



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

3 Columbia Court, Baulkham Hills NSW 2153
PO Box 7064, Baulkham Hills BC 1755
ABN 25 034 494 656 | DX 9966 Norwest

8 July 2025

Director – Key Sites Assessment
Department of Planning, Industry & Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Sir/Madam

Comments on SSD-86785964 – Shop top housing HDA

Council received a request for advice on SEARs on 26 June 2025 in relation to State Significant Development 86785964 for a shop top housing HDA development at 325 – 329 Old Northern Road, Castle Hill.

The following comments are provided in relation to the exhibited SEARs.

Rezoning Proposal Comments:

Council's adopted Castle Hill Precinct Plan indicates a 12 storey height and a maximum density/FSR within the range of 3:1-3.6:1, inclusive of any density bonuses available within the planning framework, for these sites. The Precinct Plan has been prepared having regard to technical studies, extensive community and stakeholder consultation and holistic consideration of outcomes across the entire Precinct. It identifies appropriate densities for land having regard to critical strategic and holistic considerations for the Precinct, as well as balanced consideration of the location, constraints and opportunities for each site. It also includes consideration of the ability for adequate state and local infrastructure to be provided to service the cumulative overall growth identified for the Precinct.

The proposed floor space ratio and maximum building height depicted in the request for SEARs significantly exceeds those identified in the Precinct Plan and are considered beyond the capacity of the site, in terms of both the yield outcomes and in a site specific context, the transition from Old Northern Road to the lower density apartments at the rear, the bulk of the buildings (particularly levels 2-8) and associated amenity issues, including solar access, visual amenity and privacy, to adjoining southern properties. They are also an increase on the proposed controls which were the subject of a planning pre-lodgement scoping proposal where Council advised that these controls were beyond the capacity of the site and should be reduced. The material provided with the request

for SEARs indicates that Council's feedback 'has been considered and incorporated into the design where appropriate to ensure alignment with strategic planning objectives and Council's views on the precinct planning of the strategic centre.' As Council's advice indicates the proposed development should be reduced in scale and the request for SEARs increases the scale of the development, this statement is disputed and is a misrepresentation of the proposal's response to Council's feedback.

A copy of the feedback letter dated October 2024 is provided for your information, please note this document is confidential and is not to be shared or published. The feedback contained in this letter is relevant in the consideration of the request for SEARs and should be reflected in the SEARs.

At a minimum, the following information should be prepared and submitted to support a rezoning proposal:

A Planning Proposal Report, which addresses the Department of Planning, Housing and Infrastructure's *Local Environmental Plan Making Guideline*;

- Master Plan/Structure Plan/Urban Design Report, including solar and shadow analysis, landscape masterplan and visual analysis;
- Full Set of Architectural Plans;
- Environmental Constraints Reports (Flooding, Stormwater and Contamination);
- Traffic, Parking and Accessibility Report;
- Utility and Infrastructure Servicing Strategy;
- Outcomes of Sydney Water Feasibility Application;
- Social and Community Needs Assessment;
- Infrastructure Mechanism (such as a Voluntary Planning Agreement);
- Responses to previous advice received from Council and public authorities.

Infrastructure Comments:

The current contributions framework applicable to the site does not plan or cater for the additional demand for infrastructure that would be generated from the development of the land beyond the current planning controls and as such a new infrastructure mechanism will be required to deliver the infrastructure necessary to support the uplift in development potential.

The SEARs are to include the requirement for an infrastructure solution that will ensure the delivery of appropriate infrastructure contributions and outcomes to support the proposed development, to the satisfaction of Council. Contributions (in the form of works or monetary contributions) towards active and passive open space, drainage infrastructure, traffic infrastructure will be necessary to support the proposal, and a public benefit should be considered for the broader benefit of the community. Section 5 of the Castle Hill Precinct Plan contains a detailed understanding of the Precinct's current infrastructure provision as well as the type of new and upgraded infrastructure required to support the strategically identified growth in Castle Hill, including the subject site. Noting that this proposal is for development beyond what has been identified in the Castle Hill Precinct Plan,

the supporting infrastructure and public benefits will need to also be increased significantly beyond that identified to date.

Proposed Development Comments:

Solar Access

The development proposal is to demonstrate that there will be negligible detrimental impacts to the solar access of adjoining southern properties. Solar access diagrams are to be provided to demonstrate the extent of overshadowing impacts to adjoining neighbours during the winter solstice.

Visual Amenity

The development proposal is to demonstrate that the bulk and scale, height, setbacks, landscaping and design of the development is compatible with the Castle Hill Strategic Centre and exhibits design excellence.

Built form and Amenity

The proposal is to demonstrate that appropriate amenity is provided for the site and adjoining properties. The application is to be supported with plans/documentation demonstrating compliance with the Design Quality Principles under Chapter 4 SEPP (Housing) and the design criteria of the Apartment Design Guide. In particular, the proposal is to ensure the minimum criteria for residential amenity is met with respect to building separation, solar access, cross ventilation, apartment units and layout, balcony sizes, landscaping and communal open space areas.

Traffic

The development proposal will need to address the traffic impacts to the local road network, particularly at the intersection of Brisbane Road and Old Northern Road.

Public Plaza

Clarification is sought regarding whether the plaza will be privately owned with a public access easement or if this is to be dedicated to Council.

The development proposal is to address the following minimum statutory provisions:

The Hills LEP 2019

Demonstrate the proposal addresses at least the following provisions:

- Compliance with the relevant development standards (as amended under the concurrent rezoning proposal)
- Demonstrate that the objectives of the relevant zone are met.
- Address Clause 7.2 where earthworks are proposed.

- Demonstrate the development proposal exhibits design excellence in accordance with Clause 7.7.
- Demonstrate compliance with Clause 7.11 Development on Certain land within the Sydney Metro Northwest Urban Renewal Corridor

Other Environmental Planning Instruments:

Demonstrate compliance with relevant provisions under the following environmental planning instruments:

- SEPP (Housing) 2021
- SEPP (Transport and Infrastructure) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Sustainable Buildings) 2022
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Industry and Employment) 2021 (if signage is proposed)

Housing Productivity Contributions

In accordance with the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, Section 7.28 of the Environmental Planning and Assessment Act 1979, any commercial premises will require the payment of a Housing Productivity Contribution at a rate of \$30 per square metre of new GFA. In addition, housing productivity contributions are required for each dwelling if strata subdivision is proposed.

Resource Recovery Comments

Onsite waste collection must be proposed.

Vehicular access and loading facilities must be provided and designed in accordance with AS2890.2 for the standard 8.8 long Medium Rigid Vehicle.

A minimum clear vertical clearance of 3.5m must be provided.

Waste collection vehicles must enter and exit the site in a forward direction. Reversing must be limited to one reverse manoeuvre performed wholly onsite as part of a 3-point turn to access a loading bay.

Waste collection vehicles must not impede upon general traffic to, from or within the site.

Turntables will not be supported.

Where a residential development and a commercial development occupy the same building or development site, the waste handling and storage systems are to be completely separate, and self-contained. Access to residential bin storage rooms by commercial tenants must not be achievable in mixed use developments.

A central bin collection room must be provided to open directly onto the loading bay.

The bin layout must be shown on architectural plans with bins drawn to scale. Bins must not be stacked more than 2 rows deep. All internal walkways of the bin room must have a clear floor width of 1.5m. The waste servicing doors must also have clear floor width of 1.5m.

Bin configuration is based on standard bin allocation rates applied to all dwellings/units in the shire.

- 120L garbage per unit collected once weekly
- 120L recycling per unit collected fortnightly
- 25L FOGO per units collected once weekly

If garbage chutes are proposed (not required for developments under 250 units),

- Dual chutes (one for garbage and one for recycle) must be proposed with a separate chute opening on each level
- :A separate bin cupboard must be provided next to the chute openings on every residential level for items that are not suitable for chute disposal
- :Infrastructure under the garbage chutes incorporate a ceiling mounted compaction unit that compacts garbage at a ratio of 2:1

Bin amounts would be, with compaction,

- :9x1100lt garbage bins
- :18x1100lt recycle bins

Bin amounts without compaction would be

- :18x1100lt garbage bins
- :18x1100lt recycle bins

Separate Food Organics Garden Organics (FOGO) bin holding rooms must be provided adjacent to residential lift cores.

A separate bin collection room must be provided that would open directly onto the loading bay.

The bin collection room must be suitably sized to comfortably store and manoeuvre the total number of bins required.

The maximum grade acceptable for wheeling bins between bin storage rooms and central bin collection rooms is 5% (1:20). A level grade is required between central bin location and the truck loading bay.

If garbage chutes are not proposed then one central bin collection room would be required to house 18x1100lt garbage bins, 18x1100lt recycle bins and 17x240lt or 28x140lt FOGO bins. This room must open directly onto the loading bay.

A separate bulky waste room must be provided, minimum 20m² for development of this size.

Bin dimensions:

- 1100L: 1245mm deep, 1370mm wide and 1470mm high
- 140L: 540mm deep, 500mm wide and 1065mm high
- 240L: 735mm deep, 580mm wide and 1080mm high

Comments from Council's Traffic, Engineering, Environmental Health, Tree Management/Landscaping, Open Space and Recreation, Property and Land and Spatial information sections remain outstanding at the time of this letter.

The Applicant is requested to lodge a prelodgement meeting to obtain detailed feedback from Council's technical officers. A prelodgement meeting form can be accessed here:

epathway.thehills.nsw.gov.au/ePathway/Production/Web/Applications/ApplicationTypes.aspx

Yours faithfully,

A handwritten signature in black ink, appearing to read 'C. Dugan', with a large, sweeping loop at the end.

CYNTHIA DUGAN
PRINCIPAL COORDINATOR - DEVELOPMENT ASSESSMENT

Attachment 1: Feedback on Scoping proposal submitted to Council in September 2024 (for DPHI Information Only)

Rosie Turner

From: Sanda Watts <swatts@thehills.nsw.gov.au>
Sent: Thursday, 17 July 2025 12:51 PM
To: Rosie Turner
Cc: Cynthia Dugan
Subject: CM Record: RE: SSD - 86785964 - Shop Top Housing HDA - 325 - 329 Old Northern Road

Hello Rosie,

Council's Engineering team have provided the following comments:

Site Survey and Title Search

1. A detailed site survey prepared incorporating Australian Height Datum (AHD) by a registered surveyor. The survey must include existing ground levels, building levels, details of drainage infrastructure located between Old Northern Road and Mercer Street including alignment, easement width, size and levels of pits and pipes.

2. The site survey must be accompanied by Title search Certificates to consider the proposal against any easements, restrictions and covenants registered on the title.

Lawful Point of Discharge

3. Stormwater discharge from the development must be directed to a lawful point of discharge. Public street drainage and/or public/inter allotment drainage easements or a natural water course shall be considered as lawful point of discharge for drainage purposes. According to Council's records there appears to be a stormwater drainage system draining from Old Northern Road to Mercer Street – see the red-black lines in the figure below.



The lowest most point in the development site appears to be at the south western corner of Lot 1 DP 1017056 (approximately next to the green dot in the figure above). In this regard, stormwater discharge from the development shall be to the public stormwater drainage system traversing the rear of Lot 1 DP 1017056.

4. Capacity of the existing stormwater drainage system draining from Old Northern Road to Mercer Street is to be confirmed. Capacity of the above system is to be analysed using DRAINS computer program. An electronic copy of this computer model is to be submitted to Council.

Stormwater Management

5. Water Sensitive Urban Design (WSUD) measures must be incorporated with the development to achieve the design objectives with regards to water quality targets.

6. Onsite Stormwater Detention (OSD) facilities must be provided to achieve stormwater runoff discharge control to comply with the Parramatta River Catchment requirements. The design must be prepared in accordance with the Upper Parramatta River Catchment Trust OSD Handbook.

7. Water sensitive urban design elements in the form of Rainwater tank, Bioretention system and other treatment devices must be provided to achieve the water quality treatment targets. The annual average load targets of 90% -

gross pollutants, 85% - total suspended solids, 65% - total phosphorous and 45% - total nitrogen must be complied with.

8. Stormwater Concept Plan and accompanying calculations including Water Quality analysis (MUSIC modelling) must be provided to demonstrate compliance with Council's Design Guidelines Subdivision /Developments Design Manual.

Civil Concept Plans and Documents

9. Earth works (cut and fill) plans and sections extended within adjoining properties shall be submitted with the application.

10. Works on steep slopes or where excavations are proposed must be supported by detailed Geotechnical Investigation reports.

Vehicular Access, Car parks and Circulation

11. All vehicular access, car parks and circulation are to be designed and detailed in accordance with relevant Australian Standards, THDCP Part C section 1 - Parking.

12. Driveway and circulation must be designed to facilitate two-way traffic movement.

13. The driveway entrances are to be designed to manoeuvre the required design service vehicles and B99 cars simultaneously.

