

The Hills Development Control Plan (DCP) 2012

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THE
HILLS
Sydney's Garden Shire



Part D Section 7
Balmoral Road Release Area

D7

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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 Development Control Plan consists of this written document and one accompanying map (referred to as the “BRRA map”), and applies to land within the Balmoral Road Release Area (BRRA) as outlined by a bold black line shown on the BRRA map and in Figure 1.

1.2 AIM AND OBJECTIVES OF THIS SECTION OF THE DCP

The aim of this Section of the DCP is to identify Council’s objectives for development within the BRRA and provide relevant controls to ensure the vision and objectives are achieved.

Vision

“To create a high quality, integrated and ecologically sustainable urban environment integrated with good public transport accessibility, open space, community facilities and employment opportunities.”

OBJECTIVES

Council’s objectives for development within BRRA, in addition to those specified in Part A of this DCP are:

- (i) *To create sustainable residential neighbourhoods consisting of a mix of housing types including single detached dwellings, dual occupancies, multi dwelling housing, shop top housing and residential flat buildings; and*
- (ii) *To support those residential neighbourhoods and the future population with a range of urban support uses/services including employment areas, transport, public open space, commercial, educational and utility services; and*
- (iii) *To protect, rehabilitate and conserve areas of environmental sensitivity or significance.*

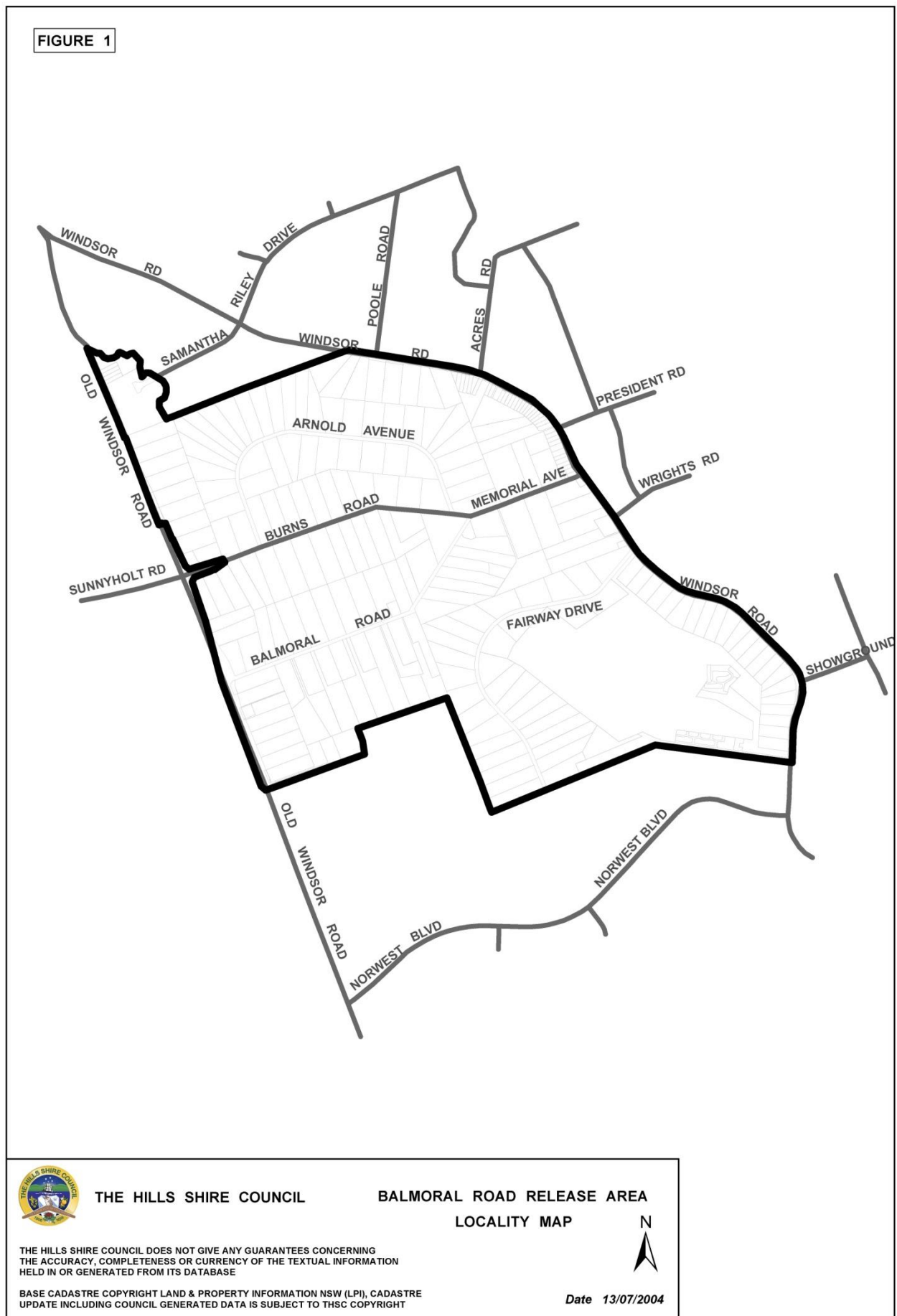


Figure 1 Land to which this plan applies

2. OBJECTIVES AND DEVELOPMENT CONTROLS

Objectives and development controls for development in the Balmoral Road Release Area are set out in the following sections.

In addition to those documents listed in Section 1.4 of Part A - Introduction, this Balmoral Road Release Area Section of the DCP is to be read in conjunction with relevant clauses contained within other Sections of this DCP including:

- Part B Section 2 – Residential
- Part B Section 4 – Multi Dwelling Housing
- Part B Section 5 – Residential Flat Buildings
- Part B Section 6 – Business
- Part B Section 7 – Industry
- Part C Section 1 – Parking
- Part C Section 2 – Signage
- Part C Section 3 – Landscaping
- Part C Section 6 – Flood Controlled Land

2.1 DEVELOPMENT CONTROL PLAN MAP

OBJECTIVE

- (i) *To ensure that the release area develops in an orderly and co-ordinated manner consistent with the identified land use structure and current zoning framework.*

DEVELOPMENT CONTROL

- (a) Applications for development, particularly subdivision, should conform to the land use structure and pre-planned road layout as shown on the accompanying development control plan map.

SUBMISSION REQUIREMENTS

- All residential subdivision development applications that propose to create residue parcels of land for future subdivision shall include a plan demonstrating how these residue lots are to be subdivided in accordance with DCP requirements and consideration of site constraints.

2.2 SITE ANALYSIS

OBJECTIVES

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

DEVELOPMENT CONTROLS

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

SUBMISSION REQUIREMENTS

- Site Analysis Plan
- For subdivision applications the Site Analysis must include:
 - A statement explaining how design and development has regard to the site analysis carried out above;

- Demonstration of how lot and dwelling locations and dimensions respond to topography, site characteristics and achieve solar orientation; and
- The results of the tree survey/assessment and identification of trees and/or bushland to be protected and/or removed.
- For all applications proposing more than one dwelling, the site analysis must include:
 - Site Analysis;
 - Site Plan;
 - A statement explaining how design and development has regard to the Site Analysis; and
 - A demonstration of how lot and dwelling locations and dimensions respond to topography, site constraints and achieve solar orientation.
- Applications for all other development types are to include a Site Analysis plan.

2.3 DEVELOPER CONTRIBUTIONS

- (a) Applicants should refer to Council's Section 94 Contribution Plan No. 12 - Balmoral Road Release Area.
- (b) All land required for urban development within the Balmoral Road Release Area will be required to make land release contributions to the State government towards regional transport infrastructure. This is in accordance with the Department of Planning Interim Land Release Contribution Policy (Oct 2003) or as amended.

All applicants should consult with the Department of Planning to determine the current contribution rate applicable to any development proposal, obtain a Certificate from the Director General of the Department of Planning and provide the Certificate to Council prior to determination of a development application.

3. SUBDIVISION – ALL ZONES

3.1 TREE AND BUSHLAND PROTECTION

OBJECTIVES

- (i) *To ensure significant bushland is substantially retained and protected and that development enhances and complements this bushland.*
- (ii) *To conserve and protect the biodiversity of the release area including habitats of threatened flora and fauna species and communities.*
- (iii) *To ensure through appropriate protection mechanisms that development and subdivision adjacent to bushland do not detrimentally affect the continued survival of that bushland.*
- (iv) *Provide a basis for increasing lot areas and altering lot shapes to enable the retention of trees and bushland.*

DEVELOPMENT CONTROLS

Where it is likely that mature trees will be removed either through the creation of a residential lot or through its subsequent development Council will require:

- (a) The lot boundaries to be rearranged to ensure mature tree(s) are retained

SUBMISSION REQUIREMENTS

- Prior to submission of a development application for the purposes of subdivision, the applicant is to prepare an Arborist Report utilising the services of a qualified arborist. This report will ensure an understanding of the condition of existing trees, which will assist in analysing the site opportunities, and is to be submitted at subdivision application stage. The Arborist Report must incorporate a survey of all trees as defined under Council's Tree Management Plan and all bushland, as defined by SEPP 19 - Bushland in Urban Areas.
- The Arborist Report must also include:
 - A rating of the condition of all existing trees, their health, aesthetic value and life expectancy as a basis for ascertaining their value for retention;

- Definition of tree protection zones and measures consistent with the requirements outlined below;
- Details indicating the position of trees/bushland in relation to lot boundaries, proposed roads and building platforms; and
- Identification of trees and bushland to be retained or removed following subdivision.

The Arborist Report may also include any other vegetation that the arborist considers may contribute to the landscape if retained, particularly where the survey includes bushland or regenerating bushland.

- Details of those trees or bushland nominated for removal or retention and any proposed protection measures are to be submitted with the subdivision application and shown on the Site Analysis plan.

Protection mechanisms must include:

- Protective fencing is to be provided around trees and bushland to be retained to prevent damage. Fences are to be constructed at the drip-line of existing vegetation as a minimum to prevent damage within the drip-line/protection zone by limiting access into it (Refer to Figure 2).
- Applications should include a Flora and Fauna Assessment in accordance with Section 5A of the Environmental Planning & Assessment Act, 1979. If there is likely to be significant effect on threatened species, populations, or ecological communities or their habitats a Species Impact Statement will be required.

Where threatened species or communities are identified and are to be conserved the following actions should be undertaken:

- Protection measures in accordance with the requirements of the relevant recovery plan under the Threatened Species Conservation Act;
- Identification on site of the extent of the community to be retained;
- Plan of management for the land outlining how the land is proposed to be managed in the future; and
- The provision of chain wire/protective fencing (min 1.2 metres in height) round areas where rare flora and fauna are to be retained and

fencing to remain in place for the duration of the subdivision and building construction.

- Applicants may be required to submit a Species Impact Statement (SIS) for development likely to significantly affect threatened species, populations and ecological communities. Reference should be made to the requirements of the Environmental Planning & Assessment Act, 1979 and the Threatened Species Conservation Act, 1995.
- Any new tree plantings are to be consistent with the tree species selection shown on Council's Street Tree Planting map (Refer to section 4.2 and Figure 4). Refer to Part C Section 3 – Landscaping for appropriate street tree planting on Access Streets.

