department of Urban Affairs and Planning DUAP Circular No E3 Author.

Roads & Traffic Authority 1995, The Guide to Traffic Generating Developments.

Sinclair Knight Merz, 1996 Kellyville traffic and Parking Study. Prepared for Baulkham Hills Shire Council.

Standards Australia - Guide to Traffic Engineering Practice BICYCLES - Part 14 – Austroads.

APPENDIX A – CENTRE MAPS



Legend

- Sheet Boundary
- Main Street Precinct

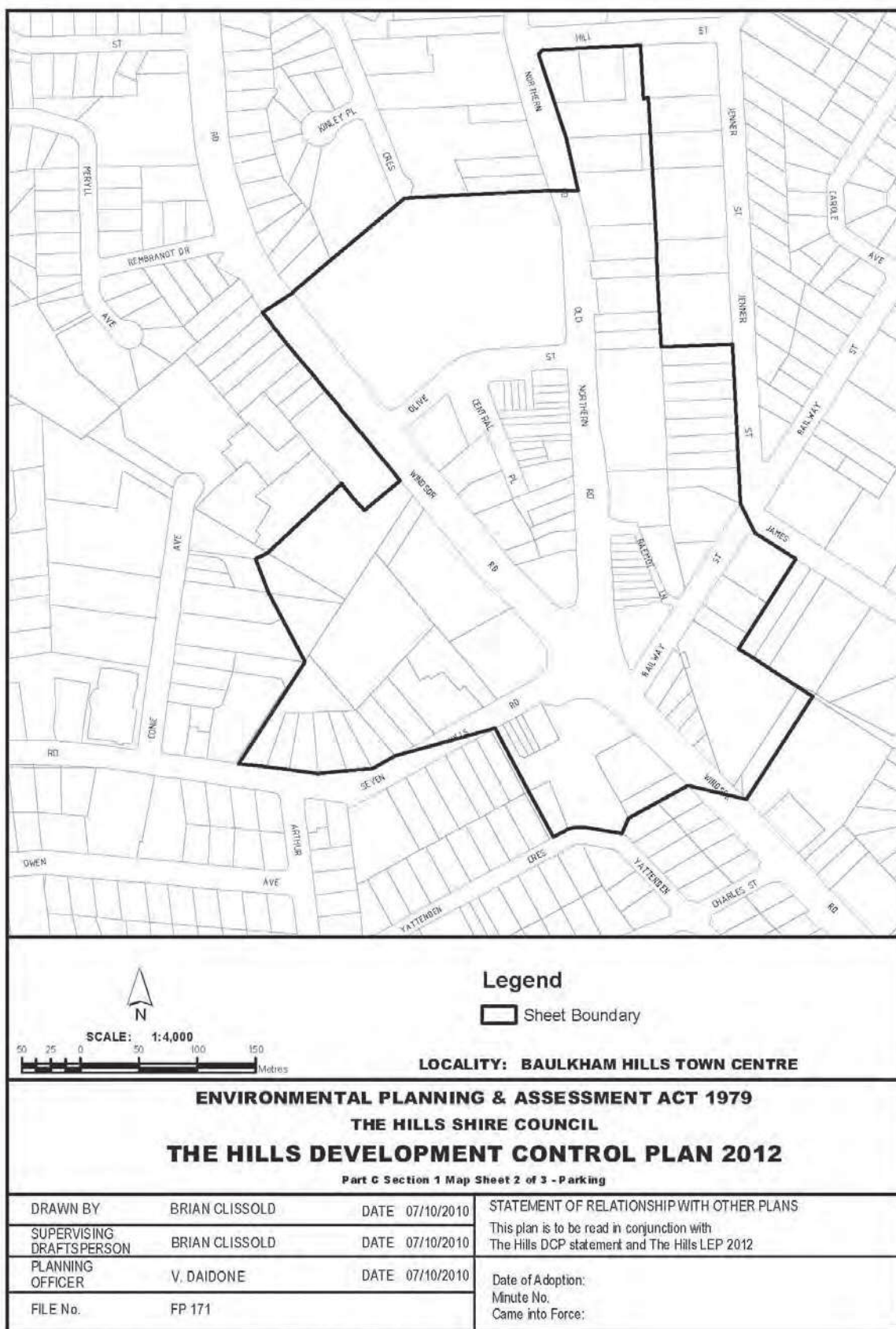
LOCALITY: CASTLE HILL MAJOR CENTRE

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
THE HILLS SHIRE COUNCIL
THE HILLS DEVELOPMENT CONTROL PLAN 2012

Part C Section 1 Map Sheet 1 of 3 - Parking

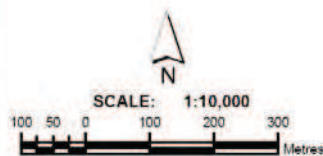
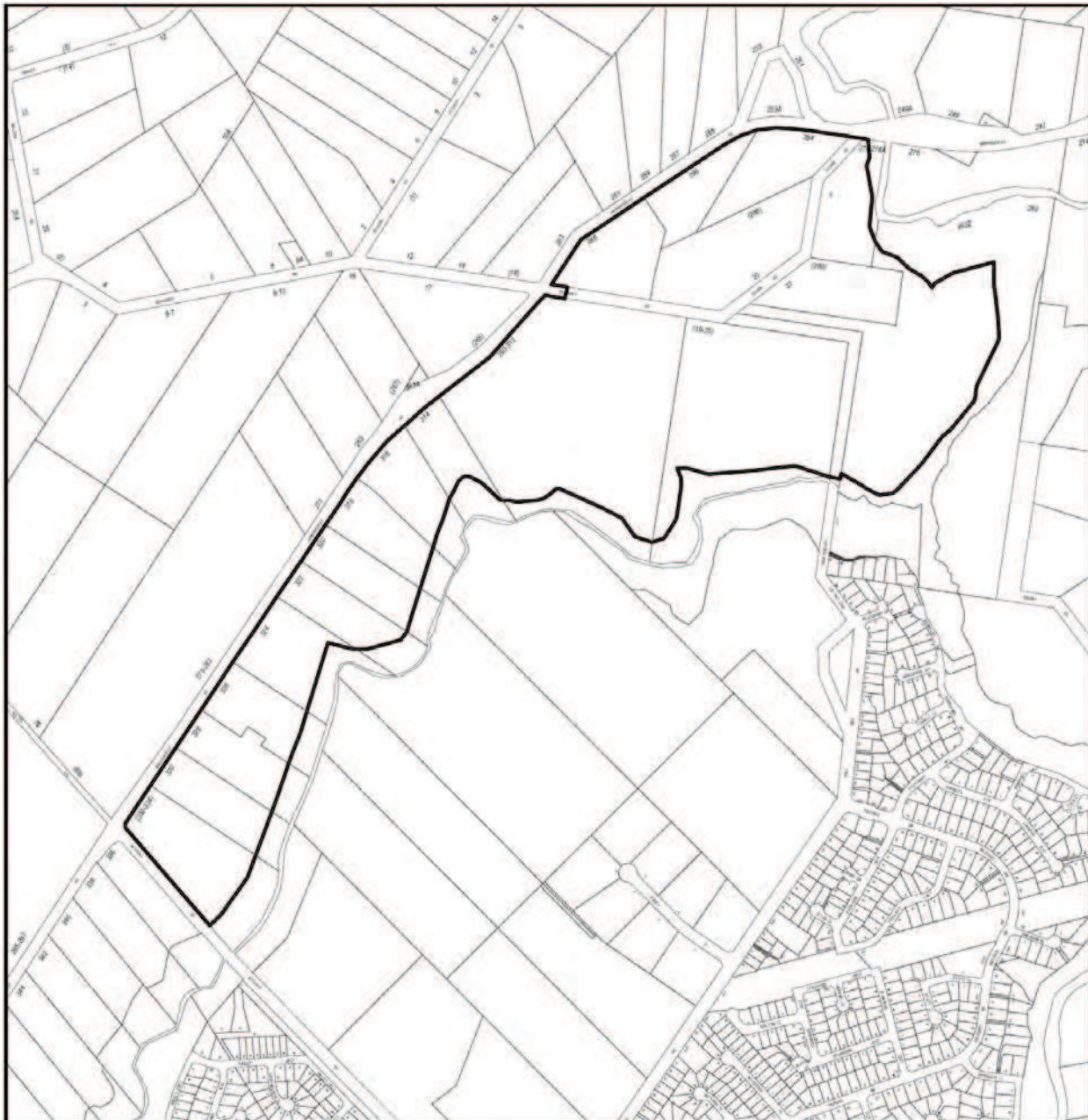
DRAWN BY	BRIAN CLISSOLD	DATE	26/02/2010	STATEMENT OF RELATIONSHIP WITH OTHER PLANS This plan is to be read in conjunction with The Hills DCP statement and The Hills LEP 2012
SUPERVISING DRAFTSPERSON	BRIAN CLISSOLD	DATE	26/02/2010	
PLANNING OFFICER	V. DAIDONE	DATE	26/02/2010	Date of Adoption: Minute No. Came into Force:
FILE No.	FP 171			

Map Document: 3:\Projects\PlanServ\Consolidating_DCP\The_Hills_DCP_2012\Draft\PartC_Sect1\PartC_Sect1_Sht1.mxd





APPENDIX B – EDWARDS ROAD PRECINCT



Legend

Sheet Boundary

LOCALITY: ROUSE HILL - EDWARDS ROAD PRECINCT

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

THE HILLS SHIRE COUNCIL

THE HILLS DEVELOPMENT CONTROL PLAN 2012

Part C Section 1 Map Sheet 4 of 4 - Parking

DRAWN BY	BRIAN CLISSOLD	DATE	28/05/2013
SUPERVISING DRAFTSPERSON	BRIAN CLISSOLD	DATE	28/05/2013
PLANNING OFFICER	B. WOODHAMS	DATE	28/05/2013
FILE No.	FP 171		

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

This plan is to be read in conjunction with
The Hills DCP statement and The Hills LEP 2012

Date of Adoption:
Minute No.
Came into Force: