
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 9 September 2014

ITEM-2 **POST EXHIBITION REPORT - DEVELOPMENT CONTROLS FOR RESIDENTIAL FLAT BUILDING (FP196)**

Proceedings in Brief

An apology was tendered by Councillor Preston on behalf of the Dan Brindle - Director of BBC Planning representing GPT who could not attend the meeting.

A MOTION WAS MOVED BY COUNCILLOR DR BYRNE ADJUNCT PROFESSOR AND SECONDED BY COUNCILLOR GANGEMI THAT

1. The Draft The Hills Development Control Plan 2012 (Part B Section 5 – Residential Flat Buildings, Part D Section 6 – Rouse Hill Regional Centre, Part D Section 8 – Norwest Residential Precinct, Part D Section 12 – Carlingford Precinct, Part D Section 14 – Target Site Corner Windsor Road and Seven Hills Road, Baulkham Hills) be adopted and public notice be given in a local newspaper and
2. Council write to the Minister of Planning
 - a) strongly opposing Clause 30A of SEPP65 and
 - b) requests in Councils favour that the entire shire be exempt from Clause 30A of State Environment Planning Policy 65 – Design Quality of Residential Flat development.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY

537 RESOLUTION

1. The Draft The Hills Development Control Plan 2012 (Part B Section 5 – Residential Flat Buildings, Part D Section 6 – Rouse Hill Regional Centre, Part D Section 8 – Norwest Residential Precinct, Part D Section 12 – Carlingford Precinct, Part D Section 14 – Target Site Corner Windsor Road and Seven Hills Road, Baulkham Hills) be adopted and public notice be given in a local newspaper and
2. Council write to the Minister of Planning
 - a) strongly opposing Clause 30A of SEPP65 and
 - b) requests in Councils favour that the entire shire be exempt from Clause 30A of State Environment Planning Policy 65 – Design Quality of Residential Flat development.

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

VOTING FOR THE MOTION

Clr Dr Byrne, Clr Harty OAM, Clr Hay OAM, Clr Tracey, Clr Thomas, Clr Preston, Clr Taylor, Clr Keane, Clr Gangemi, Clr Jefferies, Clr Haselden

VOTING AGAINST THE MOTION

None

Councillor Keane declared a less than significant, non-pecuniary conflict of interest in the following Item-3 DA 297/2008/HB/B - Proposed Section 96(2) Modification for Castle Towers - Various Lots bounded by Castle Street, Pennant Street, Showground Road, Old Northern Road and Kentwell Avenue, Castle Hill as she is on the Board of Endeavour

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Foundation, whose Chairman is on the Board of Directors for QIC. Cllr Keane signed the Conflicts of Interest Register and stayed in the room.

ITEM-3 **DA 297/2008/HB/B - PROPOSED SECTION 96(2) MODIFICATION FOR CASTLE TOWERS - VARIOUS LOTS BOUNDED BY CASTLE STREET, PENNANT STREET, SHOWGROUND ROAD, OLD NORTHERN ROAD AND KENTWELL AVENUE, CASTLE HILL**

Proceedings in Brief

John Gale of Gale Projects Group Pty Ltd addressed Council regarding this matter.

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

THE MOTION WAS PUT AND CARRIED.

538 RESOLUTION

The Modification Application be approved subject to the following:

1. The deletion of Condition 1 and replacement with:

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped 297/2008/HB, and as amended by Modification Application 297/2008/HB/A and 297/2008/HB/B and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS – ORIGINAL DA 297/2008/HB

PLAN	DESCRIPTION	DATE
DA 000C-0	Perspective Image 2	July 2007
DA 000D-0	Perspective Image 3	July 2007
DA 000E-0	Perspective Image 4	July 2007
DA 000F-0	Perspective Image 5	July 2007
DA000G-0	Perspective Image 6	July 2007
DA000H-0	Perspective Image 7	July 2007
DA002-4	Site Plan and Site Location Map	July 2007
DA003-3	Site A – Level 1 Plan – Basement Carpark	July 2007
DA003A-3	Site A - L1 & L1 Site B Reference Plan	July 2007
DA004-3	Site A – Level 2 Plan - Basement Carpark	July 2007
DA004A-3	Site A - L2 & L1B Site B Reference Plan	July 2007
DA005-3	Site A – Level 3 Plan - Retail	July 2007
DA005A-3	Site A – L3 & Site B – L3 Reference Plan	July 2007
DA006-3	Site A – Level 3 Mezzanine Plan – Carpark	July 2007

ITEM-2	POST EXHIBITION REPORT - DEVELOPMENT CONTROLS FOR RESIDENTIAL FLAT BUILDING (FP196)
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.
GROUP:	STRATEGIC PLANNING
AUTHOR:	FORWARD PLANNING COORDINATOR BRENT WOODHAMS
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

It is recommended that the draft apartment size and mix controls for residential flat buildings be adopted. The draft controls will come into force once notice is given in a local newspaper. It is further recommended that Council write to the Minister for Planning requesting an exemption from Clause 30A of *State Environmental Planning Policy* for the entire Shire.

The development controls are supported because they will ensure that the type of high density housing which is provided within The Hills Shire is appropriate to meet the needs of all future residents.

The exhibited apartment mix and size controls were prepared having regard to Principle 9 of *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* and will facilitate diverse housing options to improve housing affordability. The controls require the provision of a mix of 1, 2 and 3 bedroom apartments and the provision of a range of apartments sizes, including 30% at the SEPP 65 'affordable housing' rates identified within SEPP 65.

The draft controls were exhibited for thirty-one days from Tuesday 29 July 2014 to Friday 29 August 2014, and exhibition material was available to view at Council's Administration Centre and all Council Libraries. The material was also available to view and download on the 'Major Plans on Exhibition' page of Council's website.

A total of six (6) submissions were received by Council during the exhibition period. The key issues raised in the submissions include the impact on housing affordability, the application of Clause 30A of SEPP 65, the housing mix control, application of controls to the Rouse Hill Regional Centre, use of household income to determine apartment size typology, catering for lone person households and households without children, and car parking rates. A review of the submissions has indicated that there are no post exhibition amendments to be made to the draft controls.

As Sydney continues to grow there will be reliance upon a greater proportion of higher density development within centres which have access to public transport services. In order to ensure that housing within The Hills Shire is affordable it is imperative that there is an appropriate diversity of housing options in the marketplace. Whilst there are a number of factors which impact on housing affordability and the price of housing, Council must ensure that the type of housing being provided is appropriate to meet the needs of all future household compositions and incomes.

HISTORY

20/05/2014 Councillor Briefing on draft development controls.

08/07/2014 Council considered a report on the draft development controls.

29/07/2014 – Public Exhibition of the draft development controls.

29/08/2014

BACKGROUND

As part of the assessment of high density residential development consideration must be afforded to *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65). SEPP 65 was first introduced in 2002 with the principal aim of improving the overall quality of residential flat development in New South Wales by establishing consistent objectives and processes within the planning system. This was followed in September 2002 by the Residential Flat Design Code (RFDC), a design guideline which provided discussion, analysis, examples and principles, primarily structured as a tool for developers and development assessment officers.

SEPP 65 has achieved great results in terms of urban design and the amenity of apartments, but has now started to erode housing diversity. If allowed to continue, this will put upward pressure on apartment prices and will not produce apartments which are appropriate for family households.

At its meeting of 29 April 2014 Council considered a report on the outcome of the exhibition of planning proposal which sought to amend *Local Environmental Plan 2012* to permit a high density mixed use development at 301 Samantha Riley Drive, Kellyville. In support of the planning proposal a draft development control plan was prepared to address a number of matters including active frontages, setbacks, road layout, podium and tower elements, landscaping and open space, building design and layout, apartment size and mix, amenity and stormwater management.

While the affordability argument is continually used to justify smaller apartments and the imposition of Clause 30A of the SEPP, as outlined within the body of this report, there is no evidence to suggest that the cost savings are passed onto the future home buyers through reduced unit prices. In this regard, it is considered that Clause 30A has failed to the detriment of housing affordability and the amenity of future residents within high density developments.

Clause 30A of State Environmental Planning Policy No.65

Clause 30A of SEPP 65 was introduced in 2008 with the purpose of placing downward pressure on housing pricing to ensure that housing was cheaper to construct and buy, and specifies that a consent authority cannot refuse consent to a development application for a residential flat development on the grounds of ceiling height or apartment area if the proposal complies with the minimum controls identified within Part

3 of the Residential Flat Design Code. The Code includes a 'rule of thumb' relating to the provision of affordable housing which states that *"if council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggests the following minimum apartment sizes, which can contribute to housing affordability (apartment size is only one factor influencing affordability):*

- 1 bedroom apartment 50m²;
- 2 bedroom apartment 70m²;
- 3 bedroom apartment 95m²."

Recent experience has found that developers rely upon the "rule of thumb" apartment sizes and ignore the site specific apartment size controls established within Council's Development Control Plan. This approach is considered to be in direct conflict with Principle 9 of SEPP 65 which requires that new developments should:

- *Optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.*
- *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.*

In response to the above, a review was undertaken to identify apartment mix and size controls to ensure that the type of housing being provided within The Hills Shire is appropriate to meet the needs of all future household types and incomes. At its meeting of 8 July 2014 Council considered a report on the outcome of the review and resolved as follows:

'The Draft The Hills Development Control Plan 2012 (Part B Section 5 – Residential Flat Buildings, Part D Section 6 – Rouse Hill Regional Centre, Part D Section 8 – Norwest Residential Precinct, Part D Section 12 – Carlingford Precinct, Part D Section 14 – Target Site Corner Windsor Road and Seven Hills Road, Baulkham Hills) be publicly exhibited'.