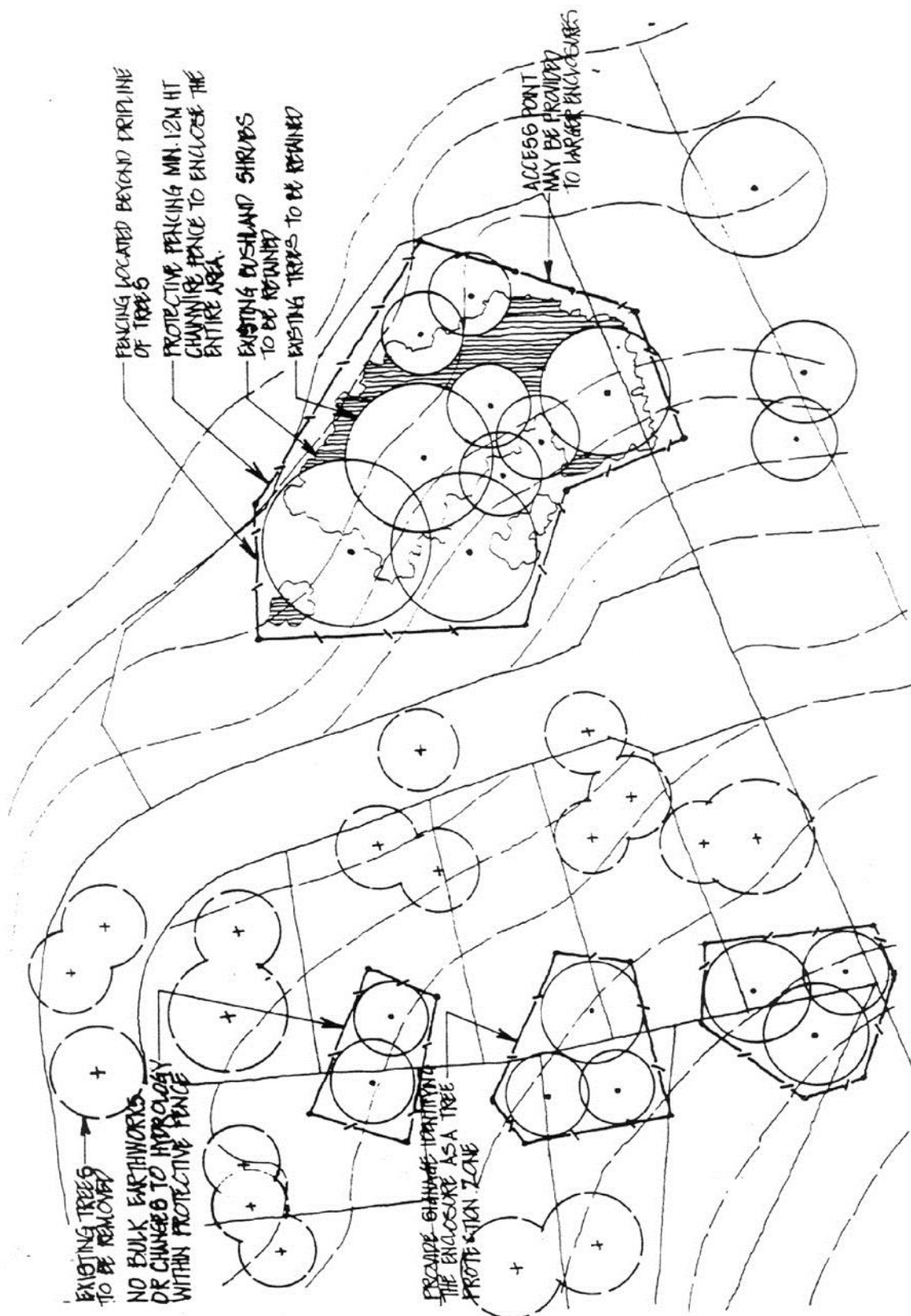


Figure 2 Tree survey/assessment

3.2 RESIDENTIAL DEVELOPMENT SITES

3.2.1 DWELLINGS

3.2.1.1 MINIMUM LOT SIZE

- (a) Refer to Clause 4.1 *Minimum subdivision lot size* in The Hills Local Environmental Plan 2012.

3.2.1.2 MINIMUM LOT DEPTH, WIDTH AND VEHICULAR ACCESS

OBJECTIVES

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

DEVELOPMENT CONTROLS

- (a) Minimum depth: 30 metres
- (b) Minimum frontage: 18 metres
- (c) For irregular-shaped lots the average width shall not be less than the minimum frontage.
- (d) For battle-axe-shaped lots and lots served by a right-of-way, the minimum lot size, excluding the access corridor, shall not be less than the minimum lot size identified in The Hills Local Environmental Plan 2012; and
- (e) The minimum width for the battle-axe handle on battle-axe-shaped lots is:

Number of lots to be accessed	Minimum Width
One lot	4 metres
2 to 4 lots	6 metres
Greater than 4 lots	Public road

- (f) Allotments fronting roads adjacent to land zoned RE1 Public Recreation or SP2 Infrastructure

(Trunk Drainage) are to address the road as the primary frontage.

- (g) Development of land for the purpose of residential development should not render any allotment adjoining the site of the proposed development incapable of development for the purpose of residential development because the allotment would not meet the identified minimum lot size in The Hills Local Environmental Plan 2012 minimum lot depth and width.
- (h) Council may accept dedication of residential zoned land located adjacent to land zoned SP2 Infrastructure (Trunk Drainage) to address the issue of residential land separated by an access road.

3.2.1.3 BUILDING PLATFORM

OBJECTIVE

- (i) *To ensure lots have a suitable area for the erection of a dwelling and associated structures, free of constraints or restrictions.*

DEVELOPMENT CONTROLS

- (a) The lot must be capable of providing a building platform of at least 20 metres by 15 metres clear of any restrictions or building line setbacks. The building platform shall be sited in an accessible and practical location suitable for residential building construction.
- (b) Suitable graded vehicle access shall be provided from a public road to the identified building platform in accordance with Councils minimum driveway requirements.

SUBMISSION REQUIREMENT

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

3.2.1.4 RESTRICTION ON ACCESS

OBJECTIVE

- (i) *To ensure that public lands are not compromised by uncontrolled and informal*

pedestrian, bicycle and vehicular access from adjoining residential lots.

DEVELOPMENT CONTROL

- (a) No residential lot created in the R2 Low Density Residential zone shall be permitted to have direct pedestrian, bicycle or vehicular access to any existing or future public land other than to a public road that is not a classified road. "Public land" in this case includes public open space, greenway links, trunk drainage and local drainage areas.

3.2.1.5 SUBDIVISION EARTHWORKS

OBJECTIVE

- (i) *To minimise topsoil and vegetation removal and "land-shaping" on land where residential subdivisions are being constructed.*

DEVELOPMENT CONTROLS

- (a) Earthworks shall be minimised to locations where the construction of roads require earthworks to be undertaken.

Such earthworks may extend into the proposed allotments for the purpose of providing suitable vehicle access to the identified building platform referred to in section 3.2.1.3.

- (b) Vegetation and topsoil are not to be removed or disturbed in areas outside of the above areas of proposed construction.
- (c) All proposed public open space areas are to be fenced and are not to be disturbed or used for any purpose during the construction of a subdivision. Fencing specifications are provided in section 7.1(g).

SUBMISSION REQUIREMENTS

- Subdivision applications must provide a plan showing the existing pre-development and proposed finished ground levels to enable an assessment of the extent of earthworks proposed and assessment of the relationship between the finished road levels and proposed building platform levels.

3.2.2 MULTI DWELLING HOUSING / RESIDENTIAL FLAT BUILDINGS

3.2.2.1 MINIMUM LOT DIMENSIONS AND ROAD PATTERN

In addition to the minimum lot size for multi dwelling housing and residential flat building, developments are required to demonstrate compliance with the road pattern shown on the BRR map.

3.2.2.2 MINIMUM LOT WIDTH & LOT ROAD FRONTAGE

OBJECTIVE

- (i) *To ensure that development lots have sufficient areas to provide adequate access, parking, landscaping and building separation.*

DEVELOPMENT CONTROLS

- (a) Minimum width for multi dwelling housing is 30 metres (average).
- (b) Minimum road frontage for multi dwelling housing is 28 metres
- (c) The maximum lot size for residential flat buildings is 5000m².

3.2.2.3 RESTRICTION ON ACCESS

OBJECTIVE

- (i) *To ensure that public lands are not compromised by uncontrolled and informal pedestrian, bicycle and vehicular access from adjoining residential lots.*

DEVELOPMENT CONTROL

- (a) No development lot created in the residential zones shall have direct pedestrian, bicycle or vehicular access to any existing or future public land other than to a public road that is not classified road unless Council consent is granted. "Public land" in this case includes public open space, greenway links, trunk drainage and local drainage areas.

4. ROADS

4.1 LOCAL ROAD HIERARCHY

OBJECTIVES

- (i) *To provide an acceptable level of access, safety and convenience for all street and road users within the release area, while ensuring acceptable levels of amenity, and minimising the negative impact of traffic.*
- (ii) *To provide a legible and permeable movement network for pedestrians and cyclist along streets and paths to points of attraction within and adjoining any development.*
- (iii) *The road network is to be based on a hierarchy of five local road/street types, as shown in Figure 3, and includes:*
 - *Access Street: is a street providing local residential access with shared traffic and pedestrian use;*
 - *Collector Road: is a road that collects traffic from access streets and carries higher volumes of traffic. A reasonable level of amenity and safety is to be maintained by restricting vehicle speeds through traffic-calming devices and intersection design;*
 - *Enhanced Collector Road: is a collector road that has a wider pavement to facilitate bus movements;*
 - *Employment Area: is a road specifically designed and located to provide access to the proposed employment areas; and*
 - *Arterial Road: carry major regional traffic flows and are largely the responsibility of the State Government.*

The specific objectives of locating roads adjacent to open space, trunk drainage and other public areas are:

- (iv) *To facilitate the orientation of lots and dwellings to front the open space and drainage areas.*
- (v) *To enhance the outlook, setting and amenity of subdivisions adjoining open space, drainage areas and other public areas.*
- (vi) *To increase pedestrian accessibility to those public areas.*
- (vii) *To promote passive surveillance of publicly accessible areas thereby increasing safety.*

DEVELOPMENT CONTROLS

- (a) The street and road network should conform to the pre-planned road layout as shown on the accompanying development control plan map.
- (b) Internal intersections are to be T-junctions, roundabouts or controlled by other appropriate traffic management treatments to slow and control traffic.
- (c) An Acoustic Report prepared by a suitably qualified consultant is to be submitted with all development applications for land adjacent to existing or proposed arterial roads or bus transit way and should comply with the Department of Environment Climate Change and Water publication "Environmental Criteria for Road Traffic Noise" (May, 1999).
- (d) For roads that cross natural drainage lines, the construction of bridges with raised approaches is preferred to culverts in order to maintain stream corridor function. Any works within, or alterations to, natural drainage systems will require the necessary approvals of the Office of Water as well as consideration of the Fisheries Management Act 1944 for dredging or reclamation works.
- (e) Roads constructed across waterways are to be designed and constructed with reference to the Department of Primary Industries preferred waterway crossing design documented in "Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossing" (NSW Fisheries 2003).
- (f) Where culverts are required to be constructed across natural drainage lines, light wells are to be provided in the centre of the road.
- (g) Direct vehicular access to arterial roads will not be permitted where alternate access is available. Access will not be restricted to any property with existing access from arterial roads until such time as alternate access is available.
- (h) Wherever shown on the BRRA map and wherever else possible, roads are to be located along and adjacent to public open space, drainage lands or other public lands. Where roads front open space, drainage land or riparian corridor land, the costs associated with their construction is the responsibility of the developer.

- (i) Driveway access should be avoided within 30 metres of signalised intersections.
- (j) Street networks are to conform to the requirements set out in Table 1: Street Types.

