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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 13 May 2025**

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

**VOTING FOR THE MOTION**

Mayor Dr M Byrne

Clr F De Masi

Clr M Blue

Clr Dr M Kasby

Clr J Cox

Clr T Cartwright

Clr R Boneham

Clr I Selvaraj

**VOTING AGAINST THE MOTION**

None

**MEETING ABSENT**

Clr A Haselden

Clr J Jackson PSM

Clr S Uno

Clr J Grevtseva

Clr R Jethi

**ITEM 3 ACTIVATION OF HIGH-DENSITY RESIDENTIAL AREAS (FP244)**

A MOTION WAS MOVED BY COUNCILLOR DE MASI AND SECONDED BY COUNCILLOR BONEHAM THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

**178. RESOLUTION**

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 200m<sup>2</sup>.
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.

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**VOTING FOR THE MOTION**

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Clr I Selvaraj

**VOTING AGAINST THE MOTION**

None

**MEETING ABSENT**

Clr A Haselden

Clr J Jackson PSM

Clr S Uno

Clr J Grevtseva

Clr R Jethi

**ITEM 5**

**AMENDMENTS TO THE PLANNING FRAMEWORK FOR NORWEST SERVICE AND HILLS SHOWGROUND STATION PRECINCT IN ACCORDANCE WITH THE NORWEST STRATEGIC CENTRE PRECINCT PLAN (FP224 & FP223)**

A MOTION WAS MOVED BY COUNCILLOR DE MASI AND SECONDED BY COUNCILLOR COX THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

**179. RESOLUTION**

1. A planning proposal be prepared to amend The Hills Local Environmental Plan 2019 in relation to the Showground Precinct as set out in Section 6 of this report.
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. Subject to the issue of a Gateway Determination, draft amendments to The Hills Development Control Plan 2012 (Attachment 1) and the Public Domain Plan for Showground Station Precinct (Attachment 2) be publicly exhibited concurrent with the planning proposal.

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

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**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 200m<sup>2</sup> 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.

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## 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 200m<sup>2</sup>.
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.

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## 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.

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**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
<b>Residential Accommodation</b>	
<ul style="list-style-type: none"> <li>• <i>Attached dwellings</i></li> <li>• <i>Boarding houses</i></li> <li>• <i>Dual occupancies</i></li> <li>• <i>Dwelling houses</i></li> <li>• <i>Group homes</i></li> <li>• <i>Multi dwelling housing</i></li> <li>• <i>Residential flat buildings</i></li> <li>• <i>Secondary dwellings</i></li> <li>• <i>Shop top housing</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Residential accommodation</i></li> <li>• <i>Co-living housing</i></li> <li>• <i>Hostels</i></li> <li>• <i>Rural workers dwellings</i></li> <li>• <i>Semi-detached dwellings</i></li> <li>• <i>Seniors housing (including residential care facilities and independent living units)</i></li> </ul>
<b>Tourist and Visitor Accommodation</b>	
<ul style="list-style-type: none"> <li>• <i>Nil.</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Full suite of ‘tourist and visitor accommodation’</i></li> </ul>
<b>Commercial Premises</b>	
<ul style="list-style-type: none"> <li>• <i>Neighbourhood shops</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Commercial premises</i></li> <li>• <i>Business premises</i></li> <li>• <i>Funeral homes</i></li> <li>• <i>Goods and repair and reuse facilities</i></li> <li>• <i>Office premises</i></li> <li>• <i>Retail premises</i></li> <li>• <i>Cellar door premises</i></li> <li>• <i>Food and drink premises</i></li> <li>• <i>Pubs</i></li> <li>• <i>Restaurants or cafes</i></li> <li>• <i>Small bars</i></li> <li>• <i>Take away food and drink premises</i></li> <li>• <i>Garden centres</i></li> <li>• <i>Hardware and building supplies</i></li> <li>• <i>Kiosks</i></li> </ul>

Permissible	Prohibited
	<ul style="list-style-type: none"> <li>• <i>Landscaping material supplies</i></li> <li>• <i>Markets</i></li> <li>• <i>Plant nurseries</i></li> <li>• <i>Roadside stalls</i></li> <li>• <i>Rural Supplies</i></li> <li>• <i>Shops</i></li> <li>• <i>Neighbourhood supermarket</i></li> <li>• <i>Specialised retail premises</i></li> <li>• <i>Timber yards</i></li> <li>• <i>Vehicle sales or hire premises</i></li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• <i>Home business</i></li> <li>• <i>Home occupations</i></li> <li>• <i>Early education and care facilities (centre-based child care; home-based child care; school-based child care)</i></li> <li>• <i>Community facilities</i></li> <li>• <i>Emergency services facilities</i></li> <li>• <i>Places of public worship</i></li> <li>• <i>Home occupation (sex services)</i></li> <li>• <i>Amusement centres</i></li> <li>• <i>Entertainment facilities</i></li> <li>• <i>Function centres</i></li> <li>• <i>Highway service centres</i></li> <li>• <i>Industrial retail outlets</i></li> <li>• <i>Registered clubs</i></li> <li>• <i>Restricted premises</i></li> <li>• <i>Service stations</i></li> <li>• <i>Sex service premises</i></li> <li>• <i>Veterinary hospitals</i></li> <li>• <i>Wholesale supplies</i></li> <li>• <i>Correctional centres</i></li> <li>• <i>Industrial training facilities</i></li> <li>• <i>Information and education facilities</i></li> <li>• <i>Public administration building</i></li> <li>• <i>Research</i></li> </ul>

**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 100m<sup>2</sup> 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 18.5m<sup>2</sup> of gross leasable floor area
- Commercial premises (including business premises) – Minimum 1 space per 25m<sup>2</sup> of gross floor area
- Restaurant or Café – Minimum 1 space per 5 seats, plus 12 spaces per 100m<sup>2</sup> 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 75m<sup>2</sup> of GFA for commercial premises and 1 space per 50m<sup>2</sup> 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 100m<sup>2</sup> and 1,000m<sup>2</sup> 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 200m<sup>2</sup>. 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 200m<sup>2</sup>. 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 1,000m<sup>2</sup>,
- Business premises, but only if the total gross floor area of all business premises on the land does not exceed 1,500m<sup>2</sup>,
- Restaurants or cafes, but only if the total gross floor area of all restaurants and cafes on the land does not exceed 500m<sup>2</sup>.

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 <sup>2</sup>
Business Premises	125m <sup>2</sup>
Restaurant or Café	157m <sup>2</sup>

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 200m<sup>2</sup> 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

1. *The objectives of this clause are–*
  - a) *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;*
  - b) *to ensure that non-residential uses as part of shop top housing and mixed use development provide for street activation.*
2. *This clause applies to development for the purposes of shop top housing and mixed use development on land zoned R4 High Density Residential.*
3. *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that–*
  - a) *The total gross floor area of individual shops on the land will not exceed 200m<sup>2</sup>,*
  - b) *The total gross floor area of individual business premises on the land will not exceed 200m<sup>2</sup>,*

c) *The total gross floor area of individual restaurants or cafes on the land will not exceed 200m<sup>2</sup>.*

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.

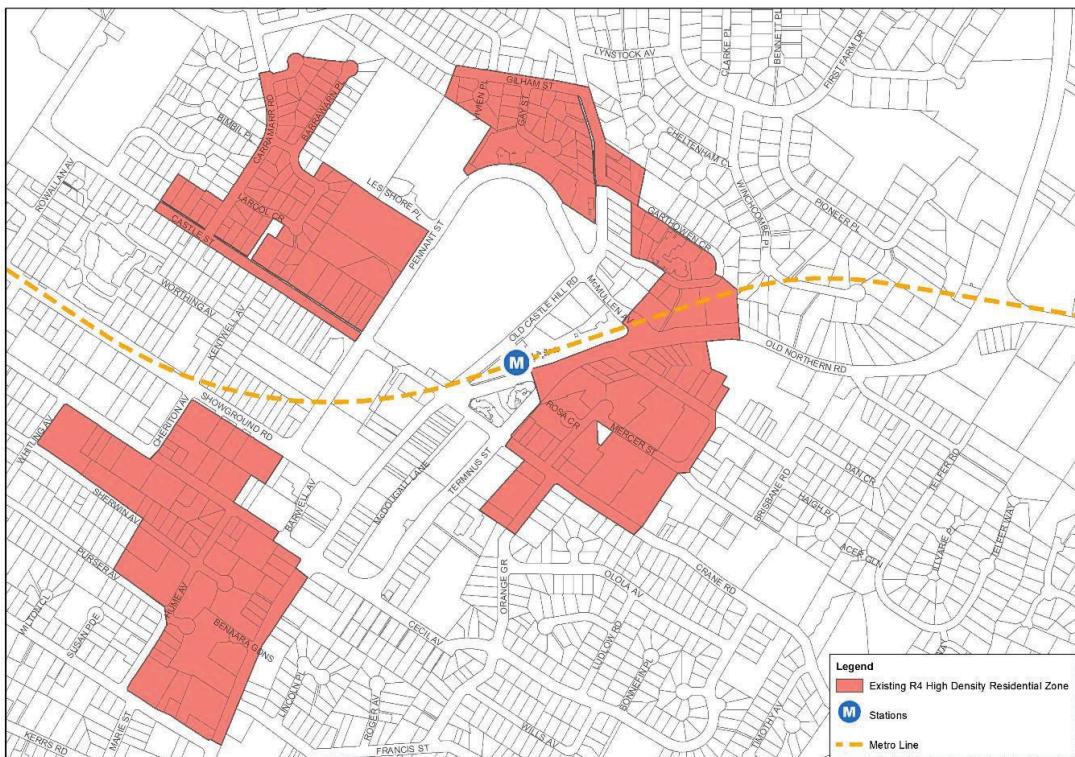
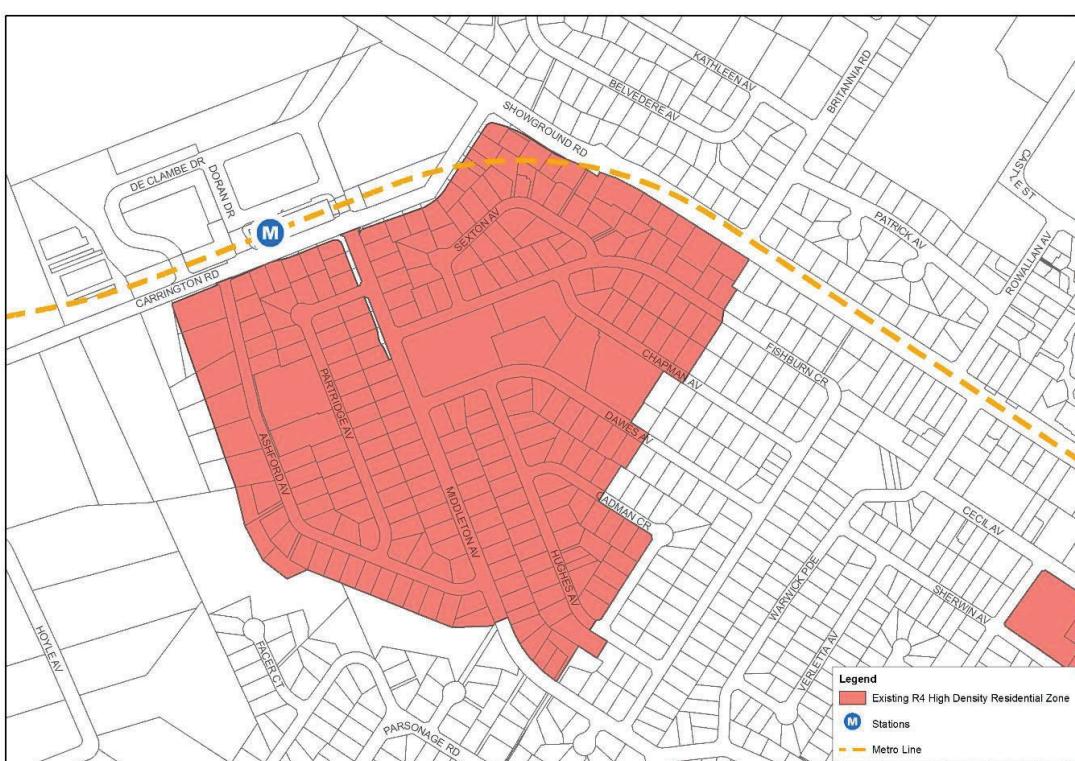
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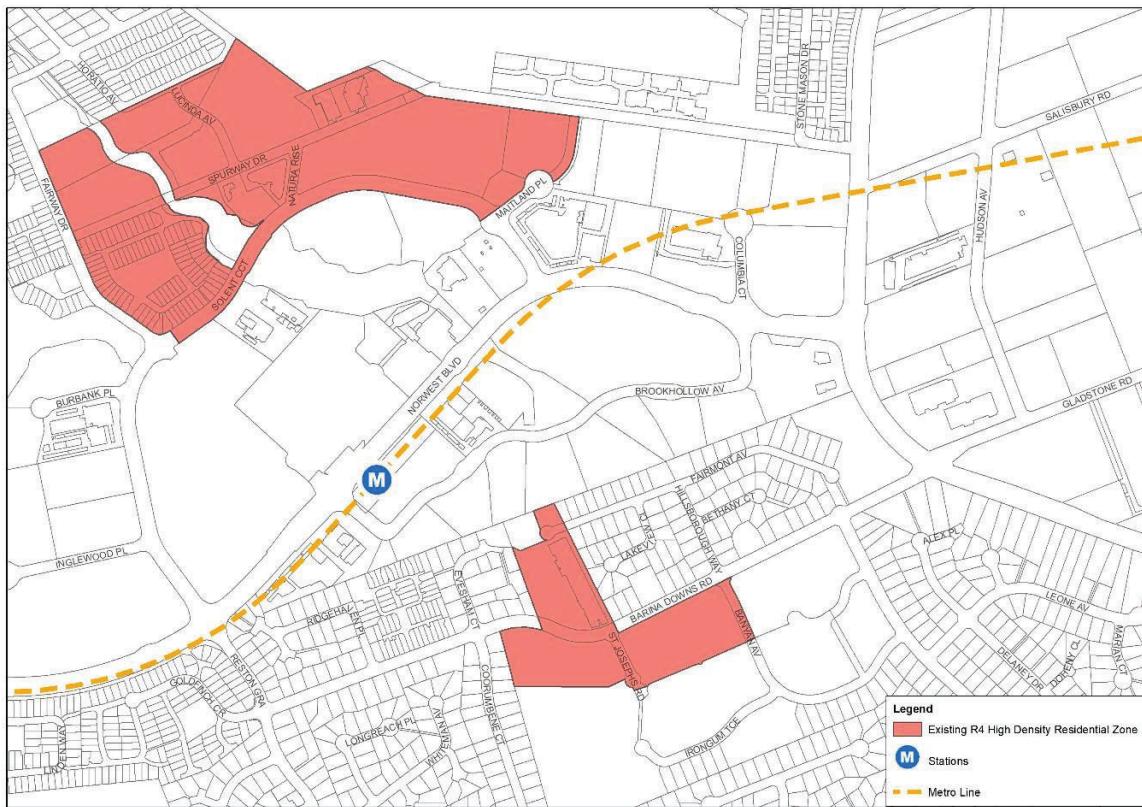
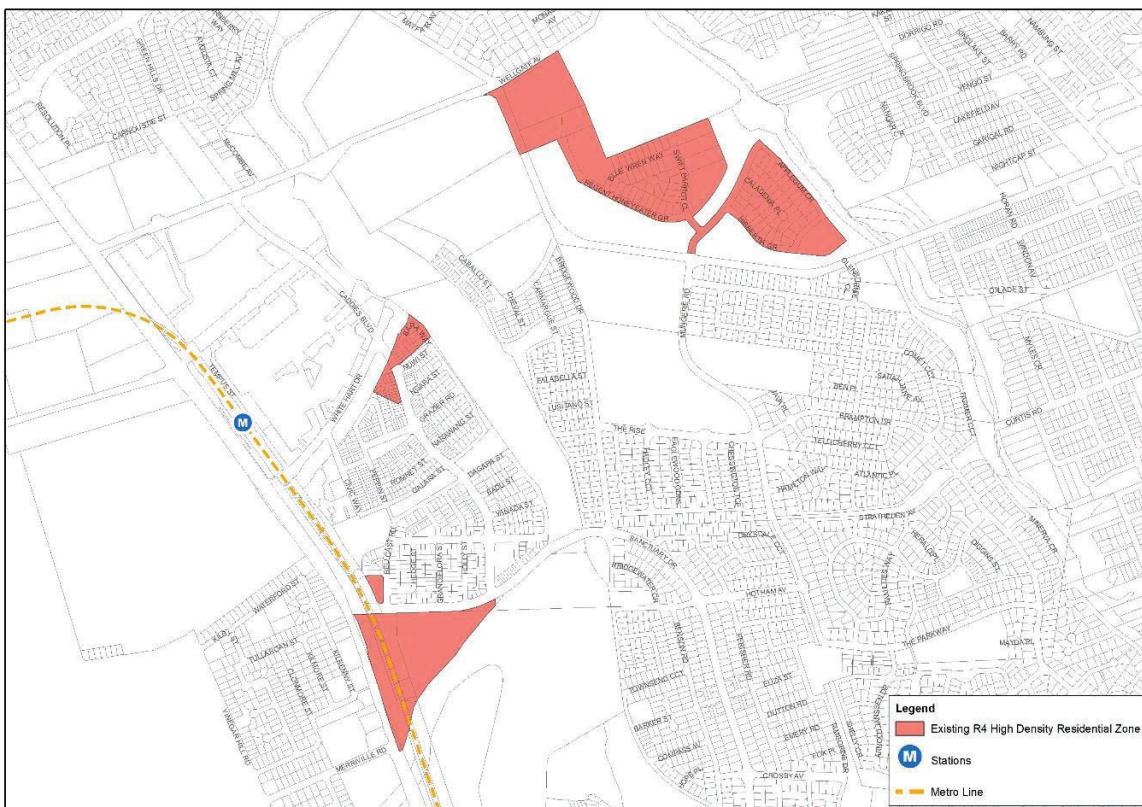
**ATTACHMENTS**