The draft controls seek to ensure the provision of housing diversity by identifying apartment mix and size controls for residential flat buildings within The Hills Shire. The draft controls are included within Part B Section 5 – Residential Flat Buildings of the DCP. Four (4) site specific sections of the DCP were also updated to delete the existing apartment mix and size controls identified within these sections. This was done to ensure that a consistent approach is provided across the Shire.

The draft apartment mix controls for residential flat buildings seek the following:

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

For residential flat buildings (containing 30 or more apartments) three (3) distinct apartment size categories are identified. The Type 1 category consists of the 'affordable housing' sizes as recommended within SEPP 65, the Type 3 category consists of Council's existing apartment size controls, and the Type 2 category is generally a mid-point between Types 1 and 3 size categories.

Apartment Size Category	Apartment Size	Source
Type 1		
1 bedroom	50m ²	Affordable Housing (SEPP 65)
2 bedroom	70m ²	
3 or more bedrooms	95m ²	
Type 2		
1 bedroom	65m ²	Mid-Point
2 bedroom	90m ²	
3 or more bedrooms	120m ²	
Type 3		
1 bedroom	75m ²	The Hills DCP 2012
2 bedroom	110m ²	
3 or more bedrooms	135m ²	

Table 1
Apartment Size Categories

The distribution of apartment sizes will be as follows:

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

For residential flat developments containing less than 30 apartments the existing apartment size controls within Development Control Plan 2012 will continue to apply as follows:

- 1 bedroom apartment – 75m²;
- 2 bedroom apartment – 110m²; and
- 3 or more bedroom apartment – 135m².

REPORT

The purpose of this report is to inform Council of the outcome of the exhibition period of the draft apartment mix and size controls.

1. Exhibition Details

The draft development controls and supporting documents were exhibited for thirty-one days from Tuesday 29 July 2014 to Friday 29 August 2014. The exhibition material included the following:

- Council Report and Minute, 8 July 2014;
- Draft The Hills DCP 2012 (Part B Section 5 – Residential Flat Buildings);
- Draft The Hills DCP 2012 (Part D Section 6 – Rouse Hill Regional Centre);
- Draft The Hills DCP 2012 (Part D Section 8 – Norwest Residential Precinct);
- Draft The Hills DCP 2012 (Part D Section 12 – Carlingford Precinct); and
- Draft The Hills DCP 2012 (Part D Section 14 – Target Site Corner Windsor Road and Seven Hills Road, Baulkham Hills).

Notification of the exhibition was placed in The Hills Shire Times and The Rouse Hill Times on two separate occasions being:

- The Hills Shire Times on Tuesday 29 July 2014 and repeated on 12 August 2014; and
- The Rouse Hill Times on Wednesday 30 July 2014 and repeated on Wednesday 13 August 2014.

All exhibition material was available to view at Council's Administration Centre and all Council Libraries. The material was also available to view and download on the 'Major Plans on Exhibition' page of Council's website.

2. Key Issues

In response to the exhibition of the draft controls Council has received six (6) submissions. The key issues raised within the public submissions and planning comments addressing each issue are included below:

- (a) Impact on Housing Affordability;
- (b) Application of Clause 30A of SEPP 65;
- (c) Objection to the Housing Mix Control;
- (d) Application of Controls to the Rouse Hill Regional Centre;
- (e) Use of Household Income to Determine Apartment Size Typology;
- (f) Catering for Lone Person Households and Households without Children; and
- (g) Car Parking Rates.

A full summary of the submissions is included within Attachment 1 of this report.

(a) Impact on Housing Affordability

Concern was raised that the draft controls would negatively impact on housing affordability. The application of the draft apartment sizes will potentially force the developer to cut costs in other areas in the interest of providing a product that can be afforded by the local market. If the developers are unable to find savings, then the development proposal becomes unfeasible and simply does not occur.

Comment

The purpose of the draft apartment mix and size controls is to ensure that the type of housing which is provided within The Hills Shire is appropriate to meet the needs of all future residents. The position that the solution to housing affordability is to provide smaller apartments, as they are cheaper to produce, is not supported. Rather, it is considered that the long term solution to housing affordability is to provide a broad range of housing options within high, medium and low density residential areas.

A one size fits all approach across the Metropolitan Area is not appropriate. Apartment buildings are long term building stock so it is very important that if they are to be built, they are to be resilient over the long term. Unlike house and land packages where landowners can choose the style and size of their home, a homeowner wanting an apartment can only choose from what is being provided. It is therefore imperative that there be diverse unit sizes.

The draft apartment mix and size controls have been prepared to reflect the needs and expectations of future households within The Hills Shire's high density residential areas. Without the imposition of some form of control on the size and mix of apartments it is likely that the market will opt for dwelling sizes that will generate the highest return for developers at the expense of housing affordability and diversity. Whilst smaller

apartments should be provided to meet the needs of a certain demographic within the market, moderate and larger apartments should also be provided to alleviate demand on the smaller and more affordable housing options.

If moderate and larger apartments are not provided, those who desire and have the financial capacity to purchase a larger apartment will be forced into purchasing a smaller apartment. This will have the effect of increasing the demand and value of the smaller apartments which will impact on the capacity of lower income earners to enter into the housing market. As The Hills Shire accommodates population and housing growth, there will be a greater proportion of higher density development being provided. In order to ensure that housing within the LGA is affordable it is imperative that there is an appropriate diversity of housing options in the marketplace.

It is noted that Clause 30A of SEPP 65 was introduced in 2008 with the purpose of placing downward pressure on housing prices to ensure that housing was cheaper to construct and buy. However, the position that the introduction of Clause 30A has improved housing affordability is considered to be incorrect as there has been limited improvement in the affordability of apartments since the introduction of the Clause. Whilst the application of SEP 65 specifically relates to residential flat development, it is important to look at the trend in the sale price of attached dwellings when analysis the affordability of this form of development. The following graph shows the trend in the median price of attached dwellings (includes flats, apartments, semi-detached, row and terrace houses) within the Greater Sydney Region between September 2003 and September 2013.

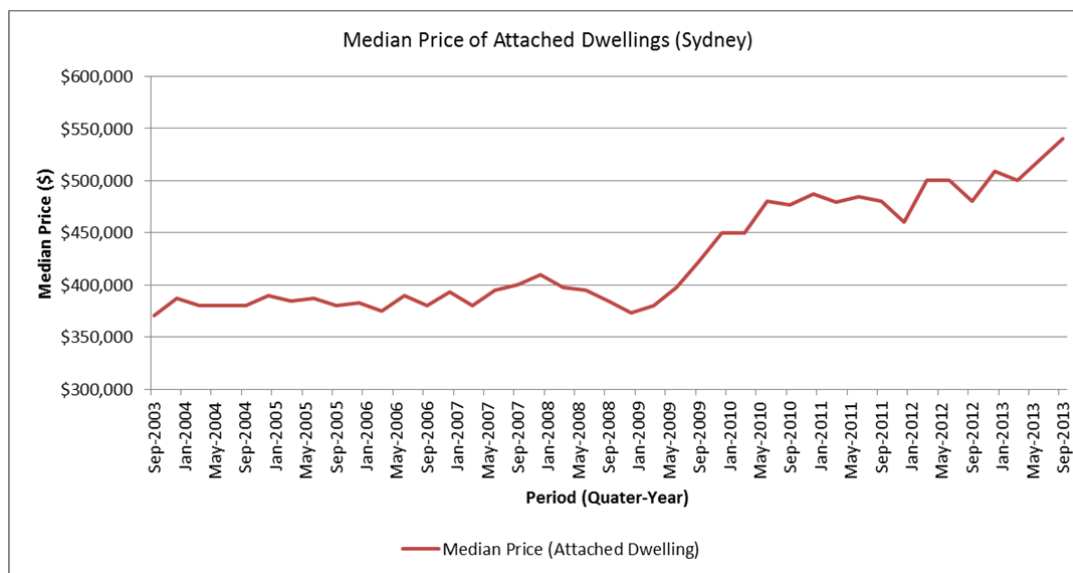


Figure 1
Median Sale Price – Attached Dwellings (Sydney)

Between September 2003 and September 2013 the median price for attached dwellings within the Sydney Metropolitan Region increased from \$371,000 to \$540,000 per dwelling which equates to a 45% increase over the period or an average annual increase of 4.5% per annum. However since the introduction of Clause 30A in July 2008, the median price of attached dwellings has increased from \$385,000 to \$540,000 per dwelling which equates to an average annual increase of 8% per annum.

As a comparison, between 2006 and 2011 the median weekly household income within the Sydney Metropolitan Region increased from \$1,154 to \$1,447 which equates to a 25% increase over the Census period or an average annual increase of 5% per annum. As can be seen the rise in the price of attached dwellings since the introduction of Clause 30A has significantly outstripped the average rise in median income. The result of this is an increase in the price to income ratio and a reduction in the affordability of these dwellings as residents are required to allocate more of their income toward the repayment of home loans. Whilst there are many factors which impact on housing affordability, it is evident that Clause 30A has failed and has not achieved its key objective of improving housing affordability by placing downward pressure on sale prices. If the mandating of smaller apartment sizes places downward pressure on the cost of construction, then it is evident that the cost savings are not being passed onto the home buyers through reduced sale prices.