15. Swept path turning templates, longitudinal and cross sections at appropriate intervals drawn to a suitable scale will be required with any development application.

With respect to traffic comments, there is a note on our system advising that further comments regarding traffic impact will be provided upon at the prelodgement meeting and/or receipt of detailed information - noting in Cynthia's email that the Applicant is also requested to lodge a prelodgement meeting to obtain detailed feedback from Council's technical officers.

Regards,

Sanda



Sanda Watts

Coordinator - Development Assessment

61298430327 | +61412546998 | swatts@thehills.nsw.gov.au

Administration Centre, 3 Columbia Court Norwest NSW 2153

PO Box 7064, NORWEST NSW 2153

www.thehills.nsw.gov.au

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From: Rosie Turner <rosie.turner@dpie.nsw.gov.au>

Sent: Thursday, 17 July 2025 11:27 AM

8 July 2025

TfNSW Reference: SYD25-00758/01
DPHI Reference: SSD-8678564



Ms. Kirsten Fishburn
Secretary
Department of Planning, Housing, and Infrastructure
Locked Bag 5022
PO Box 21
Parramatta NSW 2124

**REQUEST FOR SECRETARY ENVIRONMENT ASSESSMENT REQUIREMENTS (SEARS)
PROPOSED SHOP TOP HOUSING DEVELOPMENT
325-329 OLD NORTHERN ROAD AND 2 BRISBANE ROAD, CASTLE HILL**

Dear Ms. Fishburn,

Thank you for providing Transport for NSW (**TfNSW**) an opportunity to provide input to draft Secretary's Environmental Assessment Requirements (**SEARS**) for a shop top housing development at 325-329 Old Northern Road and 2 Brisbane Road, Castle Hill.

TfNSW has reviewed the submitted documentation and recommends that the matters identified in **TAB A** are to be addressed in the preparation of the Environment Impact Statement (**EIS**) for this proposed development.

In addition to the above, TfNSW recommends as part of the EIS vehicular access for the development should be located on Brisbane Road (**local road**) and the existing redundant vehicle crossovers on Old Northern Road (**classified road**) will need to be removed and replaced with kerb and gutter to match existing.

If you have any further inquiries in relation to this matter, Simon Turner, Land Use Planner, would be pleased to take your call on 8265 6363 or can be contacted via email at development.sydney@transport.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "B. Pegg".

Brendan Pegg
Senior Manager Land Use Assessment Central and Western
Transport Planning, Planning, Integration and Passenger Division

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Level 4, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
PO Box 973 Parramatta CBD NSW 2124

W transport.nsw.gov.au

TAB A – Suggested TfNSW inclusions in the SEARs

Provide a transport and accessibility impact assessment, which includes:

- an analysis of the existing transport network, including the road hierarchy and any pedestrian, bicycle or public transport infrastructure, current daily and peak hour vehicle movements, and existing performance levels of nearby intersections.
- the assessment of the intersection of Old Northern Road / Brisbane Road to include the impacts of the adjoining intersection of Old Northern Road / McMullen Avenue.
- details of the proposed development, including pedestrian and vehicular access arrangements (including swept path analysis of the largest vehicle and height clearances), parking arrangements and rates (including bicycle and end-of-trip facilities), drop-off/pick-up-zone(s) and bus bays (if applicable), and provisions for servicing and loading/unloading.
- analysis of the impacts of the proposed development during construction and operation (including justification for the methodology used), including predicted modal split, a forecast of additional daily and peak hour multimodal network flows as a result of the development (using industry standard modelling), identification of potential traffic impacts on road capacity, intersection performance and road safety (including pedestrian and cyclist conflict) and any cumulative impact from surrounding approved developments.
- measures to mitigate any traffic impacts, including details of any new or upgraded infrastructure to achieve acceptable performance and safety, and the timing, viability and mechanisms of delivery (including proposed arrangements with local councils or government agencies) of any infrastructure improvements in accordance with relevant standards.
- proposals to promote sustainable travel choices for employees, residents, guests and visitors, such as connections into existing walking and cycling networks, minimising car parking provision, encouraging car share and public transport, providing adequate bicycle parking and high-quality end-of-trip facilities, and implementing a Green Travel Plan.

Rosie Turner
Department of Planning, Housing and Infrastructure
4 Parramatta Square,
12 Darcy St,
Parramatta NSW 2150

State Environmental Planning Policy (Transport and Infrastructure) 2021
State Significant Development Application - SSD-86785964
325-329 Old Northern Rd

10 July 2025

Dear Rosie Turner,

Thank you for your referral through the Major Projects Portal dated 26/06/2025 to Sydney Metro requesting input into the Department of Planning, Housing and Infrastructure Secretary's Environmental Assessment Requirements (SEARs) for the proposal including details of any key issues and assessment requirements, in accordance with section 2.99 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&ISEPP).

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro Metro Northwest Line rail corridor to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Northwest rail corridor for the purpose of the T&ISEPP.

Concurrence of Sydney Metro is not required

Sydney Metro understands that the development the subject of the DA is State Significant Development (SSD) being shoptop housing.

As this is a SSD application, the provisions of section 2.99 of the T&ISEPP do not apply.

Section 4.13(2A) of the *Environmental Planning and Assessment Act 1979* excludes concurrence or consultation requirements from applying to development applications for SSD, unless an environmental planning instrument requires concurrence or consultation to SSD. As section 2.99 of the T&ISEPP does not require concurrence to be provided in the context of a development application for SSD, concurrence is not required for the DA.

Notwithstanding this, in order to ensure the appropriate management and mitigation of the proposed development's impacts on the Sydney Metro - Metro Northwest Line rail corridor, Sydney Metro has reviewed the Scoping Report that was uploaded onto the Major Projects Portal on 26/06/2025, including having regard to the matters outlined in the T&ISEPP.

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Level 43, 680 George Street, Sydney NSW 2000
PO Box K659, Haymarket NSW 1240

sydneymetro.info
ABN 12 354 063 515
SM-25-00119491

Based on this review, Sydney Metro requires the following:

- A Metro Rail Impact Assessment (MRIA) Report, endorsed by a TfNSW Technically Assured Organisation (TAO). This report must specifically address how the development will comply with the Sydney Metro Underground Corridor Protection Guidelines accompanied by associated supporting documents as required.

Additionally, the development must account for the following:

- Consideration of the State Environmental Planning Policy (Transport and Infrastructure) 2021
- Compliance with the Sydney Metro Underground Corridor Protection Technical Guidelines (<https://sydneymetro.info/sites/default/files/2021-09/SM-Underground-Corridor-Protection-Technical-Guidelines.pdf>)

Please note that the DA may also have impacts on rail corridors which are not the responsibility of Sydney Metro. If these impacts trigger any concurrence or comments function of the relevant rail authority under the T&ISEPP, the DA will need to be referred to that other rail authority for a separate concurrence or comments response.

Sydney Metro thanks the Department of Planning, Housing and Infrastructure for its assistance.

Please contact Peter Bourke Senior Manager Corridor Protection or Lauren Saunders, Corridor Protection Coordinator via email sydneymetrocorridorprotection@transport.nsw.gov.au should you have any further enquiries on this matter.

Sincerely,



Peter Gerard Bourke

Senior Manager

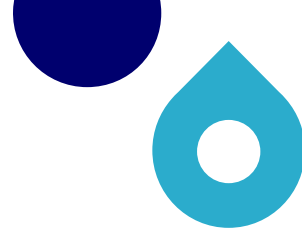
Corridor Protection

SSD-86785964 – 325-329 Old Northern Rd

Level 43, 680 George Street, Sydney NSW 2000
PO Box K659, Haymarket NSW 1240

sydneymetro.info
ABN 12 354 063 515
SM-25-00119491

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8 July 2025

Our reference: 225426

Rosie Turner

Department of Planning, Housing and Infrastructure
rosie.turner@dpie.nsw.gov.au

RE: Sydney Water input to SEARs for SSD-86785964 at 325-329 Old Northern Road and 2 Brisbane Road, Castle Hill

Thank you for seeking Sydney Water's input on the Secretary's Environmental Assessment Requirements for SSD-86785964 at 325-329 Old Northern Road and 2 Brisbane Road, Castle Hill. The SSDA will seek consent for the following:

- Site preparation and early works including demolition and excavation
- Construction of a 25-storey shop top development comprising:
 - A 6-storey podium consisting of 2 levels of commercial development and 4 levels of residential apartments.
 - A 19-storey residential tower.
 - A total Gross Floor Area (GFA) of 17,445m².
- Associated landscaping and public domain improvements.

SSD-86785964 will progress under the Housing Delivery Authority pathway. Sydney Water understands a concurrent planning proposal will be submitted to rezone the site from R4 High Density Residential to MU1 Mixed Use and amend Height of Building and Floor Space Ratio controls applying to the site.

Sydney Water requests that the Department of Planning, Housing and Infrastructure (the Department) include the following Secretary's Environmental Assessment Requirements relating to the provision of water-related services for the subject site:

Water-related Infrastructure Requirements

1. The proponent of the development should determine service demands following servicing investigations and demonstrate that satisfactory arrangements for drinking water, wastewater, and recycled water (where required) services have been made.
2. The proponent must obtain endorsement and/or approval from Sydney Water to ensure that the proposed development does not adversely impact on any existing water, wastewater or stormwater main, or other Sydney Water asset, including any easement or property. To do this, it is required that the proponent register a direct **Feasibility** enquiry with Sydney Water as soon as possible via an approved [Water Servicing Coordinator](#) (WSC) to ascertain servicing needs and to ensure the proposed development is considered in any potential planning, land requirements, existing or future easements that we might be undertaking or investigating.
3. When determining landscaping options, the proponent should take into account that certain tree species can cause cracking or blockage of Sydney Water pipes and therefore should be avoided.

4. The proponent should consider taking measures to minimise or eliminate potential flooding, degradation of water quality, and avoid adverse impacts on any heritage items, and create pipeline easements where required.
5. Strict requirements for the protection of Sydney Water's stormwater assets may apply to this site. The proponent should ensure that satisfactory steps/measures been taken to protect existing stormwater assets, such as avoiding building over and/or adjacent to stormwater assets and building bridges over stormwater

Integrated Water Cycle Management (IWCM)

6. The proponent should outline any sustainability initiatives that will minimise/reduce the demand for drinking water, including any alternative water supply and end uses of drinking and non-drinking water that may be proposed, and demonstrate water sensitive urban design (principles are used), and any water conservation measures that are likely to be proposed. This will allow Sydney Water to determine the impact of the proposed development on our existing services and required system capacity to service the development.
7. It is required that the proponent engages directly with Sydney Water via the Feasibility process and discuss IWCM opportunities.

Growth information

Sydney Water supports government-backed growth initiatives within our area of operations, striving to provide timely and cost-effective water and wastewater infrastructure without undue impacts. To offer robust servicing advice and investigate staged servicing possibilities, we require **anticipated ultimate and annual growth data** for this development as outlined in the enclosed Growth Data Form.

A **Feasibility application** will enable a comprehensive servicing review ensuring the proposed development is considered in any potential planning that we might be undertaking. Failure to provide this information may impede proper planning requirements for the proposed development and for the broader area. The completed growth form should be submitted by the proponent to Sydney Water as part of the Feasibility application via a Water Servicing Coordinator (WSC), citing this referral response and our reference number.

Next steps

- Given the scale and complexity of the proposed development, further investigations may be required to determine the servicing requirements for this site. It is recommended that a Water Servicing Coordinator is engaged as soon as possible, and a **Feasibility** application is submitted with Sydney Water **prior to the preparation of the EIS**.
- The proponent should complete and return the enclosed Growth Data Form as part of their Feasibility application submission. The Growth Data Form should be updated promptly with Sydney Water in case of changes.
- The Department is advised to forward the enclosed *Sydney Water Development Application Information Sheet (for proponent)* to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.

Sydney Water Corporation ABN 49 776 225 038

1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124

Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



Should the Department require further information, please contact Joanne Chan from the Growth Analytics Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

Growth Analytics Team

Growth and Development, Water and Environment Services
Sydney Water, 1 Smith Street, Parramatta NSW 2150

Enclosed:

- Sydney Water Development Application Information Sheet (for proponent)
- Sydney Water Growth Data Form

Sydney Water Corporation ABN 49 776 225 038

1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124

Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au





Sydney Water Development Application Information Sheet for Proponent

Sydney Water has provided advice to the Department/Council on your proposed development. Further steps are required before Sydney Water connections and final approvals can be granted. Without relevant Sydney Water approval, your Subdivision Certificate, Occupation Certificate or Construction Certificate, may not be issued. Please read the information below to assist with your development. Further information can also be found on our website (sydneywater.com.au).

Building Plan Approval

Why have I been advised a Building Plan Approval is required?