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)

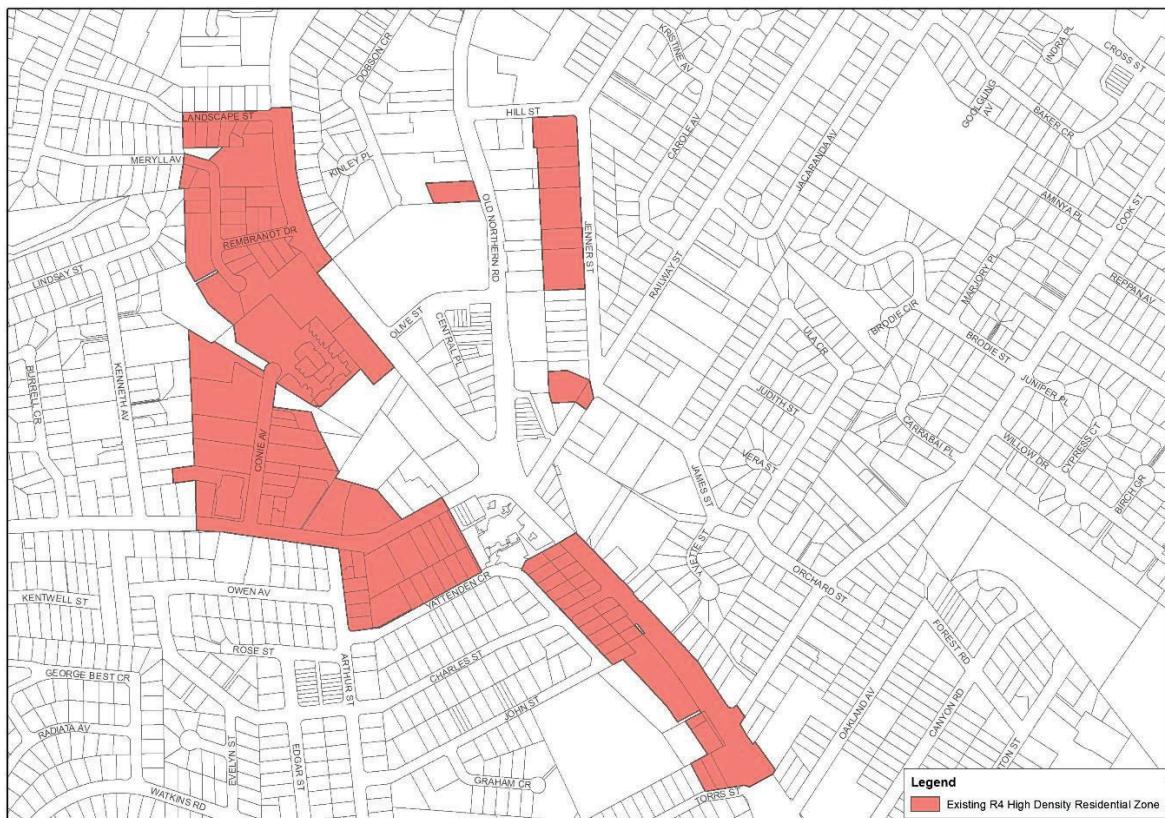
ATTACHMENT 1

TO STRIVE FOR BETTER THINGS

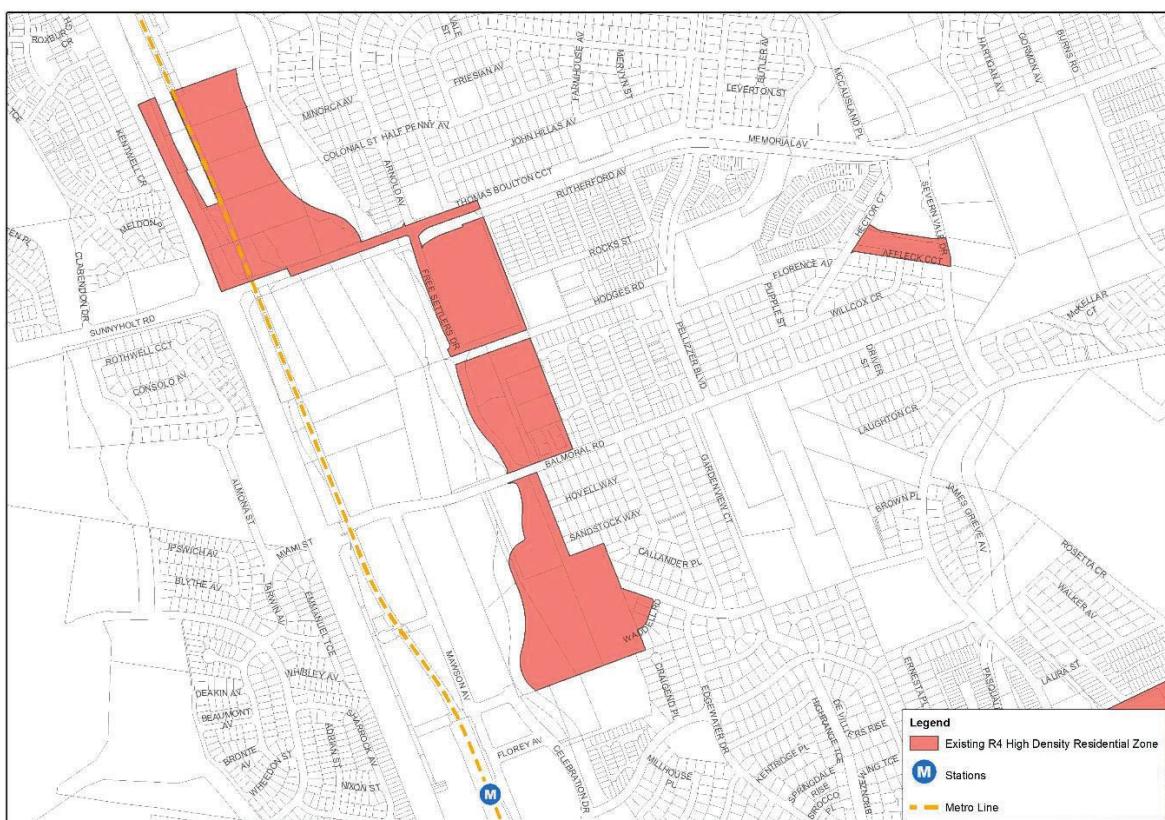
**Castle Hill Station Precinct – R4 High Density Residential zoned land****Showground Station Precinct – R4 High Density Residential zoned land**

**Norwest Station Precinct – R4 High Density Residential zoned land****Rouse Hill & North Kellyville – R4 High Density Residential zoned land**

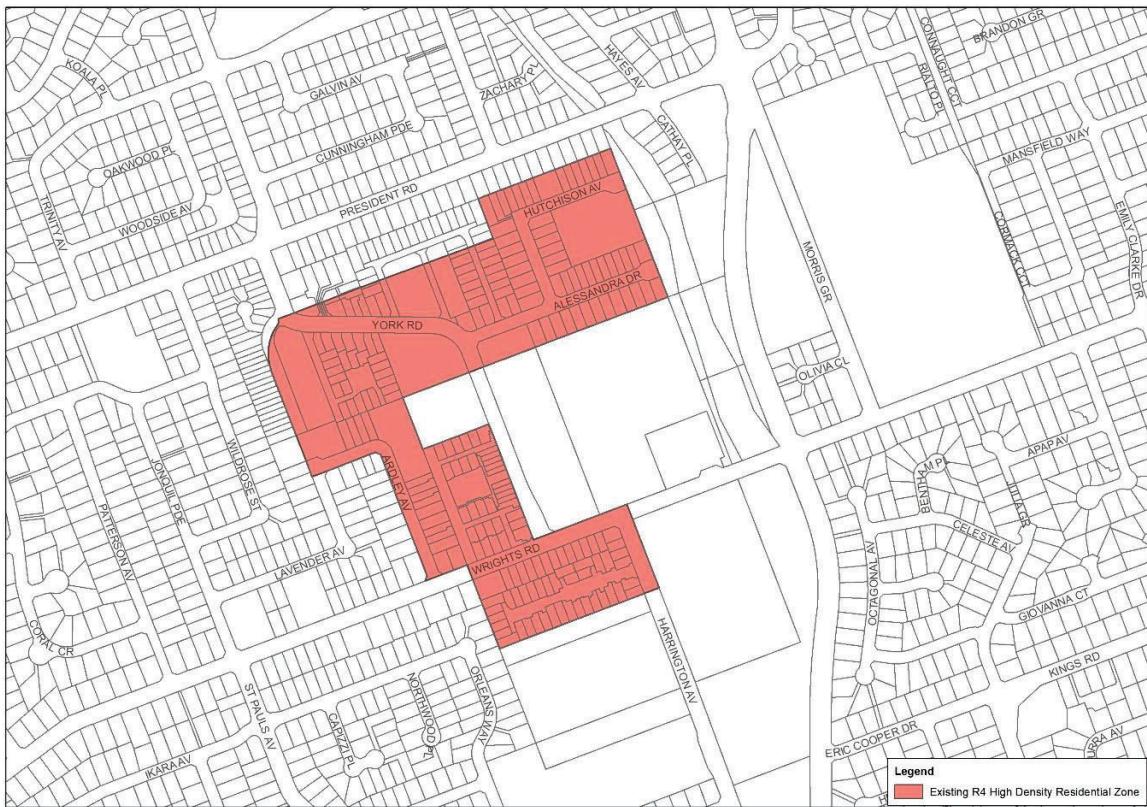
## **Baulkham Hills Town Centre – R4 High Density Residential zoned land**



#### **Bella Vista & Kellyville Station Precincts – R4 High Density Residential zoned land**



## Wrights Road, Kellyville Town Centre – R4 High Density Residential zoned land



## **Gables Town Centre – R4 High Density Residential zoned land**



# TO STRIVE FOR BETTER THINGS

**West Pennant Hills – R4 High Density Residential zoned land**



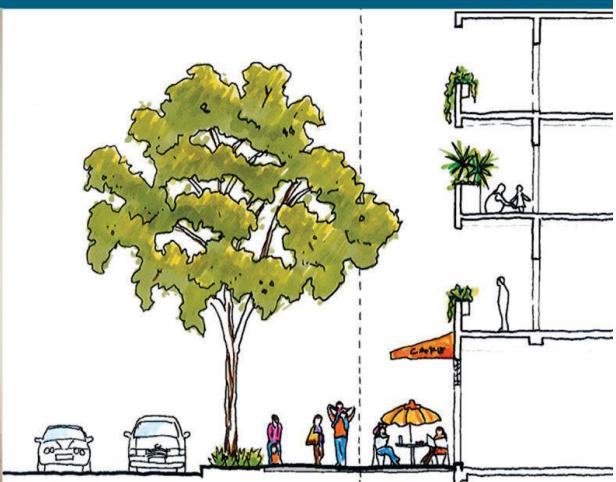
# The Hills Development Control Plan (DCP) 2012

[www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au)

ATTACHMENT 2

THE  
HILLS  
Sydney's Garden Shire

TO STRIVE FOR BETTER THINGS



## Part B Section 8 Shop Top Housing and Mixed Use Development

**B8**

In Force 16-March-2018

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TO STRIVE FOR BETTER THINGS

## INTRODUCTION

### LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This section applies to land where, under the provisions of The Hills Local Environmental Plan (LEP) ~~2012~~ 2019, shop top housing is a permissible use. Additionally, this Section applies to mixed use developments containing retail and/or commercial premises and residential flat buildings.

### AIM

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

### STATEMENT OF OUTCOMES AND DEVELOPMENT CONTROLS

Shop top housing is defined under LEP ~~2012~~ 2019 as “one or more dwellings located above ground floor retail premises or business premises”. Consistent with this definition shop top housing must comprise only retail or business uses at ground level with flexibility for retail, commercial or residential development above the ground floor.