As mentioned within the background of this report, developers have generally been opting for smaller apartments in a likely attempt to increase dwelling yield and profit margins. Whilst the affordability argument is continually used to justify smaller apartments, there is no evidence to suggest that that cost savings are passed on by developers. This clause of the SEPP is providing a mechanism for the delivery of smaller sub-standard apartments tailored made to property investors.

(b) Application of Clause 30A of SEPP 65

Concern is raised that the controls are unenforceable and should be abandoned. The draft controls are inconsistent with Clause 30A of SEPP 65 which identifies that a consent authority must not refuse consent to a development application for the carrying out of residential flat development on the grounds of apartment area if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code.

Comment

It is acknowledged that Clause 30A of SEPP 65 specifies that a consent authority cannot refuse consent to a development application for a residential flat development on the grounds of ceiling height or apartment area if the proposal complies with the minimum controls identified within Part 3 of the Residential Flat Design Code. The Code includes a 'rule of thumb' relating to the provision of affordable housing which states that "if council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggests the following minimum apartment sizes, which can contribute to housing affordability (apartment size is only one factor influencing affordability):

- 1 bedroom apartment 50m²;
- 2 bedroom apartment 70m²;
- 3 bedroom apartment 95m²."

One of the key issues is that people wanting to move into a larger apartment near services and amenities are unable to find them, and as a result are forced into smaller accommodation.

Recent experience by Council is that developers are only providing the smallest apartment sizes possible, and are not having appropriate regard to the amenity of future residents. It is considered that these developments do not comply with the Principle 9 of SEPP 65, however are being approved as they comply with the affordable housing apartment sizes identified within the Residential Flat Design Code. The 'Rule of Thumb'

controls have become the norm for developments, to the detriment of providing housing diversity and choice for future residents. This practice is resulting in development that is inconsistent with the principles of providing a diversity of housing choice and fails to provide adequate opportunities for families to choose to live in these locations.

Recent experience in The Hills Shire suggests that developers are not responding to market demand. Rather, the developers are building the smallest apartments allowed, which are selling as that is what is available. Based on feedback received as part of the preparation of the draft controls, there is a developing trend where developers in an effort to sell approximately 70% of the housing stock off the plan before the financial institutions will lend the funds to commence construction. As a result developers are proposing small one (1) and two (2) bedroom apartments, which are largely tailored to investors who have a limited interest in whether the apartments have appropriate amenity.

It is acknowledged that apartment size cannot be used as grounds for refusal if the proposal complies with the minimum controls identified within Part 3 of the Residential Flat Design Code. However, Clause 30A(2) of the SEPP states that '*Nothing in this clause permits the granting of consent to a development application if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the design quality principles in Part 2 of this Policy*'. As mentioned previously, the draft controls have been prepared having regard to Principle 9 of SEPP 65 which requires development to optimise the provision of housing to suit the social mix and needs in the neighbourhood and also requires development to provide a mix of housing types to cater for different budgets and housing needs. On this basis, any application for development which comprises a mix of apartments which considerably varies from the control would be inconsistent with Principle 9 and on this basis it is unlikely that approval would be granted.

It is recommended that should Council adopt the draft controls a further request be sent to the Minister for Planning seeking an exemption to Clause 30A of State Environmental Planning Policy No.65 for the entire Shire to make it clear and to support Council controls which will adhere to the Principles of the SEPP.

(c) Object to the Housing Mix Control - Existing Provision is Appropriate

Concern is raised that the prescription of apartment mix will limit the developers' ability to respond to market demand. The proportion of dwellings with 1, 2 and 3 bedrooms within a development must be determined by the market and that the approach being pursued does not recognise that if there is a genuine demand for a particular size of dwelling then the development community is then able to deliver.

Comment

Recent experience by Council has found that developers are opting for the developments that comprise a disproportionately large number of 1 bedroom apartments. In July 2013 a Section 96 Modification was approved by the Sydney West Joint Regional Planning Panel (JRPP) for an 18 storey apartment development in Carlingford. Not a single apartment size within the development complied with Council's development control plan and the apartment mix changed from a predominance of two (2) and three (3) bedroom units to a majority of small one (1) bedroom units.

Situations like this are considered to be unacceptable and fail to deliver housing outcomes to meet the needs of future residents and also fail to improve the perception that high density living is a viable and attractive lifestyle option for families. As part of the preparation of the draft controls a review was undertaken of the housing mix

provided within 800 metres of other transit centres within the Greater Sydney Region. Based on the outcome of this review the following controls were identified:

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

The above controls are not considered to be overly strict or unreasonable as they will facilitate the delivery of a mix which is typical of other transit centres within the Sydney Metropolitan Region. It is imperative that future high density development accommodates a portion of three (3) bedroom apartments to ensure that the housing stock within these areas cater for the needs of families. It is also important that future high density developments are not over supplied with small one (1) bedroom units.

(d) Rouse Hill Regional Centre

The draft controls will undermine the planning platform underpinning the delivery of The Rouse Hill Regional Centre in terms of dwelling diversity and housing affordability as outlined in the original master plan. The Rouse Hill Regional Centre has been developed from the outset to provide a range of innovative housing choice when complete. The proposed amendments to the DCP for Rouse Hill will undermine this with a disproportionate bias toward 3 bedroom product. The apartment buildings, in close proximity to the rail line and Bus T-Way were planned from the outset to contain predominantly 1 and 2 bedroom product.

Comment

In order to ensure that a consistent approach is provided across The Hills Shire with respect to apartment mix and size, Part D Section 6 – Rouse Hill Regional Centre of Development Control Plan 2012 was amended to remove the existing apartment size controls.

The comments raised that the draft controls will undermine the planning platform underpinning the delivery of The Rouse Hill Regional Centre in terms of dwelling diversity and housing affordability as outlined in the original master plan are not supported. The original master plan for the Rouse Hill Regional Centre included a number of master plan objectives to guide the future planning and development of the Rouse Hill Regional Centre. A key objective of the master plan related to the provision of a 'Diverse Housing Choice' and was as follows:

'To incorporate housing forms – such as apartments, town houses, shop-top housing, and detached dwellings – which demonstrate a range of choice, diversity and affordability as an integral part of the Rouse Hill Regional Centre'.

The exhibited draft controls will ensure that the type of high density housing which is provided within The Hills Shire is appropriate to meet the needs of all future residents. The draft controls have been prepared having specific regard to Principle 9 of SEPP 65 and will facilitate diverse housing options to improve housing affordability.

As the draft controls seek to facilitate housing diversity, they are considered to be consistent with the objectives of the original master plan for the Town Centre. It is noted that the existing product provided within the Rouse Hill Regional Centre has been three (3) and four (4) bedroom dwellings (townhouses and detached dwellings). However, it is still considered that that future apartment and shop top housing

development should be no different than other high density and mixed use areas, in that a diversity of housing options should be provided.

The suggestion that the apartment buildings will contain predominantly one (1) and two (2) bedroom product would be an unacceptable outcome, because high density development within the Rouse Hill Regional Centre has efficient access to shops, public transport services and communal facilities. If there will only be one (1) and two (2) bedroom apartments on offer then larger family households will be completely excluded from this location and would only be accommodated within the surrounding town houses and detached dwellings. This is not supported as it would not meet the housing choice objectives of the master plan or Principle 9 of the SEPP.

The control requires that no less than 10% of the dwelling yield is to comprise apartments with three (3) or more bedrooms. The draft mix controls are considered to be reasonable and will ensure that larger family households can be accommodated within the higher density areas.

It should be noted that the current apartment size controls contained within Part D Section 6 – Rouse Hill Regional Centre of DCP 2012 requires the size of future apartments to comply with the existing larger apartment sizes with a maximum of 10% of the total number of units permitted to have the following minimum floor areas:

- 1 bedroom apartments: 65m²;
- 2 bedroom apartments: 90m²; and
- 3 bedroom apartments: 110m².

Accordingly, the exhibited draft controls are more lenient than the controls which are currently contained within Part D Section 6 – Rouse Hill Regional Centre. If the amendment is not made then the existing controls would remain. As the draft controls will promote housing diversity and affordability, it is recommended that future development within the Rouse Hill Regional Centre be subject to the new apartment mix and size controls.

(e) Application of Household Income

The policy platform which sets apartment sizes in bands based on the household income of the whole Local Government Area (including those that will never contemplate living in an apartment) demonstrates the naivety of the approach and ignorance of the market drivers that contribute to supply, demand and price points for apartments and different housing product in the area.

Comment

It is recognised that there are many factors which impact on housing affordability including apartment supply, location, design and other macroeconomic factors such as interest rates. However, the approach which is being pursued is to facilitate diverse housing options.

The determination on the apartment size typology was based on household income bands as extracted from ABS 2011 data. The basis of this position is that Principle 9 of SEPP 65 requires future development to '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'. Accordingly, the use of income brackets to determine the apartment size typology is considered to be more than reasonable as the controls require the provision of a range of apartments sizes, including 30% at the SEPP 65 'affordable housing' rates identified within SEPP 65.