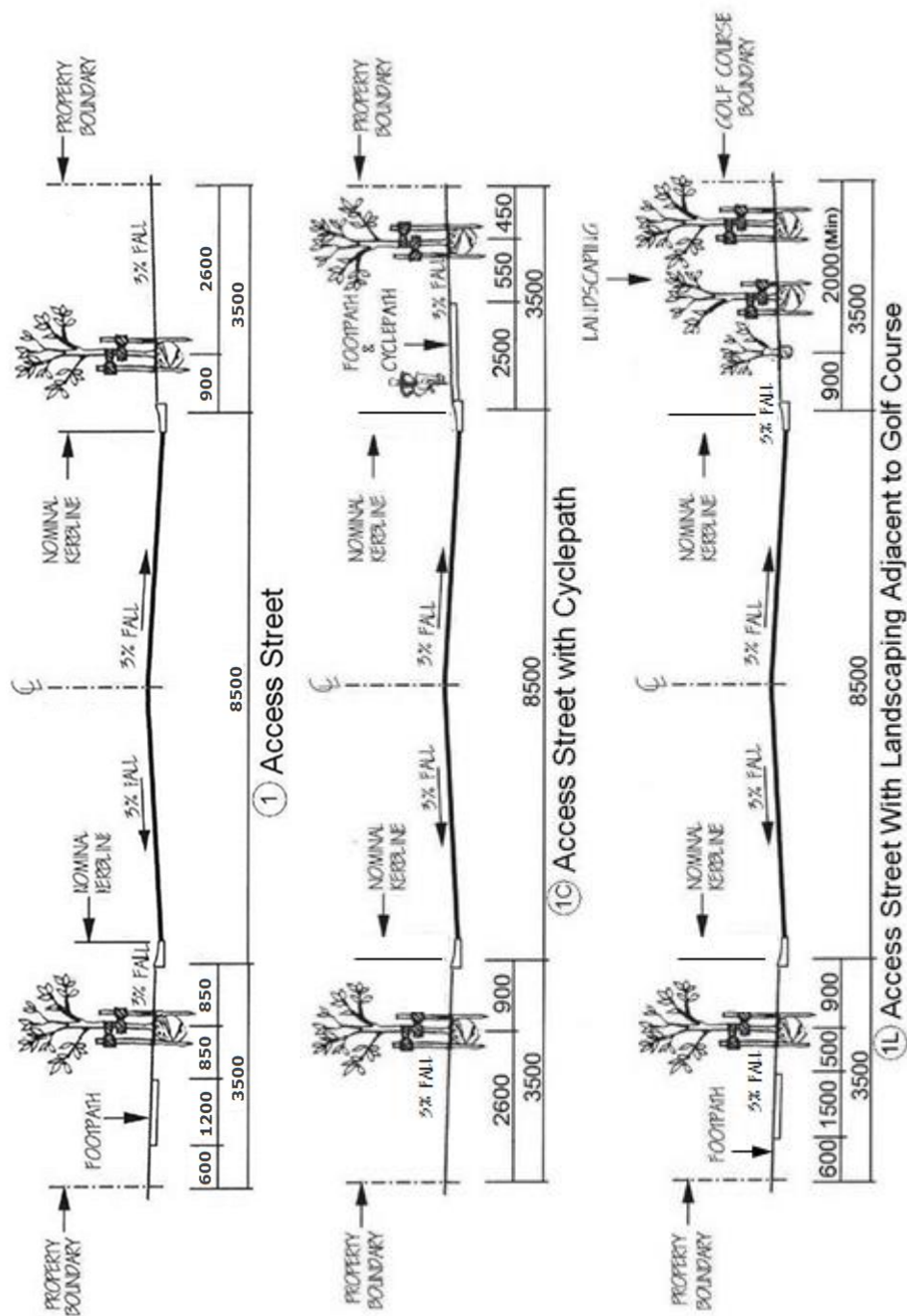


Figure 3 Road hierarchy

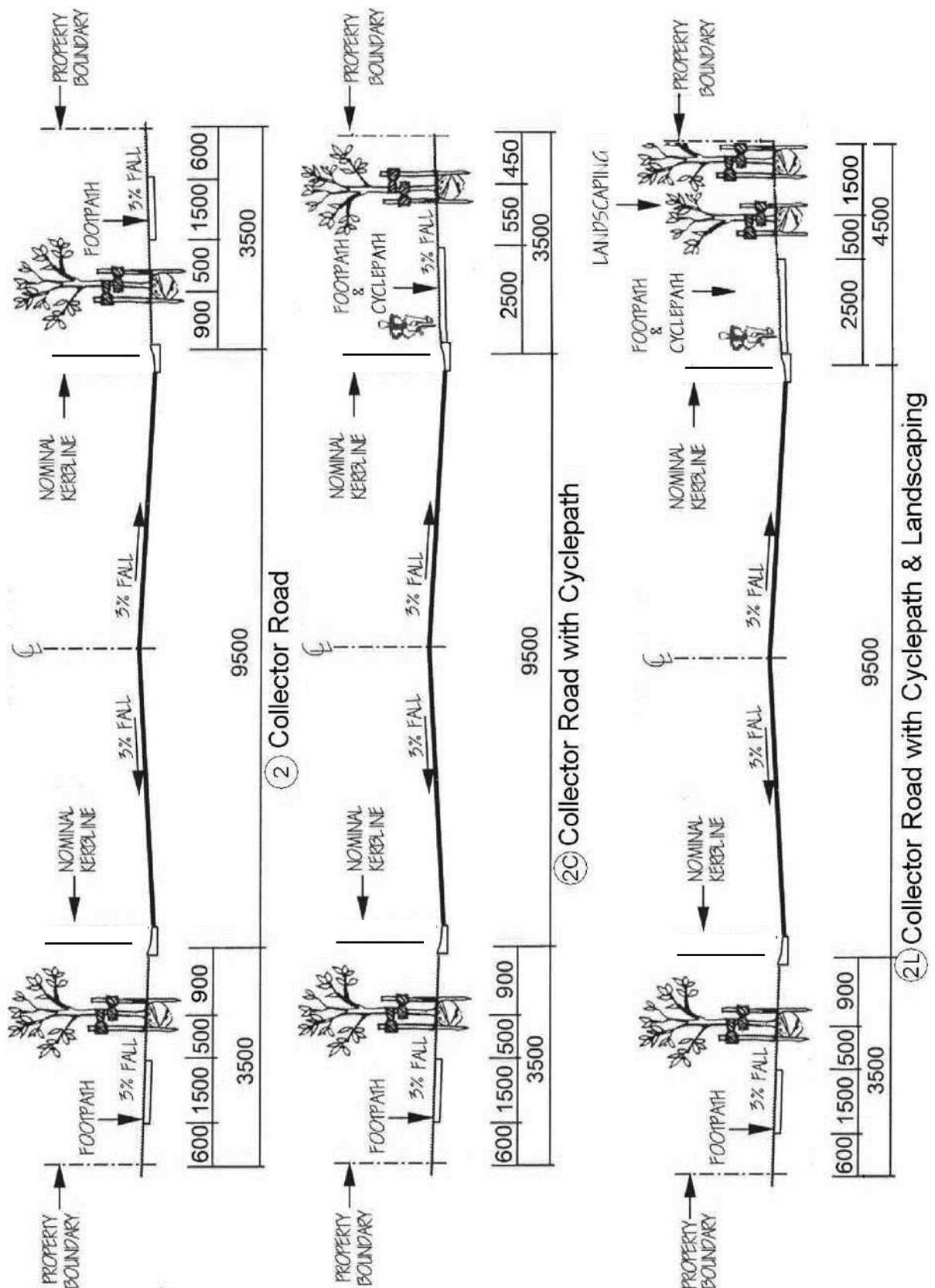


Figure 3 Road hierarchy (cont.)

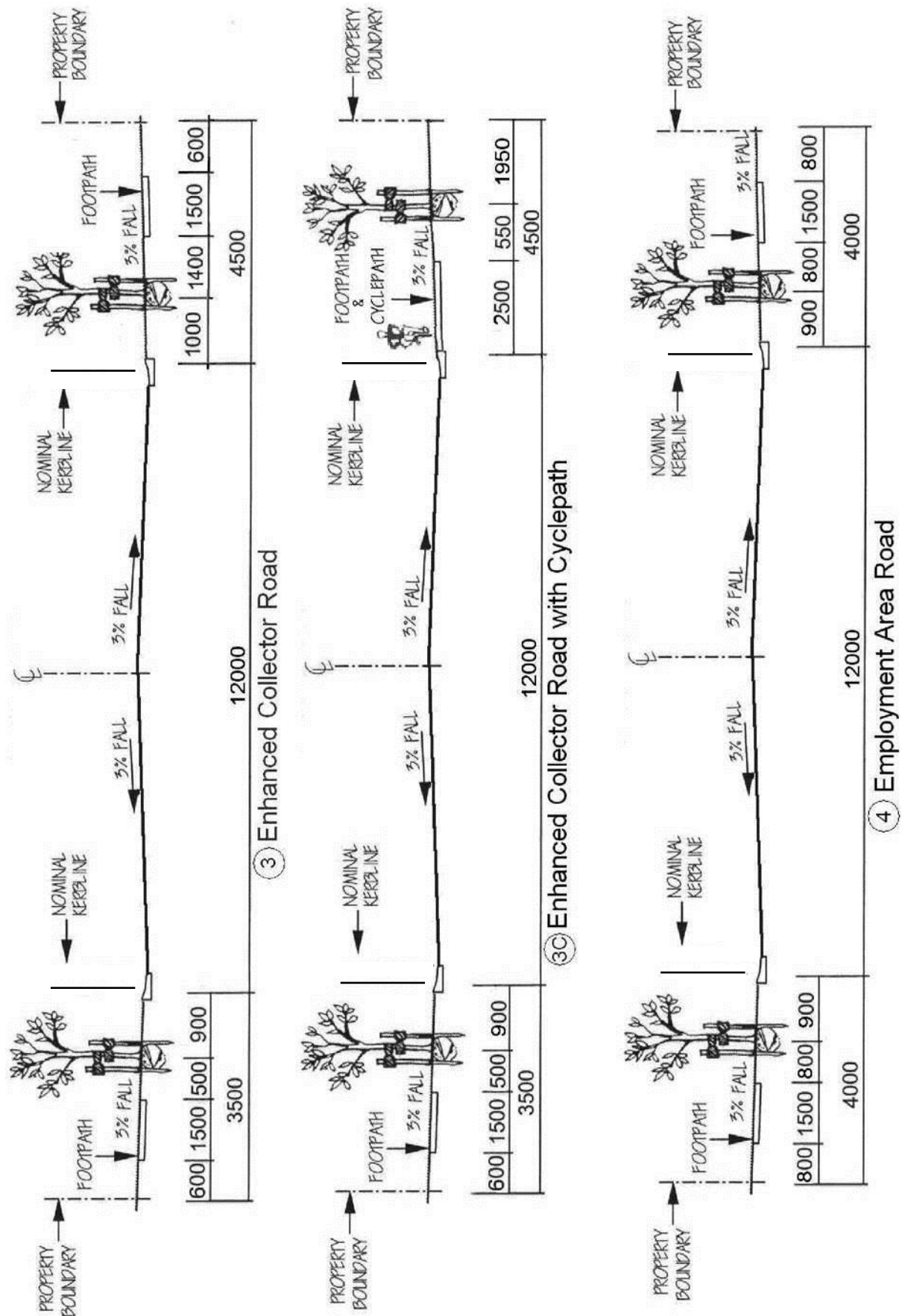


Figure 3 Road hierarchy (cont.)

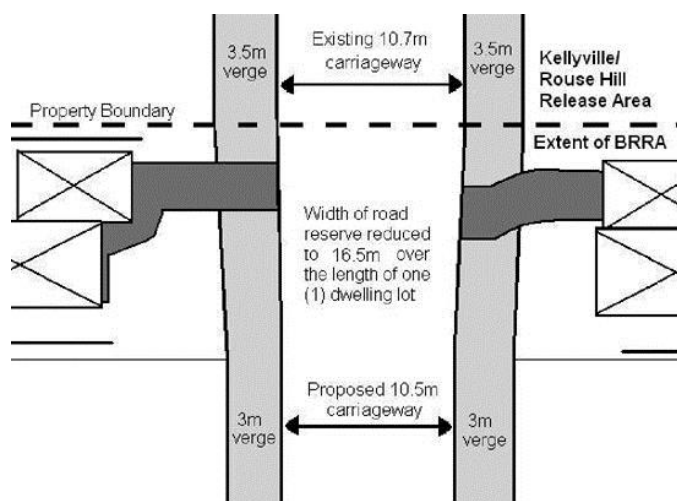
Table 1 Street types

No	Street Type	Carriageway Width (metres)	Verge Widths	Road Reserve	Footpath Required
	Access Street	8.5 metres	3.5 metres	15.5 metres	1.2 metres one side
1	Access Street with cyclepath	8.5 metres	3.5 metres	15.5 metres	2.5 metres one side
2	Collector Road	9.5 metres	3.5 metres	16.5 metres	1.5 metres one side
2*	Collector Road	10.5 metres	3.0 metres	16.5 metres	1.5 metres one side
2c	Collector Road with cyclepath	9.5 metres	3.5 metres	16.5 metres	1.5 metres one side and 2.5 metres other side
2L	Collector Road with cyclepath and landscaping	9.5 metres	3.5 metres/4.5 metres	17.5 metres	1.5 metres one side and 2.5 metres other side**
2V	Collector Road	9.5 metres	6.5 metres/4.1 metres	20.1 metres	1.5 metres one side and 2.5 metres other side***
3	Enhanced Collector Road	12.0 metres	3.5 metres/4.5 metres	20 metres	1.5 metres both sides
3c	Enhanced Collector Road with cyclepath	12.0 metres	3.5 metres/4.5 metres	20 metres	1.5 metres one side and 2.5 metres other side
4	Employment Area Road	12.0 metres	4 metres	20 metres	1.5 metres both sides

* **Note.** Carriageway width to be constructed at 10.5 metres as a continuation of existing pavement width in Gainsford Drive with a transition distance of one lot (see diagram below).

