



New South Wales

The Hills Local Environmental Plan 2012 (Amendment No 41)

under the

Environmental Planning and Assessment Act 1979

The Greater Sydney Commission makes the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

ANN-MAREE CARRUTHERS

As delegate for the Greater Sydney Commission

The Hills Local Environmental Plan 2012 (Amendment No 41)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *The Hills Local Environmental Plan 2012 (Amendment No 41)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to:

- (a) land to which *The Hills Local Environmental Plan 2012* applies, and
- (b) certain land to which *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* applies, namely:
 - (i) land within the North Kellyville Precinct (which is within the North West Growth Centre), and
 - (ii) land within The Hills Growth Centre Precinct (which is within the Box Hill Precinct or the Box Hill Industrial Precinct).

4 Maps—The Hills Local Environmental Plan 2012

The maps adopted by *The Hills Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the Greater Sydney Commission on the making of this Plan.

5 Maps—State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The maps adopted by *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* are amended or replaced, as the case requires, by the maps approved by the Greater Sydney Commission on the making of this Plan.

Schedule 1 Amendment of The Hills Local Environmental Plan 2012

Clause 4.3A

Insert after clause 4.3:

4.3A Additional controls applying to shop top housing and residential flat buildings as part of mixed use development

- (1) The objectives of this clause are as follows:
 - (a) to reinforce the Council's established centres hierarchy and ensure centres are appropriate in scale and design for their location,
 - (b) to ensure that shop top housing and residential flat buildings as part of mixed use developments are compatible with the prevailing character and amenity of surrounding land.
- (2) Development consent must not be granted to development on land identified as "Area C" on the Key Sites Map for the purposes of shop top housing if:
 - (a) the height of the building exceeds 7 metres, or
 - (b) less than 50% of the total floor area of the building will be used for non-residential purposes.
- (3) Development consent must not be granted to development on land identified as "Area D" on the Key Sites Map for the purposes of shop top housing or a residential flat building as part of a mixed use development if:
 - (a) the height of the building exceeds 10 metres, or
 - (b) less than 50% of the total floor area of the building will be used for non-residential purposes.

Schedule 2 Amendment of State Environmental Planning Policy (Sydney Region Growth Centres) 2006

[1] Appendix 2 North Kellyville Precinct Plan

Omit “Shop top housing;” from item 3 of the matter relating to Zone R1 General Residential in the Land Use Table.

[2] Appendix 2, Land Use Table, Zone R1

Insert “Shop top housing;” in appropriate order in item 4.

[3] Appendix 2, clause 6.6

Insert after clause 6.5:

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

- (1) The objectives of this clause are as follows:
 - (a) to reinforce the Council’s established centres hierarchy and ensure centres are appropriate in scale and design for their location,
 - (b) to ensure that shop top housing and residential flat buildings as part of mixed use developments are compatible with the prevailing character and amenity of surrounding land.
- (2) Development consent must not be granted to development on land identified as “Area A” on the Key Sites Map for the purposes of shop top housing or a residential flat building as part of a mixed use development if:
 - (a) the height of the building exceeds 7 metres, or
 - (b) less than 50% of the total floor area of the building will be used for non-residential purposes.
- (3) Development consent must not be granted to development on land identified as “Area B” on the Key Sites Map for the purposes of shop top housing or a residential flat building as part of a mixed use development if:
 - (a) the height of the building exceeds 10 metres, or
 - (b) less than 50% of the total floor area of the building will be used for non-residential purposes.

[4] Appendix 2, Schedule 1

Insert after “(Clause 2.5)”:

1 Use of certain land at 9 and 21 Hezlett Road and 103 Samantha Riley Drive, Kellyville

- (1) This clause applies to the following land at Kellyville, identified as “Item 1” on the Additional Permitted Uses Map:
 - (a) 9 Hezlett Road, being Lot 101, DP 1082890,
 - (b) 21 Hezlett Road, being SP 93305,
 - (c) 103 Samantha Riley Drive, being Lot 2401, DP 1213071.
- (2) Development for the purposes of shop top housing is permitted with development consent on land to which this clause applies.

[5] Appendix 11 The Hills Growth Centre Precincts Plan

Omit “Shop top housing;” from item 3 of the matter relating to Zone R2 Low Density Residential in the Land Use Table.

[6] Appendix 11, Land Use Table, Zone R3

Insert “Shop top housing;” in appropriate order in item 4.

[7] Appendix 11, clause 6.8

Insert after clause 6.7:

6.8 Additional controls applying to certain shop top housing

- (1) The objectives of this clause are as follows:
 - (a) to reinforce the Council’s established centres hierarchy and ensure centres are appropriate in scale and design for their location,
 - (b) to ensure that shop top housing is compatible with the prevailing character and amenity of surrounding land.
- (2) Development consent must not be granted to development on land identified as “Area D” on the Key Sites Map for the purposes of shop top housing if:
 - (a) the height of the building exceeds 10 metres, or
 - (b) less than 50% of the total floor area of the building will be used for non-residential purposes.
- (3) Development consent must not be granted to development on land identified as “Area E” on the Key Sites Map for the purposes of shop top housing if:
 - (a) the height of the building exceeds 20 metres, or
 - (b) less than 50% of the total floor area of the building will be used for non-residential purposes.
- (4) This clause does not apply to the determination of the development application (DA337/2017/JP) lodged on 31 August 2016 in relation to Lot 1, DP 131341, being 17 Nelson Road, Box Hill.

[8] Dictionary

Insert in alphabetical order:

Additional Permitted Uses Map means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Additional Permitted Uses Map.

Key Sites Map means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Key Sites Map.