Demolition, excavation, construction or modification to existing buildings and structures all have the potential to damage or limit access to our water, wastewater or stormwater services. That's why we need to review and approve your building plans before you start any work. In many cases, you need a Building Plan Approval before council can allow you to start demolishing or constructing.

How do I apply for a Building Plan Approval?

The approved plans must be submitted to the Sydney Water [Tap in®](#) online service to determine whether the development will affect any Sydney Water wastewater, water, stormwater mains and/or easement, and if further requirements need to be met.

Sydney Water recommends you apply for Building Plan approval early as in some instances a detailed engineering assessment would be required when building over or near our critical assets. This can be a lengthy process and may also impact development designs.

You will be required to pay Sydney Water for the costs associated with any detailed review.

Section 73 Compliance Certificate

Why have I been advised a Section 73 application is required?

If you are developing or subdividing land and needing water or wastewater, you may need to apply for a Section 73 Compliance Certificate before council can issue an Occupation or Subdivision Certificate.

If we have noted a requirement for a Section 73 Compliance Certificate in our advice to Council, one must be obtained from Sydney Water under the *Sydney Water Act 1994*. These include secondary homes or granny flats in an area with Priority Sewerage Scheme or with a GFA greater than 60 m².

How do I apply for a Section 73 Compliance Certificate?

You can choose to use a water servicing coordinator for works of any size. If you only have minor works, you can apply directly through Sydney Water Developer Direct.

We suggest you lodge an early application for the certificate, as there may be additional connections or pipes to be built or additional steps to protect our existing assets. This can also impact other services, buildings, driveways, or landscape designs.

Feasibility

Why have I been advised to carry out a Feasibility enquiry?

If the development presents potentially large water servicing demands on drinking water, wastewater, recycled water and stormwater where applicable or asset impacts are anticipated, further investigation may be required to determine the servicing requirements for the site.

It is recommended that a Water Servicing Coordinator is engaged to also ensure early discussion on your proposed development so it is considered in any potential planning that we might be undertaking. We advise you do this as soon as possible to prevent potential delays to your development approvals or servicing.

How do I apply for a Feasibility?

To apply for a Feasibility, you will need to contact a Water Servicing Coordinator. Tell them you have been advised to lodge a Feasibility as part of your development application.

Growth Data Form

Why do I need to complete a Growth Data Form as part of the Feasibility application?

If you have been requested to provide growth data, it is likely your planning proposal may lead to development with significant servicing needs, especially or in areas not previously identified for substantial growth.

To ensure thorough servicing advice and explore staged servicing options, we need anticipated growth data and **indicative** development staging, including yield per stage, as specified in the Growth Data Form in Appendix 1 of this information sheet.

Infrastructure Contributions

What are infrastructure contributions?

Infrastructure contributions are a payment towards the cost of infrastructure needed to provide water-related services to new developments.

How do infrastructure contributions impact me?

Infrastructure contributions are payable for all developments that require a Section 73 Compliance Certificate. The contributions are being gradually reintroduced such that they will be capped at 25 percent in 2024-25 and 50 percent in 2025-26, with full contributions payable from 1 July 2026 onwards, in line with a transition plan approved by the NSW Government.

You can find more information on infrastructure contributions at [land development](#).

I am building in the Western Sydney Aerotropolis Precincts. How does this impact me?

The NSW Government has appointed Sydney Water as the Regional Stormwater Authority in the initial Western Sydney Aerotropolis precincts, including the Mamre Road Precinct.

If you are building in the Aerotropolis Initial Precincts, you will be required to pay infrastructure contributions towards Sydney Water's stormwater and recycled water servicing. The estimated amount of contributions for stormwater and recycled water servicing will be provided at the Notice of Requirements issued during the Section 73 application.

You can find more information on Mamre Road and Aerotropolis Infrastructure Contributions at [Mamre Road and Aerotropolis development](#).

Water Servicing Coordinator

What is a Water Servicing Coordinator?

Water Servicing Coordinators are accredited providers who can manage your Sydney Water applications for you.

They can design new pipes, manage applications for Section 73 Compliance Certificates and Feasibilities, applications for approval to move or extend our pipes, design and construction of new pipes, and applications for approval to build over or next to assets.

All Water Servicing Coordinators have designer accreditation and can provide design services.

How do I find a Water Servicing Coordinator?

Please follow this link to find a list of Water Servicing Coordinators: [Water servicing coordinators](#)

Quick Links

[Building plan approvals](#)

[Section 73 Compliance Certificates](#)

[Steps for first time developers](#)

[Water servicing coordinators](#)

[Land development](#)

[Managing trade wastewater](#)

[Growth Servicing Plan](#)

[Mamre Road and Aerotropolis development](#)

Trade wastewater for business customers

I am a business customer and my development may generate commercial or industrial trade wastewater. What do I do?

If your development is going to generate trade wastewater, you must have written approval to connect your business to our network, and properly install and maintain appropriate treatment equipment before any business activities can commence. It is illegal to discharge trade wastewater into the Sydney Water sewerage system without permission.

How to apply for approval to discharge?

Complete an application for connection to discharge trade wastewater at Sydney Water [Tap in®](#) or contact businesscustomers@sydneywater.com.au for further information.

Appendix 1. Example of growth data form

The following is an example of the level of intel that we require to assess the potential staging and phasing of asset upgrades. We acknowledge that this information is an indication only and is provided as a guide to assist SW to provide more nuanced feasibility or servicing advice. We note that timescales are often subject to developer intent/demand and approval timescales. Sydney Water uses the information at its own risk.

Anticipated growth timescales													
Project name:	Address:		Sydney Water Ref. Number and DA Ref Number:										
Development Type	Ultimate growth (additional)	Total # stages	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	Continue as required
Example (dwelling multi)	2050	5	0	0	350	350	500	500	350	0	0	0	
Example (job number)	1600	6	0	200	200	300	300	300	300	0	0	0	
Dwellings (single)													
Dwellings (multi)													
Jobs (number)													
Jobs (GFA)													

Rosie Turner

From: Cornelis Duba <Cornelis.Duba@endeavourenergy.com.au>
Sent: Wednesday, 9 July 2025 8:51 AM
To: Rosie Turner
Subject: NSW Department of Planning, Housing and Infrastructure SEARs SSD-86785964 RE 325-329 Old Northern Road & 2 Brisbane Road, Castle Hill
Attachments: EE SEARs SSD-86785964 RE 325-329 OLD NORTHERN ROAD & 2 BRISBANE ROAD CASTLE HILL .pdf; EE STANDARD DA CONDITIONS V10 JANUARY 2025.pdf

Hello Rosie

I refer to the below email of 8 July 2025 regarding the request for Secretary's Environmental Assessment Requirements (SEARs) for State Signification Development SSD-86785964 for a shop-top housing development at 325-329 Old Northern Road & 2 Brisbane Road, Castle Hill (Lot 1 DP 1017056, Lots A, B and C DP 357092) in the The Hills Shire Council Local Government Area. Submissions need to be made to the Department by 21 July 2025.

From a review of the various requests for SEARs for other State Significant Development referred to Endeavour Energy, the following extract of a Draft SEARs appears to be the 'standard' requirements for addressing infrastructure requirements and utilities which with the exception of the property tenure requirements addresses the matters of concern to Endeavour Energy.

25. Infrastructure Requirements and Utilities

- In consultation with relevant service providers:
 - assess the impacts of the development on existing utility infrastructure and service provider assets surrounding the site.
 - identify any infrastructure upgrades required on-site and off-site facilitate the development and any arrangements to ensure that upgrades will be implemented on time and be maintained.
 - provide an infrastructure delivery and staging plan, including a

Please find attached Endeavour Energy's submission which is based on the system being used for concurrence and referrals received via the NSW Planning Portal. The introduction of standard type conditions was required to keep up with the work load and expedite responses. I appreciate not all the issues in the submission may be directly or immediately relevant or significant to the proposed development. However, Endeavour Energy's preference is for early engagement with proponents / applicants to alert them of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified in Endeavour Energy's submission in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to Property.Development@endeavourenergy.com.au is preferred.

Kind regards

Cornelis Duba | Development Application Specialist

Development Application and Planning Proposal Review NSW Planning Portal Concurrence and Referral



Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
NSW Dept. of Planning, Housing & Infrastructure	SSD-86785964		Rosie Turner	8/07/2025	21/07/2025	9/07/2025

Address	Land Title
325-329 Old Northern Road & 2 Brisbane Road, Castle Hill	Lot 1 DP 1017056, Lots A, B and C DP 357092

Scope of Development Application or Planning Proposal

Request for Secretary's Environmental Assessment Requirements (SEARs). Shop-top Housing Development.

Endeavour Energy's HxGN NetWorks Core NetViewer Master Facility Model indicates:

Within or adjacent to the property the electrical network used in the distribution / supply of electricity are:

Electricity Infrastructure / Apparatus	Statutory allocation (road verge / roadway*)	Easement (or other form of property tenure**)	Protected works***	Freehold (adjoining or nearby)
<i>Overhead Power Lines</i>				
Low voltage	☒	☐	☐	☐
High voltage	☐	☐	☐	☐
Transmission voltage	☐	☐	☐	☐
Pole / tower	☒	☐	☐	☐
<i>Underground Cables</i>				
Low voltage	☒	☐	☐	☐
High voltage	☒	☐	☐	☐
Transmission voltage	☐	☐	☐	☐
Streetlight / pillar	☒	☐	☐	☐
<i>Substation</i>				
Pole mounted	☐	☐	☐	☐
Padmount	☐	☐	☐	☐
Indoor	☐	☐	☐	☐
Zone	☐	☐	☐	☐
Transmission	☐	☐	☐	☐
Switch	☐	☐	☐	☐
<i>Other:</i>	☐	☐	☐	☐

Low voltage extra low voltage up to 1,000 volts alternating current (a.c.).

High voltage above 1,000 volts a.c and less than 33,000 volts a.c. [33 kilovolts (kV)].

Transmission voltage 33 kV up to 132,000 volts a.c. (132 kV).

*Rights provided in a public road or reserve. The allocation depends on the classification and date of roadway dedication.

** Other form of property tenure includes but is not limited to restriction, covenant, lease, licence etc.

***Protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).

Other: provide detail of electricity infrastructure / apparatus.

Relevant / applicable clause numbers from Endeavour Energy's Standard Conditions for Development Applications and Planning Proposals indicated by ☒ .

Condition	Advice	Clause No.	Issue	Detail
☐	☐	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
☐	☐	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
☐	☒	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
☐	☐	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
☒	☐	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
☐	☐	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
☐	☐	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive / high / unsecured loads, vibration, dust or moisture penetration.
☐	☒	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
☐	☒	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
☐	☐	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
☐	☒	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
☐	☒	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
☐	☐	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
☐	☐	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
☐	☐	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
☐	☒	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
☐	☐	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
☐	☐	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
☐	☐	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
☒	☐	20	Look up and Live	Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.
☐	☐	21	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
☐	☐	22	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.

Condition	Advice	Clause No.	Issue	Detail
☒	☐	23	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
☒	☐	24	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
☐	☐	25	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995</i> (NSW).
☐	☒	26	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
☐	☒	27	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
☐	☒	28	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
☒	☐	29	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines. No works or loads must occur within the zone of influence of underground cables.
☐	☐	30	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
☒	☐	31	Service Conductors	Low voltage service conductors and customer connection points must comply with the current 'Service and Installation Rules of NSW'.
☐	☐	32	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
☒	☐	33	Street Infrastructure	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic. Existing electricity infrastructure must have adequate access and not be left stranded in public areas.
☐	☒	34	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
☐	☐	35	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
☐	☐	36	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network infrastructure.
☒	☐	37	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Decision			Approve (with conditions)	

Environmental Services Team

P 133 718

E Property.Development@endeavourenergy.com.au



Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past and present.

Reason(s) for Conditions or Objection (If applicable)

- To ensure an adequate connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- An extension or augmentation of the existing electricity distribution network is likely to be required. Whilst there are distribution substations in the area which are likely to have some spare capacity, it is not unlimited and may not be sufficient to provide for the additional load from the proposed development.

Other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. However the extent of any works required will not be determined until the final load assessment is completed.

- Any required distribution / padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling not located within a public road / reserve) with an appropriate form of property tenure as detailed in the attached copy of Endeavour Energy's 'Land Interest Guidelines for Network Connection'.

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. If the substation does not comply with Endeavour Energy's standards, the applicant must request a dispensation.

For further information please also refer to the attached copies of Endeavour Energy's:

- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
 - Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.
- Endeavour Energy's network asset design policy is generally to progressively underground all new urban developments. All new cabling / reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present on or in proximity of the site, it may require undergrounding as the development proceeds.
- The low voltage service conductor and customer connection point must comply with the current 'Service and Installation Rules of NSW'.
- The electricity distribution network relies in part on the retention of appropriate building setbacks to the road frontages to allow for line route / network design options and to provide safety clearances to conductors. Particular regard needs to be had to secondary road frontages or where overhead power lines are located near side or rear boundaries where lesser building setbacks apply. The higher the voltage, the greater the safety clearance required. This is also in keeping with a policy of prudent avoidance.