Mixed use development is defined under LEP ~~2012~~ 2019 as “a building or place comprising 2 or more different land uses”. A mixed use development containing retail and/or commercial premises and residential flat buildings could provide a similar development outcome to shop top housing, however with mixed use development there would be flexibility for residential accommodation at ground level.

Shop top housing and mixed use retail/commercial/residential developments are permitted in a number of business and residential zones across the Shire. Each zone has specific objectives and development standards which apply under LEP ~~2012~~ 2019. LEP ~~2012~~ 2019 ~~also~~ contains an ~~additional~~ local clause outlining objectives and controls specific to shop top housing and mixed use proposals in certain locations.

LEP 2019 also contains a local clause relating to non-residential uses in the R4 High Density Residential zone. This clause limits the size of specified non-residential uses and limits their location to the ground floor of developments.

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

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

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

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

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

State Environmental Planning Policy ([Housing](#)) 2021 Chapter 4 [No. 65](#) – Design Quality of Residential Apartment Development also applies to shop top housing in specific circumstances. These provisions would apply if the building concerned is at least 3 or more storeys and contains at least 4 or more dwellings. Refer to [the Housing SEPP No. 65](#) for further information on the application of the Policy to shop top housing.

## 1. Site Planning

### STATEMENT OF OUTCOMES

- Developments maintain a distinct neighbourhood or local character depending on the zone within which they are located.
- Developments are compatible with the character and form of existing and future development in the locality.
- Developments provide for the amenity of, and minimise impacts on, residents living within or surrounding the developments.
- Developments include usable and attractive outdoor spaces that provide for active and passive recreation opportunities.
- Developments are of a high design quality and provide an attractive visual presentation to the street and other surrounding development.
- Small scale ground level active uses are provided on street frontages in suitable high density residential environments (R4 High Density Residential zone), enhancing neighbourhood walkability and vibrancy.

### DEVELOPMENT CONTROLS

Building and ceiling height	<p>The applicable height of buildings standard under Clause 4.3A of LEP 2012 equates to the following maximum building heights in storeys:</p> <ul style="list-style-type: none"> <li>- 7 metres: 2 storeys</li> <li>- 10 metres: 3 storeys</li> </ul> <p>Minimum floor to ceiling heights are:</p> <ul style="list-style-type: none"> <li>- 3.3m for commercial floors</li> <li>- 2.7m for residential floors</li> </ul> <p>Ground level floor to ceiling heights of 4m are encouraged to accommodate a range of uses (i.e., retail, cafes and restaurants) and promote maximum flexibility of use.</p>
Setbacks	<p>Front (primary and secondary street) setbacks:</p> <ul style="list-style-type: none"> <li>- Zero setback if active frontage provided</li> <li>- 3 metres if no active frontage provided</li> <li>- 3 metres for residential floors above the first storey or for residential floors above an existing retail development (unless active frontage provided where consistent with existing development can be provided)</li> </ul> <p>(Refer Section 2 for definition of 'Active Frontage')</p> <p>Side and rear setbacks:</p> <ul style="list-style-type: none"> <li>- 6 metres where adjoining low density residential development</li> <li>- 3 metres where not adjoining low density residential development</li> </ul> <p>Upper residential floors must incorporate building articulation such as awnings, porticos, recesses, blade walls and projecting bays.</p> <p>Where a variation to the setback controls is proposed, consideration must be given to the existing and future character and amenity of the surrounding area.</p>
Common open space	Where a development comprises five or more dwellings, a minimum of 20m <sup>2</sup> per dwelling is to be provided as a consolidated common open space area.

	<p>At least 75% of the common open space area must be provided at ground level and be well landscaped.</p> <p>Upper level or roof top common open space may be considered for a portion of the common open space.</p> <p>Common open space should be designed to enable it to be used for recreational activities and be capable of growing substantial vegetation.</p> <p>The common open space area must only be accessible by the residents of the development.</p>
Landscaping	<p>Where adjoining a residential zone, landscape screening strips with a minimum width of 2 metres must be provided within setback areas.</p> <p>Outdoor parking areas are to include landscape screening strips with a minimum width <b>of</b> 2 metres.</p> <p>Screen planting should be provided within private and common open space areas to improve privacy and amenity for residents and surrounding properties.</p> <p>At least 15% of the site area should incorporate deep soil planting. This can be accommodated within common open space areas and setback areas.</p> <p>Where upper level or rooftop common open space is proposed these spaces are to incorporate landscaping features such as planter boxes or vertical gardens.</p>
Public domain	<p><b>Front setbacks areas and building facades must integrate with and contribute to the activities of the public domain.</b></p> <p>Public domain treatments along active frontages should include high quality paving, street furniture and street trees to contribute to the consistency of the streetscape.</p> <p><b>Hedging or box planting is encouraged to frame the commercial area, subject to sufficient space remaining for access and permeability through the public domain.</b></p>

## 2. Building Design

### STATEMENT OF OUTCOMES

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

### DEVELOPMENT CONTROLS

Awnings	Awnings are to be provided along streets where active frontages are provided and at main entries to residential components of developments.
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	<p>Awning must have sufficient depth (<a href="#">generally a minimum depth of 1.5 metres</a>), but also be setback sufficiently to allow street trees, furniture etc.</p>
Active street frontages	<p>Active frontages are encouraged at ground level to all public streets.</p> <p>Active frontages are defined as one or a combination of the following:</p> <ul style="list-style-type: none"> <li>• Shop front;</li> <li>• Café or restaurant if accompanied by an entry from the street;</li> <li>• Community and civic uses with a street entrance;</li> <li>• Recreation facilities with a street entrance;</li> <li>• Glazed entryway; <a href="#">and</a></li> <li>• Street entryway.</li> </ul> <p>An active street frontage is not required for any part of a building that is used for any of the following:</p> <ul style="list-style-type: none"> <li>• Entrances and lobbies (including as part of mixed use development);</li> <li>• Access for fire services; and</li> <li>• Vehicular access.</li> </ul> <p>To achieve amenity in local neighbourhoods, permissible non-residential uses such as local shops and cafes are to be located <a href="#">where they will be most accessible and visible</a>.</p>
Acoustic amenity	Noise sources within the development such as common open space, service areas, driveways, and road frontages should be managed through measures such as separation, building layout, double glazed windows etc.
Material and finishes	<p>To create an interesting pedestrian environment, predominantly clear glazing should be provided to the street frontage of retail and commercial windows at ground floor level.</p> <p><a href="#">Security grilles may only be fitted internally behind the shopfront. They are to be transparent and fully retractable.</a></p>
Other controls	Refer to the Residential Flat Building or Business Sections of this DCP for further controls relating to unit size and mix, visual privacy, solar access, private open space, ventilation, storage, <a href="#">and</a> waste management <a href="#">and hours of operation</a> .

### 3. Access and Parking

#### STATEMENT OF OUTCOMES

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

#### DEVELOPMENT CONTROLS

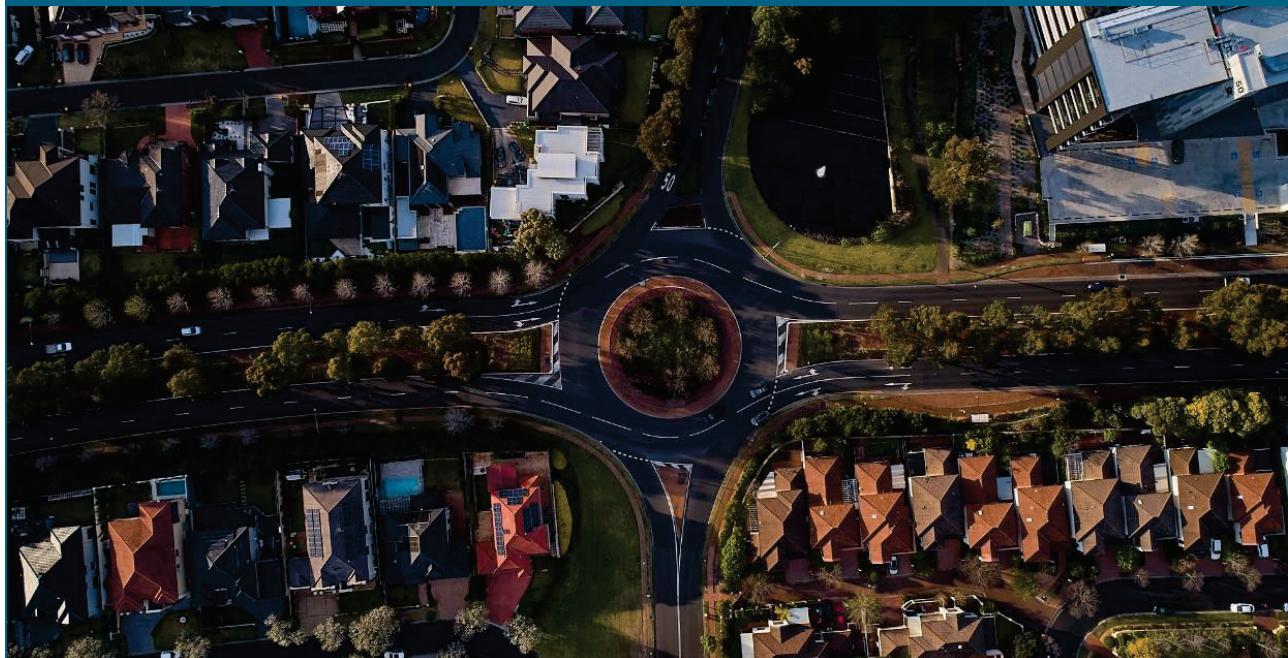
Vehicular and pedestrian access and circulation	<p>Vehicular access should not be via primary streets where alternative street/laneway access is available.</p> <p>Vehicular and pedestrian access, parking and services should be completely separate for residential and retail/commercial uses.</p> <p>Pedestrian safety is to be maximised through ensuring clear sight lines at pedestrian and vehicular crossings.</p> <p><b>Tenancies (used for activated purposes) are to be accessible and level with the finished floor level of the adjacent footpath.</b></p>
Building entries	<p>Separate building entries are to be provided for the residential and commercial components of developments.</p> <p>The entry and street address of active uses should be located on the primary frontage.</p> <p><b>For larger developments with more than one street frontage, active uses are encouraged on each street frontage.</b></p>
Car parking	The preferred location for car parking is within a basement or to the rear of developments.
Delivery and services	<p><b>Any required loading facilities are not to be located on active frontages.</b></p> <p><b>Service elements should not be visible from the public domain.</b></p>
Other controls	<p>Refer to the Residential, Business and Carparking Sections of this DCP for other controls relating to loading and car parking.</p> <p><b>Refer to the Parking Section of this DCP for further 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.</b></p>

ATTACHMENT 3

# The Hills Development Control Plan (DCP) 2012

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THE  
HILLS  
Sydney's Garden Shire



## Part C Section 1 Parking

**C1**

In Force 19 August 2024

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# 1 Introduction

This Section of the DCP must be read in conjunction with Part A – Introduction of this DCP.

## **1.1 LAND TO WHICH THIS SECTION OF THE PLAN APPLIES**

This Section of the DCP applies to all land identified under The Hills Local Environmental Plan (LEP) and to all permissible parking activities as defined in the LEP. Where the provision of parking is ancillary to the overall development, further specific controls are included in separate relevant Sections of this DCP.

## **1.2 AIMS AND OBJECTIVES OF THIS SECTION OF THE DCP**

The aim of this Section of the DCP is to establish Council's specific objectives and development controls for the provision of parking within the Shire.

### *Objectives*

Council's overarching objectives for parking developments are:

- (i) To provide guidelines aimed at improving overall traffic management and safety.
- (ii) To ensure satisfactory access, parking provisions, circulation and goods loading and delivery facilities are provided within developments.
- (iii) To ensure the efficient flow of traffic through car parks to minimise the potential for pedestrian and vehicle conflict.
- (iv) To set out Council's planning and engineering standards for parking in the Shire.
- (v) To encourage the use of more ecologically sustainable forms of transport such as bicycles.
- (vi) To ensure that all parking provided by development relates to the site's environmental conditions.

TO STRIVE FOR BETTER THINGS

## 2 Objectives and Development Controls

The objectives and development controls for parking are set out in the following sections.

This Section of the DCP is to be read in conjunction with other relevant Sections of this DCP, including but not limited to:

- Part C Section 3 – Landscaping

### 2.1. GENERAL PARKING REQUIREMENTS

#### *Objectives*

- (i) To provide sufficient parking that is convenient for the use of residents, employees and visitors of the development.

#### *Controls*

#### 2.1.1. GENERAL

- (a) Number of required parking spaces and associated conditions must be provided in accordance with Table 1. Any part spaces must be rounded up to the nearest whole number.
- (b) All car parking spaces must be provided on-site.
- (c) The minimum provision of spaces for restaurants or café as required in Table 1 applies to indoor and outdoor seating.
- (d) The provision of boat trailer and boat wash down areas are required for caravan parks and/or holiday cabin developments in the vicinity of the Hawkesbury River.
- (e) Car parking for child care centres must be situated in a convenient location, allowing for safe movement of children to and from the centre.
- (f) Parking spaces for an exhibition home may be permitted to be located within the front setback, provided the parking area is reinstated to lawn upon the expiry of the exhibition home consent. In the case of exhibition home villages a centralised parking area should be provided.
- (g) Any changes to parking provisions occurring after development consent or implementation of development consent must be subject to an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
- (h) Where justified, a proportion of car parking may be subject to time restrictions upon application, consideration and approval by Council. All employees parking are to be provided on-site.
- (i) Stack parking will not be included in the assessment of the number of car parking spaces for retail, commercial, medium density residential and industrial development and the like.
- (j) Access arrangements in bush fire prone areas shall be in accordance with Planning for Bushfire Protection 2019.

### **2.1.2. MIXED USE PARKING**

- (a) Where the component uses are operated concurrently, parking will be assessed as the sum of the requirements for each component. Component parking requirements are to be based on requirements in Table 1. Calculations shall include an appropriate proportion of any shared common or administrative area.
- (b) Car parking requirements for any commercial or retail development proposed in association with residential development within the Castle Hill, Norwest and Rouse Hill Strategic Centres will be assessed on merit, having regard to the rates applicable within those Centres within Table 1.
- (c) 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, 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.

### **2.1.3. DUAL USE PARKING**

- (a) Where the component uses are not operated concurrently, parking provisions will be based on whichever of the components generates the greatest car parking requirement. The onus will be on the Applicant to satisfy Council that the uses are not operated concurrently.
- (b) Where the main usage periods of the component uses do not coincide, Council may consider a reduction in the car parking requirements provided that the total car parking is not less than that needed for the component that generates the greatest requirement. The onus will be on the Applicant to satisfy Council that the main usage periods do not coincide.

### **2.1.4. REMODELLING OR ALTERATIONS TO EXISTING PREMISES**

- (a) If the development does not result in increased floor space and the use of the building is not significantly changed, then additional parking provisions may not be required.
- (b) If the remodelling results in increased floor area, then additional parking will be required for the increase.
- (c) If the use of the development is changed, this will be taken into account in assessing the parking requirement according to the new use as well as any increase in floor space.