** **Note.** Includes 1 metre wide verge required on one side of carriageway to accommodate 2 metre wide landscaping adjacent to Castle Hill Country Club Golf Course and 2.5 metre cyclepath.

*** **Note.** Northern verge width adjacent to Castle Pines and Castle Hill Country Club Golf Course to be constructed at 6.5 metres. The full upgrade of Spurway Drive between Stone Mason Drive and Fairway Drive including 2.5 metre cyclepath along the full length within the southern verge to be at the Developer's expense.



Design of Collector Road 2* Transitioning from Existing Collector Road

4.2 ROAD DESIGN AND CONSTRUCTION

OBJECTIVES

- (i) To ensure sufficient carriageway and verge widths are provided to allow streets to perform their designated functions within the street network and to accommodate public utilities and drainage systems.
- (ii) To encourage the use of streets by pedestrians and cyclists, and to allow cars, buses and other users to proceed safely without unacceptable inconvenience or delay.
- (iii) To provide street geometry that is consistent with the needs of the street function, physical land characteristics and safety.
- (iv) To encourage efficient and orderly development by providing for partial and temporary road construction.

DEVELOPMENT CONTROLS

- (a) Any development connecting to Memorial Avenue is to have regard to the Roads and Maritime Services Strategic Design Plan (draft concept) for the upgrade of Memorial Avenue as contained in Appendix A.
- (b) On collector roads that function as two-way bus routes, a travelled way allowing unobstructed movements in both directions is required. Safety at bus stops, particularly the overtaking of stationary buses, is also an important design consideration. Speed control through design is a fundamental principle of this Section of the

DCP. The alignment and geometry of all collector roads are to be designed for the efficient and unimpeded movement of buses.

- (c) On access streets there will be only light traffic and the travelled way should allow for unobstructed movement in one lane as well as passing opportunities.
- (d) The design of the carriageway is to discourage motorists from travelling above the intended speed by reflecting the functions of the street in the network. In particular the width and horizontal and vertical alignment is not to be conducive to excessive speeds.
- (e) Roundabouts, street cross falls, longitudinal gradient, vehicle-turning movements and sight distances are to comply with Council's Design Guidelines Subdivisions/Developments (June 1997)
- (f) Carriageway widths for each type of street are to be as specified in Table 1: Street Types.
- (g) Minimum verge widths for each street type and footpath links are to be as specified in Table 1: Street Types.
- (h) Any allotment created on Lot 1 DP 261750 adjacent to Memorial Avenue is to be accessed via a minimum 4 metre wide access handle constructed parallel to Memorial Avenue from the proposed cul-de-sac road. Access to allotments immediately adjoining Memorial Avenue is prohibited from the enhanced collector road.
- (i) Construction of roads and footpath/cycle paths fronting Open Space or Trunk Drainage as shown on the BRRA map are at the developer's expense.

- (j) No retaining walls are to be constructed along the edge of roads fronting future or existing public open space, drainage areas or riparian corridor land.
- (k) Street trees are to be provided in all subdivisions and will be required to be planted at the time of subdivision construction. Street trees will be protected with tree guards and a 12-month bond will be imposed for each tree.
- (l) Street tree planting is to be provided to all streets with a spacing of between 7 and 10 metres, with a minimum of one tree per lot frontage. Corner lots will have a minimum of two street trees and normally three trees. The location of street trees must complement proposed driveway locations.
- (m) Street tree planting will only be permitted, within roads that are to be dedicated to Council as public road.
- (n) Street tree species must be in accordance with Council's Street Tree Planting map as shown in Figure 4. Refer to Part C Section 3 – Landscaping for appropriate street tree species along 'Access Streets'. Also refer to Part C Section 3 – Landscaping for general guidance on street tree planting.
- (o) All enhanced collector roads are to be planted with a consistent species of tree in order to provide a boulevard treatment of the streetscape.
- (p) All plans documenting proposed street tree planting must indicate the location of Sydney Water sewer and water pipes including where they enter a public road reservation.
- (q) Landscape works in roundabout islands may include low-maintenance groundcover planting and native grasses with a mature height of up to 0.5 metres as well as clear-stemmed tree planting. A metered water supply point and subsurface drainage is required in all small island planter beds.
- (r) Access streets located adjacent to arterial roads are to include landscape treatment of the verge adjoining the arterial road. Road verges provide opportunities for unifying the appearance and landscape character of the area and should be provided as a continuous design feature along the length of the arterial road.
- (s) Partial width road construction is permitted subject to the following criteria being satisfied:
 - The site(s) located opposite the proposed partial road are zoned for residential use and are not in public ownership or identified for acquisition, that is, the site(s) opposite are not zoned for Open Space, Trunk Drainage, Transport Corridor or Educational Establishment;
 - A minimum trafficable road width of 6.0m is provided to cater for two-way traffic, and a 3.5m verge on one side as a minimum;
 - The development potential of all adjoining allotments is maintained. The proposed development shall not, in the opinion of the consent authority, render any allotment adjoining or opposite the site of the proposed development incapable of development for the purpose of residential development because the allotment would not meet minimum DCP or LEP development standards;
 - The safety of all road users including service and passenger vehicles, pedestrians and cyclists is not compromised by the proposed partial road construction; and
 - The final road configuration is consistent with the pre-planned road layout and road type as shown on the accompanying development control plan map.

Note. In some circumstances where proposed partial width roads straddle existing boundaries, the alignment of the road may need to be slightly offset to ensure the partial road is wholly contained on the applicant's land.
- (t) Temporary public roads are permitted subject to the following criteria being satisfied:
 - The temporary public road is to be constructed upon a minimum of two (2) residential development lots, except as provided for below;
 - The temporary public road is not to be constructed upon land zoned for Business, Open Space, Trunk Drainage, Transport Corridor or Educational Establishment, except where the land zoned Open Space is in private ownership. Where a temporary public road is proposed to be constructed on private land zoned Open Space, the applicant will be required to enter into an

agreement with Council that the temporary public road be removed and the land reinstated when alternate road access becomes available;

- A minimum trafficable width of 6.0m is provided to cater for two-way traffic with 3.5m wide verges on both sides;
- The allotment layout associated with temporary public road construction does not result in the creation of undevelopable residue allotments;
- The temporary public road does not compromise the safety of all road users including service and passenger vehicles, pedestrians and cyclists;
- The temporary public road is to be constructed to a standard in accordance with BHSC Design Guidelines for Subdivisions/Developments (section 5.07); and
- The final road configuration is consistent with the pre-planned road layout and road type as shown on the accompanying development control plan map.

users including service and passenger vehicles, pedestrians and cyclists.

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

SUBMISSION REQUIREMENTS

Partial Width Roads

- An engineering design for the partial and full width road works must be submitted including details of any necessary drainage and service utility provision requirements.
- A traffic safety report prepared by an appropriately experienced professional must be submitted demonstrating how the partial road proposal provides for the safe usage of all road users including service and passenger vehicles, pedestrians and cyclists.

Temporary Roads

- An engineering design for the proposed road works, as well as plans demonstrating the future road configuration after closure of the temporary road must be submitted including details of any necessary drainage and service utility provision requirements.
- A traffic safety report prepared by an appropriately experienced professional must be submitted demonstrating how the temporary road proposal provides for the safe usage of all road