As the Region grows there will be a greater proportion of people living within high density environments, including a broad range of household structures and income levels. Accordingly, the apartment stock should not be tailored to solely to meet the demand of low income earners, lone persons and couples without children. Whilst this demographic should be catered for within the future housing stock, the housing that is provided should meet the needs of all residents. By making this form of housing a more viable option for a broader demographic, over time this form of housing will become a more viable option for future residents.

(f) Lone Person Households and Households without Children

Comments identified that over the next 20 years the Department of Planning and Environment projects that couples with children will drop to 49% and couple only households and lone person households will increase from 34% to 37% whereas only 8.5% of dwellings are one or two bedrooms. The increasing demand for smaller apartments of one and two bedrooms will not be satisfied if there are unreasonable and unjustified targets on the percentage of different unit types (in terms of bedrooms) in each development.

The households containing a lone person or a couple without children can be appropriately accommodated in smaller one bedroom dwellings.

Comment

It is agreed that into the future there will be a higher proportion of lone person households and couples without children. Accordingly, the proportion of one (1) and two (2) bedroom apartments will need to increase. In recognition of this the draft controls seek to deliver an appropriate diversity of housing options including a mix of one (1), two (2) and three (3) bedroom apartments.

The assertion that households containing a lone person or a couple without children will only demand small one (1) bedroom apartment is not supported as this would contribute nothing to the amenity of residents within these apartments. It is considered that a significant portion of households within this demographic would still require additional internal space and/or an additional bedroom for storage of personal belongings or a guestroom. Furthermore, these buildings typically have a larger life span so it is important that these be resilient over the long term. Population trends will change over the next century so it is very important to ensure housing diversity and mix is provided.

If State Government targets of accommodating more people within and around centres are to be achieved then the industry must progress toward providing a product which caters for a wider variety of household types. As the proportion of high density housing within the Shire and the Region increases, there is going to need to be a greater shift of people toward high density living. In order for this to be successful these places must provide a higher degree of amenity than what is currently being provided. This extends beyond having a well landscaped open space area and a communal swimming pool.

A Grattan Institute report titled 'The Housing We'd Choose' dated June 2011 explored the relationship between housing people say they want and the housing which is available within the existing property markets of Sydney and Melbourne. The report explores the hypothesis that the housing supply which is available within the markets do not match the choices and trade-offs that people would make if they could. With respect to apartments respondents raised a number of concerns including that apartments are too small with insufficient outdoor space. There was also significant concern raised regarding the quality of apartment stock in terms of noise and acoustic privacy. In

pursuing integrated transport and planning policy, whereby greater density is encouraged around transport nodes, planning controls must address and where possible alleviate the perceived concerns with this form of housing.

The draft controls which have been prepared are seeking to alleviate these concerns by ensuring that an appropriate diversity of housing options is available. If only small one (1) and two (2) bedroom apartments are provided, the stigma of high density living will remain and families will turn away from apartments as a viable housing option.

(g) Car Parking

Comments raised concern with respect to blanket car parking rates which have become increasingly irrelevant. Blanket car parking rates do not effectively consider proximity to other transport options or housing affordability. That is, consumers may well accept an apartment well serviced by public transport, within easy walking distance to shops with only one (1) car parking space allocated in return for a cost saving.

Council's DCP should set minimum car parking requirements in line with RMS guidelines and also permit the applicant to suggest an alternative car parking scheme supported by expert traffic advice.

Comment

Whilst not directly relevant to the apartment mix and size controls, it is recognised that households within and within the vicinity of major transit hubs may choose to have a lower car ownership rate (approximately 1 car per household) and a higher proportion of households with either no car or one (1) car. The basis of this is that these areas have efficient access to public transport services which reflected in the rate of public transport patronage where approximately 40% of employed residents catch public transport to work. However, this is not always the case and overall residents in The Hills Shire choose to own more than one car per household. As families grow generally more cars are garaged at that household.

It is noted that Council currently has a centres car parking rate which requires the following private car parking provision:

- 1 bedroom apartments: 1 space per dwelling;
- 2 bedroom apartments: 1.5 spaces per dwelling; and
- 3 bedroom apartments: 2 spaces per dwelling.

The above rate currently applies to locations within The Hills Shire which have access to high frequency public transport services. However, any decision to reduce parking rates below the existing centres rate would need to occur as part of a broader parking policy, which takes into account local transport and travel behaviour, not standard parking rates within the RMS Guidelines which are principally tailored to suit inner city areas.

NEXT STEPS

Should Council resolve to adopt the draft development controls, they will come into effect on the date that public notice of its approval is given in a local newspaper. The adoption of the draft apartment mix and size controls will support a further request to the Minister for Planning that The Hills Shire be exempt from Clause 30A of *State Environmental Planning No.65*.

CONCLUSION

The development controls will ensure that the type of high density housing which is provided within The Hills Shire is appropriate to meet the needs of all future residents. The draft controls have been prepared having specific regard to Principle 9 of *State Environmental Planning Policy No.65* and will facilitate diverse housing options to improve housing affordability. Accordingly, it is recommended that Council send a further request the Minister of Planning for an exemption to Clause 30A of State Environmental Planning Policy No 65 for the entire Shire.

IMPACTS**Financial**

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

The Hills Future - Community Strategic Plan

Council's Community Strategic Direction identifies the community's vision for the Shire and outlines how Council will align its delivery of services and facilities to support this vision. Council's vision is for '*proactive leadership creating vibrant communities, balancing urban growth, protecting our environment and building a modern local economy*'. The proposal is consistent with the following outcomes:

- Balanced Urban Growth – Safe, convenient and accessible transport options that enable movement through and within our Shire; and
- Balanced Urban Growth – Responsible planning facilitates a desirable living environment and meets growth targets.

RECOMMENDATION

1. The Draft The Hills Development Control Plan 2012 (Part B Section 5 – Residential Flat Buildings, Part D Section 6 – Rouse Hill Regional Centre, Part D Section 8 – Norwest Residential Precinct, Part D Section 12 – Carlingford Precinct, Part D Section 14 – Target Site Corner Windsor Road and Seven Hills Road, Baulkham Hills) be adopted and public notice be given in a local newspaper.
2. Council write to the Minister of Planning requesting that the entire Shire be exempt from Clause 30A of *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development*.

ATTACHMENTS

1. Summary of Submissions (14 Pages);
2. Draft The Hills Development Control Plan 2012 (Part B Section 5 – Residential Flat Buildings) (30 pages);
3. Draft The Hills Development Control Plan 2012 (Part D Section 6 – Rouse Hill Regional Centre) (77 Pages);
4. Draft The Hills Development Control Plan 2012 (Part D Section 8 – Norwest Residential Precinct) (38 Pages);
5. Draft The Hills Development Control Plan 2012 (Part D Section 12 – Carlingford Precinct) (59 pages); and
6. Draft The Hills Development Control Plan 2012 (Part D Section 14 – Target Site Corner Windsor Road and Seven Hills Road, Baulkham Hills) (37 Pages).

Attachment 1

Summary of Public Submissions

No.	1
Issues raised	<p data-bbox="583 390 1230 478">1. <i>The submission comments that local development controls should not be more onerous than State Government Policy.</i></p> <p data-bbox="621 510 1230 840"><i>The submission continues by commenting that amenity is not simply a function of apartment size, it is dependent on the design, orientation, and location of the apartment development. Insisting on overly generous apartment sizes will potentially force the developer to cut costs in other areas in the interest of providing a product that can be afforded by the local market. If the developer is unable to find savings, then the development proposal becomes unfeasible and simply does not occur.</i></p> <p data-bbox="621 871 1230 1018"><i>The submission continues by raising concern about the minimum apartment sizes, particularly that they should exceed the rules of thumb contained within the Residential Flat Design Code.</i></p> <p data-bbox="532 1050 820 1077">Planning Comments:</p> <p data-bbox="532 1081 1230 1136">Matters relating to housing affordability are discussed in Section 2(a) of the Council Report.</p> <p data-bbox="583 1167 1230 1556">2. <i>The author comments that the controls are unenforceable and should be abandoned. The basis of this position is that the draft controls are inconsistent with Clause 30A which identifies that a consent authority must not refuse consent to a development application for the carrying out of residential flat development on the ground of apartment area if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code.</i></p> <p data-bbox="532 1587 820 1614">Planning Comments:</p> <p data-bbox="532 1619 1230 1673">Matters relating to the application of Clause 30A of SEPP 65 are discussed in Section 2(b) of the Council Report.</p> <p data-bbox="583 1705 1230 1822">3. <i>The author raises concern that the prescription of apartment mix as this will limit the developers ability to respond to market demand.</i></p> <p data-bbox="621 1854 1230 1969"><i>The proportion of dwellings with 1, 2 and 3 bedrooms within a development must be determined by the market, not Council regulation that demonstrates little or no</i></p>

understanding of market forces. This approach does not recognise that if there is a genuine demand for a particular size of dwelling that the development community is then able to deliver.

The Residential Flat Design Code acknowledges that there is a need to consider the fact that dwelling variety may not always be possible and that apartment mix must be refined by considering population trends in the future as well as present market demands.

Planning Comments:

Matters relating to the housing mix control are discussed in Section 2(c) of the Council Report.