*Submission Requirements*

Part C Section 1

Parking

- Parking calculations – number of spaces provided for the proposed development using Table 1. Any part spaces must be rounded up to the nearest whole number.
- A Traffic Impact Report should be provided:
  - Where development is likely to generate significant traffic, or
  - Where it is a requirement of another section of the DCP.
- A Parking Study – will be required where proposed parking provisions need to be substantiated. This occurs when:
  - An activity or land use is not included in Table 1, or
  - Dual use or mixed use car parking arrangements may be proposed

**Table 1** Required Car Parking Provisions**GFA** = Gross Floor Area**GLFA** = Gross Leasable Floor Area

Land Use Class	Land Use	Required Provision
Residential	Dwelling	Minimum 1 space per dwelling.
	Residential flat buildings, shop top housing and Multi dwelling housing	Minimum 1 space per 1 bedroom unit. Minimum 2 spaces per 2 or 3 bedroom unit. Minimum 2 visitor spaces per 5 units.
	Residential flat buildings within the Castle Hill, Baulkham Hills and Rouse Hill Centres (See note 1 below)	Minimum 1 space per 1 bedroom unit Minimum 1.5 spaces per 2 bedroom unit. Minimum 2 spaces per 3 bedroom unit. Minimum 2 visitor spaces per 5 units.
	Residential flat buildings and dwellings in shop top housing and mixed use developments within the Sydney Metro Northwest Corridor	Minimum 1 space per unit. Minimum 1 visitor space per 5 units.  The following maximum parking rates apply to development seeking the Incentive Floor Space Ratio (and Key Site Bonus) under The Hills LEP within the Castle Hill North Precinct (see note 3): Studio or 1 bedroom – Max 0.5 spaces per unit. 2 bedroom – Max 0.8 spaces per unit.

TO STRIVE FOR BETTER THINGS

Land Use Class	Land Use	Required Provision
		3+ bedroom – Max 1.3 spaces per unit. Visitor spaces – Max 1 space per 5 units.
	Dual occupancy	Minimum 1 undercover space per dwelling below 125m <sup>2</sup> of floor space. Minimum 2 spaces (1 undercover) per dwelling above 125m <sup>2</sup> of floor space.
	Home business or home industry	Car parking rate will be determined on a merit based assessment but must be provided at a rate that will ensure that the proposal does not result in a significant increase in traffic in accordance with The Hills LEP.
	Manor house	Minimum 1 space per 1 bedroom unit. Minimum 2 spaces per 2 or 3 bedroom unit. Minimum 1 visitor space.
Commercial	Commercial premises (including business premises, office premises)*	Minimum 1 space per 25m <sup>2</sup> of GFA.
	Commercial premises – Baulkham Hills Town Centre (see note 1 for catchment locations)	Minimum 1 space per 75m <sup>2</sup> of GFA and maximum 1 space per 50m <sup>2</sup> of GFA.
	Commercial premises – Castle Hill, Norwest and Rouse Hill Strategic Centres (see note 1 for catchment locations)	<u>Inner Catchment:</u> Minimum 1 space per 100m <sup>2</sup> of GFA and maximum 1 space per 75m <sup>2</sup> of GFA. <u>Outer Catchment:</u> Minimum 1 space per 75m <sup>2</sup> of GFA and maximum 1 space per 60m <sup>2</sup> of GFA.
	Commercial premises as part of a mixed use development with residential flat buildings – Castle Hill North Precinct	Max 1 space per 200m <sup>2</sup> of GFA (see note 3).
Retail	Shops*# (including shopping centres and general business retail)	Minimum 1 space per 18.5 <sup>2</sup> m of GLFA.

Land Use Class	Land Use	Required Provision
	Retail premises – Baulkham Hills Town Centre (See note 1 for catchment locations)	Minimum 1 space per 50m <sup>2</sup> of GFA and maximum 1 space per 25m <sup>2</sup> of GFA.
	Retail premises – Castle Hill, Norwest and Rouse Hill Strategic Centres (See note 1 for catchment locations)	<u>Inner Catchment:</u> Minimum 1 space per 60m <sup>2</sup> of GFA and maximum 1 space per 30m <sup>2</sup> of GFA. <u>Outer Catchment:</u> Minimum 1 space per 50m <sup>2</sup> of GFA and maximum 1 space per 25m <sup>2</sup> of GFA.
	Service station & convenience store	<u>Minimum:</u> 6 spaces per work bay, plus with Convenience Store - 1 space per 20m <sup>2</sup> of GFA, plus with Restaurant - 15 spaces per 100m <sup>2</sup> of GFA of restaurant or 1 space per 3 seats whichever is the greater, plus 1 space per restaurant employee.
	Vehicle sales or hire premises (see note 4)	Minimum 0.75 spaces per 100m <sup>2</sup> of site area, plus 6 spaces per work bay where vehicle servicing is provided on site.
	Garden centre, plant nurseries, landscaping material supplies (see note 4)	Minimum 1 space per employee, plus 1 space per 18.5m <sup>2</sup> of GLFA of ancillary retail floor space. Additional parking spaces to be determined by Council in respect of each application to ensure that parking demand generated by the activity is contained within the subject site. A Traffic and Parking Study is required to accompany the application.
	Roadside stall (see note 4)	Minimum of 4 spaces located within the property boundaries.
	Market (see note 4)	Minimum 2.5 spaces per stall (customers only).
	Bulky goods premises	Minimum 1 space per 40m <sup>2</sup> of GFA.
	Industrial	Minimum 1 space per 50m <sup>2</sup> of GFA, or 1 space per 2 employees, whichever is greater.

Part C Section 1

Parking

Land Use Class	Land Use	Required Provision
Industry – component uses	Industrial – Edwards Road Precinct (see note 2)	Minimum 1 space per 75m <sup>2</sup> of GFA.
	Warehouse	Minimum 1 space per 50m <sup>2</sup> of GFA.
	Warehouse – Edwards Road Precinct (see note 2)	Minimum 1 space per 75m <sup>2</sup> of GFA.
	Vehicle body repair workshop	Minimum 1 space per 2 employees, plus 6 spaces per work bay.
	Vehicle repair station	Minimum 3 spaces per 100m <sup>2</sup> of GFA or 3 spaces per work bay, whichever is the greater.
	Sex services premises	Minimum 1 space per room used or capable of being used for sex services plus 1 space per employee. All car parking areas shall be well lit, easy to locate and monitored by surveillance.
	Visitor parking	Minimum 1 space for every 2 units constructed.
Entertainment	Pubs/registered clubs (see note 4)	Minimum 1 space per 1.85m <sup>2</sup> of service area in bar and lounge, plus 1 space per 2 employees.
	Entertainment facilities*#	Minimum 1 space per 5 seats or 1 space per 10m <sup>2</sup> of non-fixed seating floor space.
	<u>Food and drink premises</u>	
	Take-away food and drink premises* (No seating)	Minimum 1 space per 18.5m <sup>2</sup> of GFA.
	Restaurant or café* (see note 4)	Minimum 1 per 5 seats, plus 12 spaces per 100m <sup>2</sup> of GFA, plus 10 car spaces for queuing where a drive-through facility is proposed.
	Function centre	Minimum 1 space per 3 seats, or 15 spaces per 100m <sup>2</sup> of GFA, whichever is the greater. These rates apply to both indoor and outdoor seating.

TO STRIVE FOR BETTER THINGS

Part C Section 1

Parking

Land Use Class	Land Use	Required Provision
	Restaurant or café within a commercial office building and Main Street Precinct, Castle Hill (see note 3)	Minimum 1 space per 25m <sup>2</sup> of GFA.
	Restaurant or café within a retail shopping complex	Minimum 1 space per 18.5m <sup>2</sup> of GLFA.
	Restaurant or café within Main Street Precinct, Castle Hill outdoor dining component (see note 3)	No car parking required.
Recreational Facilities	Gymnasiums/fitness centre*	Minimum 1 space per 25m <sup>2</sup> of GFA.
	Squash courts & tennis courts*	Minimum 3 spaces per court, plus 1 space per 5 seats where spectator seating/galleries are provided.
	Bowling green	Minimum 30 spaces for the first green, plus 15 spaces per each additional green.
	Bowling alley	Minimum 3 spaces per alley.
	Indoor cricket or soccer centre*	Minimum 15 spaces per pitch.
	Equestrian centre, other recreational facility	Submit parking study to substantiate proposed car parking provisions.
Health	Hospital Nursing and convalescent homes	Minimum 1 space per 2 beds for visitors, plus 1 space per 1.5 employees, plus 1 space per 2.5 visiting medical officers. Unless otherwise specified by Part 5 (Housing for Seniors and People with a Disability) of <i>State Environmental Planning Policy (Housing) 2021</i> .
	Medical centres, health consulting rooms	Minimum 3 spaces per consulting room, plus 1 space per support employee.
Education	Child care centre# (including kindergartens, crèches)	Minimum 1 space per employee, plus

TO STRIVE FOR BETTER THINGS

Part C Section 1

Parking

Land Use Class	Land Use	Required Provision
		1 space per 6 children enrolled for visitors and/or parent parking. Also see section 2.1.1(e).
	Educational establishment (school)##	Minimum 1 space per employee, plus 1 space per 8 year 12 students, plus 1 space per 30 students enrolled for visitors and/or parent parking.
	Educational establishment (tertiary institution)##	Minimum 1 space per 2 students enrolled.
Accommodation	Bed & breakfast accommodation	Minimum 1 space per guest room in addition to residential requirement.
	Caravan park/holiday cabins	Minimum 1 space per caravan or camping site. Also see section 2.1.1(d).
	Farm stay accommodation	Minimum 1 space per farm stay accommodation room or cabin, plus 1 space per moveable dwelling or tent site, plus 1 space per 2 employees.
	Hotel or motel accommodation##	Minimum 1 space per 1 guest room, plus 1 space per 2 employees in addition to any space generated by a public bar or restaurant.
Agritourism	Farm gate premises and farm experience premises	Minimum 1 space per 25m <sup>2</sup> of gross floor area of a building or structure for farm gate premises or farm experience premises, plus 1 space per 3 visitors for any outdoor farm gate premises or farm experience premises activity, plus 1 space per premise for persons with disability or limited mobility, plus 1 space per 2 employees.
Other	Animal boarding or training establishment	Development applications are to be accompanied by a Traffic and Parking Study to

TO STRIVE FOR BETTER THINGS

Part C Section 1

Parking

Land Use Class	Land Use	Required Provision
		ensure that parking demand generated by the activity is contained within the subject site.
	Exhibition home	3 spaces per exhibition home. Also see section 2.1.1(f).
	Funeral home/chapel	1 space per 4 seats, plus 1 space per funeral service area.
	Marina	Minimum 0.6 spaces per wet berth, plus Minimum 0.2 spaces per dry storage berth, plus Minimum 0.2 spaces per swing mooring, plus Minimum 0.5 spaces per marina employee. Development applications are to be accompanied by a Traffic and Parking Study to ensure that parking demand generated by the activity is contained within the subject site.
	Place of public worship	Minimum 1 space per 5 seats.
	Veterinary hospital	Minimum 3 spaces per consulting room, plus 1 space per 10 cats or dogs accommodated overnight.

**Notes.** \*Bicycle parking is also required – refer to Table 3 for provisions.

# Set down areas are to be provided for these land uses – refer to section 2.6.

1. Inner and Outer Catchments for the Castle Hill Strategic Centre, Norwest Strategic Centre, Rouse Hill Strategic Centre and Baulkham Hills Town Centre are identified in Appendix A – Centre Maps to this Section.
2. Land within the Edwards Road Precinct is identified within Appendix B – Edwards Road Precinct to this Section.
3. Main Street Precinct, Castle Hill includes properties fronting Old Northern Road and part of Showground Road, Castle Hill and is identified in Appendix A – Centre Maps to this Section. Land within the Castle Hill North Precinct is identified within Appendix C – Castle Hill North Precinct to this Section. To encourage provision of employment uses there is no minimum requirement for car parking for ‘commercial premises’ where provided as a mixed use development with ‘residential flat buildings’.

Part C Section 1

Parking

4. This rate prevails over the retail premises centres parking rates.

TO STRIVE FOR BETTER THINGS

## 2.2. PARKING FOR PEOPLE WITH A DISABILITY AND PARENTS WITH PRAMS

### *Objectives*

- (i) To ensure appropriate on-site provision and design of parking for people with a disability and parents with prams.
- (ii) To ensure that designated spaces provided are easily accessible to points of entry to building or facility.
- (iii) To ensure amenity and safety in the design and construction and operation of the development in accordance with Council's ESD Objective 7.

### *Controls*

- (a) A proportion of the total parking spaces required shall be provided for people with a disability in accordance with Table 2.
- (b) A continuous, accessible path of travel in accordance with AS 1428.1 shall be provided between each parking space and an accessible entrance to the building or to a wheelchair accessible lift.
- (c) A proportion of the total parking spaces required shall be provided for parents with prams at the rate of 1 space per 100 spaces at:-
  - Shopping centres;
  - Transport terminals;
  - Hospitals; and
  - Other large public facilities.
- (d) Parking spaces for people with a disability and parents with prams should:-
  - Have minimum 3.2 metres x 5.4 metres dimensions for each designated parking space;
  - Be provided adjacent to an accessible entrance or a wheelchair accessible lift;
  - Be signposted and identified for the nominated parking use;
  - Have a clearance height of 2.5 metres from floor level; and
  - Provide a level area with a gradient less than 1:40.
- (e) Directional signage to designated parking spaces should be provided from the entry of the parking facility.
- (f) Set down areas should be level with a gradient less than 1:40, have adequate circulation space and be located away from traffic flow. Adjacent kerb ramps should be provided to allow access to a footpath, building entrance or a wheelchair accessible lift.
- (g) Refer to Council's "Making Access for All: guidelines ensuring criteria for all public facilities" for further parking and access designs.

### *Submission Requirements*

- Site plan indicating:
  - Parking layout and locations of designated spaces for people with a disability and parents with prams; and
  - Locality of adjacent wheelchair accessible entrances and lifts.
- Parking calculations.

Part C Section 1

Parking

**Table 2** People with a Disability Parking Provisions

Source: AS 2890.1 1993 – Part 1 Parking Facilities – Off Street Car Parking

Land Use	Required Provision (percentage of total car parking)
<b>Retail/Commercial</b> A shopping centre with or without commercial premises (banks, credit union, restaurants or cafes, offices etc.), or an office area. Includes strip shopping centres or CBD areas, shopping complexes, supermarkets, and variety stores. May include post office, entertainment, community, recreation venues and the like.	2%
<b>Transport</b> Railway stations, bus/rail interchanges	3%
<b>Community</b> Civic centres, town halls, community centres, senior citizen's clubs, and health care.	3%
<b>Recreation</b> Leisure centres, gymnasiums, swimming pools, parks, gardens, foreshore, and sporting venue.	3%
<b>Education</b> Schools	3%
Tertiary institutions	2%
<b>Entertainment</b> Theatres, libraries, art galleries, sports centres, entertainment centres	4%
<b>Medical</b> Hospitals	4%
Medical Centres (including community health centres, radiology units, rehabilitation units)	3%
<b>Places of Public Worship</b> Individual churches or religious centres	3%

**Notes.**

1. Percentages in Table 2 apply to the total number of parking spaces to be provided.
2. Small car parks must provide a minimum of 1 space for people with a disability.