The encroachment of building setbacks (including by roof structures or projections from external walls constructed with conductive materials) may transfer fault currents to the main building / dwelling. It can also result in construction works being required within the minimum safe approach distance and may require the application to Endeavour Energy for appropriate network outages eg. when erecting and dismantling scaffold, and may also be an issue for the ongoing maintenance of the building or structure.

Endeavour Energy's recommendation is that whenever reasonably possible buildings and structures be located and designed to avoid the need to work within the safe approach distances for ordinary persons eg. not having parts of the building normally accessible to persons in close proximity of the overhead power lines; the use of durable / low maintenance finishes. Alternatively, in some instances the adoption of an underground solution may be warranted ie. particularly for low voltage which can be more readily (in shorter distances) and comparatively economically be undergrounded.

As a guide, Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', Table 1 – 'Minimum easement widths', requires a minimum easement width of 9 metres for low voltage up to 22,000 volt / 22 kilovolt (kV) high voltage overhead power lines ie. 4.5 metres to both sides of the centreline of the poles / conductors. For higher voltages, the wider the required minimum easement width.

- The minimum required safety clearances and controls for buildings and structures (whether temporary or permanent) and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP).

Even if there is no issue with the safety clearances to the building or structure, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV). It also includes the following requirements for work near low voltage overhead power / service lines.

TABLE 4

Approach distances for work near low voltage overhead service lines

Ordinary Persons (m)				
Hand held tools	Operation of crane or mobile plant	Handling of metal materials (Scaffolding, roofing, guttering, pipes, etc)	Handling of non-conductive materials (Timber, plywood, PVC pipes and guttering, etc)	Driving or operating vehicle
0.5	3.0	4.0	1.5	0.6

- The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations'.
- Driveways should be designed to increase the separation to the any electricity infrastructure on the road verge as much as reasonably possible.
- The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

No planting of trees is allowed in the easement for a padmount substation. Screening vegetation around a padmount substation should be planted a minimum distance of 800mm plus half of the mature canopy width from the substation easement and have shallow / non-invasive roots. This is to avoid trees growing over the easement as falling branches may damage the cubicle and tree roots the underground cables. All vegetation is to be maintained in such a manner that it will allow unrestricted access by electrical workers to the substation easement all times.

Endeavour Energy's HxGN NetWorks Core master facility model

The advice provided regarding the extent of the electricity network within or adjacent to the property is based on a desk top review of Endeavour Energy's HxGN NetWorks Core master facility model. This is a computer based geospatial data system which holds the data on and is used to map the electricity network but is indicative only and based on the data available at the time. It only shows the Endeavour Energy electricity network and does not show electricity infrastructure belonging to other authorities or customers owned electricity equipment beyond the customer connection point / point of supply to the property.

Due to privacy and security requirements, certain aspects of Endeavour Energy's geospatial data are protected information. Additional plans and details of the electricity network within or adjacent to the property are available by the arrangements provided to the relevant referral services in accordance with the applicable legislation, licences, regulations and codes of practice etc.

Easement (or other form of property tenure)

Title searches will confirm the current owners of a property and shows any registered interests affecting the property such as an easement. Not all interests eg. short term leases and licences are registered on the title. Not all easements for electricity infrastructure will necessarily benefit Endeavour Energy eg. there may be interallotment / easements appurtenant to the land particularly for low voltage service conductors / customer connections. For further advice please refer to Endeavour Energy's:

- Land Interest Guidelines for Network Connection Works.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

Standard Conditions

Due to the high number of notifications / referrals received by Endeavour Energy, the use of the 'Standard Conditions' is needed to enable responses / submissions to be made with the reasonably available resource allocation and within the statutory / requested time frames. The ability to provide more specific and detailed individual consideration to every notification / referral is limited.

Whilst all reasonable care and effort has been made to address the matters affecting the Development Application or Planning Proposal related to the electricity distribution network, the determining authority / applicant will need to consider their own specific knowledge, needs or circumstances, objectives and requirements in consideration of the response / submission to take appropriate corrective action.

This may require the determining authority / applicant to review the information provided for the application / proposal to verify the issue / risk included as either a 'Condition' or 'Advice' in the response / submission. For example, if Clause 37 'Vegetation Management' is marked as a 'Condition', the landscape plans / planting schedule should be referred to and reviewed to validate the risk associated with the matter as described in the 'Standard Conditions' eg. the mature height and /or spread of the proposed plantings may interfere with overhead power lines and require the use of smaller alternative planting.

Condition or Advice

With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is not applicable / relevant then it is not marked as either.

For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations is a standard / regulatory requirement and will be indicated as 'Condition'. If the Site Plan from Endeavour Energy's HxGN NetWorks Core master facility model indicates there is no underground electricity infrastructure it will be indicated as 'Advice' as a precaution regarding any other underground utilities.

Not all the matters may be directly or immediately relevant or significant to the Development Application or Planning Proposal. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur. Even if a matter is not indicated a 'Condition' or 'Advice', applicants are encouraged to review all of the 'Standard Conditions' as some matters may not have been evident from the information provided with the Development Application and of which the applicant may have additional knowledge.

Decision

In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal.

It will 'Approve (with conditions)' if there are any matters in the submission marked for 'Condition'.

If all the matters in the submission are marked for 'Advice', the outcome of the assessment will also be 'Advice'.

Objection

Submissions that 'Approve (with conditions)' in the NSW Planning Portal may be indicated as 'Object' in Endeavour Energy's submission if the matters may substantially impact the proposed development or are regarded as a significant risk to the electricity distribution network. For example, if a building or structure encroaches and easement, restriction or safety clearances, either the encroaching parts of the building or structure will need to be redesigned or alternatively an asset relocation / removal required.

If indicated as 'Object', the submission details the reason/s subject to the satisfactory resolution of which, Endeavour Energy will have no further objection to the Development Application. To resolve these matters the applicant will need to make direct contact with the relevant Endeavour Energy's Contact (who do not have access to the NSW Planning Portal) via the contact details provided below. Re-referral via the NSW Planning Portal is not required and the matters can rest on the further correspondence.

In most instances even if the submission has been marked as 'Object', Endeavour Energy is not necessarily opposed to the Development Application. Whilst the determining authority may appropriately condition or defer these matters, Endeavour Energy recommends that whenever reasonably possible they be resolved before rather than as conditions of any development consent. This can assist in avoiding the need to later seek modification of an approved Development Application.

Information Provided

Please note Endeavour Energy can only assess the Development Application or Planning Proposal based on the information provided by the applicant and determining authority. Due to time and resource constraints it is not possible to refer all development application notifications to the relevant internal stakeholders for review and advice or to request additional information from the applicant or determining authority. Applicants should be providing proper detailed plans of the electricity infrastructure / easements on or near the site (including current photographs) and address the potential impacts of the proposed development thereon in the Statement of Environmental Effects / Environmental Impact Statements. The provision of inadequate detail may result in Endeavour Energy objecting to the Development Application or Planning Proposal.

Applicants should also provide details of any early engagement or consultation undertaken with Endeavour Energy eg. Technical Review Requests, Connection of Load Applications, approval from Easements Officers etc. as this will assist in expediting the submission.

Accredited Service Providers

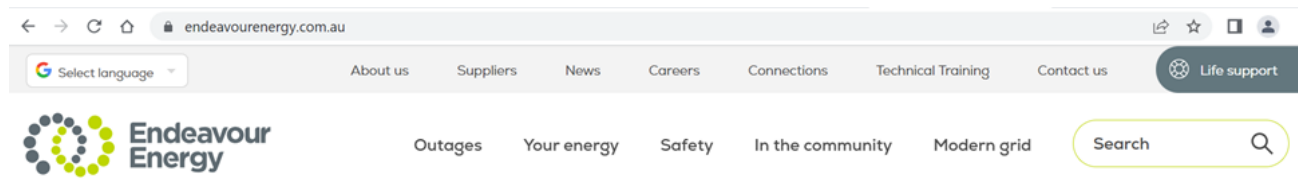
The Accredited Service Provider (ASP) scheme accredits organisations to perform contestable work on the NSW electricity distribution network. Contestable works are works that are required for the electricity distribution network provider to supply the load in the power lines where a new or altered connection is being requested.

Endeavour Energy is urging applicants / customers to engage with an ASP prior to finalising plans to assess and incorporate any required electricity infrastructure as well as addressing safety issues such as safety clearances. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

Details of the ASP Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at <https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service>.

Further Advice

The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at <https://www.endeavourenergy.com.au/> .



To resolve any objection or to seek further advice the following are the main contacts and can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718. For other matters the contact details are included in Endeavour Energy's standard conditions for Development Application and Planning Proposal Review. Whilst the Environmental Services Team can provide the initial assessment and general advice or guidance, the resolution / approval of any matter/s rests with the relevant contact related to the matter/s and is not subject to the usual statutory notice requirements and response times

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	CWAdmin@endeavourenergy.com.au
Easements Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near the electricity network / street infrastructure in public areas (including zone and transmission substations).	Construction.Works@endeavourenergy.com.au

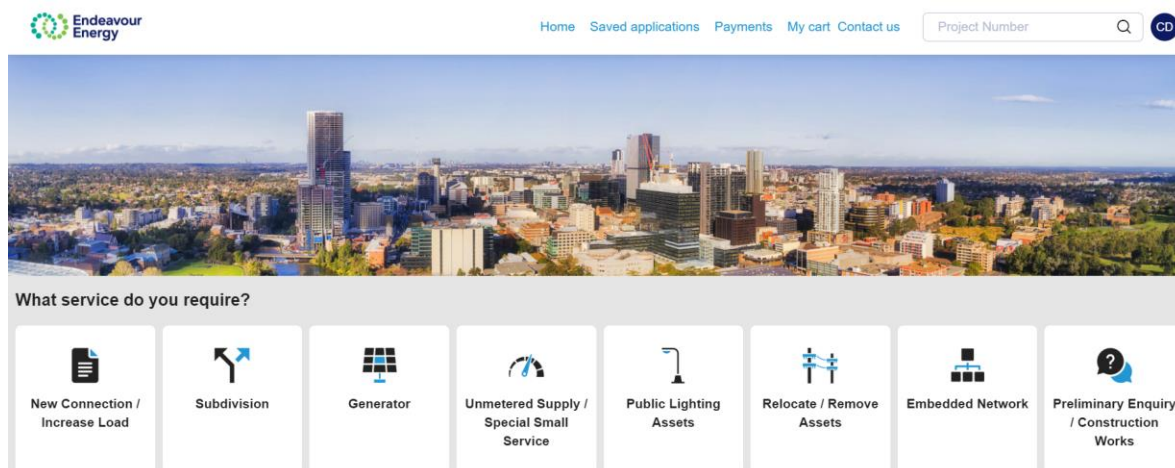
Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

In some circumstances further advice or guidance may need to be obtained by the applicant from an independent and appropriately qualified and / or experienced person / consultant before making any determination / decisions.