4. *The author comments that we move to more urban living the reliance on blanket car parking rates becomes increasingly irrelevant. Blanket car parking rates do not effectively consider proximity to other transport options or housing affordability. That is, consumers may well accept an apartment well serviced by public transport, within easy walking distance to shops with only one (1) car parking space allocated in return for a cost saving.*

Furthermore, excessive car parking requirements are not consistent with government policy that seeks to encourage higher density development in accessible locations, expressly to reduce the reliance on the private motor vehicle.

Council's DCP should set minimum car parking requirements in line with RMS guidelines and also permit the applicant to suggest an alternative car parking scheme supported by expert traffic advice.

Planning Comments:

Matters relating to car parking are discussed in Section 2(g) of the Council Report.

5. *In this regard, the most recent population data says that in the next twenty years our population will grow by 1.6 million people and that we will need to provide 664,000 more houses in Metropolitan Sydney.*

Council should be showing leadership by ensuring that its planning controls actually assist in meeting housing targets set in the Metropolitan Strategy.

Given that approximately 28 per cent of all private dwellings are now apartments with

	<p><i>terraces and townhouses making up approximately an additional 13 per cent of housing stock, there must be a recognition that the market is seeking out apartment and medium density housing within suburbs that provide good access and amenity.</i></p> <p>Planning Comments:</p> <p>The draft Metropolitan Strategy for Sydney, exhibited between March and May 2013, projects that 1.3 million more people will be living in Sydney by 2031. This growth would require the delivery of approximately 545,000 new homes and 625,000 new jobs right across the metropolitan area. A key aspect of the draft Strategy is that it was prepared having regard to the major infrastructure priorities contained within the State Government's Long-Term Transport Master Plan and State Infrastructure Strategy.</p> <p>The draft Strategy identifies that approximately 15 per cent (or about 30,000 hectares) of the current Metropolitan Urban Area is undeveloped land yet to reach its full potential. This could provide capacity for over 200,000 additional dwellings which equates to approximately 36% of the housing target to 2031. Despite a significant amount of land being rezoned in greenfield areas, the delivery of new homes remains low. In order to ensure that there is sufficient housing stock to meet the demand of the future population, a 'balanced growth' approach is being pursued which combines both land release on the city's fringe and higher density development around strategic centres.</p> <p>The Hills Shire is proposed to be located within the 'West Central and North West Subregion', along with the Auburn, Blacktown, Holroyd and Parramatta Local Government Areas (LGAs). The subregion has been allocated a housing target of 148,000 by 2031.</p> <p>Council has maintained a planned and deliberate approach to managing urban growth within the Shire. This includes the identification of high density areas within precincts that show capacity to accommodate further growth, with the result being increased population around town centres and major transport nodes.</p> <p>Council was committed to accommodating its fair share of Sydney's expected 1.6 million additional people by 2031. Council accepts that Sydney is growing and recognises that the North-West is one of the major growth centres.</p>
Action	<ul style="list-style-type: none"> No action required.
No.	2
Issues raised	

1. *The author comments that the proposed amendments will undermine the planning platform underpinning the delivery of The Rouse Hill Regional Centre in terms of dwelling diversity and housing affordability as outlined in the original master plan.*

The approach to achieving the housing diversity and affordability benchmarks in the Rouse Hill Regional Centre has relied on providing a mix of dwelling types. To date the focus has been on the release of land lots (where owners typically build 3 and 4 bedroom houses) and multi dwelling housing, which are all 2 storey 3 bedroom product, with dwelling sizes ranging from 150m² to 200m² for detached product and 130m² to 150m² for attached product.

To date, 100% of product in the Rouse Hill Regional Centre has been 3 and 4 bedroom. Consequently, the number of 3 bedroom product for future dwellings in apartment buildings has purposely been reduced to cater only for a selected market segment (families wanting to live in proximity to a town centre environment with superior access to transport requiring a reduced amount of parking).

Council should acknowledge that the Rouse Hill Regional Centre has been developed from the outset to provide a range of innovative housing choice when complete. The proposed amendments to the DCP for Rouse Hill will undermine this with a disproportionate bias toward 3 bedroom product. The apartment buildings in close proximity to the rail line and Bus T-Way was planned from the outset to contain predominantly 1 and 2 bedroom product.

Planning Comments:

Matters relating to the application of the apartment mix and size controls to the Rouse Hill Regional Centre are discussed in Section 2(d) of the Council Report.

2. *The additional costs developers will be forced to spend on the larger apartments will mean similar end retail prices for both town houses and larger 3 bedroom apartments, stalling the 3 bedroom apartment market. This amendment has the potential to undermine the viability of most apartment buildings in The Hills Shire. This has already been highlighted as a risk by builders looking at apartment sites in the Rouse Hill Regional Centre.*

The amendments will increase construction

	<p><i>costs and dwelling prices which directly and adversely impact on housing affordability.</i></p> <p>Planning Comments: Matters relating to housing affordability are discussed in Section 2(a) of the Council Report.</p> <p><i>3. The proposed amendments are specifically contrary to the provisions of the Environmental Planning and Assessment Act and State Environmental Planning Policy (SEPP) No 65 – Design Quality of Residential Flat Development.</i></p> <p><i>Clause 30A was inserted into SEPP No 65 in 2008 in response, and to ensure, inappropriate standards were not being imposed by Council that would undermine affordability.</i></p> <p><i>The drafting of Clause 30A of SEPP No 65 is clear. It does not permit the consent authority to refuse an application if the apartment sizes comply with Part 3 of RDFC. Any DCP provision proposed by Council to require apartment sizes above these or to arbitrarily set a mix of apartment sizes, cannot be lawfully applied in the assessment process.</i></p> <p><i>SEPP No 65 is an environmental planning instrument that applies to the State and the provisions proposed to be incorporated in to the Development Control Plan are inconsistent and incompatible with the provisions of the SEPP and can have no effect in relation to the assessment of an application. Indeed the proposed amendments to the DCP in respect to apartment sizes are the very reason why Clause 30A was inserted in SEPP No 65.</i></p> <p>Planning Comments: Matters relating to the application of Clause 30A of SEPP 65 are discussed in Section 2(b) of the Council Report.</p> <p><i>4. There is no quantifiable need for the proposed amendments, the analysis in the Council report does not support the Council hypothesis that there is not a good range of apartment dwellings being delivered by the industry or that Principle 9 of the Residential Flat Design Code is not being achieved.</i></p> <p><i>The author has carried out the same analysis of residential flat buildings approved in the Hills Shire between May 2011 and March 2014. This analysis found that of the 1,517 dwellings approved, 34% were one bedroom (ranging from 53m² to 115m²), 56% were two bedrooms (ranging from 73.6m² to 129m²) and</i></p>
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	<p><i>10% were three bedroom (ranging between 94m² and 183m²). This hardly supports the hypothesis of the Council report that developers are not providing housing choice for the market, nor the specific amendment proposed for the DCP.</i></p> <p>Planning Comments: Matters relating to the housing mix control are discussed in Section 2(c) of the Council Report.</p> <p><i>5. The policy platform to set apartment sizes in bands based on the household income of the whole Local Government Area (including those that will never contemplate living in an apartment) demonstrates the naivety of the approach and ignorance of the market drivers that contribute to supply, demand and price points for apartments and different housing product in the area.</i></p> <p>Planning Comments: Matters relating to the use of household income to determine apartment size typology are discussed in Section 2(e) of the Council Report.</p> <p><i>6. The author comments that there are clear trends occurring to the residents of The Hills that do not support Council's policy amendments to the DCP. Comparison of the last sets of census data (2006 and 2011) show that households without children now represent over 37.4% of all households in The Hills Shire, with lone person households representing nearly 12% of this category. Most of these households can be appropriately accommodated in smaller one bedroom dwellings.</i></p> <p>Planning Comments: Matters relating to catering for lone person households and households without children are discussed in Section 2(f) of the Council Report.</p> <p><i>7. The author comments that a planning authority should not assume it knows the market and cast controls which force developers to deliver a larger product to meet a perceived demand at an affordable price. The residential market place is dynamic, and influenced by a number of factors. Planning controls should never be set to force delivery of product based on a Council's assessment of the market, which can change dramatically and relatively quickly, leaving developers with product which is poorly priced and difficult to sell to the detriment of the viability of the project.</i></p>
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	<p><i>There is no evidence to demonstrate that the Council's larger apartment sizes have a design intent that can bring better apartment living and design. In fact it will have the effect of reducing the mix of apartment sizes as developers will be forced to produce all dwellings at Council's manipulated minimum apartment size in each dwelling type to offer an affordable product.</i></p> <p>Planning Comments: The draft controls are not mandating larger apartments. Rather they seek to ensure the delivery of housing diversity. The controls were prepared having specific regard to Principle 9 of SEPP 65 and will facilitate diverse housing options to improve housing affordability. The controls require the provision of a mix of 1, 2 and 3 bedroom apartments and the provision of a range of apartments sizes, including 30% at the SEPP 65 'affordable housing' rates identified within SEPP 65.</p>
Action	<ul style="list-style-type: none"> • No action required.
No.	3
Issues raised	<p><i>1. State Government has not mandated smaller apartments. The Residential Flat Design Code (RFDC) and the SEPP Affordable Rental Housing (SEPP) seek to encourage affordability by suggesting rules of thumb on apartment size in the case of the RFDC and a size minimum that cannot be used as grounds for refusal of an application in the case of the SEPP. These smaller apartments are not mandated as is proposed by Council but rather are guidelines that can be varied.</i></p> <p>Planning Comments: Matters relating to the application of Clause 30A of SEPP 65 are discussed in Section 2(b) of the Council Report.</p> <p><i>2. Comment that apartment size is closely related to apartment cost and, consequently, any mandated increase in size will detrimentally affect housing affordability. A restricted supply of affordable dwellings would increase competition for these dwellings and force out those least able to compete who are likely to be those who would benefit from the more accessible locations of apartments.</i></p> <p><i>The author continues by stating that the minimum apartment sizes for 1, 2 and 3 bedroom apartments set out by the draft DCP amendments, which respectively are 75sqm, 110sqm and 135sqm, are actually 50-57%</i></p>

higher than those specified by the State Government.