## 2.3. BICYCLE PARKING

### *Objectives*

- (i) To provide convenient and accessible on-site bicycle parking and appropriate associated facilities.
- (ii) To encourage the use of bicycles in order to help reduce the dependence on motor vehicles in accordance with Council's ESD Objective 9.

### *Controls*

- (a) The provision of bicycle parking must be in accordance with Table 3.
- (b) Bicycle parking should be located in close proximity to building entrances and clustered in lots not exceeding 16 spaces.
- (c) Bicycle parking facilities should not impede pedestrian or vehicular circulation.
- (d) Bicycle parking facilities should be located in highly visible, illuminated areas to minimise theft and vandalism.
- (e) Provision of shower and change facilities for bicycle riders should be provided in accordance with Table 3.
- (f) Installation and dimensions of bicycle parking facilities and storage should be in accordance with:
  - AS 2890.3-1993 – Parking Facilities – Bicycle parking facilities; and
  - Guide to Traffic Engineering Practice BICYCLES – Part 14 – Austroads (Standards Australia).

### *Submission Requirements*

- Parking calculations
- Site plan indicating location of:
  - Designated bicycle spaces/storage facilities; and
  - Shower and change facilities
- Statement of Environmental Effects indicating:
  - Security details for bicycle parking areas and
  - Provision of shower and change facilities.

**Table 3** Provision of Bicycle Parking According to Land Use

Source: Guide to Traffic Engineering Practice "BICYCLES – Part 14 – Austroads" (Standards Australia).

TO STRIVE FOR BETTER THINGS

Land Use	Minimum Bicycle Parking Provisions	Change and Shower Facilities
Commercial Premises (including business premises and office premises)	2 spaces plus 5% of the total number of car spaces required where – New development exceeds 5,000m <sup>2</sup> in GFA, or Additions to existing developments that increase the size of the total development to greater than 5,000m <sup>2</sup> of GFA.	Yes
Gymnasium/Fitness Centre or Squash/Tennis courts or Indoor Cricket/Soccer	1 per 4 employees, plus 1 per 200m <sup>2</sup> of GFA	Yes
Industry – Warehousing, Factories	2 spaces plus 5% of the total number of car spaces required where – New development exceeds 4,000m <sup>2</sup> in GFA, or Additions to existing developments that increase the size of the total development to greater than 4,000m <sup>2</sup> of GFA.	Yes
Retail/Shops	2 spaces plus 5% of the total number of car spaces required where – New retail developments exceed GFLA of 5,000m <sup>2</sup> , or Additions to existing developments that increase the size of the total development to greater than 5,000m <sup>2</sup> of GFLA.	Yes
Bulky Goods Premises	2 spaces plus 5% of the total number of car spaces required where – New development exceeds 4,000m <sup>2</sup> in GFA, or Additions to existing developments that increase the size of the total development to greater than 4,000m <sup>2</sup> of GFA.	Yes
Schools	1 space per 5 pupils over year 4	Yes
Tertiary Institution	1 space per 50 full-time students	Yes

## 2.4. MOTORCYCLE PARKING

### *Objective*

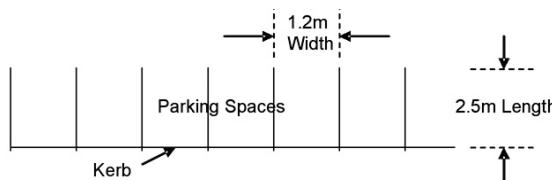
- (i) To have equitable provision of parking for motorcyclists.

### *Controls*

- (a) Motorcycle parking is to be provided for all developments with on-site parking of more than 50 car parking spaces, at a rate of 1 motorcycle parking space for every 50 car parking spaces or part thereof.
- (b) Motorbike spaces should be 1.2 metres wide and 2.5 metres long when spaces are 90 degrees to the angle of parking (See Figure 1 - Motorcycle Parking Dimensions).

### *Submission Requirements*

- Parking calculations.
- Site plan – indicating location of designated motorcycle parking spaces.



**Figure 1** Motorcycle Parking Dimensions At 90 Degree Angle

Source: AS 2890.1 1993 – Parking Facilities - Part1: Off Street Car Parking

## 2.5. CAR SHARE PARKING

### *Objectives*

- (i) To provide on-site car share parking spaces.
- (ii) To reduce traffic congestion and encourage transit-oriented developments within close proximity to transport hubs.

### *Controls*

The following optional controls apply to developments within Strategic Centres and the Baulkham Hills Town Centre (as identified within the maps which form part of Appendix A):

- (a) Each car share space may replace five (5) of the residential and/or non-residential car parking spaces.

For example, if a development that would otherwise be required to provide 100 regular spaces includes four (4) car share spaces, then total number of regular spaces that would need to be provided would be 80 spaces (in addition to the four (4) car share spaces).

- (b) Car share spaces shall not replace more than 20% of the total quantum of regular car parking spaces.
- (c) Car share reductions do not apply to visitor car parking spaces.
- (d) Car share spaces provided on private land must comply with the following:
  - Publicly accessible 24 hours a day, 7 days a week;
  - Where they are located within a basement parking area, they must be close to the exit/entry area and not difficult to find or out of sight;
  - Good visibility and clearly marked for use by car share scheme vehicles only;
- (e) Car share spaces must be identified and retained as common property by the Owners Corporation of the site and cannot be sold or leased to any individual.
- (f) A covenant must be registered within the strata plan requiring the retention of a commercial car share service for these spaces by the Owners Corporation;
- (g) Car share parking space(s) cannot be revoked, modified or used for parking of any other vehicles, other than those provided by a commercial car share operator.

*Submission Requirements*

- Any development seeking to provide car share spaces must be accompanied by evidence of the agreement in place or a letter of intention from a car share operator to provide car share vehicles within the development.

## 2.6. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

*Objectives*

- (i) To ensure that the demand for transport generated by development is managed in a sustainable manner.
- (ii) To encourage the use of electric vehicles within the community.
- (iii) To ensure new development provides the necessary infrastructure to support the charging of electric vehicles.

*Controls*

- (a) Electric vehicle charging infrastructure is encouraged as part of the development.
- (b) Any residential flat building, shop top housing, retail or commercial development must provide electric vehicle charging points or demonstrate that there is adequate electrical capacity and infrastructure to support the installation of electric vehicle charging points in the future as demand increases.
- (c) Refer to the quick reference guides on the NSW Climate and Energy Action website – “Drive Electric NSW EV Ready Buildings” for commercial and residential strata buildings.

*Submission Requirements*

- Report prepared by a suitably qualified person (such as an electrical engineer) demonstrating how the development will provide the specified electric vehicle charging points or ability to install these at a later date without retrofit or upgrade of electrical infrastructure. This report should include an electrical plan and details on electrical capacity and infrastructure (i.e. cable size, distribution board size, load management, electric kiosk requirements, etc).

## 2.7. CARWASH BAYS

*Objectives*

- (i) To provide on-site car wash facilities within residential multi-unit developments.
- (ii) To ensure during the design, construction and operation of car wash bays, that water is utilised efficiently and that water leaving the site is of a quality and quantity comparable to that which is received in accordance with Council's ESD Objective 3.

*Controls*

- (a) The carwash bay can be either a designated care space separate to that of total car spaces as calculated or can be a visitor space when not utilised by visitors.
- (b) A minimum provision of one designated carwash bay space per residential multi-unit development.
- (c) Car wash bays are not to be used to carry out engine degreasing or mechanical repairs and must be signposted to reflect this prohibition.
- (d) Wastewater must be treated so as to remove grease, oil and silt and must be either reused for car washing or used for irrigation of landscaped areas on site. To treat wastewater in this way application for a licence must be applied for from the Office of Environment and Heritage. Approval can be sought from <https://www.environment.nsw.gov.au/licences-and-permits>.
- (e) Alternatively, wastewater can be discharged to the sewer. This is only where (b) is not feasible according to a report provided by a hydraulic engineer, Council or the Office of Environment and Heritage. Approval from Sydney Water must be sought by applying for "Permission to Discharge Trade Wastewater". Refer to the fact sheet on Sydney Water's website <https://www.sydneywater.com.au/>. - "Disposal of Trade Wastewater from Residential Car Wash Bays".
- (f) Wastewater option (e) requires the construction of a roof over the designated car wash space and must be bunded to exclude rainwater as per Sydney Water's requirements.
- (g) Approval must be obtained either from the Office of Environment and Heritage or Sydney Water prior to construction of the development.

*Submission Requirements*

- Site plan indicating locations of designated car wash spaces.
- Statement of Environmental Effects indicating:
  - Details of method wastewater removal

## 2.8. SET DOWN AREAS

### *Objectives*

- (i) To provide designated set down areas in close proximity to busy centres.
- (ii) To provide safe and convenient designated set down areas for passengers to arrive close to their destination.

### *Controls*

- (a) Set down areas must not conflict with the movement of other traffic, pedestrians and other vehicle parking.
- (b) There must be a safe continuous accessible path of travel from set down area/s to a wheelchair accessible entrance or lift.
- (c) The following forms of development should provide set down areas for cars:
  - Educational establishments.
  - Shopping centres.
  - Community centres.
  - Libraries.
  - Entertainment facilities.
  - Child care centres.
  - Recreational facilities.
  - Transport terminals and interchanges.
- (d) The following forms of development should provide set down areas for coaches and community buses:
  - Hotel or motel accommodation.
  - Community centres.
  - Registered clubs.
  - Tourist destinations and centres.
  - Transport terminals and interchanges.
- (e) The number of set down areas must be in accordance to the development needs.
- (f) Set down areas for cars must be separate to set down areas used for coaches and community buses.
- (g) Set down areas, except those used for coaches and community buses, must be used only to drop off passengers and must not be used for passenger collection.
- (h) Set down areas must be signposted to indicate that their use is time limited.

### *Submission Requirements*

- Site plan indicating location and design of designated set down areas.
- Statement of Environmental Effects – Details of types of vehicles expected to set down passengers and the likely frequency of use.

## 2.9. CAR PARK DESIGN AND LAYOUT

### *Objectives*

- (i) To provide safe, convenient and accessible design and layout of parking areas.
- (ii) To provide suitable dimensions for all types of parking spaces.
- (iii) To provide appropriate parking design and layout that complements building design and function.
- (iv) To ensure pedestrian amenity is enhanced.

### *Controls*

### 2.9.1 GENERAL

- (a) The layout of the car park should facilitate ease of access and egress of vehicles through the parking area at all times without congestion.
- (b) For all development other than single dwelling houses and dual occupancies, vehicles must enter and exit the site in a forward direction.
- (c) Adequate queuing distance should be provided where the parking area fronts an arterial road as justified by relevant data or a study carried out by a suitably qualified person.
- (d) Any changes to parking layout and design occurring after development consent or implementation of a development consent must be subject to an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
- (e) Provisions within this section are in accordance with AS 2590.1 – 1993 Parking Facilities – Part 1 Off Street Car Parking. For further design requirements for car park design and layout please refer to the Australian Standard.

### 2.9.2. PARKING DIMENSIONS

- (a) The minimum car parking dimensions required for right angle parking shall be provided in accordance with Table 4.
- (b) Two-way aisles are not recommended for angle parking other than for parking at right angles (90 degrees).
- (c) The preferred parking angle should be at 90 degrees to the aisle. Where site area is limited other angles of parking will be considered. For angle parking design requirements other than at 90 degrees refer to AS 2890.1-1993 – Parking Facilities – Part 1: Off Street Parking.
- (d) All parking spaces shall be designed to ensure they can be accessed by a maximum 3 point combined manoeuvre, i.e. 1 movement to enter the space and 2 movements to leave, or 2 movements to enter and 1 to leave. (See Figure 2 for manoeuvres).
- (e) Parallel parking is to be avoided unless it can be demonstrated that it does not disrupt traffic circulation or create a hazard.

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- (f) At blind aisles the end spaces should be made one metre wider than the adjacent spaces (see Figure 3). Otherwise, provision should be made for cars to turn round at the end of aisles and allow vehicles to exit in a forward direction.
- (g) Spaces adjacent to obstructions must be 300mm wider on the side of the obstruction.
- (h) The width of car spaces in multi-storey or basement parking areas is to be exclusive of any building columns.
- (i) Basement parking areas should be setback the same distance as the building above.

### **2.9.3. PEDESTRIAN CIRCULATION AND SAFETY**

- (a) Parking areas should be designed so that pedestrian entrances and exits are separate from vehicle entrances and exits.
- (b) Safe crossing points through to or leading to entrances must have adequate sight distance and must be provided with appropriate directional signs and indicative pavement markings.
- (c) Lifts and stair lobbies, and access to buildings should be clearly marked.
- (d) Where possible, parking aisles should be orientated parallel with expected pedestrian travel paths (See Figure 4).

### **2.9.4. DRAINAGE**

- (a) All car parking areas are to provide adequate drainage of surface water to prevent flooding of adjoining properties.

### **2.9.5. LIGHTING AND VENTILATION**

- (a) Covered or enclosed car parks must have adequate lighting and ventilation, preferably by natural means.
- (b) Where car parks might be utilised in the evening, adequate artificial lighting should be provided for the whole car park area.

### **2.9.6. PARKING DIRECTIONS**

- (a) All car parking spaces should be clearly line marked.
- (b) Where designated parking spaces are provided such as customer, visitor, parents with prams and people with a disability, signposting must clearly indicate the location of these spaces.
- (c) Arrow markings on the surface of aisles and driveways should be used to demonstrate circulation pattern, whether in one-way or two-way directions.
- (d) Entries and exits must be appropriately signposted.

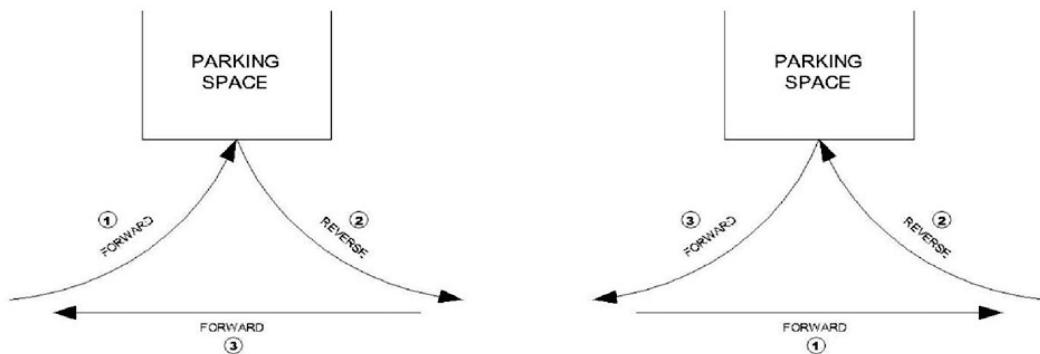
#### *Submission Requirements*

- Site Plan indicating car park layout including:
  - Traffic circulation details;

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## Parking

- Location of parking spaces;
- Location of directional and parking signs;
- Pedestrian access and circulation through parking areas;
- Contours demonstrating existing spot levels and proposed finished levels;
- Vehicle turning path detail overlaid on the plans demonstrating that entry and exit is achieved in a forward direction; and
- Location and height of any retaining walls.
- Cross Section indicating:
  - Extent of cut and fill;
  - Location and height any of retaining walls;
  - Headroom clearance to overhead obstructions (e.g. Fire sprinklers, servicing ducts, piping etc.); and
  - Longitudinal section of the driveway from the centreline of the public roadway from where access is proposed to the rear of the parking area. Transition grades to prevent vehicle scraping are to be detailed.
- Statement of Environmental Effects detailing:
  - Method of drainage; and
  - Lighting and ventilation methods.



