

ATTACHMENT C – EXISTING AND PROPOSED CLAUSES

A. State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Appendix 11 The Hills Growth Centre Precincts Plan) - Box Hill Release Area

Existing Clause

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).*

Proposed Clause

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 2:1 if the site area is 3 hectares or more.*
- (2) *In this clause, **site area** has the same meaning as it has in clause 4.5 (3).*

B. State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Appendix 11 The Hills Growth Centre Precincts Plan) - Box Hill Release Area

The following changes (in blue) are proposed to the proposed shop top housing clause which forms part of planning proposal 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 50% of the total floor area of the building is intended for non-residential uses.

**C. State Environmental Planning Policy (Sydney Region Growth Centres) 2006
(Appendix 2 North Kellyville Precinct Plan) – North Kellyville Release Area**

Existing Clause

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.*

Proposed Clause

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 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.*