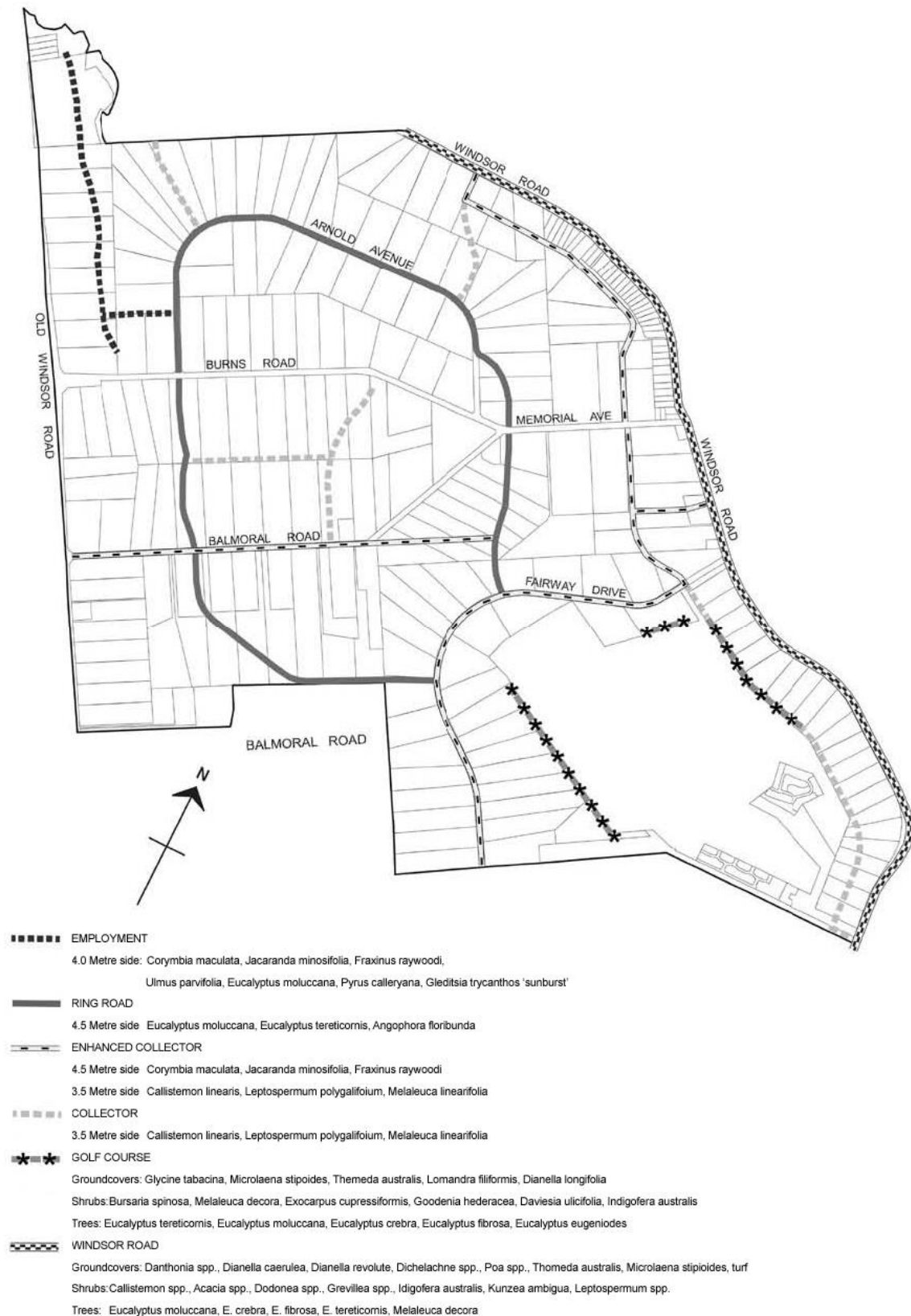


Figure 4 Street tree planting

5. STORMWATER

5.1 STORMWATER MANAGEMENT

OBJECTIVES

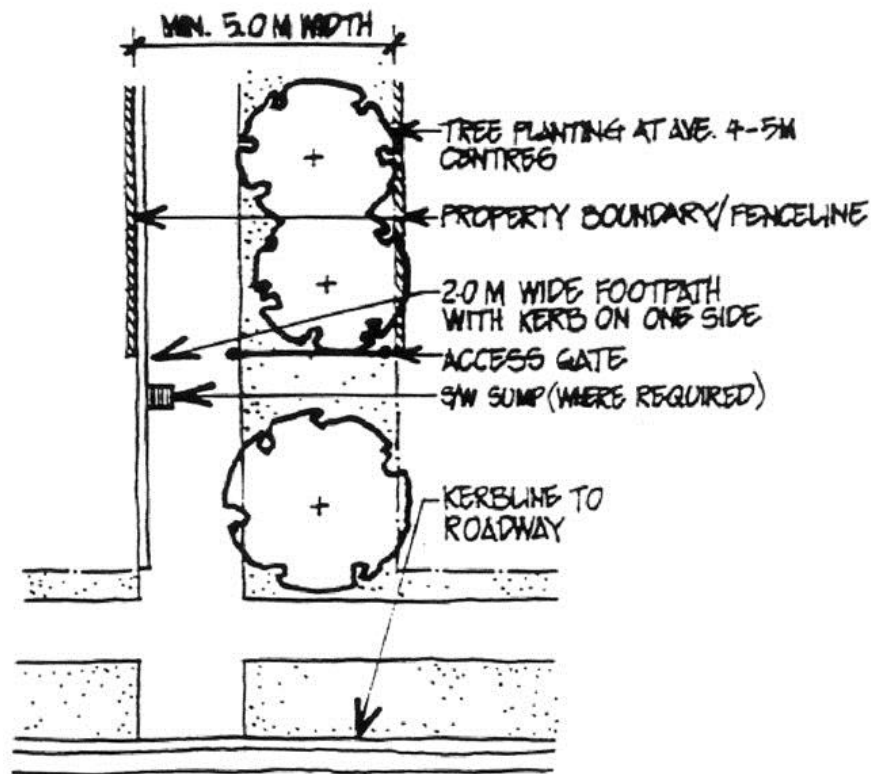
- (i) *To prevent stormwater and flood damage to properties arising from the subdivision and development of land.*
- (ii) *To ensure that stormwater quality and quantity issues are addressed at the point source.*
- (iii) *To ensure that stormwater is treated as a valuable resource.*
- (iv) *To contain nuisance floods to a level that is acceptable to the community and to ensure that the street system operates adequately during and after major storm events.*

DEVELOPMENT CONTROLS

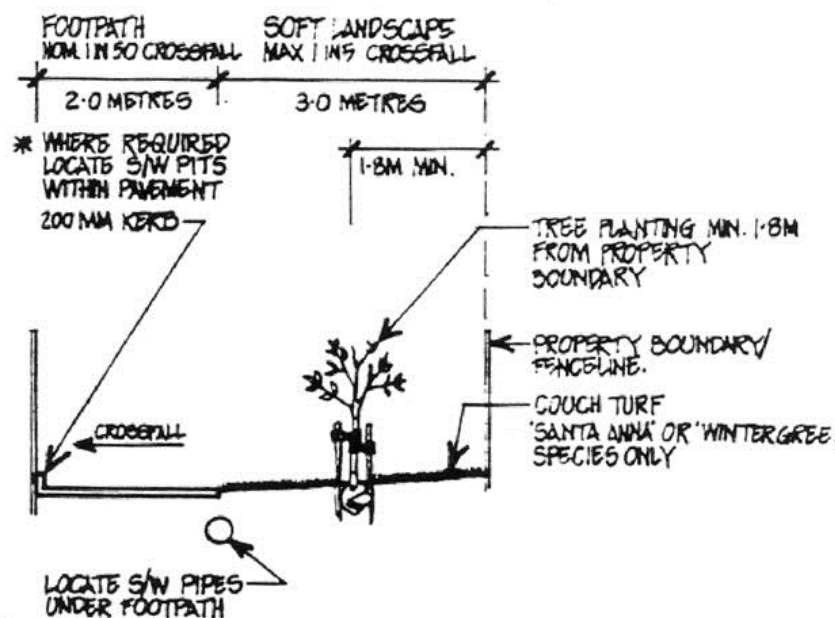
- (a) The minor drainage systems minimum design standard is to capture and convey flows produced by a 10-year Average Recurrence Interval (ARI) design storm.
- (b) Trapped sag points are not to be created.
- (c) Drainage reserves or local drainage links are required to discharge gap flows (the difference between the 100 year ARI storm event and half design pipe flow, allowing for blockage, maximum pipe design 100 year ARI) from all ARI runoffs to the generally accepted maximum of the 100-year ARI storm event.
- (d) Local drainage links within subdivisions are to be a minimum of 5 metres in width designed in accordance with details indicated in Figure 5. The developer is required to dedicate to Council at no cost to Council, the land, all associated drainage works, erosion control planting, pathways and tree planting. Details are to be submitted with the engineering designs.
- (e) Drainage facilities are to be of a standard acceptable to Council.
- (f) All drainage pits shall have access from the ground surface. Buried junction pits shall not be permitted.
- (g) All pipes to be dedicated to Council are to be located within public land.
- (h) The drainage system is to be designed by a qualified person in accordance with the

requirements of the responsible drainage authority.

- (i) All owners of properties adjoining trunk drainage land are required to contact Council or Sydney Water to confirm the inundation line prior to the lodgement of subdivision applications.
- (j) Identification of the 1 in 100 year level of inundation are to be detailed on the 88B Instrument accompanying the final plan of subdivision calculated at Australian Height datum (AHD) and certified by a Registered Surveyor.
- (i) All drainage designs, excluding minor drainage systems, are to comply with Council's Design Guidelines Subdivisions/Developments (June 1997). Design criteria are to be confirmed by Council.
- (j) Any discharge to, or construction within Sydney Water trunk drainage land will require the approval of Sydney Water.
- (k) Individual connections into Sydney Water or Council's trunk drainage land is not permitted. Subdivision plan should therefore minimise the number of connections.
- (l) All residential, employment and commercial developments will be required to provide rainwater tanks. Specific details for each type of land use are provided in section 8.



PLAN VIEW



SECTION VIEW

Figure 5 Local drainage links

5.2 STORMWATER QUALITY

The importance of soil and water management for developing urban areas and established urban systems has increased significantly over the last decade. With the advent of industry standards, legislation and community expectations, the regulation of erosion and sedimentation controls is now required throughout the urban development industry.

The water quality discharging from the BRRA can have a significant impact upon water quality in the lower Hawkesbury-Nepean River system. The development of the release area presents an opportunity to implement Total Catchment Management principles.

The trunk drainage system for the release area is an integrated system, owned and managed by Sydney Water. The proposed system will consist of dry detention basins and the natural creek system.

OBJECTIVES

- (i) *To protect downstream waters during construction activities within the release area.*
- (ii) *To assist in the long-term protection and enhancement of stream health.*

Note. Specific development standards relating to stormwater quality will be added to this Section of the DCP in the near future.

6. PROVISION AND LOCATION OF UTILITIES

The provision of utilities is usually controlled by several separate authorities and in general, no formal attempts are made to combine installation or maintenance tasks other than agreements of the preferred location of each service within the street reserve, or within common easements. This Section of the DCP seeks to promote shared trench practices.

Advantages of shared trenches include:

- Elimination of a number of single trenches each with its own construction, settlement and reinstatement problems;
- Accurate location of services for possible repair or maintenance;

- Less conflict between services as depth relativities are known;
- More efficient use of construction equipment;
- Reduced verge and footpath disturbance enables earlier site development.

OBJECTIVES

- (i) *To maximise the opportunities for shared (common) trenching and reduce constraints on landscaping within road reserves.*
- (ii) *To ensure the provision of public utilities is undertaken in accordance with the requirements of both Council and the relevant servicing authority.*

DEVELOPMENT CONTROLS

- (a) Gas and water services may be located in a shared trench on one side of the street and electricity power and telephone located in a shared trench on the other side of the street. The BRRA is also to be serviced with a recycled water supply, which will require an increase in Sydney Water's service allocation.
- (b) The Council requires underground electricity reticulation and telecommunications for all urban development.
- (c) Council will require as a condition of any development consent that any existing aboveground electricity reticulation service be relocated underground with the exception of main transmission lines.
- (d) Where agreement to develop shared trench practices cannot be met, or location of services are unable to be limited to one side of the road, the alignment of services shall be to a standard acceptable to Council.
- (e) Council requires the provision of street tree planting within all verge areas and service authorities are expected to cooperate to ensure this is achieved.
- (f) Utilities and services are to be supplied and constructed in accordance with the requirements of the relevant authority.
- (g) Details of the location of all sewer reticulation mains are to be supplied to Council for assessment of environmental and property considerations.

- (h) Pipes and conduits through bushland areas and areas with significant vegetation cover are to be avoided. Where it cannot be avoided, pipes are to be laid by hand with the aid of small machinery, causing minimal disturbance to vegetation and exposed rock outcrops.
- (i) Development is to have a water supply for fire-fighting purposes in accordance with the NSW Rural Fire Service's "Planning for Bushfire Protection 2006" or as amended.
- (j) Concurrence from the relevant electricity authority is required for all development applications where the property is affected by electricity easements.
- (k) Road verge widths are to be in accordance with Table 1.

7. PUBLIC RECREATION, TRUNK DRAINAGE AND RIPARIAN CORRIDORS

7.1 PUBLIC RECREATION

OBJECTIVE

- (i) *To ensure that land identified on the BRRA map for public open space is adequately protected during the subdivision and dwelling construction stage.*

DEVELOPMENT CONTROLS

- (a) Proposed plans of subdivision are required to set aside the area of land for public open space identified on the BRRA map.
- (b) The maximum gradient of cycle-paths is not to be greater than the adjacent road pavement and is required to provide adequate sight distances at crossings.
- (c) Where local public pathway links are required they are to be a minimum 5 metres width. All local public pathway links are to be constructed by the developer and the land dedicated to Council at no cost to Council.
- (d) No retaining walls are to be constructed adjacent to existing or proposed open space parks, open space links, riparian corridors or trunk drainage land.

- (e) No filling is permitted within proposed open space areas, open space links riparian corridors or trunk drainage land.
- (f) This development control plan requires the provision of a minimum 2 metre high, temporary chain-wire fence round proposed open spaces with access provided by a lockable gate, at the developer's expense.
- (g) Details of fence construction are to be provided by the proponent with the submission of the engineering designs.
- (h) The fence must be sited in such a way as to limit access into the open space area, ensuring protection of the area for the duration of subdivision and building construction.

8. BUILDING DESIGN – ALL ZONES

The following development control provisions relate to the development of land for buildings in all zones.

8.1 DWELLINGS

The provisions of Part B Section 2 – Residential Development will also apply and should therefore be read in conjunction with the following.

8.1.1 BUILDING SETBACKS

OBJECTIVES

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

DEVELOPMENT CONTROLS

- (a) Minimum classified road frontage setback: 10m.
- (b) Minimum non-classified primary road frontage setback: 6m
- (c) Corner Lots: Primary road: 6 metres

Secondary road: 4 metres

- (d) Minimum side setback from classified road: 10 metres.
- (e) Rear building setback: 4 metres (1 storey)

Rear building setback: 6 metres (2 or more storeys).

8.1.2 SITE COVERAGE

OBJECTIVES

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

DEVELOPMENT CONTROLS

- (a) Maximum site coverage:

- Single storey	65%*
- Two storey or more	60%*

*The maximum site coverage calculations must include areas containing garage, carports, outbuildings, decks, patios, tennis courts, driveways, swimming pools, paved areas but excludes rainwater tanks.

- (b) Where dwellings achieve the minimum side setback requirements on both sides of the dwelling, the second storey of the dwelling is to be either:
 - setback a minimum of 1 metre from the ground floor on at least one side of the dwelling, for a minimum distance of half the length of the first floor; or
 - a proportion of 85% in size than the ground floor to enable reduced bulk and scale of the dwelling and enhanced solar access and articulation between buildings.