**Figure 2** Vehicle Movements in and out of Parking Spaces

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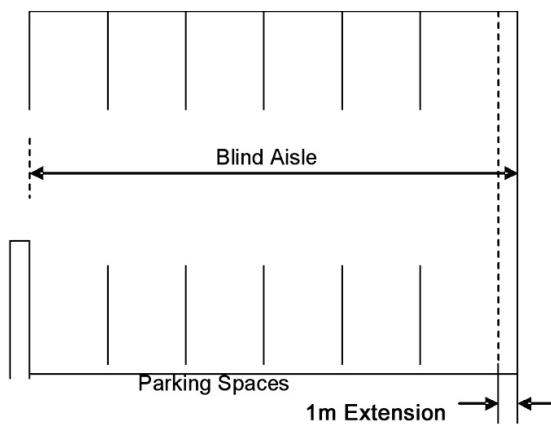
Parking

**Table 4** Minimum Parking Bay Dimensions for Right-Angled Car Parking

Source: AS 2890.1 1993 – Parking Facilities – Part 1: Off Street Parking

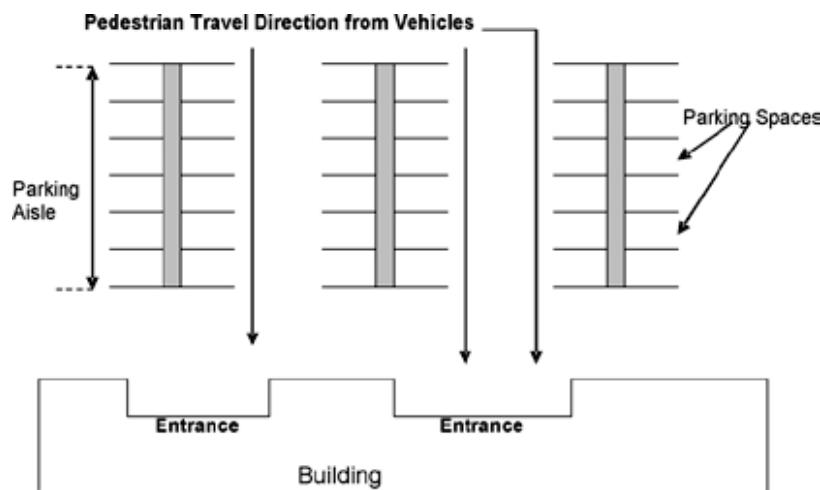
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Land Uses	User Class No.	Required Door Opening	Space Width (metres)	Space Length (metres)	Aisle Width (metres) One Way	Aisle Width (metres) Two Way
Tenant, employee and commuter parking, universities (generally parking all day)	1	Front Door, first stop	2.4	5.4	6.2	7.0
Long-term town centre parking, sports facilities, entertainment centres, hotels, motels (generally medium-term parking)	2	Front Door, second stop	2.5	5.4	5.8	7.0
Short-term town centre parking, shopping centres, supermarkets, hospitals & medical centres (generally short-term parking and where children & goods can be expected to be loaded into the vehicles).	3	Rear Door, full opening	2.6	5.4	5.4	7.0
Parking for people with disabilities	4	Front door, full opening plus wheelchair manoeuvre space	3.2	5.4	5.0	7.0

**Figure 3** Blind Aisle Extension

**Note.** The maximum length of blind aisle is equal to six 90 degree car spaces.

Source: AS 2890.1 1993-Parking Facilities-Part 1: Off Street Car Parking



**Figure 4** Example of Direct Pedestrian Access to Entrance

## 2.10. LANDSCAPING

### *Objectives*

- (i) To provide appropriate landscaping for external and uncovered car parks so that they do not detract from the surrounding area.
- (ii) To provide shade and improve amenity of loading, service and parking areas and to provide a buffer to neighbouring properties.
- (iii) To utilise landscaping to provide amenity to neighbouring properties in accordance with Council's ESD objective 7.

### *Controls*

- (a) Outdoor parking areas are to be provided with two meter wide landscaping strips:
  - Between rows served by different aisles.
  - Between spaces at a rate of one in every ten car parking spaces.
- (b) Outdoor parking areas are to be screened by a minimum of two metre wide landscaping strips. Such landscaping is to be of a mature and dense nature and be designed according to Part C Section 3 – Landscaping of this DCP.
- (c) Driveways are to be screened by a minimum of two metre wide landscaping strip on either side.
- (d) Where soils permit infiltration the landscaping strips should be used to promote reuse of drainage water.
- (e) Landscaping species selected should not:
  - Block signs;
  - Impede entry and access points;
  - Overgrow paths;

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- Cause restrictions to pedestrian and vehicle movements; and
- Compromise safety aspects such as sight distances.
- (f) Shade trees are to be provided within landscaping strips.
- (g) Plant and tree species selected for the purpose of providing shade should not be of a kind that will cause damage to vehicles because of their nature of dropping fruit, cones or nuts.
- (h) In addition reference should be made to Part C Section 3 – Landscaping of this DCP when selecting appropriate species.

*Submission Requirements*

- Landscape Plan

## 2.11. LOADING AND DELIVERY REQUIREMENTS

*Objectives*

- (i) To provide suitable access on-site for service vehicles, for the purpose of loading and/or delivering goods.
- (ii) To ensure that types of loading and delivery areas are suited to the needs of the development.
- (iii) To ensure that the adequate numbers of loading and delivery areas are allocated for appropriate types of service vehicles.
- (iv) To protect neighbourhood amenity and safety in the design and construction and operation of loading and service areas in accordance with Council's ESD objective 7.

*Controls*

- (a) All loading and delivery areas are to be provided on-site.
- (b) Loading and delivery facilities are to be designed in accordance with AS 2890.2-1989, Off Street Parking – Part 2: Commercial vehicles facilities.
- (c) The use of loading and delivery areas must not conflict with the safe efficient circulation of pedestrians and other vehicles on-site.
- (d) In larger developments loading and delivery areas should not operate independently of other parking areas.
- (e) Service vehicles are to be able to efficiently manoeuvre to and from loading and delivery areas in accordance with AUSTROADS Design Vehicular and Turning Templates.
- (f) Loading and delivery areas must not affect the amenity of adjoining residential properties.
- (g) Loading bays are not to be used for the storage of goods that may impede the use of the bay for the delivery or loading of goods.
- (h) The number of loading bays for supermarkets, department stores, mixed small shops and offices are required in accordance with Table 5.
- (i) Council may consider variations to the standards required by Table 5 in circumstances where the Applicant is able to demonstrate compliance with the objectives of this Section of the DCP by alternate means.

TO STRIVE FOR BETTER THINGS

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(j) For those land uses not referred to in Table 5 the Applicant will be required to demonstrate the development proposal satisfies the objectives of this Section of the DCP. In this regard the following information is to be submitted:

- The types of vehicles expected to load and deliver on-site.
- The frequency with which these vehicles will visit the site.
- The largest vehicles expected to visit the site. These areas must be able to be utilised by all smaller loading and delivery vehicles also.

**Table 5** Minimum Number of Loading Bays Required**GLFA** = Gross Leasable Floor Area**GFA** = Gross Floor Area

Development	Number of Loading Bays
Supermarket(GLFA)	2 for the first 930m <sup>2</sup> 2 for the next 930m <sup>2</sup> 1 for each extra 930m <sup>2</sup>
Department Store (GLFA)	2 for the first 4,645m <sup>2</sup> 2 for the next 4,645m <sup>2</sup> 1 for each extra 4,645m <sup>2</sup>
Mixed Small Shops (GFLA)	2 for the first 465m <sup>2</sup> 2 for the next 465m <sup>2</sup> 1 for each extra 530m <sup>2</sup>
Offices (GFA)	1 for the first 1,860m <sup>2</sup> 1 for next 3,720m <sup>2</sup> 1 for the next 3,720m <sup>2</sup> 1 for each extra 9,250m <sup>2</sup>

*Submission Requirements*

- Site Plan must indicate:
  - The relevant locations and dimensions of loading and delivery areas; and
  - The swept path of the design service vehicle to be overlaid on the site plan to demonstrate all turning movements of service vehicles from the public road to the delivery/loading dock.
- Loading Bay Calculations – in accordance with Table 5.

TO STRIVE FOR BETTER THINGS

- Statement of Environmental Effects – where Table 5 is not applicable the statement of environmental effects must indicate the following to substantiate that the design and number of loading and delivery areas are appropriate for the proposed development:
  - The type/s of service vehicles expected to delivery to and load from the site;
  - The frequency with which these vehicles will visit the site, indicating times during the day/night and approximate number of visits per week or month; and
  - Illustrate that the dimensions of the loading and delivery areas are suited to the types of vehicles visiting the site (Refer to AS 2890.2-1989 – Part 2: Commercial vehicle facilities for dimension requirements).

## 2.12. ACCESS DRIVEWAYS

### *Objectives*

- (i) To provide driveways with safe access and egress to and from properties.
- (ii) To reduce conflicts between entering and exiting street traffic and car park traffic.
- (iii) To ensure safety in the design, construction and operation of access driveways in accordance with Council's ESD objective 7.

### *Controls*

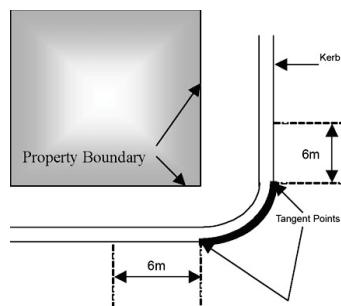
- (a) Access driveway widths are to comply with AS 28901-1993 Parking Facilities – Part 1: Off Street Car Parking.
- (b) Driveways are to be provided in locations that have adequate sight distance.
- (c) Driveways will be prohibited in the locations shown in Figures 5 and 6.
- (d) Access driveways are to be constructed in accordance with Council's "Specification for the Construction of Footpath & Gutter Crossings" (2001).
- (e) Access driveways are to be located a minimum of one metre from drainage structures and other services facilities located on the nature strip.
- (f) Except for residential properties, driveway entrances and exits should be signposted appropriately.
- (g) Access driveways should not be entered from or exited onto intersections where one or more of the intersecting roads are a collector, sub-arterial or arterial road.
- (h) Indirect access must be sought in preference to direct access where the proposed development fronts a high-volume road. Where direct access is proposed, a study by a suitably qualified person must be conducted to indicate potential impacts. This study will also be assessed by Transport for NSW.
- (i) Driveways for multi dwelling housing, residential flat buildings and developments using Part 5 (Housing for Seniors and People with a Disability) of *State Environmental Planning Policy (Housing) 2021* must be able to be accessed by service vehicles such as fire tankers, ambulances and bushfire tankers.
- (j) In addition, application of controls for driveways in other applicable Sections of the DCP should be applied.

### *Submission Requirements*

## Part C Section 1

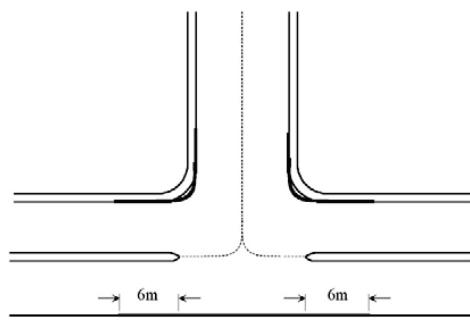
## Parking

- Site Plan including:
  - Indication of driveway locations in relation to the existing roadway and the kerb alignment; and
  - All tangent points on the kerb return must be identified.



**Figure 5** Driveways Prohibited Within 6 Metres from Tangent Points of Kerb

Source: AS 2890.1 – 1993 Parking Facilities – Part 1: Off-Street Car Parking



**Figure 6** Driveways Prohibited On The Opposite Side Of The Road Or Within 6m Of Median Opening

TO STRIVE FOR BETTER THINGS

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Parking

### 3 References

Australian Standard – AS 2890.1 – 1993 – Part 1 Parking Facilities – Off Street car parking.

Australian Standard – AS 2890.2 – 1989 – Off Street parking – Part 2: Commercial vehicle facilities.

Australian Standard – AS 2890.3 – 1993 – Parking Facilities – Bicycle parking - facilities.

The Hills Shire Council, 1993 Kellyville/Rouse Hill Landscape and Urban Design Strategy.

Department of Environment and Planning, 1981 Technical Bulletin 14: Guidelines for Site Landscaping of Commercial and Industrial Development.

Department of Urban Affairs & Planning, 1988 Rural Land Evaluation: A Manual for Conducting a Rural Land Evaluation Exercise at the Local Planning Level. Department of Urban Affairs and Planning, Sydney.

Department of Urban Affairs and Planning DUAP Circular No E3 Author.

Roads & Traffic Authority 1995, The Guide to Traffic Generating Developments.

Sinclair Knight Merz, 1996 Kellyville traffic and Parking Study. Prepared for The Hills Shire Council.

