

The Hills Development Control Plan (DCP) 2012

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Sydney's Garden Shire
THE HILLS



Part B Section 8 Shop Top Housing and Mixed Use Development

B8

In Force 16 March 2018

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INTRODUCTION

LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

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

AIM

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

STATEMENT OF OUTCOMES AND DEVELOPMENT CONTROLS

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

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

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

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

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

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

- *Business*
- *Parking*
- *Signage*
- *Landscaping*
- *Heritage*
- *Flood Controlled Land*

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

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

1. Site Planning

STATEMENT OF OUTCOMES

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

DEVELOPMENT CONTROLS

Building and ceiling height	<p>The applicable height of buildings standard under Clause 4.3A of LEP 2012 equates to the following maximum building heights in storeys:</p> <ul style="list-style-type: none"> - 7 metres: 2 storeys - 10 metres: 3 storeys <p>Minimum floor to ceiling heights are:</p> <ul style="list-style-type: none"> - 3.3m for commercial floors - 2.7m for residential floors
Setbacks	<p>Front (primary and secondary street) setbacks:</p> <ul style="list-style-type: none"> - Zero setback if active frontage provided - 3 metres if no active frontage provided - 3 metres for residential floors above the first storey or for residential floors above an existing retail development (unless active frontage provided where consistent with existing development can be provided) <p>(Refer Section 2 for definition of 'Active Frontage')</p> <p>Side and rear setbacks:</p> <ul style="list-style-type: none"> - 6 metres where adjoining low density residential development - 3 metres where not adjoining low density residential development <p>Upper residential floors must incorporate building articulation such as awnings, porticos, recesses, blade walls and projecting bays.</p> <p>Where a variation to the setback controls is proposed, consideration must be given to the existing and future character and amenity of the surrounding area.</p>
Common open space	<p>Where a development comprises five or more dwellings, a minimum of 20m² per dwelling is to be provided as a consolidated common open space area.</p> <p>At least 75% of the common open space area must be provided at ground level and be well landscaped.</p> <p>Upper level or roof top common open space may be considered for a portion of the common open space.</p> <p>Common open space should be designed to enable it to be used for</p>

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

2. Building Design

STATEMENT OF OUTCOMES

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

DEVELOPMENT CONTROLS

Awnings	<p>Awnings are to be provided along streets where active frontages are provided and at main entries to residential components of developments.</p> <p>Awning must have sufficient depth but also be setback sufficiently to allow street trees, furniture etc.</p>
Street frontages	<p>Active frontages are encouraged at ground level to all public streets.</p> <p>Active frontages are defined as one or a combination of the following:</p> <ul style="list-style-type: none"> • Shop front; • Café or restaurant if accompanied by an entry from the street; • Community and civic uses with a street entrance; • Recreation facilities with a street entrance; • Glazed entryway; • Street entryway.
Acoustic amenity	<p>Noise sources within the development such as common open space, service areas, driveways, and road frontages should be managed through measures such as separation, building layout, double glazed windows etc.</p>

Other controls	Refer to the Residential Flat Building or Business Sections of this DCP for further controls relating to unit size and mix, visual privacy, solar access, private open space, ventilation, storage and waste management.
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3. Access and Parking

STATEMENT OF OUTCOMES

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

DEVELOPMENT CONTROLS

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