Dwellings are to demonstrate architectural merit through skilful massing and composition of the building's elements, height, proportion, roof design

and window/door/garage openings to create an integrated whole of building design which looks aesthetically appealing from all angles and which relates to its site and topography.

8.1.3 BUILDING FORM AND HEIGHT

OBJECTIVES

- (i) *To ensure the height of dwellings is compatible with adjoining residential development and the overall streetscape.*
- (ii) *To minimise the impact of overshadowing, loss of privacy on adjoining properties and open space areas.*
- (iii) *To minimise bulk and scale of residential development.*
- (iv) *To provide articulation in building form and design.*

DEVELOPMENT CONTROL

- (a) Refer to Clause 4.3 *Height of buildings* of The Hills LEP 2012.

8.1.4 CUT AND FILL

OBJECTIVES

- (i) *To ensure that dwellings are designed with regard to the site conditions and minimise the impact on landform.*
- (ii) *To reduce the risk that potentially saline soils may affect dwellings.*
- (iii) *To maintain topsoil and endemic plant species seed bank.*

DEVELOPMENT CONTROLS

- (a) Maximum filling above natural ground level: 0.5 metres.
- (b) Maximum cut below natural ground level: 0.5 metres.
- (c) Where a proposed dwelling design requires cut or fill in excess of 0.5 metres, the dwelling shall be redesigned and alternative designs, such as split level, and timber floor construction will be employed.
- (d) Where site conditions warrant, Council will consider dwelling designs that provide for cut in excess of 0.5 metres for the creation of a single,

in-ground two car garage with maximum dimensions of 6 metres by 6 metres excluding stairway access to dwelling or storage requirements.

8.1.5 CORNER LOTS

OBJECTIVES

- (i) *To ensure that dwellings sited on corner lots take advantage of their visually prominent location whereby the design addresses both street frontages.*
- (ii) *To ensure that the dwelling façade along the secondary street frontage provides architectural relief to the streetscape.*

DEVELOPMENT CONTROLS

- (a) On corner lots a minimum of three of the following design elements are to be included along the secondary frontage:
 - Verandahs;
 - Gables;
 - Vertical elements to reduce the horizontal emphasis of the façade;
 - Entry feature or portico;
 - Balcony/window boxes or similar elements;
 - Landscaping/fencing compatible with the frontage status of the elevation; and
 - Windows.
- (b) The following features are not to occur along either façade:
 - Blank walls without relief;
 - Windows or doors of utility rooms exposed to view; and
 - Hot water services, air conditioning machinery or similar utility installations.
- (c) Fencing on each road frontage boundary will be limited to a maximum of 25% of the length of that boundary. Any such fencing will be located a minimum of 1 metre behind the closest wall of the building to that boundary (See Figure 6).

8.1.6 STORMWATER MANAGEMENT

OBJECTIVES

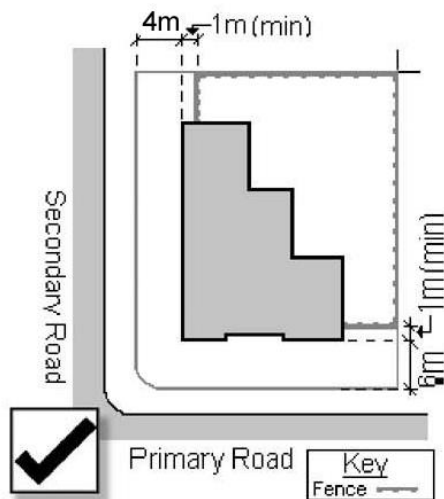
- (i) *To ensure that stormwater is utilised as a resource.*
- (ii) *To control stormwater and to ensure that dwelling developments do not increase down*

stream drainage flows or adversity impact adjoining and downstream properties.

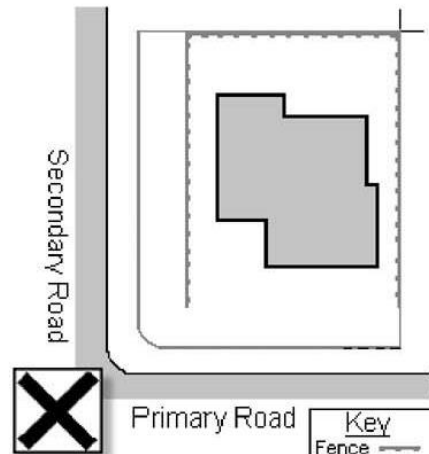
- (iii) *To ensure that stormwater does not detrimentally impact on the health of streams and the integrity of water courses is protected and enhanced in accordance with Council's ESD objective 4.*
- (iv) *To provide for the disposal of stormwater from the site in an efficient, equitable, environmentally sensitive way in accordance with Council ESD objective 3.*

DEVELOPMENT CONTROLS

- (a) Each dwelling shall have a minimum 9,000 litre rainwater tank (or equivalent volume of multiple above-ground tanks) connected to its guttering.
- (b) The rainwater tank may be connected to laundries as well as being available for outdoor use including filling of swimming pools.
- (c) The rainwater tank is to have an overflow pipe connected to the stormwater drainage system.



**SET BACKS FOR CONER SITES
AND STREET FRONTAGE TREATMENT**



**DESIGN ADDRESSES ONLY ONE
FRONTAGE WITH SURROUNDING
HIGH FENCES**



**VERTICAL ELEMENT THAT
HELPS TO DEFINE THE CORNER**



**DESIGN SUCCESSFULLY ADDRESSES
BOTH STREET FRONTAGES**



**DESIGN SUCCESSFULLY ADDRESSES
BOTH STREET FRONTAGES**



**FAILS TO ADDRESS THE SECONDARY
STREET FRONTAGE WITH BLANK WALL
AND HOT WATER SERVICE LOCATED
ALONG THE SECONDARY STREET
FACADE**

Figure 6 Corner lots

8.2 MULTI DWELLING HOUSING

The following development control provisions relate to the development of land for multi dwelling housing. The provisions of Part B Section 4 – Multi Dwelling Housing of this DCP will also apply and should therefore be read in conjunction with the following.

8.2.1 STORMWATER MANAGEMENT

OBJECTIVES

- (i) *To control stormwater and to ensure that town house 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.*

DEVELOPMENT CONTROLS

- (a) The development controls in section 5.17, Part B Section 4 – Multi Dwelling Housing and Appendix B of this DCP shall apply except for the following changes to the requirement of Appendix B.
- (b) The minimum storage capacity of this system must be 3,000 litres per proposed dwelling;
- (c) Rainwater tanks may be connected to laundries as well as being available for outdoor use including filling of swimming pools; and
- (d) No reticulated water back-up system is to be connected to the tanks.

8.3 RESIDENTIAL FLAT BUILDINGS

The following development control provisions relate to the development of land for residential flat buildings. The provisions of Part B Section 5 – Residential Flat Buildings of this DCP will also apply and should therefore be read in conjunction with the following.

8.3.1 BUILDING HEIGHTS

Refer to Clause 4.3 *Height of buildings* of The Hills LEP 2012.

8.3.2 DENSITY

The following control applies to any future development for the purpose of residential flat buildings on land at 30 Fairway Drive, Kellyville (Lot 32 DP 247442), Lot 33 DP 247442 Spurway Drive, Kellyville (Lot 33 DP 247442) and RMB 47 Spurway Drive, Baulkham Hills (Lot 101 DP 1176747). The density controls applying to residential flat development on any other land within the Balmoral Road Release Area are contained within Part B Section 5 – Residential Flat Buildings of this DCP.

OBJECTIVES

- (i) *To ensure that residential flat building development does not place unreasonable demand on planned infrastructure and facilities within the Balmoral Road Release Area.*

DEVELOPMENT CONTROLS

- (a) The maximum combined yield of any future development on the site highlighted on the following map shall not exceed 1,300 residential units.



8.3.3 STORMWATER MANAGEMENT

OBJECTIVES

- (i) *To control stormwater and to ensure that residential flat buildings do not increase downstream drainage 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.*

DEVELOPMENT CONTROLS

- (a) The development controls in section 5.19, Part B Section 5 – Residential Flat Buildings and Appendix B of this DCP shall apply except for the following changes to the requirements of Appendix B:
- (b) The minimum cumulative storage capacity of this system must be 20,000 litres per residential flat building;
- (c) The tanks are to be used for external uses only other than for laundry purposes; and
- (d) A reticulated water back-up system is not to be connected to the tanks.

8.4 B7 BUSINESS PARK ZONE

8.4.1 INDUSTRIAL AND COMMERCIAL BUILDINGS

The following controls in this section apply to both industrial and commercial buildings and uses.

Unless otherwise provided for in this Section of the DCP, Part B Section 7 – Industry will apply to industrial buildings irrespective of section 1.1 (land to which this Section of the Plan Applies) of Part B Section 7 – Industry.

Unless otherwise provided for in this Section of the DCP, Part B Section 6 – Business will apply to commercial buildings irrespective of section 1.1 (Land to which this Section of the Plan Applies) of Part B Section 6 - Business.

OBJECTIVES

- (i) *Provide for the special requirements of industry and business, particularly in the areas of advanced technology, computer facilities and communications.*
- (ii) *To provide commercial services for employment and residential areas.*

8.4.1.1 BUILDING SETBACKS

- (a) Minimum building setback to classified road: 20 metres
- (b) Minimum building setback to non-classified road: 20 metres
- (c) Corner lots primary non-classified road frontage setback: 20 metres
- (d) Secondary non-classified road frontage: 10 metres
- (e) Side property boundaries: 10 metres

8.4.1.2 FLOOR SPACE RATIO

Refer to Clause 4.4 *Floor space ratio* of The Hills LEP 2012.

8.4.1.3 HEIGHT

Refer to Clause 4.3 *Height of buildings* of The Hills LEP 2012.

8.4.1.4 SITE COVERAGE

OBJECTIVE

- (i) *To ensure that building are kept to a satisfactory scale in relation to the land upon which they are built.*

DEVELOPMENT CONTROL

- (a) The maximum site coverage: 50%

8.5 EXHIBITION VILLAGE

These provisions set out specific requirements and variations that apply to exhibition villages located within the Balmoral Road Release Area.

OBJECTIVES

- (i) *To facilitate the orderly development of exhibition villages;*
- (ii) *To ensure the range of housing options that will suit a variety of lot sizes responds to the streetscape, privacy, solar access and landscaping; and*
- (iii) *To ensure that exhibition village developments provides an appropriate interface with adjoining development in the Balmoral Road Release Area.*

8.5.1 BUILDING SETBACKS

This clause applies to a dwelling house and any carport, garage, balcony, deck, patio, pergola, alfresco dining areas, terrace or verandah that is attached to the dwelling house (a **building**).

Classified Road Frontages (10 metre Landscape Corridor)

- (b) Buildings will be considered within the 10m Landscape Corridor providing acoustic and visual treatment is incorporated into the design to limit the impact of a Classified Road on any bedrooms and other habitable areas within the building.
- (c) A minimum 3m wide landscape buffer shall be provided between any temporary parking area and the residential development, and shall remain in place after the cessation of exhibition village and removal of the temporary parking.

Note. Refer to -

- Department of Planning Guidelines – Development near Rail Corridors and Busy Roads for information on Acoustic Treatment of Residences; and
- Australian Standard 3671 – Road Traffic Noise Intrusion – Building Siting and Construction.

Non-classified Road Frontages

- (d) Minimum non-classified primary road frontage setback: 4.5m (5.5m to garage). An articulation zone of 1.0m may be provided.
- (e) Corner Lots:
 - Primary road: 4.5m (5.5m to garage) with articulation zone as above.
 - Secondary road: 2m (lots < 600m²) or 3m (lots > 600m²).
- (f) Where a lot (corner or otherwise) shares a street frontage with land outside the boundary of the exhibition village, the front and side setbacks shall be an average of the minimum setback allowed by this control, and the setback of the adjoining dwelling, or, should the adjoining site be vacant, the minimum setback permitted by the relevant setback controls in this Section of the DCP.
- (g) Minimum Rear Setback (including a Classified Road):
 - 1 storey - 4m

- 2 storeys - 6m (4m to single storey component).