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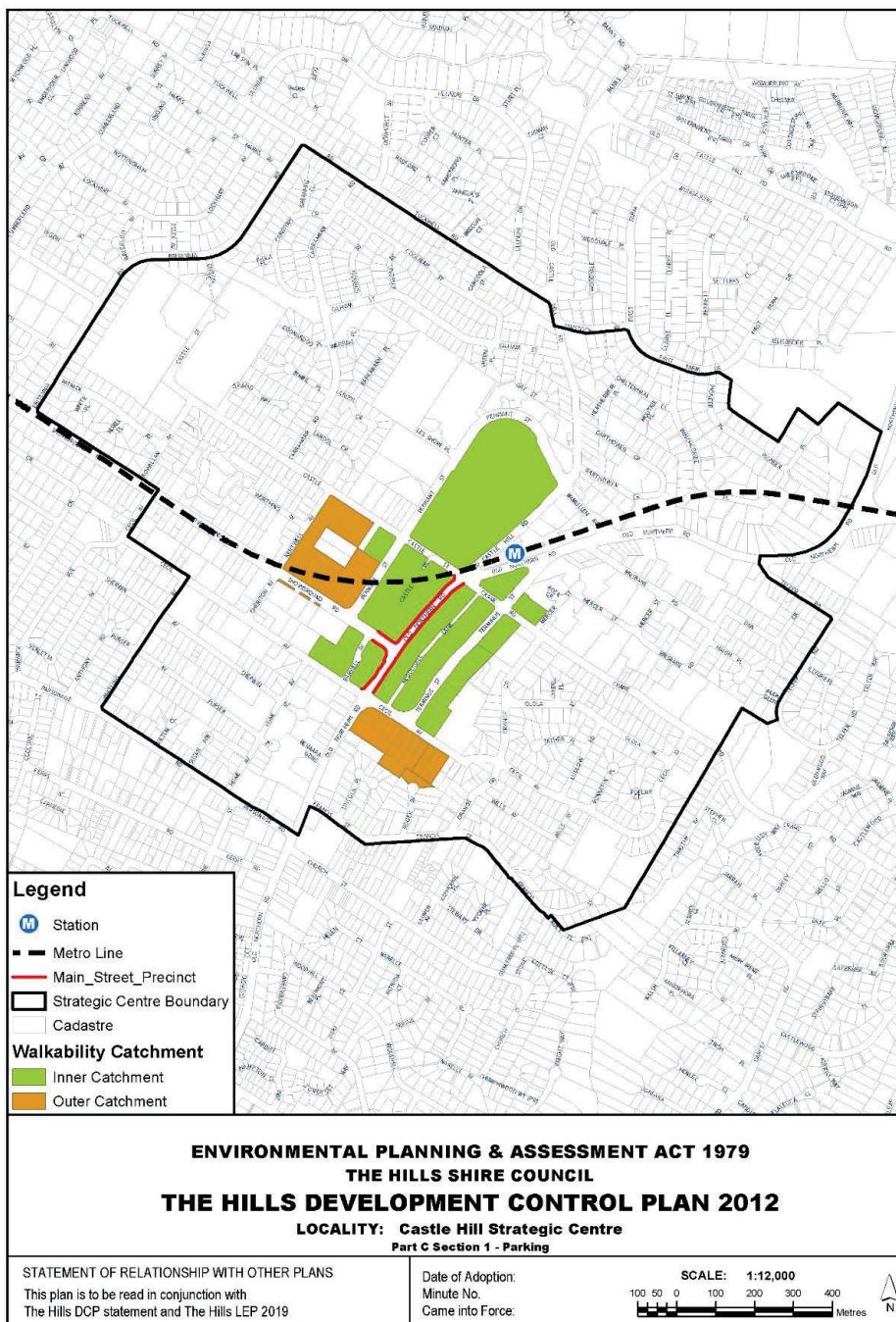
Parking

## Appendix A – Centre Maps

TO STRIVE FOR BETTER THINGS

## Part C Section 1

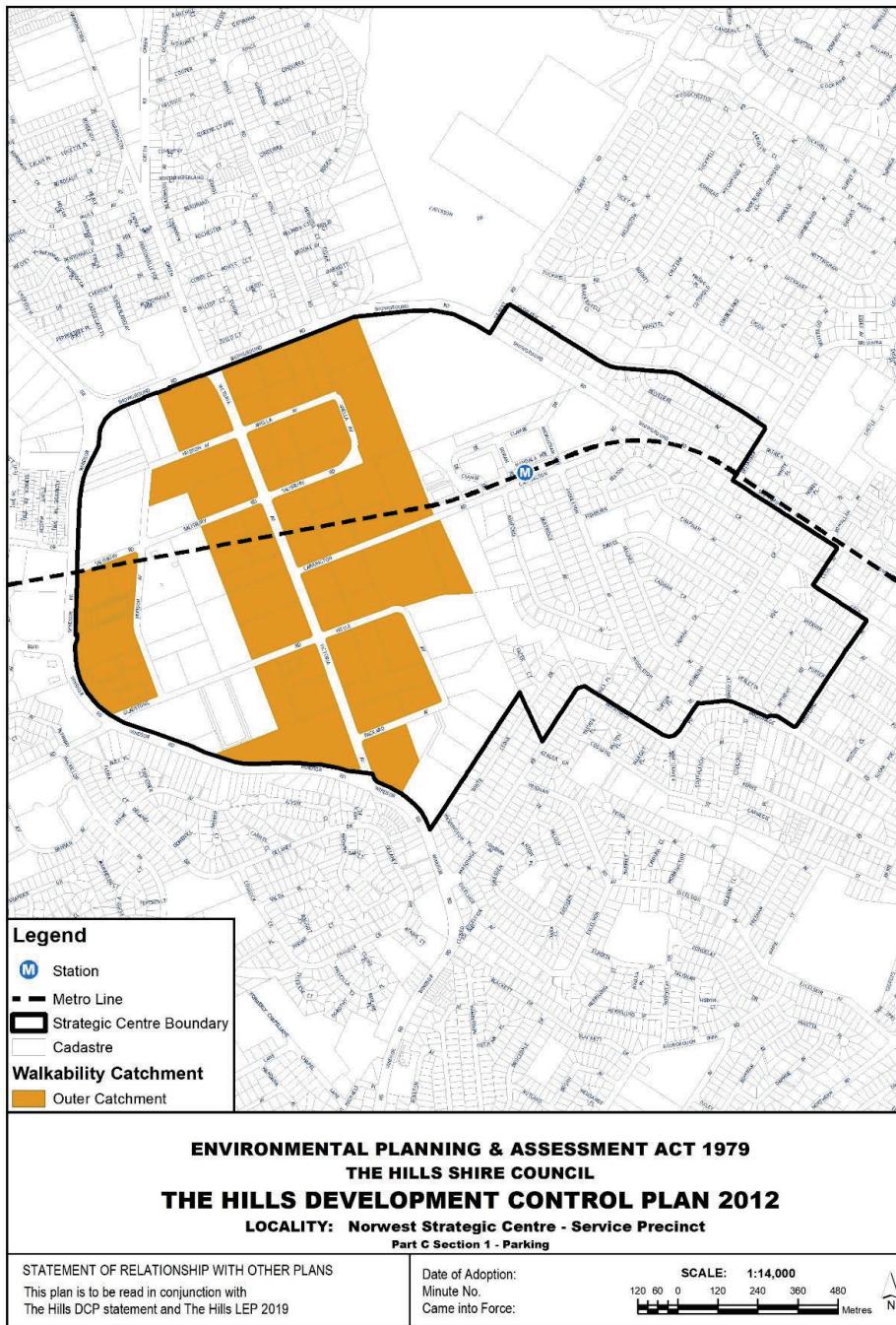
## Parking



*Note: Car parking requirements for any commercial or retail development proposed in association with residential development (i.e. on land within the Centre that is not identified as 'Inner' or 'Outer' Catchment in the map) will be assessed on merit, having regard to the rates within Table 1.*

Part C Section 1

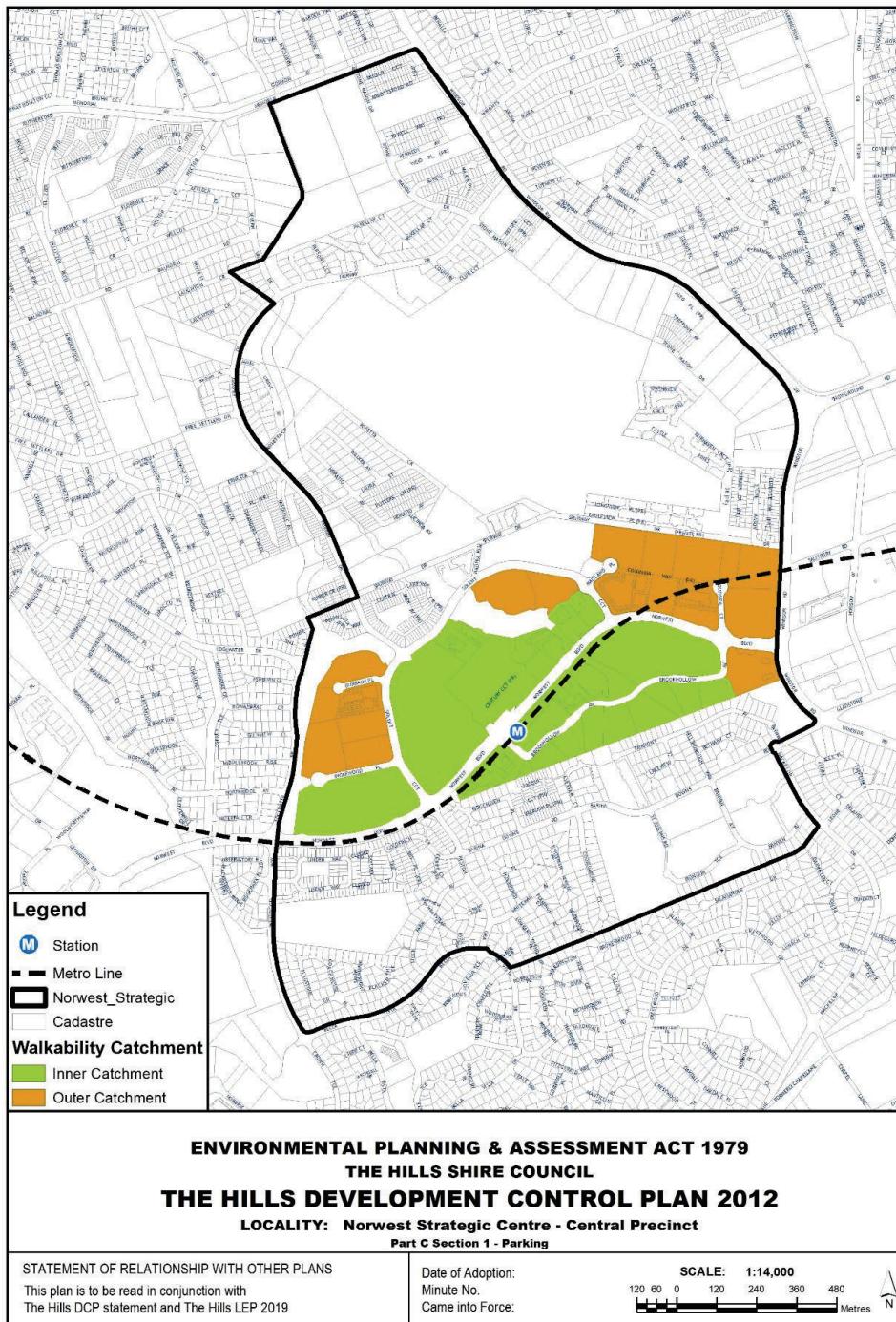
Parking



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Part C Section 1

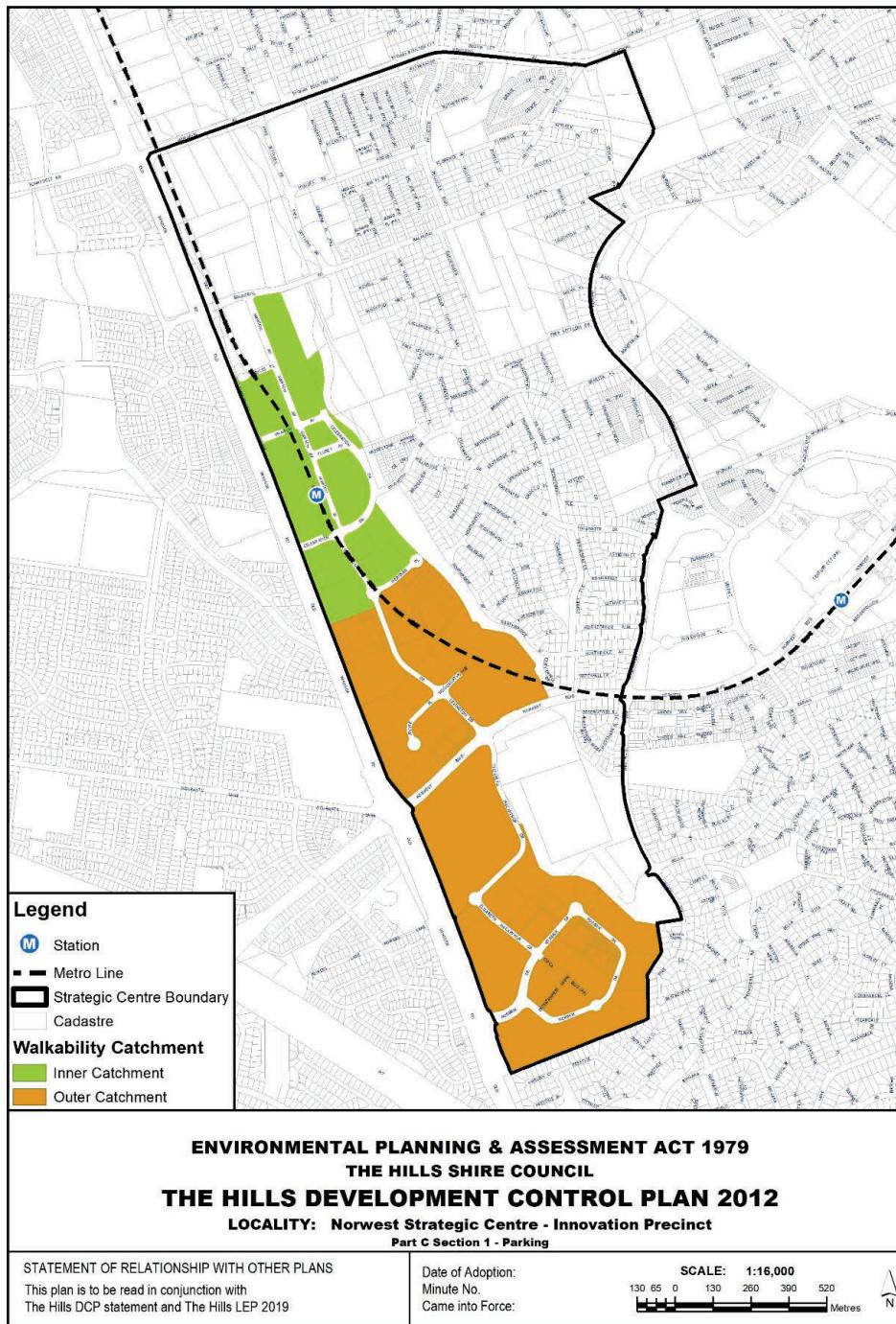
Parking



*Note: Car parking requirements for any commercial or retail development proposed in association with residential development (i.e. on land within the Centre that is not identified as 'Inner' or 'Outer' Catchment in the map) will be assessed on merit, having regard to the rates within Table 1.*