The price penalty associated with provision of over-size apartments to a market segment which can buy the same product, albeit with a lower floor area, in an alternate location. In other words, rather than buy an over-size apartment at Rouse Hill, both first home buyers and mature down sizers can buy a product with the same number of bedrooms in an alternative location such as Epping, Macquarie Park or Eastwood.

Such an outcome, results in existing Shire residents being penalised and potentially moving out of the area and away from their established family, friends and social networks.

Planning Comments:

Matters relating to housing affordability are discussed in Section 2(a) of the Council Report.

3. *Council's justification for a range of apartment sizes is based on the range of incomes. However there is no basis provided for this justification. Rather than buy a larger apartment, a purchaser may be more inclined to purchase a better designed apartment or one with higher quality fittings or in a better location. Further dwelling mix should be considered across the full range of dwelling types and not specific types.*

It is commonly accepted that design of the apartment internally and externally is important to a sense of space. "Good architecture in 75 square metres feels a lot bigger than poor architecture in 85 square metres.

In relation to apartment mix, a minimum apartment mix restricts a developer's ability to respond to changing market needs and preferences. Housing diversity and choice should be viewed over the whole housing market which, at this point in time in The Hills Shire, is heavily skewed to dwelling houses of a size mismatched with household structure. Apartments provide the opportunity to address that mismatch.

Planning Comments:

Matters relating to the housing mix control are discussed in Section 2(c) of the Council Report.

4. *Over the next 20 years the Department of Planning and Environment projects that couples*

	<p><i>with children will drop to 49% and couple only households and lone person households will increase from 34% to 37% whereas only 8.5% of dwellings are one or two bedrooms.</i></p> <p><i>The increasing demand for smaller apartments of (1) one and two (2) bedrooms will not be satisfied if there are unreasonable and unjustified targets on the percentage of different unit types (in terms of bedrooms) in each development.</i></p> <p>Planning Comments: Matters relating to catering for lone person households and households without children are discussed in Section 2(f) of the Council Report.</p> <p><i>5. The RFDC suggests a number of guidelines for apartment design involving a number of factors. This results in improved design for apartment buildings.</i></p> <p><i>These controls work together. In this context, it is not considered appropriate to "cherry pick" apartment size as unacceptable and retain the commitment to comply with the other controls. To achieve an acceptable internal spatial quality of an apartment size is not the most important factor. Poor layout and circulation space adds to size, but may not necessarily add to internal amenity. Indeed Clause 30A of SEPP No 65 prevents refusal of an application on grounds of apartment size if the RFDC sizes are met.</i></p> <p>The minimum sizes for affordable apartments in the RDFC should be designated as the minimum for all apartments in The Hills Shire. Any further size or dimensions should be determined by the market place and the skill of a registered architect.</p> <p>Planning Comments: Matters relating to the application of Clause 30A of SEPP 65 are discussed in Section 2(f) of the Council Report.</p>
Action	<ul style="list-style-type: none"> No action required.
No.	4
Issues raised	<p><i>1. The submitter commends Council in undertaking a review of the apartment mix and sizes across the local government area, as the current controls are not aligned with best practice as outlined in the Residential Flat.</i></p> <p>Planning Comments: The submitter's comment is noted.</p>

2. *The draft controls are not practical and it is recommended that Council adopt the apartment sizes identified in the Residential Flat Design Code without a restrictive proportion overlay. The application of the proposed apartment size controls for a single apartment building being 30% "Type 1 affordable", 30% "Type 2 mid-point" and the remainder "Type 3 Hills DCP 2012" proposal presents difficulties when designing and constructing apartment buildings that provide good amenity and that are cost effective to both the builder and purchaser.*

Planning Comments:

Matters relating to housing affordability are discussed in Section 2(a) of the Council Report.

3. *There are no compelling design, amenity, market demand or affordability reasons to introduce further controls, different to what is identified in the Residential Flat Design Code.*

Planning Comments:

Whilst larger apartments could be constructed, this is not occurring as developers have generally been opting for smaller apartments to increase dwelling yield and profit margins. To avoid any perceived non-compliance with Principle 9 of the SEPP, the justification being used is that the sizes are consistent with the 'Rule of Thumb' affordable housing apartment sizes.

Whilst the affordability argument is continually used to justify smaller apartments and the imposition Clause 30A, as outlined within the body of this report, there is no evidence to suggest that that cost savings are passed on the future home buyers through reduced unit prices. In this regard Clause 30A has failed to the detriment of housing affordability and the amenity of future residents within high density development.

Recent experience by Council has found that developers rely upon the "rule of thumb" apartment sizes and ignore the site specific apartment size controls established within Council's Development Control Plan. This approach is considered to be in direct conflict with Principle 9 of SEPP 65.

The draft controls are considered to be consistent with Principle 9 of SEPP 65 as they will provide a diverse range of apartment types and will contribute toward housing affordability. The Residential Flat Design Guide recommends that if council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. The recommended apartment size controls are consistent with this recommendation as it permits up to 30% of

	<p>the apartments at the rate recommended by the Affordable Housing Service, within the Residential Flat Design Code.</p> <p><i>4. No objection is raised to the proposed mix controls for residential flat buildings. However, it is recommended that the DCP introduce wording that would provide the opportunity for the mix to be varied where there is appropriate social, economic or market justification.</i></p> <p>Planning Comments: Any variation to the proposed apartment mix and size controls during the development assessment process would need to address the objectives for the control as identified within the development control plan. No additional wording is considered to be necessary.</p>
Action	<ul style="list-style-type: none"> No action required.
No.	5
Issues raised	<p><i>1. The rising cost of housing is impacting on those who wish to purchase and also those who wish to rent homes. Regardless of whether you're purchasing or renting, housing costs are growing in Sydney, and according to Housing NSW's Rent and Sales Report for the second quarter of 2014, The Hills Shire region recorded considerable increases in both the rent and purchase prices of units. In fact, The Hills Shire region recorded the largest increase in rent for two bedroom apartments than any other Council area in NSW, at 14% for the quarter. Purchase prices for strata properties also jumped in the year to March 2014, recording an 11.7% increase. This is a strong indication that the supply of housing, particularly apartments, is not meeting demand.</i></p> <p><i>The size and type of apartments constructed often reflects what developers observe there is demand for in the current market. Smaller, more affordable, quality apartments are what is highly sought after at present and the majority of developments reflect this. It is not simply a case of fitting in as many apartments as possible for greater revenue.</i></p> <p><i>The submitter also comments that by insisting on overly generous apartment sizes will potentially force developers to cut costs in other areas in the interest of providing a product that can be afforded by the local market. This means quality will be compromised as developers seek to reduce costs, for example by seeking cheaper materials, such as more basic fittings, fixtures</i></p>

and finishes. Greater construction costs on larger apartments also mean there is less capital left over for investment in common areas, open spaces and other residential amenities residents of apartments enjoy, such as swimming pools and gymnasiums.

Planning Comments:

Matters relating to housing affordability are discussed in Section 2(a) of the Council Report.

- 2. The submitter comments that Clause 30A of the SEPP would render Council's proposed controls unenforceable, as stated in the Council Report, most developers choose to abide by the SEPP Controls rather than Council's controls, as it is a better reflection of what the market demands. It is understood Council will pursue contacting the Minister for Planning in order to exclude the Hills Shire from section 30A of the SEPP.*

Other Councils that have imposed their own DCP apartment size controls have been unsuccessful in gaining exclusion from this clause, which begs the question if The Hills Shire Council will even be successful on changing this part of the SEPP.

Planning Comments:

Matters relating to the application of Clause 30A are discussed in Section 2(b) of the Council Report.

- 3. There are many examples of residential flat developments in accessible locations, such as close to the Castle Hill and Baulkham Hills town centres, that are much sought after with apartment sizes less than those required by Council. This is a reflection of the demand in the area for good value apartments, compromising on size for affordability. Under current controls, in an area where the location is less attractive, larger apartment sizes may be offered by developers to entice buyers, offering better value for money and more space as a trade-off for a location that is less central.*

Planning Comments:

Owners are buying the smaller apartments because that is what is being offered by developers. The sale of an apartment does not necessarily indicate that the apartment has an appropriate level of amenity, nor does it prove that the apartments are meeting the needs of the residents living within them. The draft controls have been prepared as it is considered that the market fails to take into account the amenity of future residents with respect to apartment mix and size.