(h) Side Setback:

- Any point of a building, that has a height of 3.8m or less on its building line from natural ground level at that point must have a setback from the side boundary nearest to that point of at least 900mm;
- Any point of a building that has a height of more than 3.8m on its building line from natural ground level at that point must have a setback from the side boundary nearest to that point of at least the sum of:
 - 900mm, and
 - A distance that is equal to one-quarter of the additional building height above 3.8m.

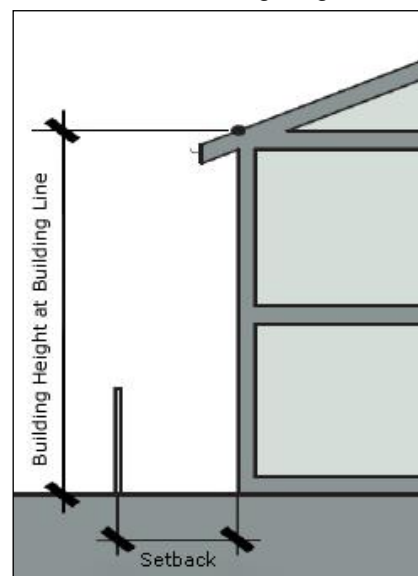


Figure 7 Building Height at Building Line

- Notwithstanding the above, for the Homeworld V exhibition village, Lots 210, 213 & 239 are permitted to have a zero (0m) side setback. Development on Lots 209, 214 and 238 shall provide for a 1m wide easement for access and maintenance in favour of lots 210, 213 and 239 in accordance with the 88B instrument.

8.5.2 SITE COVERAGE (LOT SIZE OF <450m²)

- (a) The site coverage of the dwelling house and all ancillary development on a lot must not be more than:
 - For single storey dwellings, 60 per cent of the area of the lot; and
 - For two storey dwellings, 50 per cent of the area of the lot.

(b) For the purpose of calculating the site coverage in subclause (a), the area of any of the following is not included:

- an access ramp,
- that part of an awning, blind or canopy that is outside the outer wall of a building,
- a balcony, deck, patio, pergola, terrace or verandah attached to the dwelling house that is not enclosed by a wall higher than 1.4m above the floor level,
- an eave,
- a driveway,
- a farm building,
- a fence or screen,
- a pathway or paving,
- a rainwater tank that is attached to the dwelling house,
- a swimming pool or spa pool.

(c) The landscaped area of the lot must not be less than:

- For single storey dwellings, 30 per cent of the area of the lot; and
- For two storey dwellings, 35 per cent of the area of the lot.

(d) For the purpose of calculating the landscaped area in subclause (c), the landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

8.5.3 STORMWATER MANAGEMENT

Each dwelling shall be fitted with a rainwater tank, in accordance with the size specified for each individual lot in the 88B instrument.

8.6 MEMORIAL AVENUE VILLAGE CENTRE, KELLYVILLE

This Section of the Development Control Plan applies to land at the junction of Memorial Avenue, Hector Court and Severn Vale Drive as show in Figure 8 below.



Figure 8 Memorial Avenue Village Centre location

This Section is to be read in conjunction with other relevant Sections of The Hills DCP including Part D Section 7 – Balmoral Road Release Area and Part B Section 6 – Business.

Village centres are an important part of the overall hierarchy of centres in the Shire. The objectives of such centres is to provide a range of retail and other uses to meet the weekly convenience shopping needs of residents. The scale of such centres is to be in keeping with surrounding residential character. The village centre environment should provide residents with a place to meet. It should be easily walkable, located close to dwellings and accessible by public transport.

The following objectives and controls aim to promote retail/commercial development that focus on creating a vibrant and connected village centre.

8.6.1 SITE REQUIREMENTS

OBJECTIVE

- (i) *To provide for orderly and cohesive development of the village centre in a manner that prevents isolation of business zoned land.*

DEVELOPMENT CONTROLS

- (a) The village centre is to be developed as a single amalgamated site, incorporating the entire land zoned B2 Local Centre as outlined in Figure 8.
- (b) Consent may not be granted to an application that isolates an area of land that is not capable of

being developed in a manner that achieves a cohesive outcome for the centre.

- (c) Where a development application seeks to develop only part of the village centre land evidence will need to be submitted to demonstrate:
- All reasonable attempts have been made to secure the entire land; and
 - Land not included in the development proposal will not be isolated and is capable of being developed in a manner that achieves a cohesive outcome for the centre.

8.6.2 FUNCTION AND USES

OBJECTIVES

- (i) *To develop and promote a vibrant, mixed use village centre that provides a range of low-medium scale retail and business uses which serve the daily and weekly convenience needs of the local population.*
- (ii) *To ensure that the street environment is active and inviting and emphasizes the pedestrian where practicable and possible.*

DEVELOPMENT CONTROLS

- (a) Provision of a range of supporting commercial uses is encouraged within the village centre such as child care, health care, ATM.
- (b) Retail uses are to be located on ground level and primarily fronting Severn Vale Drive. A reduced setback to a minimum of 2 metres will be considered to activate the Severn Vale drive frontage.
- (c) Ground level uses must provide active frontages with facades glazed in a 'shop front' manner. The following are also encouraged in these locations:
- Café or restaurant
 - Outdoor dining
 - Active office uses such as reception on ground floor.

8.6.3 ACCESSIBILITY

OBJECTIVES

- (i) *To ensure that safe and efficient vehicular access is provided in a timely manner in line with development of the retail centre.*
- (ii) *To integrate the centre with adjoining residential development, open space, pedestrian and cycleway linkages to encourage a range of users and local activity.*

DEVELOPMENT CONTROLS

- (a) The development connecting to Memorial Avenue is to have regard to the Roads and Maritime Services Strategic Design Plan (draft concept) for the upgrade of Memorial Avenue as shown below and in Appendix A:



Figure 9 Extract RMS Strategic Design Plan in vicinity of village centre.

- (b) The development is required to demonstrate that adequate arrangements have been made to the satisfaction of Council and the Roads and Maritime Services to assist the provision of traffic signals at the Memorial Avenue and Severn Vale Drive intersection.
- (c) A pedestrian connection is to be established through the development between Hector Court and Severn Vale Drive. The development is also to incorporate pedestrian connection to the open

space link alongside Hector Court and the cycle way link alongside the storm water management land to the east.

8.6.2 PUBLIC DOMAIN

OBJECTIVES

- (i) *To develop a centre with a strong local identity influenced by features of the site.*

DEVELOPMENT CONTROLS

- (a) A central space should be incorporated into the design to encourage social interaction.
- (b) Development shall capitalise on views across the site, particularly to Kellyville Memorial Park.
- (c) Public domain elements such as street trees, paving, street furniture, lighting and signage are to be consistent and create local character.

9. SPECIAL PROVISIONS

9.1 DEVELOPMENT WITHIN VICINITY OF NORTH WEST RAIL LINK CORRIDOR

- (a) The following controls and requirements will apply to all land and developments within 60 metres of the proposed North West Rail Corridor (rail alignment); and any development or land use that may have a detrimental impact on the rail corridor or may be detrimentally impacted upon by the rail corridor.
- (b) All development shall comply with rail noise and vibration attenuation standards as provided in "Consideration of Rail Noise and Vibration in the Planning Process: Interim Guidelines for Councils" (State Rail Authority, November 2003) with submission of an acoustic report prepared by a suitably qualified consultant.
- (c) Proposed development incorporates appropriate noise attenuation measures.
- (d) Proposed development incorporates appropriate vibration minimisation measures.
- (e) The design and location of the development is such that it will not interfere with the operation of the rail line and associated facilities.
- (f) The development is designed and constructed to accommodate settlement caused by future excavation of the rail corridor.
- (g) The development shall dispose of its stormwater in an appropriate manner without interfering with the operation of the rail corridor and associated facilities.
- (h) The placement of buildings and structures should enable continued access for maintenance of the rail facilities.
- (i) Balconies and windows in proposed developments must be designed to prevent objects being thrown onto any rail facility. Balcony and window design should meet relevant Australian Standards and the Rail Corporation NSW Electrical Standards. Noise sensitive uses (i.e. bedrooms) should be located away from the noise source.
- (j) Stormwater diversion onto the rail corridor will not be permitted unless prior approval has been obtained from Rail Corporation NSW. Drainage from developments adjacent to the rail corridor must be adequately disposed of or managed.
- (k) All developments shall be designed so that they do not result in the rail alignment and tunnel being impacted upon owing to basement conflicts, particularly in the Employment Areas and the Transit Centre Precinct.
- (l) Any development proposed within 60 metres of the rail corridor must be designed so that they:
 - Do not affect the rail corridor and its structures through foundation design; and
 - Are not affected by the operation of the rail corridor through the establishment of noise- and vibration-sensitive uses.
- (m) All building foundation designs will be in accordance with the requirements of the Department of Planning.
- (n) All proposed development, including infrastructure and utilities, are to be designed to accommodate settlement that may be caused by future excavation of the corridor. The criteria to be adopted are:

Beneath Structure/Facility	Maximum Settlement	Maximum Angular Distortion
----------------------------	--------------------	----------------------------

Buildings Low or non-sensitive buildings (i.e. < 2 levels and car parks.	30mm	1 in 350
High or sensitive buildings (i.e. > 3 levels and heritage buildings	20mm	1 in 500
Roads and Parking Areas	40mm	1 in 250
Parks	50mm	1 in 250
Identified Utilities	To be determined by relevant authorities	To be determined by relevant authorities.

The above criteria should be confirmed with Rail Corporation NSW.

9.2 LAND ADJOINING EXISTING GOLF COURSE

- Any development proposed on land immediately adjoining the existing golf course shall address the issue of safety (golf balls). This applies to all land within a development regardless of whether or not that land will become public land as a result of that development.
- Any development proposed on land immediately adjoining the existing golf course requiring landscape as shown on the BRR map, is to provide landscaping for a depth of 2 metres from edge of property boundary towards the road carriageway in accordance with Figure 4 - Street Tree Planting requirements.
- All land downstream of the existing golf course shall make adequate provision for receiving stormwater from the golf course.
- Any residential development proposed within the noise attenuation buffer as identified on the development control plan map as 50 metres adjacent to the existing golf course car park and club house is to include suitable noise attenuation mechanisms to comply with the Department of Environment and Climate Change standards. An acoustic report is to be submitted

demonstrating suitable internal noise levels to a maximum level of 50dB(A) are achieved.

9.3 EXCISION OF EXISTING DWELLINGS

Council will permit the excision of existing dwellings:

- On any existing property other than those identified in:
 - A Cumberland Plain Woodland Development Site; or
 - The Transit Centre Development Site.
- Where the excised lot does not include any land that is to be acquired by Council or dedicated to Council.
- Where the proposed excision does not hinder the implementation of the development control plan map.
- Where the excised lot complies with any applicable minimum or maximum development controls in relation to lot area, width, depth and road frontage.
- Where satisfactory arrangements for the provision of services and public road vehicular access to the proposed lot are made.

9.4 SALINITY

- The Balmoral Road Release Area has been identified as an area of moderate to high potential for soil salinity. All subdivision and development applications must be accompanied by a soil salinity assessment report that is consistent with the advice contained in Department of Land and Water Conservation's, (now Department of Water and Energy), publications "Site Investigations for Urban Salinity" and "Building in a Saline Environment" produced in 2002.

9.5 LAND IN VICINITY OF EXISTING RETIREMENT VILLAGE

- Any development within the area identified on the DCP map as upstream of the existing Castle Pines Retirement Village shall be required to provide on-site stormwater detention facilities. These facilities will be such that post-development 1-in-100-year stormwater flows are

no greater than the predevelopment 1-in-100-year stormwater flows.

- (b) In addition, any development on land adjoining the boundary of the Castle Pines Retirement Village in the area shown on the DCP map will specifically address the issues of privacy and overshadowing of the village in the development's design.

9.6 NOISE ATTENUATION

- (a) Any residential development proposed within the noise attenuation buffer identified on the BRR map within 50 metres of B2 Local Centre or B1 Neighbourhood Centre zoned lands is to submit an acoustic report prepared by a suitably qualified person and include noise attenuation mechanisms if required to comply with the Department of Climate Change standards.