Part C Section 1

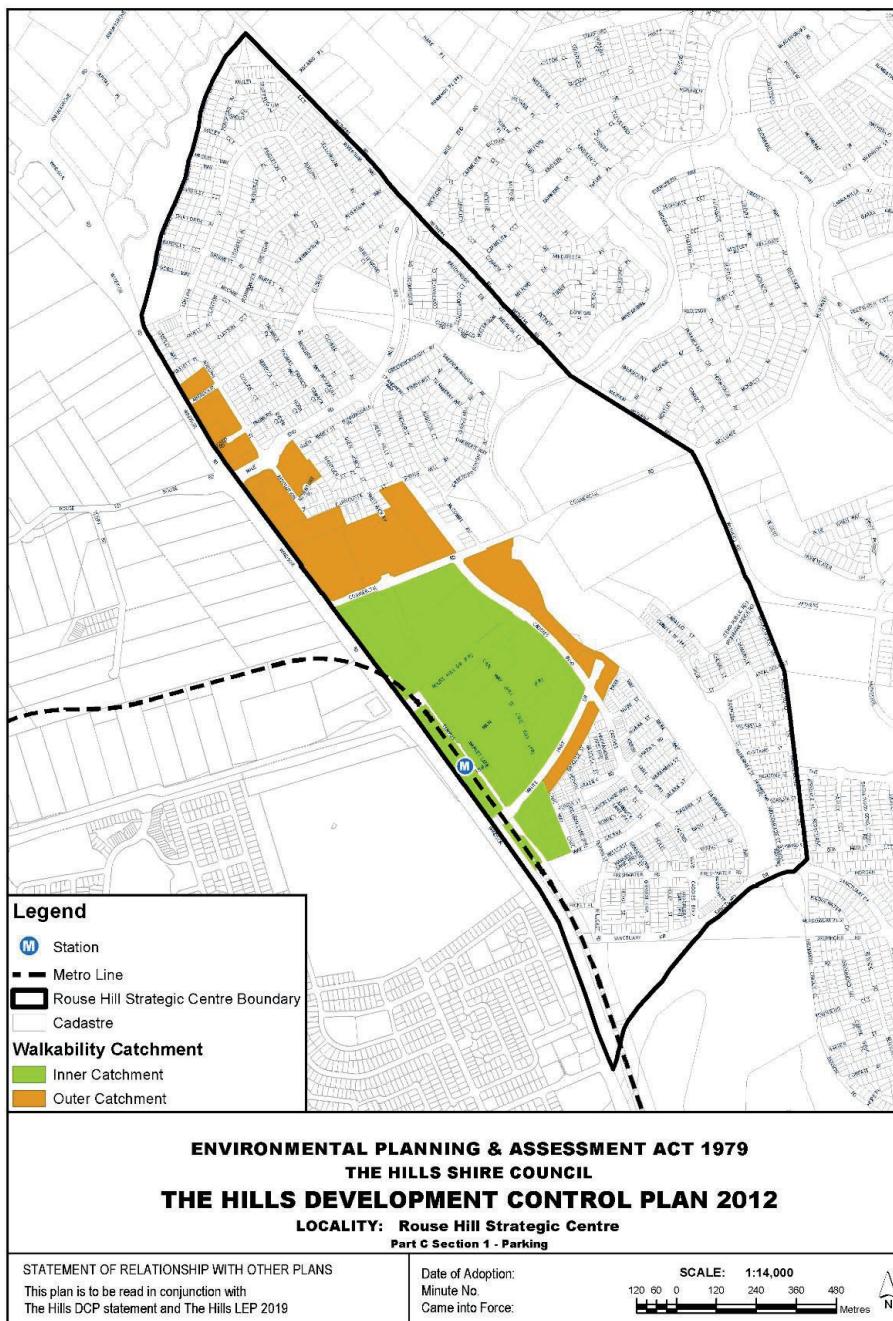
Parking



*Note: Car parking requirements for any commercial or retail development proposed in association with residential development (i.e. on land within the Centre that is not identified as 'Inner' or 'Outer' Catchment in the map) will be assessed on merit, having regard to the rates within Table 1.*

Part C Section 1

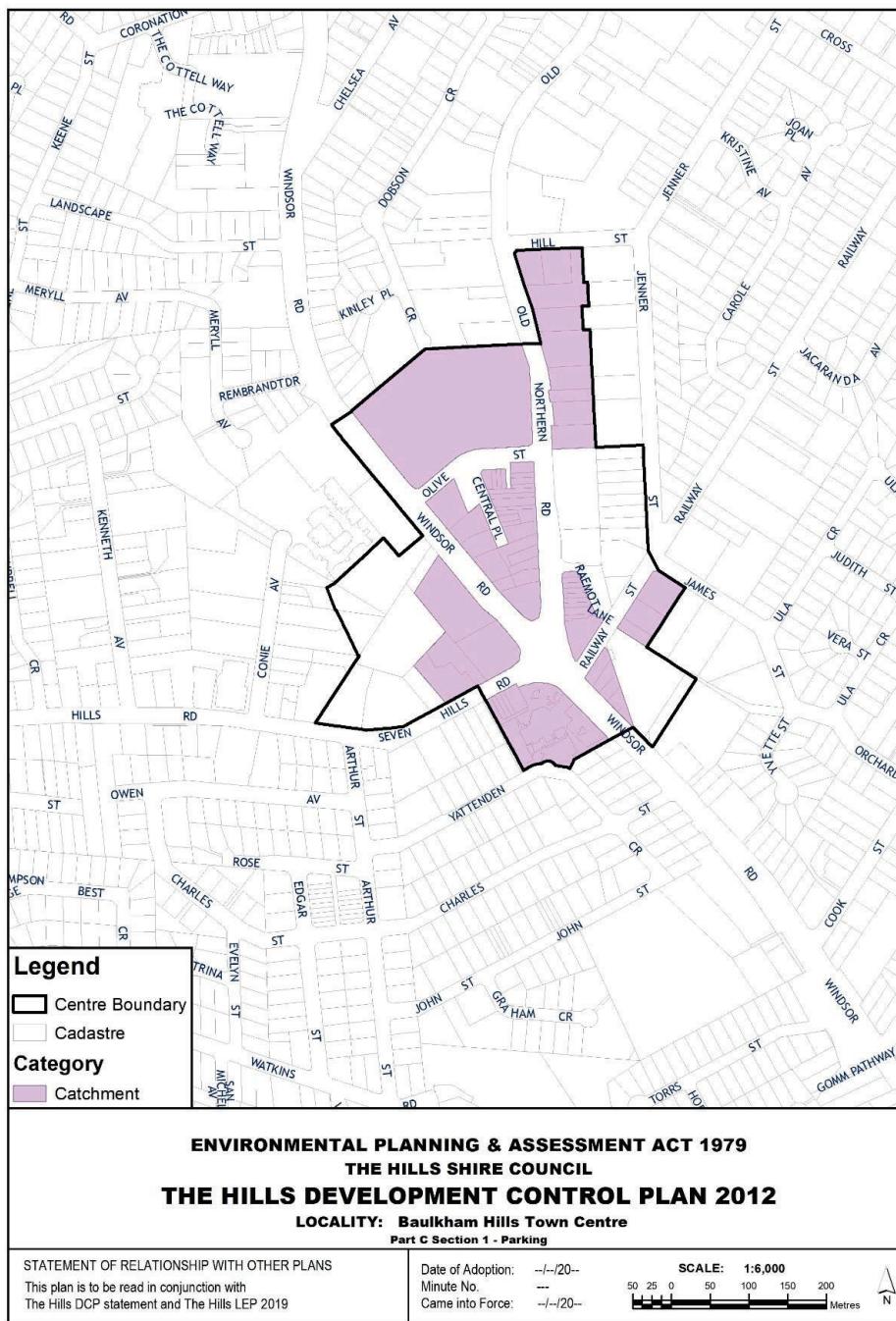
Parking



*Note: Car parking requirements for any commercial or retail development proposed in association with residential development (i.e. on land within the Centre that is not identified as 'Inner' or 'Outer' Catchment in the map) will be assessed on merit, having regard to the rates within Table 1.*

Part C Section 1

Parking

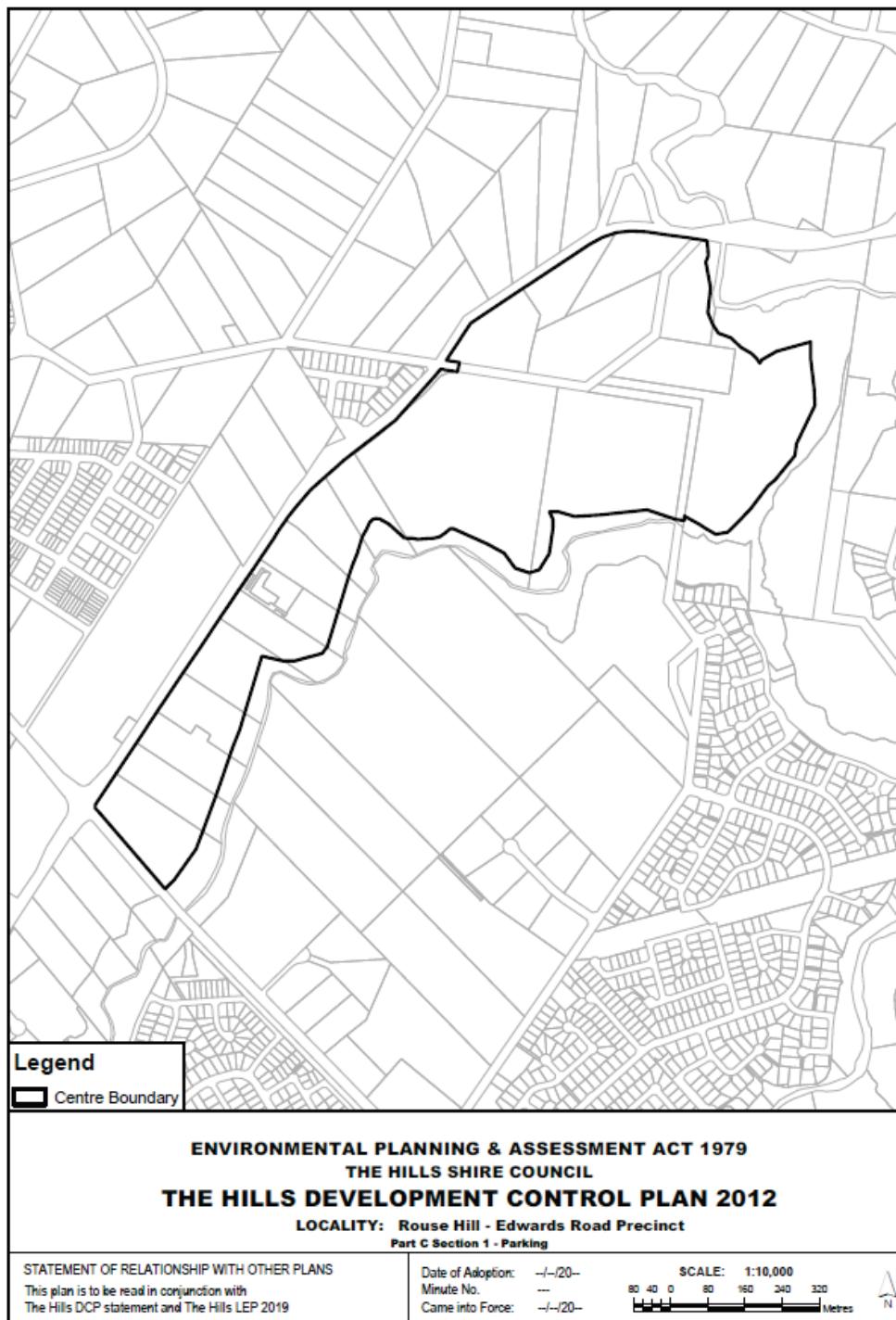


*Note: Car parking requirements for any commercial or retail development proposed in association with residential development (i.e. on land within the Centre that is not identified as 'Inner' Catchment in the map) will be assessed on merit, having regard to the rates within Table 1.*

Part C Section 1

Parking

## Appendix B – Edwards Road Precinct

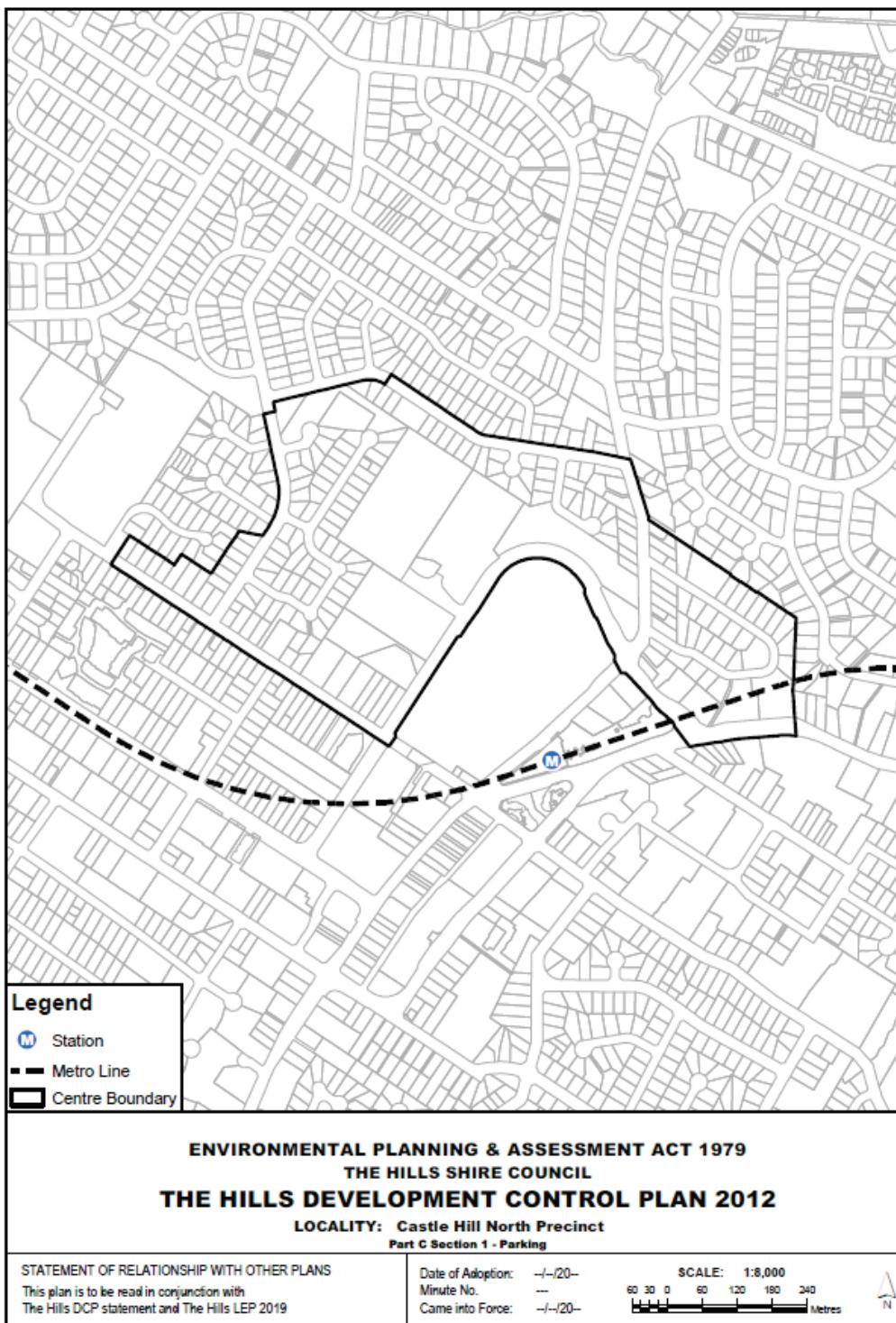


TO STRIVE FOR BETTER THINGS

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Parking

## Appendix C – Castle Hill North Precinct



TO STRIVE FOR BETTER THINGS