	<p>4. <i>Developments of over 30 apartments face stringent controls on the mix of apartments allowed, with developers having to abide by several apartment size categories and their respective maximum distribution amounts. This just adds inflexibility and confusion to the planning process.</i></p> <p>Planning Comments: This comment is not supported. The typology provides greater flexibility for development proposing 30 or more units. The rationale for this is that larger development sites, containing 30 or more apartments, generally have capacity to provide high quality communal facilities on-site to off-set any potential amenity impact resulting from smaller apartment sizes. Sites containing less than 30 apartments generally do not have the capacity to provide such facilities and for this reason the apartment size requirements should remain to ensure that the amenity of future residents is not negatively impacted.</p> <p>5. <i>The proportion of 1, 2 and 3 bedroom apartments within a development must be determined by the market, not Council regulations that demonstrate little or no understanding of market forces. This approach does not recognise that if there is a genuine demand for a particular size of dwelling, then the development industry will deliver the product.</i></p> <p>Planning Comments: Matters relating to the apartment mix control are discussed in Section 2(c) of the Council Report.</p>
Action	<ul style="list-style-type: none"> • No action required.
No.	6
Issues raised	<p>1. <i>Apartment mix should not be determined by planning controls, but rather through market demand. Prescriptive planning controls on unit mix as proposed will limit the ability for flexibility to provide the appropriate housing mix to cater for demand in a local context.</i></p> <p>Planning Comments: Matters relating to the apartment mix control are discussed in Section 2(c) of the Council Report.</p> <p>2. <i>The draft apartment size controls will increase the average apartment size by 20%. This is a direct contradiction to the objective of housing affordability. Differing housing types and for different budgets are already catered for in</i></p>

	<p><i>wider Hills Shire. Placing additional planning controls restricting new development of apartments near transport will not change housing diversity, it will only increase the cost of development.</i></p> <p>Planning Comments: Matters relating to housing affordability are discussed in Section 2(a) of the Council Report.</p> <p><i>3. Developments within 800 metres of the new North West Rail Link Stations should be encouraged to provide less car parking. Less car parking will lessen the traffic impact of proposed apartment development around stations and will encourage apartment dwellers to use public transport.</i></p> <p>Planning Comments: Matters relating to car parking are discussed in Section 2(g) of the Council Report.</p>
Action	<ul style="list-style-type: none">• No action required.

The Hills
Development Control
Plan (DCP) 2012
DRAFT

Attachment 2

THE
HILLS
Sydney's Garden Shire

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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.

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.

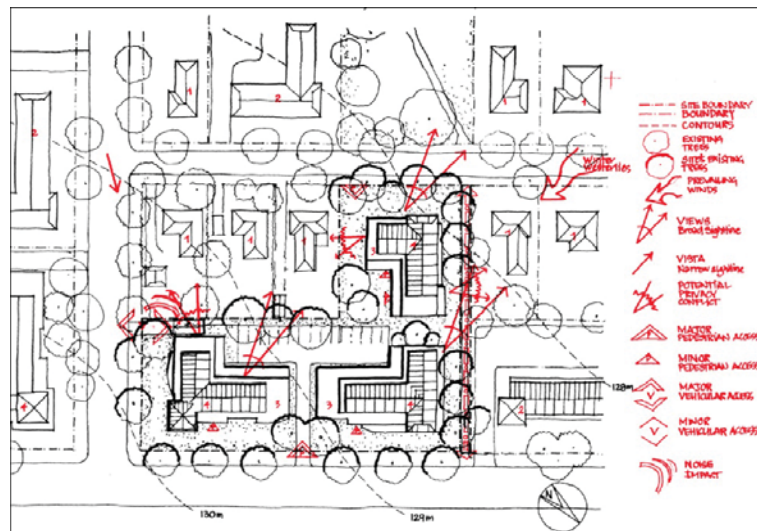


Figure 1 Site Analysis

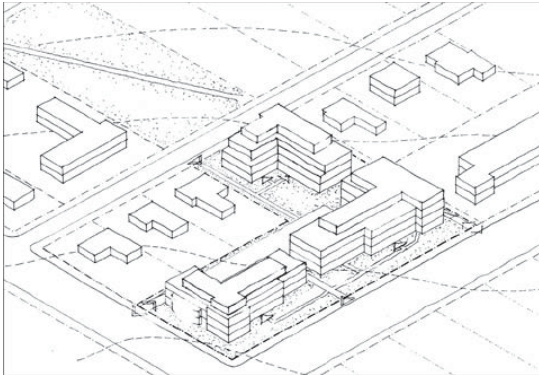


Figure 2 Isometric Drawing

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.

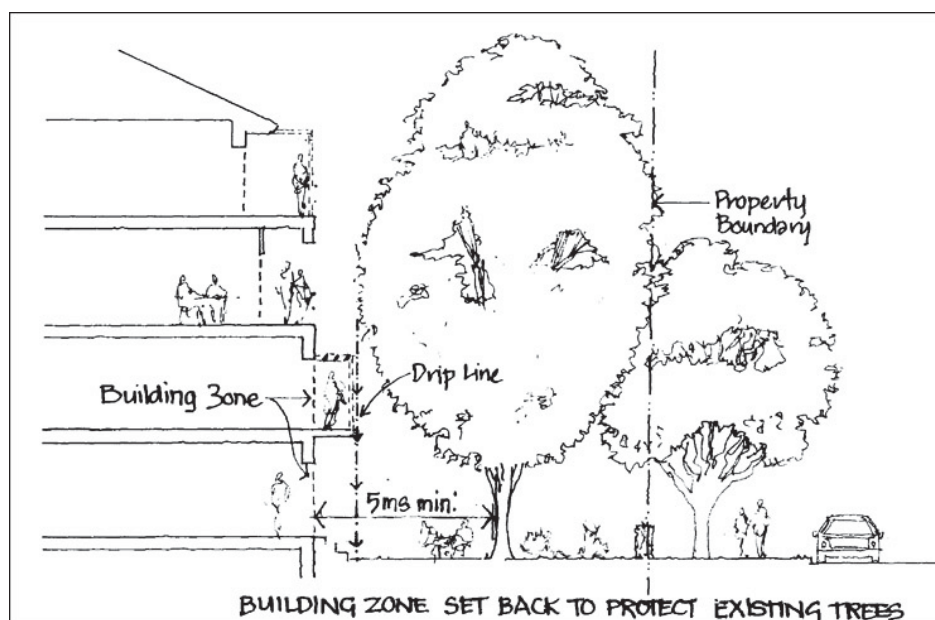


Figure 3 Building Zone Boundaries

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.

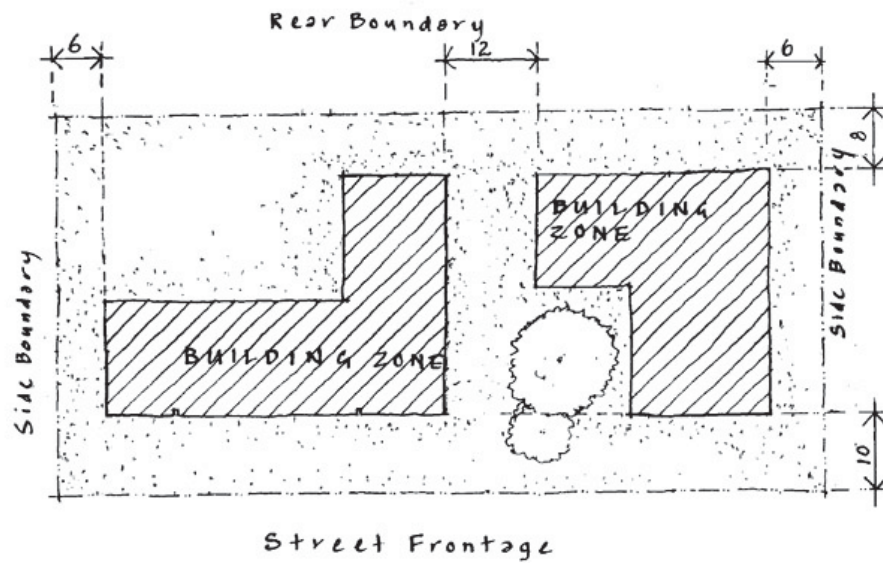


Figure 4 Ground Floor Building Zone Setbacks – One Street Frontage

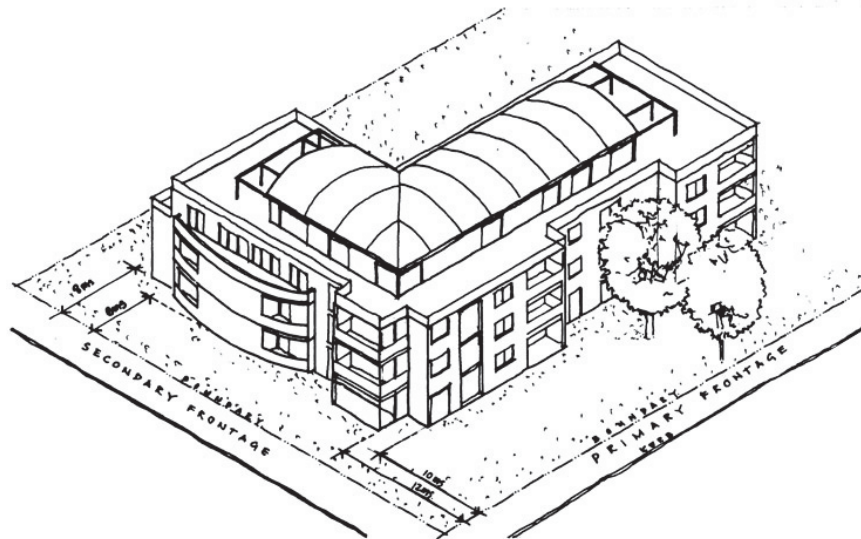


Figure 5 Building Zone Setbacks – Corner Site

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

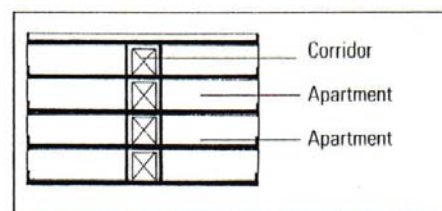
(h) Unit layouts that achieve the following are required:-

- 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.