Connections Portal

For new enquiries or work requests, applicants can use the online [Connections Portal](#). After signing up, applicants can sign in and submit requests by clicking on the relevant tile for the service required shown below. Hovering over the tiles provides a preview of the services provided or please refer to the quick reference guides:

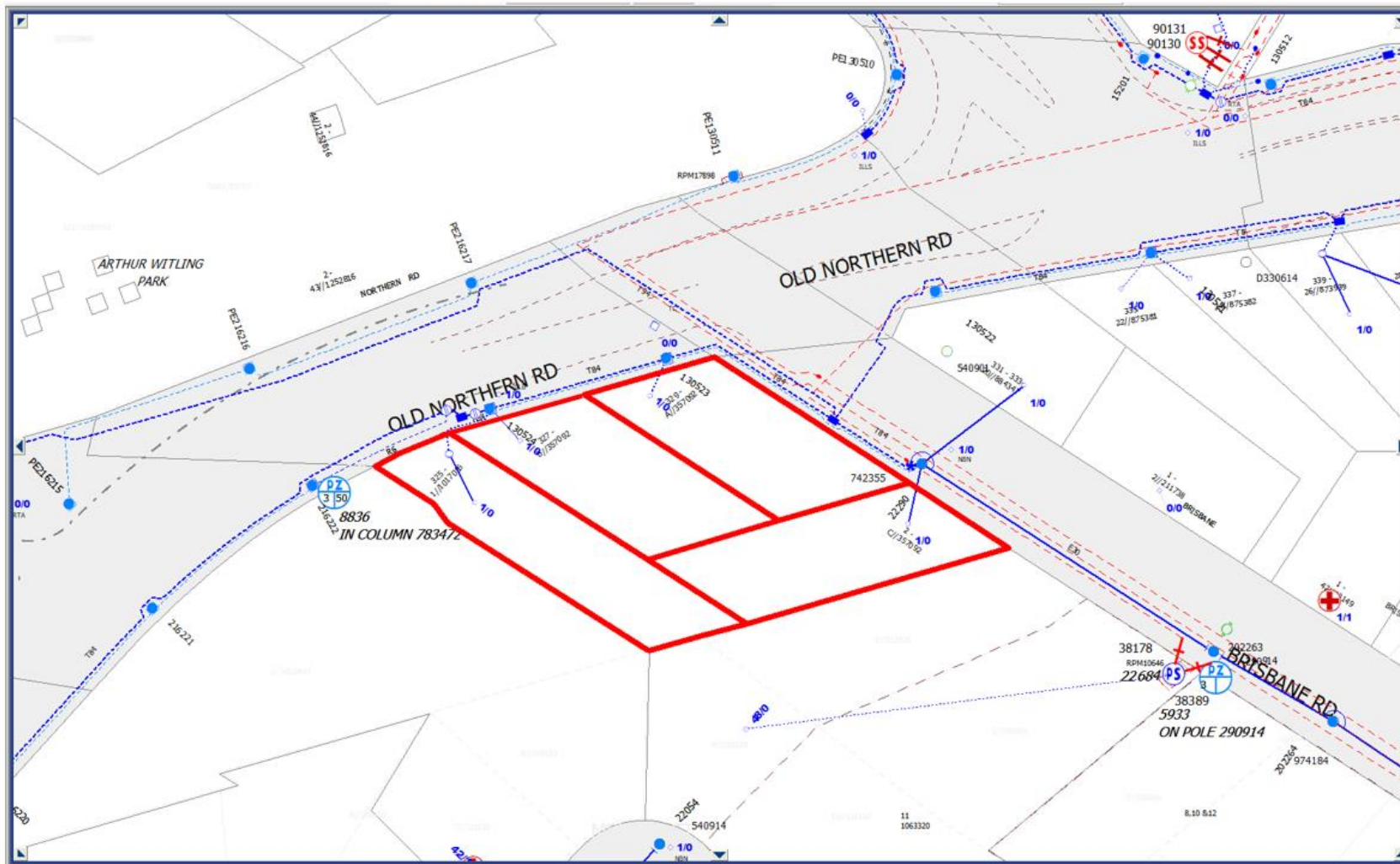
- [Connections Portal User Guide for Construction Works Services](#) - a step by step guide for the new application process.
- [User registration, log in and password reset guide](#) .



Duty of Care

All individuals have a duty of care they must observe when working in the vicinity of electricity infrastructure. Before you do anything:

- 1) Contact Before You Dig and Look Up and Live to obtain the details of the electricity infrastructure on or near the site noting they are a guide only to what might be in the area and may not be entirely accurate.
- 2) Comply with the conditions and consider the advice provided above.
- 3) If needed contact Endeavour Energy on 133 718 or the contacts provided above for assistance. In case of an emergency call 131 003.
- 4) **DO NOT** attempt any work near electricity infrastructure until all required approvals and safety measures are in place.
- 5) Proceed only if you have satisfied yourself it is safe.
- 6) Always remember, even the briefest contact with electricity at any voltage can have serious consequences to a person's health and safety and can be fatal.



Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. Easements benefitting Endeavour Energy are indicated by red hatching. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan does not constitute the provision of information on underground electricity power lines by network operators under Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

LEGEND	
	Padmount substation
	Indoor substation
	Ground substation
	Kiosk substation
	Cottage substation
	Padmount high voltage plugboard
	Pole mounted substation
	High voltage customer substation
	Metering unit
	Switch station
	Indoor switch station
	Voltage regulator
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
	Load break switch
	Recloser
	Proposed removed
	Easement active
	Easement proposed
	Licence active
	Subject site

Google Maps Street View



Google Maps Street View



Google Maps Street View



ITEM 3	ACTIVATION OF HIGH-DENSITY RESIDENTIAL AREAS (FP244)
THEME:	Shaping Growth
MEETING DATE:	13 MAY 2025 COUNCIL MEETING
GROUP:	SHIRE STRATEGY
AUTHOR:	TOWN PLANNER JACK FULTON
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING NICHOLAS CARLTON

PURPOSE AND EXECUTIVE SUMMARY

This report discusses opportunities to encourage more active and vibrant uses in high density residential areas of the Shire, as set out in a number of current actions and priorities within Council’s adopted strategic planning policies, including:

- **Planning Priority 9 – Renew and Create Great Places of Council’s Local Strategic Planning Statement:** *“Council will investigate measures to encourage land uses that will promote vibrancy in higher density residential zones”;*
- **Action C4 of Council’s Norwest Precinct Plan:** *“Amend The Hills Local Environmental Plan to permit additional uses within the high density residential area”;*
- **Action A1 of Council’s Castle Hill Precinct Plan:** *“Amend The Hills Local Environmental Plan to permit additional uses within appropriate high density residential areas and promote more vibrant and active streetscapes”*

The intent of these priorities and actions is to promote more activity, vibrancy and walkability within emerging areas of high-density residential development within The Shire, by allowing the market the opportunity to incorporate carefully selected non-residential uses within new development. This would better activate the frontages of development and provide a small range of basic services and retail offerings scattered throughout high density development areas.

This report recommends that Council initiate a planning proposal to amend The Hills Local Environmental Plan 2019 to:

- Permit ‘shops’ (excluding ‘neighbourhood supermarkets’), ‘restaurants or cafes’ and ‘business premises’ within the R4 High Density Residential zone;
- Include a new zone objective for the R4 High Density Residential zone identifying that any non-residential development within the zone is to be small scale, for the purpose of providing non-residential ground level activation that enhances the walkability and vibrancy of residential neighbourhoods; and

- Include a new local provision which limits the size of individual shops, restaurants or cafes and business premises to no more than 200m² gross floor area each and requires that such uses are limited to the ground floor of any development. This local provision aims to strike the right balance between providing flexibility for developers to include small scale non-residential uses, whilst also managing potential amenity impacts and ensuring these opportunities do not detract from the established centres hierarchy.

Consequential amendments are also recommended to The Hills Development Control Plan to support increased active uses in high density residential areas.

RECOMMENDATION

1. Council initiate a Planning Proposal to amend The Hills LEP 2019 to:
 - a. Introduce a new zone objective for the R4 High Density Residential zone that encourages ground floor activation to improve the walkability and vibrancy of high density residential neighbourhoods;
 - b. Permit shops (excluding neighbourhood supermarkets), restaurants or cafes and business premises, with consent, in the R4 High Density Residential zone; and
 - c. Introduce a new local provision that applies to non-residential uses as part of mixed use developments in the R4 High Density Residential zone, restricting such uses to the ground floor of developments and limiting the total gross floor area of individual non-residential uses to 200m².
2. The planning proposal be reported to the Local Planning Panel for advice. Provided the Panel's advice does not warrant any material changes to the planning proposal, the planning proposal then be forwarded to the Department of Planning, Housing and Infrastructure for Gateway Determination.
3. Draft amendments to The Hills Development Control Plan (DCP) 2012, as detailed in Section 5 of this report and included in Attachments 2 and 3, be publicly exhibited for a period of 28 days concurrently with the Planning Proposal.

IMPACTS

Financial

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

Strategic Plan - Hills Future

The establishment of a framework that encourages activation of high density residential locations will assist in building vibrant and liveable neighbourhoods with access to a mix of uses near where people live.

LINK TO HILLS SHIRE PLAN

Strategy:

5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.

Outcomes:

- 1 A connected and inclusive community with access to a range of services and facilities that contribute to health and wellbeing
- 5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity

LEGISLATIVE CONTEXT

Council was required to prepare a Local Strategic Planning Statement (LSPS) in accordance with Clause 3.9 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Council's adopted LSPS and associated Housing Strategy indicates that Council will '*investigate measures to encourage land uses that will promote vibrancy in higher density residential zones*'.

The legislative framework for Planning Proposals which amend a Council's Local Environmental Plan is established within Part 3, Division 3.4 of the Environmental Planning and Assessment Act 1979 (the Act) (Clauses 3.31 to 3.37). This report, in part, seeks a decision of Council as to whether or not to prepare and submit a planning proposal to the Department of Planning, Housing and Infrastructure for Gateway Determination in accordance with Sections 3.33 and 3.34 of the Act (following consideration by the Local Planning Panel).

The legislative framework for preparing and amending a Development Control Plan (DCP) is established within Part 3, Division 3.6 of the Environmental Planning and Assessment Act 1979 (the Act) (Clauses 3.41 - 3.46). This report, in part, seeks a decision of Council as to whether or not to progress and publicly exhibit amendments to The Hills Development Control Plan in accordance with Section 3.43 of the Act.

1. BACKGROUND AND RATIONALE

The COVID-19 Pandemic has highlighted the importance of having access to everyday necessities and feeling connected within a '5-minute neighbourhood'. Future high density residential areas provide the opportunity to create great places to live that positively influence people's lifestyle.

Consistent with transit oriented development principles, developments within high density residential areas should be active and provide a strong connection between buildings and the street to help create vibrant and walkable neighbourhoods. Encouraging appropriate active uses on the ground floor of high-density residential developments will assist in providing safe and lively streetscapes whilst also providing for day-to-day conveniences in closer proximity to residents.

Street activating uses typically include non-residential uses on ground level that enhance the liveliness of a neighbourhood by providing places to shop, sit or socialise. Most commonly, these uses are 'neighbourhood shops', 'business premises' or 'cafes and restaurants'.

However, there are currently limited opportunities to provide active uses in the R4 High Density Residential Zone under Council's Local Environmental Plan, with 'neighbourhood shops' being the only "active" use that is permitted with consent in this zone (other such uses such as 'business premises' and 'restaurants or cafes' are prohibited).

Developers in recently rezoned higher density residential areas such as land within the Hills Showground Station Precinct have previously sought to incorporate non-residential active uses as part of their development applications in recent years. However, due to land use permissibility constraints, they have been unable to do so and these have subsequently been removed from these applications and replaced with ground floor apartments.

In other areas such as the Norwest Central Precinct, some landowners have lodged planning proposals seeking to permit active ground floor uses by listing additional permitted uses on their land within Schedule 1 of Council's Local Environmental Plan (such as 2 Natura Rise and 40 Solent Circuit). These proposals have been supported by Council given the merits and benefits of the outcomes sought. An example of this outcome is the existing café at the ground floor of the apartment building on the corner of Solent Circuit and Natura Rise (2 Natura Rise), shown in Figure 1 below.



Figure 1
Hohl Café in Norwest Strategic Centre

Figure 2 below shows the approved future outcome at 40 Solent Circuit (across from Norwest Lake), where non-residential ground floor uses have been approved to contribute to the vibrancy and activation of the site and adjoining public domain.



Figure 2
Proposed Photomontage – The Greens – DA No. 1541/2021/JP (Source: Bates Smart)

Following the finalisation of Council's LSPS, Strategic Centre Precinct Plan and in response to feedback received from landowners and developers within R4 High Density Residential areas, Council staff have undertaken a strategic review of higher density residential areas to investigate potential opportunities and mechanisms to encourage more active ground floor uses in these areas. This has included examination of Council's current policy settings as well as existing development within high density residential areas.

This report provides an overview of the findings from this strategic review and recommends potential amendments to Council's current policy settings to better activate our higher density residential areas and enhance these areas to create great places for the enjoyment of our residents and workers.

2. STRATEGIC CONTEXT

a) Local Strategic Planning Statement and Housing Strategy

Council's Local Strategic Planning Statement (LSPS) sets the 20-year planning vision for The Hills Shire. It articulates the importance of renewing and creating great places, particularly in areas that are envisaged to undergo change and development in the future (Planning Priority 9). Given there is forecast to be a significant shift towards apartment living, rather than the traditional detached home that has historically been seen within The Hills Shire, it is prudent that Council's planning framework adapt to better align with these evolving trends and more dense urban environments in certain areas of The Shire.

Council's Housing Strategy states that future residential development within The Hills Shire must feature high quality built form, whilst simultaneously meeting the amenity and lifestyle needs of the local community. It recognises that lifestyles are evolving, with a growing dependence placed on publicly accessible social, recreational and entertainment opportunities and increased social interaction, activity and vibrancy in common areas.

Whilst providing additional housing opportunities is important, it is also critical to create places that provide amenity and vibrancy which positively influence people's lifestyles. As flagged in Council's Housing Strategy, one element of potentially addressing this broader objective is to incorporate opportunities for small scale shops, supermarkets, or cafes within high density residential developments. This is a feature of other successful high density urban environments, contributing to the availability of everyday conveniences easily accessible within a walkable distance of where people live. Importantly, it also contributes to a more active and vibrant urban environment, by incorporating active frontages at the ground level scattered throughout areas which would otherwise be categorised solely by high density residential living (generally categorised by ground floor apartments and enclosed courtyards fronting the street).