9.7 LANDSCAPE CORRIDORS

- (a) A landscape corridor is shown on the BRR map and shall only be used for landscaping and passive private open space purposes.
- (b) No signs of any type or for any purpose will be permitted within the landscape corridors.
- (c) Masonry sound-attenuation walls will be permitted, but will be set back a minimum of two metres from the boundary.
- (d) No structures other than as described in (c) above will be permitted within the landscape corridor.

9.8 PUBLIC ROAD CLOSURES

- (a) Where the BRR map proposes that an existing public road reservation be closed and the land developed Council shall not grant consent to the development of any adjoining land unless it is satisfied the proposed road closure will not be isolated and the closed road's development potential constrained.
- (b) Where Council determines that the land's development potential will be constrained it shall require the land to be included in the development of the adjoining land.

9.9 ABORIGINAL HERITAGE

- (c) Council shall require all subdivision development applications to include an Aboriginal Cultural/ Archaeological Assessment. The heritage assessment shall be prepared by a suitably qualified person.
- (d) Where the Aboriginal Assessment identifies a site as significant, submission of a letter from the relevant Aboriginal Lands Council is required expressing support or recommendations for the subdivision proposal.

9.10 LAND ADJOINING WINDSOR ROAD

- (e) Existing properties fronting Windsor Road and zoned R3 Medium Density Residential shall have alternate public road access arrangements made available as shown on the BRR map.

9.11 LAND ADJOINING OLD WINDSOR ROAD

- (f) A high standard of landscaping and fencing is to be provided on land adjacent to Old Windsor Road.

9.12 WASTE MANAGEMENT

- (g) Applications for development consent shall be accompanied by a Waste Management Plan in relation to the proposed development.

9.13 LAND AT 6 MCCAUSLAND PLACE, KELLYVILLE

This section of the Development Control Plan applies to land at 6 McCausland Place, Kellyville (Figure 10).

The controls within this section apply in addition to other relevant controls within Part B Section 5 – Residential Flat Building of this DCP, Part B Section 4 – Multi Dwelling Housing of this DCP and controls within this DCP, however where there is any inconsistency the provisions of this section shall apply.



Figure 10 The site

The objectives and development controls outlined in this section aim to:

- (i) *Facilitate a high quality residential mixed development that incorporates both a residential flat building and townhouses that responds appropriately to its context in terms of built form and scale.*
- (ii) *Ensure that the future development provides amenity to residents within and surrounding the site.*

9.13.1 SITE LAYOUT

OBJECTIVES

- (i) *To achieve a site layout that maximises the development opportunity whilst delivering ample, quality open spaces.*
- (ii) *To ensure the residential flat building is developed on the south east corner of the site.*
- (iii) *Ensure a suitable interface is provided between the development and lower scale residential interface.*

DEVELOPMENT CONTROLS

- (a) The location of the future residential flat building shall be generally in accordance with Figure 11.



Figure 11 – Location of residential flat building development

9.13.2 BUILT FORM

OBJECTIVES

- (i) *To promote an attractive residential development that transition from the residential flat building at the south east corner of the site and two (2) storey townhouses located on the remainder of the site.*

DEVELOPMENT CONTROLS

- (a) Development shall consist of a four (4) storey residential flat building situated on the south east corner.
- (b) The bulk and scale of the development is to be minimised through the use of setbacks and a transition of height from the south east corner down to the northern boundary.

9.13.3 BUILDING HEIGHTS

OBJECTIVES

- (i) *To enable building heights that respond to surrounding development, particularly lower density forms of residential development.*
- (ii) *To minimize the bulk and scale of a development when viewed from surrounding residential areas.*

DEVELOPMENT CONTROLS

- (a) Development of a residential flat building should have a maximum of four (4) storeys.

- (b) Development of multi dwelling housing should have a maximum of two (2) storeys.

9.13.4 DENSITY

OBJECTIVES

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

DEVELOPMENT CONTROLS

- (a) Refer to Part 7 Additional Local Provision under The Hills Local Environmental Plan 2012.

9.13.5 COMMON OPEN SPACE

OBJECTIVES

- (i) *To provide recreational opportunities for all residents of the development*
- (ii) *To ensure access to common open spaces is efficient from both townhouses and residential flat buildings.*

DEVELOPMENT CONTROLS

- (a) The total common area space is to be a minimum of 550m².
- (b) Common open space areas should be accessible to all residents of the site.

9.13.6 UNIT LAYOUT AND DESIGN

Refer to Part B Section 5 – Residential Flat Building of this DCP.

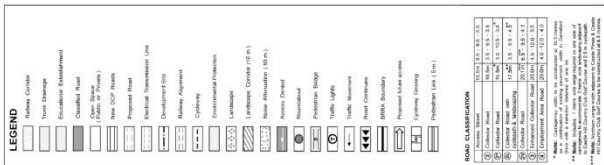
Refer to Part B Section 4 – Multi Dwelling Housing of this DCP.



Draft - Part D Section 7
BALMORAL ROAD RELEASE AREA



SCALE: 1:4,000



SWAN, BY	B. CUSCOLD	DATE: 11/03/2014
SWAN, WASH	B. CUSCOLD	DATE: 11/03/2014
SWAN, JEROME	N. CARLTON	DATE: 11/03/2014
PLANNING		
OFFICER		
FILE NO.	FP 171	

STATEMENT OF RELATIONSHIP WITH OTHERS PANEL

This plan is to be used in conjunction with
 The HRG statement and The HRG LEP 3012

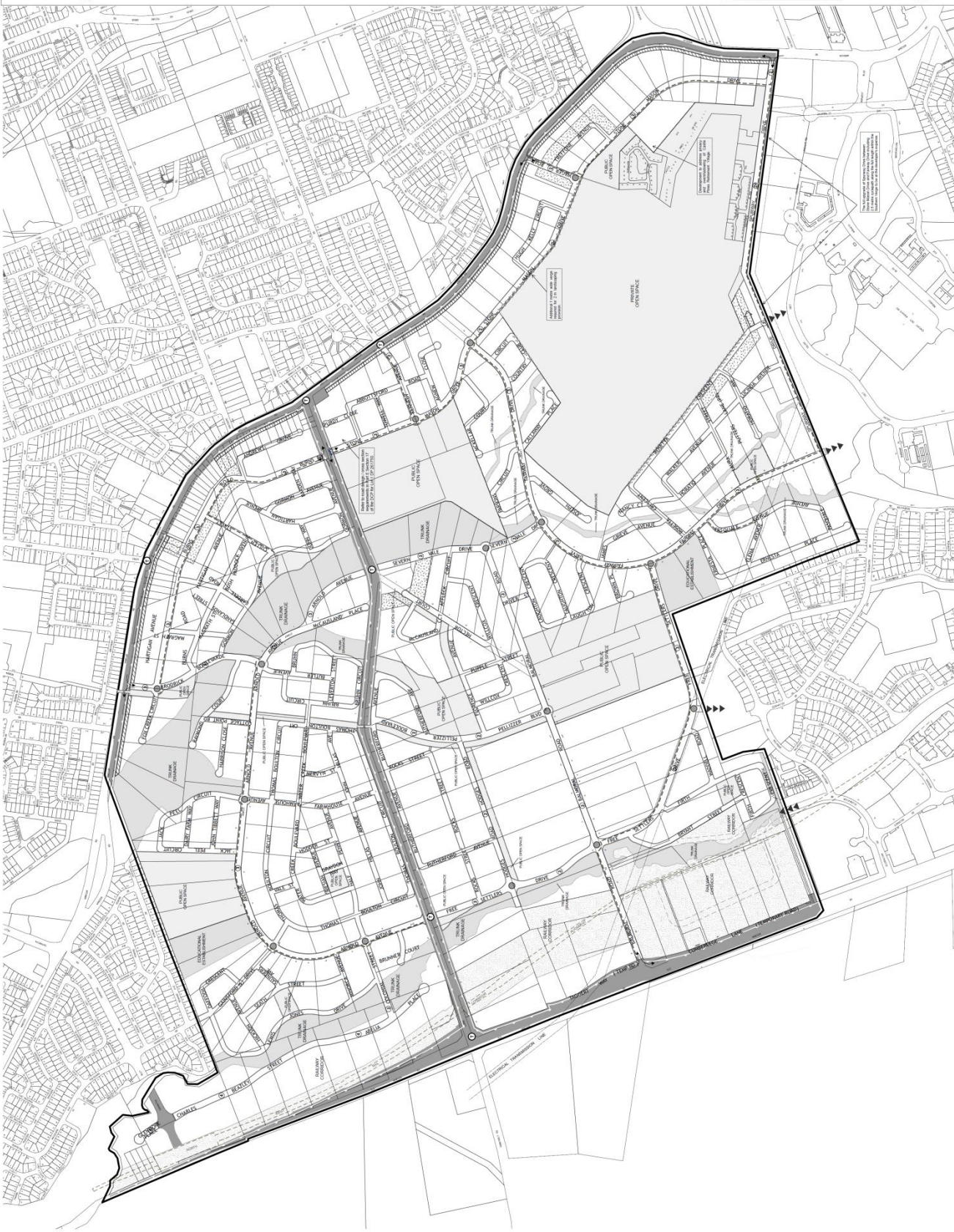
Date of Adoption	28/01/2015
Adopted No.	301
Adopted Name	SWAN, JEROME

NOTE: THE DEVELOPMENT CONTROL PLAN MAY BE SUBJECT TO AMENDMENT BY SUBSEQUENT LOCAL ENVIRONMENTAL PLANS AND PERSONS USING THE PLAN FOR THE PURPOSES OF THE DEVELOPMENT CONTROL PLAN. ANY INFORMATION SHOWN HAS NOT BEEN SUBJECT TO AMENDMENT.

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APPENDIX A

ROADS AND MARITIME SERVICES STRATEGIC DESIGN PLAN FOR THE UPGRADE OF MEMORIAL AVENUE

NOTE

1. THE STRATEGIC DESIGN IS BASED ON STORMWATER CONTOUR INTERVALS AND IS SUBJECT TO CHANGE.
2. OUT SATTERS (2-1) ARE INCLUDED TO HIGHLIGHT LEVEL DIFFERENCES ONLY.
3. FULL SATTERS (4-1) ARE INCLUDED TO HIGHLIGHT LEVEL DIFFERENCES ONLY.

	SCALES
	Coordinate System: MGA Zone 56 Height Datum: A.H.D.

ROADS AND TRAFFIC AUTHORITY OF NSW
BAULKHAM HILLS SHIRE COUNCIL
MP842 BURNS ROAD & MEMORIAL AVENUE
FROM OLD WINDSOR ROAD TO WINDSOR ROAD
PROPOSED FUTURE UPGRADE - STRATEGIC DESIGN
PLAN

FILE NO. 6M1424	DRAWING 003_sheets.dgn	PRINTED DATE \$DATE\$	SHEET NO. 003
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REGISTRATION NUMBER
0642.031.SD.0001

Roads and Maritime Services
Strategic Design Plan for the upgrade of Memorial Avenue
Draft concept – subject to further detail design

0642.031.SD.0001



NOTE 1. THIS STRATEGIC DESIGN IS BASED ON SPACING AT INTERVALS AND IS NOT A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DESIGN. 2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED. 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.	ROADS AND TRAFFIC AUTHORITY OF NSW		FILE NO.	DRAWING	PRINTED DATE	SHEET NO. 002	
	BALDWIN HILLS SHIRE COUNCIL MEMORIAL AVENUE UPGRADE FROM OLD WINDSOR ROAD TO WINDSOR ROAD PROPOSED FUTURE UPGRADE - STRATEGIC DESIGN PLAN		0642.031	002	10/03/2017		
	SCALES		REGISTRATION NUMBER		0642.031.SD.0001		
	0 25 50 75 100 Meters		0642.031				
	Scale 1:500m		0642.031				
	On-site Scale: Max 1:200		0642.031				

Roads and Maritime Services
Strategic Design Plan for the upgrade of Memorial Avenue
Draft concept – subject to further detail design