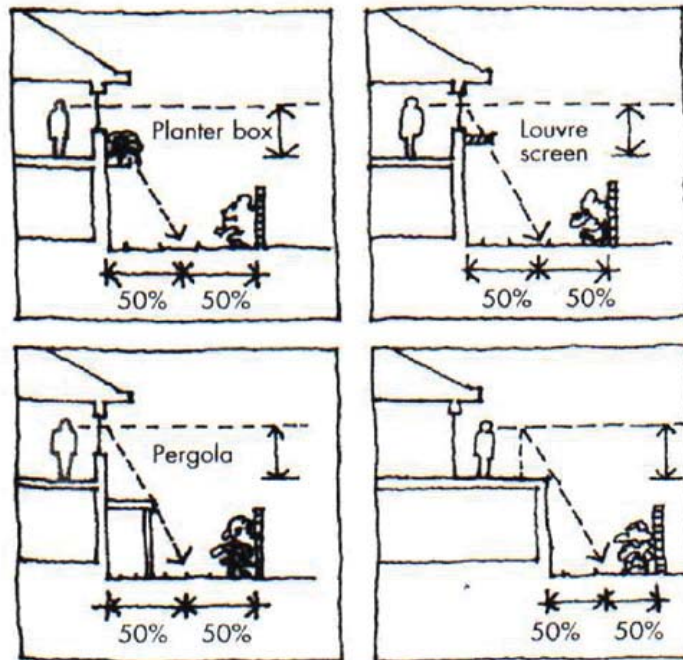
At Ground Level:

- (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

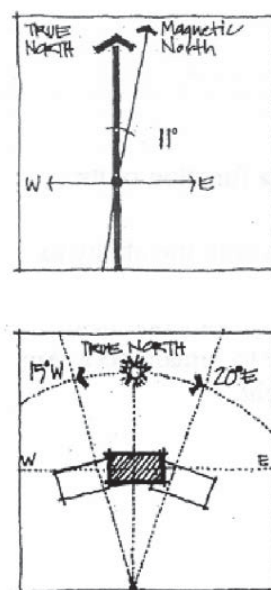
- Plans are to indicate those areas including dimensions of any part of the site to be used for private and common open space.

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.

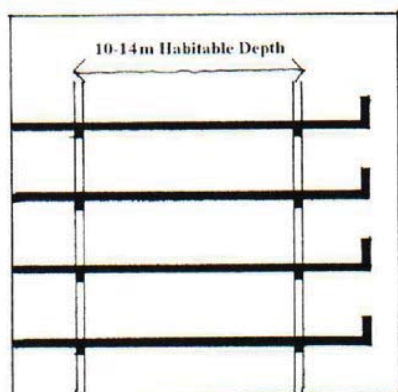
Solar Access Design Considerations**DEVELOPMENT CONTROLS**

- (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.

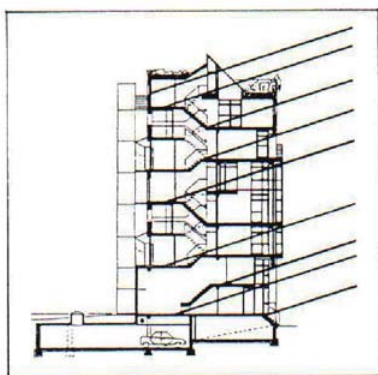
**Figure 8** Building Orientation

- (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

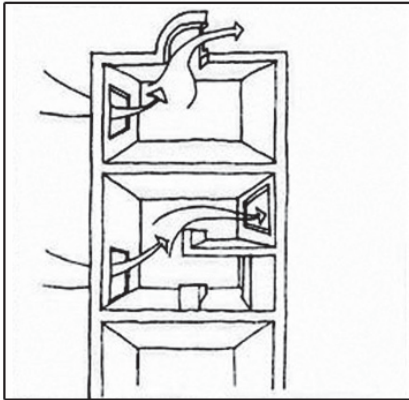
3.15. VENTILATION

OBJECTIVES

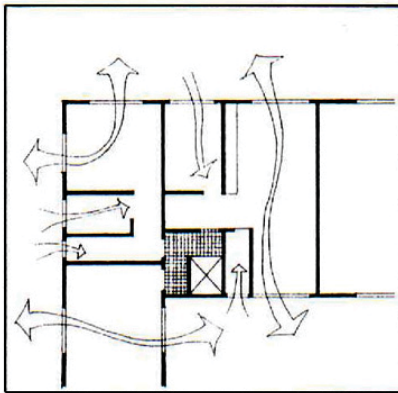
- (i) To maximise ventilation flows in each dwelling.
- (ii) To minimise the filtering of cold or warm air through gaps in the construction of each dwelling in accordance with Council's ESD objective 5.

DEVELOPMENT CONTROLS

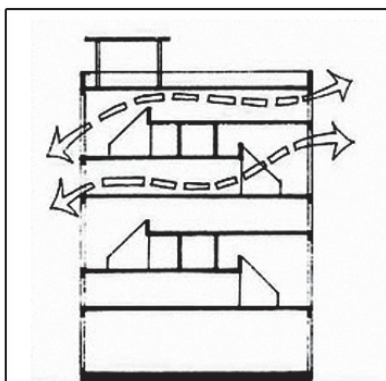
- (a) Consider ventilation in early design stages. Figure 10 identifies design options for achieving natural ventilation.
- (b) Consider prevailing breezes in relation to building orientation, window design and internal circulation.
- (c) Place windows to allow for cross ventilation i.e. on opposite 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 Australia 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

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 ease of service by collection contractors.*
- (iv) *To provide waste storage areas that is integrated with the design of the development.*
- (v) *To ensure minimum visual impact of the waste storage facilities.*
- (vi) *To assist in achieving Federal and State Government waste minimisation targets.*

DEVELOPMENT CONTROLS

- (a) Waste collection and separation facilities must be provided for each dwelling. Each dwelling should have a waste storage cupboard in the kitchen capable of holding at least a single days waste, and sufficient to enable separation of recyclable material.
- (b) Adequate storage for waste materials must be provided on site and any such waste must be removed at regular intervals and not less frequently than once per week for garbage and fortnightly for recycling.
- (c) 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.

- (d) Waste storage areas must be kept clean, tidy and free from offensive odours at all times.
- (e) Bin storage bay(s) is to be:
 - Incorporated into the landscape design of the development, or, where level access is available (grade of <5%), it can be provided in an undercover/basement car park;
 - Of adequate size to store the appropriate number of bins according to the estimated waste generation rate from the total number of units (as given in Appendix A – Waste Management Plan);
 - Accessible by wheelchair; and
 - Designed in accordance with Council's Bin Storage Facility Design Specification. A copy of the specifications is available from Council's Waste Management Co-ordinator or on Council's Website.
- (f) Location of the bin storage bay(s):
 - Must be convenient and accessible to the occupant(s) of the all units; and
 - Must allow 120/240 litre bins to be wheeled to the street kerb over flat or ramped surfaces with a maximum grade of 7% and not over steps, landscape edging or gutters;
 - Must allow the bulk garbage bin(s) to be wheeled out and be serviced by the front loading garbage truck on a flat surface with a maximum grade of 5%, and not over steps, landscape edging or gutters; and
 - Must be in accordance with the Council's Bin Storage Facility Design Specification.
- (g) The design of the bin storage 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.

3.26. WASTE MANAGEMENT PLANNING

OBJECTIVES

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

- (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.

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 (8 Copies)

SITE PLANS (8 Copies)

SITE ANALYSIS (8 copies)

- Refer to section 3.2.

ARCHITECTURAL PLANS (8 Copies)

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

PRELIMINARY ENGINEERING DRAINAGE PLANS (8 copies)

- Including any On Site Detention Plans

LANDSCAPE PLAN (8 copies)

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

EARTHWORKS PLAN (8 Copies)

SIGNAGE PLANS (4 Copies)

- See Part C Section 2- Signage

STREETSCAPE PERSPECTIVE (1 Copy)

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 (8 Copies)

DESIGN VERIFICATION

- As per SEPP 65 requirements.

BASIX CERTIFICATE

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 <ul style="list-style-type: none"> ➤ 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: <ul style="list-style-type: none"> ➤ 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: <ul style="list-style-type: none"> ➤ 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 <ul style="list-style-type: none"> ➤ Lift provided if greater than 2 storeys Accessible housing: <ul style="list-style-type: none"> ➤ 1 unit in a development < 20 units, or ➤ 5% in a development >20 units 		