To deliver on these objectives, Council's Housing Strategy articulates that Council will investigate measures to encourage land uses that will promote vibrancy in higher density residential zones (being the R4 High Density Residential and R1 General Residential zones). It flags that this may be achieved through LEP amendments ranging from changes to the permissibility of convenience retail uses (such as neighbourhood supermarkets or cafes) and/or DCP amendments (such as flexible design or setbacks).

b) Precinct Plans – Norwest and Castle Hill Strategic Centres

The recently adopted Precinct Plans for the Norwest and Castle Hill Strategic Centres include similar objectives for new high density residential areas to be transit oriented, vibrant, active, safe and walkable. To achieve this, the Precinct Plans include the following actions:

- **Action C4 of Council's Norwest Precinct Plan:** *"Amend The Hills Local Environmental Plan to permit additional uses within the high density residential area";*
- **Action A1 of Council's Castle Hill Precinct Plan:** *"Amend The Hills Local Environmental Plan to permit additional uses within appropriate high density residential areas and promote more vibrant and active streetscapes"*

The Precinct Plans identify the intent for Council to permit 'neighbourhood shops', 'business premises' and 'cafes and restaurants' in these areas, to enhance the liveliness of high density neighbourhoods by providing places for nearby residents to shop, gather or socialise.

c) The Hills Public Domain Strategy

The need for more activated frontages within high density urban areas of The Hills Shire was also identified as part of The Hills Shire Public Domain Audit and Analysis commissioned by Council in late-2020 and completed by Aspect Studios in early 2021. This informed the preparation of Council's Public Domain Strategy (adopted in March 2024) which articulates that Council will apply a range of "design strategies" when planning for The Shire, to improve amenity and public domain areas.

Of particular relevance, Design Strategy 4.1.2 is to *"activate ground level buildings to create vibrant frontages"*, including *"encouraging fine-grain street façade presentation"* and *"encouraging activated facades on the ground floor in centres, such as cafes and small shops, extending outdoor dining and activation of shared public spaces"*.

3. KEY CONSIDERATIONS

Consideration has been given to the potential implications of permitting activated non-residential uses within high density residential areas across The Hills Shire, as documented within this Section of the Report. This builds on the LSPS and Precinct Plans adopted by Council and has informed the recommendations contained in Sections 4 and 5 of this report with respect to the most appropriate planning mechanisms and pathway to achieve Council's street frontage activation objectives in high density residential areas.

a) Land Use Permissibility in R1 General Residential zone

Council's LSPS and Housing Strategy identify that Council will investigate measures to encourage land uses that will promote vibrancy in higher density residential zones, being *both* the R4 High Density Residential and R1 General Residential zones (noting residential flat buildings are permissible with consent in both the R4 High Density Residential and R1 General Residential zone under The Hills LEP 2019).

However, unlike the R4 High Density Residential zone, the R1 General Residential zone already permits both *'neighbourhood shops'* and *'restaurants or cafes'* with consent. In addition to this, other uses such as *'office premises'* and *'shop top housing'* are also already permitted within the R1 General Residential zone, with consent. Accordingly, while *'business premises'* are not currently permissible with consent in the R1 General Residential zone, there is broader permissibility of a range of other non-residential uses that provides sufficient opportunity for development to include a diversity of active uses as part of high density residential development. In recognition of this, it is considered that changes to land use permissibility to achieve Council's objectives are only necessary within the R4 High Density Residential zone and this report does not propose any amendments to The Hills LEP 2019 with respect to the R1 General Residential zone.

b) Land Use Permissibility in R4 High Density Residential zone

Under The Hills LEP 2019, the objectives of the R4 High Density Residential zone are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

The first three of these are “core objectives” for the R4 High Density Residential zone under the Standard Instrument Local Environmental Plan and are therefore mandatory and not able to be modified. The fourth objective is an additional local objective which Council is able to modify or supplement as part of a planning proposal process, provided it is not inconsistent with the core objectives and permitted land uses.

The permissible land uses within the R4 High Density Residential zone ultimately shapes the future success and vibrancy of these areas. The following table provides an overview of current land use permissibility within the R4 High Density Residential zone under The Hills LEP 2019 (uses with a ‘*’ are mandated permitted uses under the Standard Instrument LEP):

Permissible	Prohibited
Residential Accommodation	
• <i>Attached dwellings</i> • <i>Boarding houses</i> • <i>Dual occupancies</i> • <i>Dwelling houses</i> • <i>Group homes</i> • <i>Multi dwelling housing</i> • <i>Residential flat buildings</i> • <i>Secondary dwellings</i> • <i>Shop top housing</i>	• <i>Residential accommodation</i> • <i>Co-living housing</i> • <i>Hostels</i> • <i>Rural workers dwellings</i> • <i>Semi-detached dwellings</i> • <i>Seniors housing (including residential care facilities and independent living units)</i>
Tourist and Visitor Accommodation	
• <i>Nil.</i>	• <i>Full suite of ‘tourist and visitor accommodation’</i>
Commercial Premises	
• <i>Neighbourhood shops</i>	• <i>Commercial premises</i> • <i>Business premises</i> • <i>Funeral homes</i> • <i>Goods and repair and reuse facilities</i> • <i>Office premises</i> • <i>Retail premises</i> • <i>Cellar door premises</i> • <i>Food and drink premises</i> • <i>Pubs</i> • <i>Restaurants or cafes</i> • <i>Small bars</i> • <i>Take away food and drink premises</i> • <i>Garden centres</i> • <i>Hardware and building supplies</i> • <i>Kiosks</i>

Permissible	Prohibited
	• Landscaping material supplies • Markets • Plant nurseries • Roadside stalls • Rural Supplies • Shops • Neighbourhood supermarket • Specialised retail premises • Timber yards • Vehicle sales or hire premises
Other	
• Home business • Home occupations • Early education and care facilities (centre-based child care; home-based child care; school-based child care) • Community facilities • Emergency services facilities • Places of public worship	• Home occupation (sex services) • Amusement centres • Entertainment facilities • Function centres • Highway service centres • Industrial retail outlets • Registered clubs • Restricted premises • Service stations • Sex service premises • Veterinary hospitals • Wholesale supplies • Correctional centres • Industrial training facilities • Information and education facilities • Public administration building • Research

Table 1
Land use permissibility within the R4 zone

Of relevance, the R4 High Density Residential zone contains a mandated zone objective that encourages the integration of non-residential uses, specifically those that provide facilities or services to meet the day-to-day needs of residents. However, under the current land use permissibility, there are extremely limited opportunities to achieve this objectives, with 'neighbourhood shops' being the only active commercial/business use that is permitted.

Whilst the land use term neighbourhood shops allows for the sale of general merchandise, such as newspapers, foodstuffs and personal care products, it does not permit the sale of other items which are considered to also provide for the day-to-day needs of people who live in the area, such as small-scale retail shops, certain businesses such as hairdressers, and cafes and restaurants. The size of neighbourhood shops is also limited to not more than 100m² retail floor area under clause 5.4 of The Hills LEP 2019, which sets size controls for miscellaneous permissible uses. It is evident that despite permissibility, there is limited interest from the market to incorporate neighbourhood shops within new high density development in the R4 High Density Residential zone. This is generally due to the inflexibility of shop types allowed for under this land use term, the maximum size restriction (100 square metres) and the inability to pair neighbourhood shops with other non-residential uses that would be likely to generate increased foot traffic and patronage (such as cafes or specialty retail) to increase the viability of such non-residential uses within new high density developments.

In recognition of this, the objective of Council's LSPS and Precinct Plans was to increase the permissibility of certain other non-residential land uses on the ground floor of high density residential developments in the R4 High Density Residential zone, to encourage street activation and enhance walkability for residents to more easily satisfy their day-to-day shopping and retail needs.

c) Location of R4 High Density Residential zones within The Hills Shire

The R4 High Density Residential zone is typically applied to areas of The Shire concentrated around transport nodes and centres. Under The Hills LEP 2019, there is approximately 193.76 hectares of land zoned R4 High Density Residential, located in the following suburbs:

- Castle Hill (in the Castle Hill and Hills Showground Station Precincts)
- Norwest (in the Norwest Station Precinct)
- Rouse Hill
- Baulkham Hills (surrounding Baulkham Hills Town Centre)
- Bella Vista (in the Bella Vista Station Precinct)
- Kellyville (in the Kellyville Station Precinct and surrounding Wrights Road Kellyville Town Centre)
- Gables (surrounding the Gables Town Centre)
- West Pennant Hills (a small portion within 55 Coonara Avenue 'IBM' Site)

Maps of areas containing R4 High Density Residential zoned land in The Hills is provided as Attachment 1.

Consistent with the zone objectives and locations where this zoning is applied, development within the R4 zone is generally characterised by denser built form outcomes that support high density residential living in more urban landscapes. While the core objective of the zone is to provide for the housing needs of the community in high density urban environments, the character, activity levels, urban amenity and lifestyle in these areas will be distinct and different to that of low density residential areas elsewhere within The Shire. It is commonplace for a mix of supporting non-residential uses to be scattered throughout successful high density residential areas.

In The Hills, the R4 High Density Residential zoned land with the most development or redevelopment potential is primarily concentrated in and around the Castle Hill Centre and Station, Hills Showground Station, Norwest Station, Bella Vista Station, Kellyville Station, Gables and Baulkham Hills Town Centre. These centres have undergone strategic planning processes and are expected to experience significant development or redevelopment activity transitioning to more dense and urban built forms. The incorporation of some ground floor non-residential uses to support and bring vibrancy and activation to future development in these areas would align with the desired future character outcomes for these areas and the objectives for the R4 High Density Residential zone. These are also the areas where these small scale outcomes may be viable, having regard to the density of surrounding development, which will not be the case within all R4 High Density Residential areas within The Hills.

d) Land use and amenity conflicts

Land use conflicts generated by proximity of commercial uses to residential development can occur due to the nature of non-residential operations (i.e. hours of operations, light-spill, noise, traffic and deliveries).

However, it is important to distinguish that R4 High Density Residential areas are different to other lower density residential zones in that part of their very character and objective is to create

vibrant areas and active streetscapes that provide more than just housing. This characteristic of high density areas is often desirable for current and future residents within high density residential areas. However, it does mean that higher density urban environments and transit oriented development precincts inherently have higher levels of activity and noise in comparison to lower density urban areas. This, in part, reiterates the importance of having multiple land use zones dedicated to different types and character of residential outcomes (including a diversity of housing opportunities), to provide residents with the choice to live in different environments ranging from rural areas, to quieter suburban low-density locations, to more dense and vibrant high density urban environments.

It is also important to strike the right balance between creating vibrant and activated streets and controlling the extent of potential amenity impacts arising from non-residential uses in high density residential areas. This can be achieved through carefully limiting the type and scale of non-residential uses that would be permitted under LEP 2019, as well as including new development controls within The Hills DCP which provides further guidance to regulate outcomes as part of the Development Assessment process, including:

- New objectives that encourage active uses and street frontages that are designed to minimise amenity impacts and complement the surrounding area;
- Outlining where active street frontages should most appropriately be located;
- Hours of operation;
- Noise restrictions and procedures;
- Deliveries - including guidance on loading docks and service elements;
- Minimum floor to ceiling heights that encourage ground level floor to ceiling heights that can accommodate a range of uses; and
- Outlining how street frontages and landscaping should integrate with the public domain;

These matters are discussed further in Section 5 of this report.

e) Maintaining the integrity of existing centres

At a strategic level, it is critical that any non-residential uses that become permitted within high density residential areas do not compete with Council's centres and established centres hierarchy. In addition to providing greater shopping convenience and potential for social interaction and engagement, these non-residential uses should aim to avoid duplication of activities which are more appropriately concentrated in centres by providing a more specialised and bespoke range of goods and services that wouldn't typically be found within larger centres (i.e. boutique clothing stores, pet-grooming and hairdressing salons, delis or grocery stores selling fresh local produce and ready-made meals). In comparison to larger supermarket chains, where consumers are likely to visit on a weekly basis to purchase a broader selection of goods, these uses should primarily aim to service the essential day-to-day needs of local residents who live nearby.

The Hills Productivity and Centres Strategy 2019 includes a 'Hierarchy of Centres' which serves as a framework for land use decision-making to support orderly and sustainable development in centres that is appropriate in scale and design for their location. The hierarchy ranges from strategic centres as the main retail centres providing major shopping, commercial floor space, services and civic and cultural functions through to progressively smaller town centres, transit centres, village centres and neighbourhood centres. Each centre type plays a distinct role in meeting residents' retail and convenience needs. Reinforcing and protecting the hierarchy of centres is a key action of Council's LSPS and Productivity and Centres Strategy and serves to ensure resident needs are met and we are able to plan for viable and diverse centres and walkable and vibrant communities. High density residential development should accommodate

walkability and supporting the convenience shopping needs of residents on a smaller scale, without detracting from the integrity of the established centres hierarchy.

Restricting the type, quantity and scale of non-residential uses within high density residential areas will be necessary to prevent risk of excessive development of non-residential uses within the R4 High Density Residential Zone. In addition to the size limitation for each individual tenancy, limiting the provision of these uses to the ground floor of a development will not only achieve improved vibrancy of the public domain, but will also serve as a total floor area limit for non-residential floor space that can be provided within an apartment development. This will also assist in managing potential residential amenity impacts, retaining the predominant focus of housing in the R4 zone, and also to ensure that non-residential uses are retained as the main focus in land use zones such as B4 Mixed Use and B2 Local Centre, where a significantly higher percentage of non-residential uses is expected.

f) Market forces

Ground floor level activation is heavily contingent upon market forces. Developers are often unwilling to proceed with mixed-use developments and instead opt for standard, single-use suburban projects as they tend to be more safe and reliable investments and yield greater returns. Whilst local planning policies cannot mandate or guarantee certain non-residential use outcomes, permitting these uses create the potential and opportunity for development that integrates ground floor activation within high density residential developments.

It is highly unlikely that these opportunities will be taken up as part of all new high density residential development. However, the demand for such uses has been demonstrated over recent years with developer interest within the Hills Showground Station Precinct (hampered by land use permissibility constraints) and planning proposals within Norwest Station Precinct that sought to incorporate active non-residential ground floor uses by listing additional permitted uses within Schedule 1 of Council's Local Environmental Plan. The expected take-up of these outcomes is likely to be higher in more dense locations with higher levels of activity and foot-traffic.

Amendments to The Hills LEP 2019 and The Hills DCP 2012 can provide flexibility to allow the market to determine the specific non-residential uses on the ground floor of high density residential developments, or whether these uses are viable or desirable in specific locations.

g) Traffic and Parking

Increasing the variety of permissible non-residential uses on the ground floor of development in the R4 High Density Residential zone is unlikely to result in any material traffic implications, given these non-residential uses will primarily be supporting local residents within high density neighbourhoods within a walkable catchment of the premises. These uses are not "destinations" which generate additional traffic but rather are visited by people who are already within, or are travelling to, the area in which they are located.

It is anticipated there would be limited patronage from customers outside the walkable catchment, thereby reducing the likelihood of these uses generating additional private vehicle trips. Whilst some local residents may still access the uses by private vehicle, this is most likely to be part of a linked trip which was already occurring, not as an additional trip isolated trip as a result of the non-residential use. A small amount of vehicle traffic may be generated due to deliveries to and staffing of non-residential premises, however it is not expected that this would coincide with morning and evening peak periods of residential traffic flow.

The Hills DCP Part C Section 1 – Parking currently sets the following parking requirements for the envisaged non-residential uses:

- Shops – Minimum 1 space per 18.5m² of gross leasable floor area
- Commercial premises (including business premises) – Minimum 1 space per 25m² of gross floor area
- Restaurant or Café – Minimum 1 space per 5 seats, plus 12 spaces per 100m² of gross floor area

Smaller scale premises, as envisaged for high density residential areas, are generally expected to have lower parking demand and a smaller catchment area compared to larger shopping centres. The primary users of non-residential uses in the R4 zone are expected to be local residents in or within walking distance of high density developments and demand for parking is therefore likely to be lower than that typically associated with these uses.

Amendments to the DCP adopted by Council in August 2024 introduced reduced carparking rates for commercial and retail uses within defined ‘inner’ and ‘outer’ walkable catchments of Baulkham Hills, and Castle Hill, Norwest and Rouse Hill strategic centres. Whilst the R4 High Density Residential zoned land is generally outside of these defined catchments, the amendments to the DCP allowed for merit assessment of carparking requirements for any commercial or retail development proposed in association with residential development within the wider centres. The assessment on merit would have regard to the lower strategic centre parking rates (minimum 1 space per 75m² of GFA for commercial premises and 1 space per 50m² of GFA for retail premises in the outer catchments). These amendments did not include consideration of a reduced rate for restaurants or cafes.

Noting the foregoing and the anticipated lower demand for parking in the context of small scale uses and walkable neighbourhoods, it is reasonable to continue to adopt a merit-based approach for the specific non-residential uses under consideration when proposed as part of high density residential development (shops, business premises, restaurants or cafes). The appropriate provision of parking will be largely dependent on the specific uses proposed, employee numbers, the hours of operation and the amount of patronage likely to originate from locations within walking distance of the sites. Suitable justification will be required to accompany development applications proposing non-residential uses in the R4 zone that demonstrates why the specific uses warrant a lower rate of parking provision than would be required based on strict compliance with the parking rates under The Hills DCP 2012.

4. PROPOSED AMENDMENTS TO THE HILLS LOCAL ENVIRONMENTAL PLAN

Having regard to Council’s strategic and placemaking objectives and the considerations set out in Section 3 of this report, the following amendments are recommended to The Hills LEP 2019 to assist Council in achieving the desired non-residential and ground level activation outcomes for high density residential areas.

a) Additional Zone Objective

It is recommended that an additional zone objective for the R4 High Density Residential zone be introduced:

“To encourage small scale non-residential ground level activation to enhance the walkability and vibrancy of neighbourhoods in a high density residential environment”.

Residents should be able to sustain a healthy, active and socially connected lifestyle within a walkable catchment of high density living, especially given the expectation and necessity for car ownership and usage in these areas to reduce. Most developments approved to date in the R4

High Density Residential zone do not include active uses at the ground level. The application of this additional zone objective, combined with permitting some additional uses, should create the opportunity for increase in the vibrancy and walkability of high density neighbourhoods by providing lively, engaging streetscapes and a mix of uses in close proximity to where people live.

b) Permissibility – Shops and Neighbourhood Supermarkets

Under The Hills LEP 2019, shops are not currently permitted with consent in the R4 High Density Residential zone.

Shop is defined as follows:

means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Shops is a 'group term' which includes the subset terms of neighbourhood shop and neighbourhood supermarket. These are both separately defined with size restrictions of 100m² and 1,000m² respectively under the provision of clause 5.4 of The Hills LEP 2019, which sets controls for miscellaneous permissible uses.

It is recommended that 'shops' be permitted with consent in the R4 High Density Residential zone under The Hills LEP 2019, however that the subset term 'neighbourhood supermarket' be prohibited in the R4 High Density Residential zone.

While the majority of uses that fall with group term 'shops' align with Council's intent of permitting small scale non-residential use in ground floor tenancies of residential development, neighbourhood supermarkets are larger in scale and have high potential to create adverse amenity impacts for nearby residents given their size and potential for increased noise from deliveries and loading facilities. While there may be some unique sites where this could be appropriately accommodated, this would not be the case across the majority of R4 High Density Residential areas in The Shire.

Furthermore, neighbourhood supermarkets are an integral land use within established centres, particularly smaller scale local, transit and neighbourhood centres. Supermarkets tend to the needs of residents on a weekly basis to purchase a broader selection of goods, as opposed to quick and easy purchases from smaller retail shops. Continuing to focus the distribution of supermarkets (both full size and neighbourhood scale) in commercial land use zones at centre locations reinforces and protects the hierarchy of centres, which is also identified as an action of Council's LSPS and Productivity and Centres Direction.

c) Permissibility – Restaurants or cafes

Under The Hills LEP 2019, restaurants and cafes are not currently permitted with consent in the R4 High Density Residential zone.

Restaurants or cafes are defined as follows:

means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) *an artisan food and drink industry, or*
- (b) *farm gate premises.*

It is recommended that restaurants or cafes be permitted with consent in the R4 High Density Residential zone under The Hills LEP 2019. Allowing restaurants or cafes should create opportunities for residents within high density residential areas to have their day-to-day dining and takeaway needs met within a walkable distance. It will also allow for more activation and vibrancy within the public domain fronting buildings and increased social opportunities for residents. The best example of suitable establishments envisaged for these areas is cafes, which allow for activation of the street often through aesthetic facades, potentially outdoor seating and increased foot traffic.

Combined with proposed DCP amendments relating to hours of operation and noise limitations, restaurants or cafes are a suitable land use for inclusion in the R4 High Density Residential zone that will strike the right balance between vibrancy and amenity for residents.

It is noted that 'take away food and drink premises', 'pubs' and 'small bars' are all separately defined to restaurants and cafes, and these uses are not proposed to be permitted. Accordingly, the types of premises that would be permitted through the proposed amendments are restaurants and cafes primarily focused on the preparation and serving of food and drink for consumption on the premises.

d) Permissibility – Business premises

Under The Hills LEP 2019, business premises are not currently permitted with consent in the R4 High Density Residential zone.

Business premises are defined as follows:

means a building or place at or on which—

- (a) *an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) *a service is provided directly to members of the public on a regular basis,*

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

It is recommended that business premises be permitted with consent in the R4 High Density Residential zone under The Hills LEP 2019. Allowing business premises should create opportunities for essential services to be closer to residents of high density residential areas. Examples of suitable business premises envisaged for these areas include hairdressers, post offices and dry cleaners. It is anticipated that the market will determine best use outcomes for business premises in the R4 zone to improve the vibrancy of street frontages and enhance the walkability of high density residential neighbourhoods. Furthermore, the application of size limitations through a proposed local provision (detailed further in Section 5e) below) and DCP controls relating to hours of operation and loading/access requirements, will ensure that the potential uses permitted under this group term will be smaller scale and lower impact.

e) Additional local provision – ground floor activation and size limits for non-residential uses

When integrating active uses within the Shire's high density residential areas, it is imperative that these uses do not compete with centres but rather complement them.

As such, implementing a maximum floorspace control for 'shops' will avoid duplication of activities with nearby centres, where consumers are likely to visit larger tenancies on a weekly basis to purchase a broader selection of goods. The function of smaller-scaled shops envisaged for high density areas is to instead service the convenience day-to-day needs of local residents. It also provides opportunity for more specialised and bespoke range of goods and services that wouldn't typically be found within larger centres. Restricting the size of shops will also minimise amenity impacts associated with the delivery and offloading of products (where there is a high turnover of stock) for residents within high density development and the general vicinity.

Restricting the scale of 'restaurants or cafes' in high-density residential areas is key to minimising amenity impacts, such as acoustic and parking impacts, for residents within the R4 zone. Implementing a maximum floorspace control for restaurants or cafes will encourage smaller scale food and drink establishments only that will mostly cater to local residents within walking distance of their homes, such as cafes, as opposed to restaurants intended for a larger number of patrons or larger gatherings and events.

Restricting the scale of 'business premises' within high-density residential areas is key to preventing excessive development of non-residential uses within the R4 zone. Implementing a maximum floorspace control for business premises will ensure that larger scale non-residential uses continue to be a main focus in land use zones such as MU1 Mixed Use and E1 Local Centre, which seek to facilitate a higher proportion of non-residential uses.

In determining the proposed size restrictions, consideration has been given to those sites where additional permitted uses have been allowed by way of amendment to Schedule 1 The Hills LEP 2019. For example, for land at 2 Natura Rise, Norwest (9/2018/PLP) Council determined that it was appropriate for restaurants or cafes to be permitted with consent if the total maximum gross floor area of all restaurants and cafes does not exceed 200m². Similarly, business premises or shops are permitted with consent if the total maximum gross floor area of all business premises or shops on the land does not exceed 200m². These size restrictions were imposed to ensure that the scale of any future non-residential uses is minor in nature and ancillary to the high density residential development on the site. For land at 40 Solent Circuit, Norwest (5/2015/PLP), which is a substantially larger site than 2 Natura Rise, the following non-residential uses are permitted with consent:

- Shops, but only if the total gross floor area of all shops on the land does not exceed 1,000m²,
- Business premises, but only if the total gross floor area of all business premises on the land does not exceed 1,500m²,
- Restaurants or cafes, but only if the total gross floor area of all restaurants and cafes on the land does not exceed 500m².

Under approved DA 1541/2021/JP and subsequent modifications, the average gross floor areas of approved individual non-residential uses on the ground floor of residential development at 40 Solent Circuit, Norwest are summarised in the table below.

Non-residential use	Average Gross Floor Area
Shop (excluding neighbourhood supermarkets)	86m ²
Business Premises	125m ²
Restaurant or Café	157m ²

Table 3

Average non-residential unit sizes at 40 Solent Circuit, Norwest (DA 1541/2021/JP as modified)

Noting the foregoing, it is recommended that a new local provision be added to The Hills LEP 2019 to ensure the total maximum gross floor area of any individual shop, restaurant or café or business premises on the land does not exceed 200m² in the R4 High Density Residential zone. These size restrictions are considered to strike the appropriate balance between providing flexibility for developers to feasibly incorporate these uses into their developments, whilst also managing potential amenity impacts and ensuring opportunities do not detract from the established centres hierarchy.

Should Council proceed to public exhibition, it is intended that Council officers would seek further feedback from stakeholders on these limitations to determine the appropriateness and feasibility of including non-residential uses within these parameters.

In addition, it is important to limit non-residential uses to the ground floor level of development in the R4 High Density Residential zone only, to allow for activation of the streetscape and contribute to walkable neighbourhoods that can service the day-to-day needs of residents. It will also ensure that the key function of the R4 zone to provide for the housing needs of the community within a high density residential environment is retained as the flexibility of non-residential uses will be limited to the ground floor. This limitation therefore effectively acts as a maximum cap on the total amount of non-residential floor space that can be provided within an apartment development.

It is recommended that the following additional local provision be introduced to ensure that non-residential uses in the R4 High Density Residential zone be limited to the ground floor of developments and to introduce appropriate size constraints:

7.34 Non-residential uses in Zone R4

- The objectives of this clause are–*
 - to ensure that non-residential uses as part of shop top housing and mixed use development are appropriate in scale for their location and do not detract from the established centres hierarchy;*
 - to ensure that non-residential uses as part of shop top housing and mixed use development provide for street activation.*
- This clause applies to development for the purposes of shop top housing and mixed use development on land zoned R4 High Density Residential.*
- Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that–*
 - The total gross floor area of individual shops on the land will not exceed 200m²,*
 - The total gross floor area of individual business premises on the land will not exceed 200m²,*

- c) *The total gross floor area of individual restaurants or cafes on the land will not exceed 200m².*
4. *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that shops, restaurants or cafes and business premises will be limited to the ground floor of developments.*

5. DRAFT DEVELOPMENT CONTROL PLAN AMENDMENTS

In support of the proposed changes, draft amendments are proposed to Part B Section 8 – Shop Top Housing and Mixed Use Development of The Hills Development Control Plan (DCP) 2012 to ensure that the built form of development in the R4 High Density Residential zone is capable of supporting active uses. The proposed DCP amendments have been guided by controls already in force in other comparable local government areas where this development outcome is occurring, however they have been refined and tailored to suit local circumstances and character.

a) Part B Section 8 – Shop Top Housing and Mixed Use Development

It is proposed that associated amendments to Part B Section 8 – Shop Top Housing and Mixed Use Development of The Hills DCP 2012 are also progressed, to include new objectives and controls addressing the following matters:

- Adding a new objective for site planning that encourages small scale ground level active uses and street frontages in high density residential environments, enhancing neighbourhood walkability and vibrancy.
- Floor to ceiling heights - encouraging ground level floor to ceiling heights that can accommodate a range of uses.
- Landscaping – encouraging hedging or box planting where appropriate.
- Public domain – outlining how street frontages should integrate with, and contribute to, the quality of the public domain.
- Providing a minimum dimension requirement for awnings of 1.5m (distance outward from the building over the ground plane beneath).
- Identifying parts of buildings where active street frontages are not required (entrances, lobbies, access for fire services and vehicular access).
- Reinforcing accessibility and visibility of permissible non-residential uses to achieve amenity in local neighbourhoods.
- Materials and finishes – outlining window and security specifications having regard to high quality design and visual amenity.
- Hours of operation – referring to the Business Section of the DCP for controls relating to hours of operation.
- Pedestrian access - providing that tenancies used for activated purposes are accessible and level with the finished floor level of the adjacent footpath.
- Building entries – providing that entry and street address for active uses are on the primary frontage of a development. For larger developments with more than one street frontage, active uses are encouraged on each frontage.
- Delivery and services – ensuring any required loading facilities are not located on active frontages and service elements are not visible from the public domain.

The proposed amendments to Part B Section 8 – Shop Top Housing and Mixed Use Development of The Hills DCP 2012 are provided as Attachment 2 to this report.

b) Part C Section 1 – Parking

It is proposed that amendments to Part C Section 1 – Parking of The Hills DCP 2012 be progressed to address the following:

- 2.1.2. Mixed Use Parking – it is proposed to include a provision that car parking requirements for any shops, business premises or restaurants or cafes in the R4 High Density Residential zone as part of shop top housing and mixed use development will be assessed on merit, having regard to a list of considerations, including but not limited to the nature of specific non-residential uses, employee numbers, the hours of operation, expected trip generation and the amount of patronage likely to originate from locations within walking distance of the site.

The proposed amendments to Part C Section 1 – Parking of The Hills DCP 2012 are provided as Attachment 3 to this report.

c) Other DCP Sections

It is recommended that a note be included in the following relevant DCP sections which apply to certain land zoned R4 High Density Residential within The Hills Shire, to ensure that future developments also refers to the shop top housing and mixed use development controls (within Part B Section 8 – Shop Top Housing) where this form of development outcome is proposed:

- Part B Section 5 – Residential Flat Buildings
- Part B Section 6 – Business
- Part D Section 5 – Kellyville Rouse Hill Release Area
- Part D Section 6 – Rouse Hill Regional Centre
- Part D Section 7 – Balmoral Road Release Area
- Part D Section 8 – Norwest Town Centre Residential Development
- Part D Section 10 – Baulkham Hills Town Centre
- Part D Section 19 – Showground Station Precinct
- Part D Section 20 – Castle Hill North
- Part D Section 24 – Mackillop Drive Norwest
- Part D Section 26 – Bella Vista and Kellyville Station Precincts

It is recommended that the following note be included in the abovementioned DCP sections:

Note. Refer to Part B Section 8 – Shop Top Housing and Mixed Use Development for development controls pertaining to shops, restaurants or cafes or business premises on the ground floor of shop top housing and mixed use developments in the R4 High Density Residential zone.

For site specific sections (Part D of the DCP) it is noted that any site specific provisions will prevail in the event of any inconsistency with specific development controls.

6. CONCLUSION AND NEXT STEPS

It is considered appropriate to permit more non-residential uses ('shops', 'restaurants and cafes and 'business premises') in high density residential areas, to help create vibrant and walkable neighbourhoods. It will also assist in providing safe and lively streetscapes and meeting the need for day-to-day conveniences in closer proximity to residents.

This report recommends that Council initiates a planning proposal to amend land use permissibility for these active uses in the R4 High Density Residential zone. Should Council

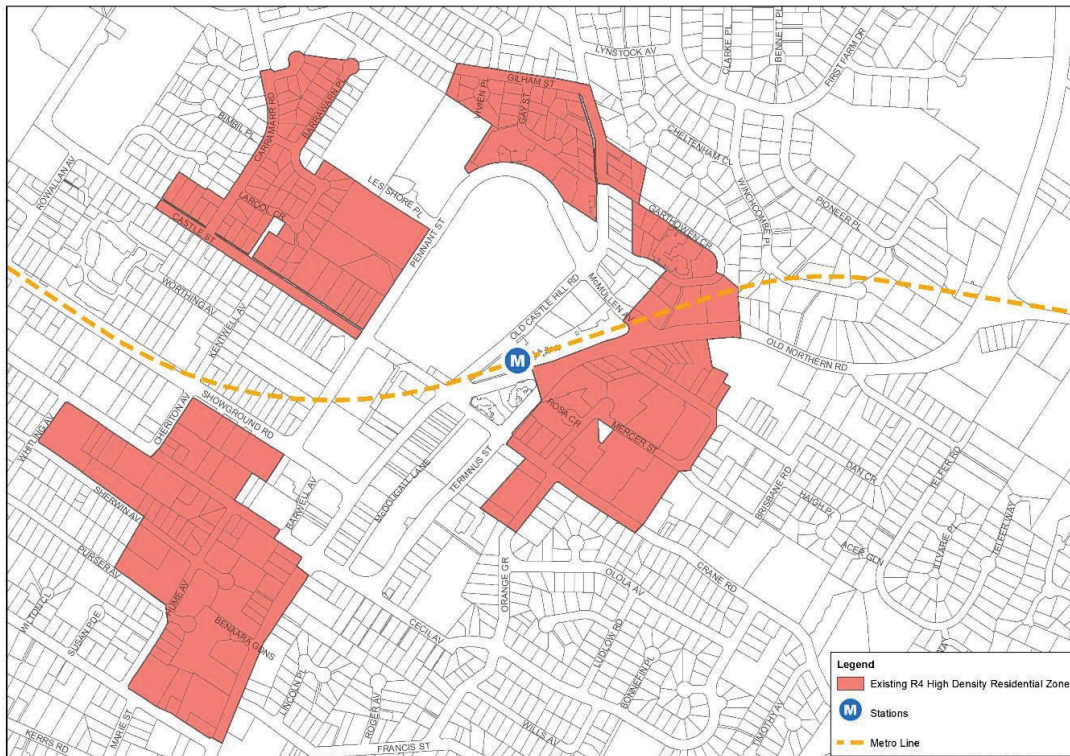
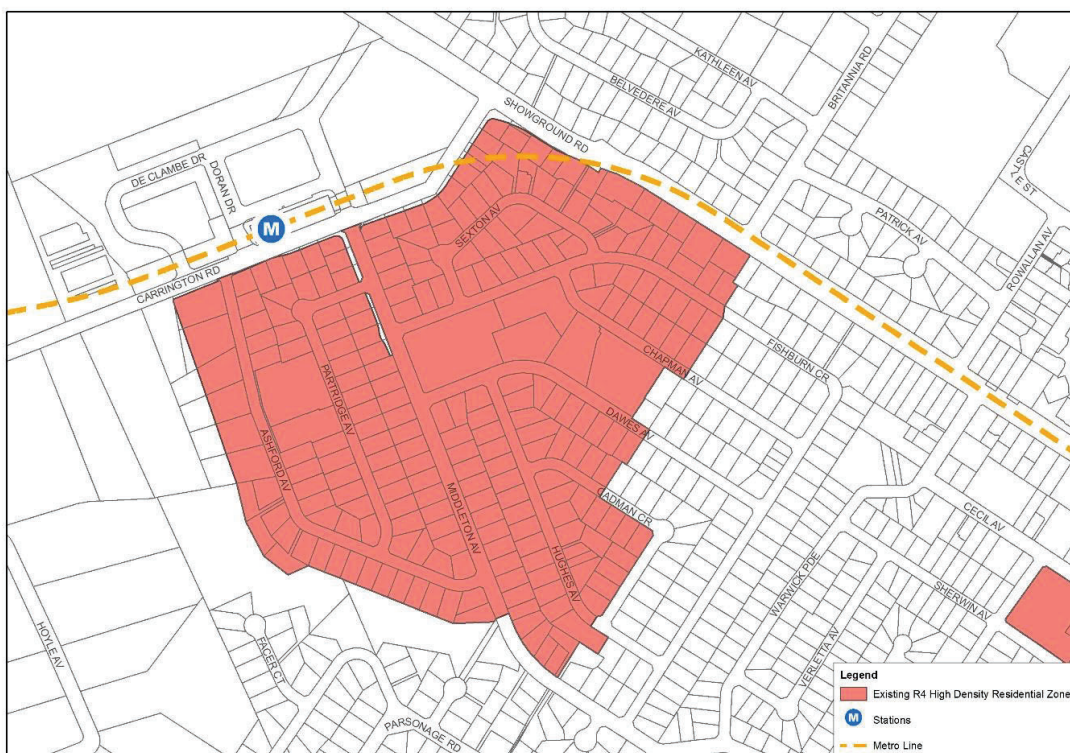
resolve to proceed with the above amendments, a planning proposal would then be prepared and reported to the Local Planning Panel for advice. Provided the Panel's advice does not warrant any material changes to the planning proposal, the planning proposal would then be referred to the Department of Planning, Housing and Infrastructure for Gateway Determination.

Once the Gateway Determination has been issued, it is anticipated that the planning proposal and the draft amendments to Part B Section 8 – Shop Top Housing and Mixed Use Development of The Hills Development Control Plan (DCP) and other relevant DCP sections would then be publicly exhibited concurrently for a period of 28 days. The matter would then be reported back to a Council Meeting for further consideration and a decision on whether or not to finalise the planning proposal and associated DCP amendments. At this point, Council would have the opportunity to further amend or refine the proposal having regard to the feedback and information received during consultation with relevant stakeholders.

ATTACHMENTS

1. Location of R4 High Density Residential zone – The Hills LEP 2019 (5 pages).
2. Draft Part B Section 8 – Shop Top Housing and Mixed Use Development (8 pages)
3. Draft Part C Section 1 – Parking (40 pages)

ATTACHMENT 1

Castle Hill Station Precinct – R4 High Density Residential zoned land**Showground Station Precinct – R4 High Density Residential zoned land**

TO STRIVE FOR BETTER THINGS