

The Hills LEP 2012 - 28 Fairway Drive, Kellyville

Proposal Title : The Hills LEP 2012 - 28 Fairway Drive, Kellyville

Proposal Summary : The proposal seeks to facilitate high density residential development on land at 28 Fairway Drive, Kellyville, by increasing the permissible building height from 16 metres to 36 metres, increasing the floor space ratio for part of the site from 1:1 to 3:1; and adding an incentives provision for the increased floor space ratio.

The proposal also seeks to broaden the scope of Clause 7.7 (Design Excellence) of the LEP to include all development with a height of 25 metres or more, introduce revised considerations for design excellence, and replace architectural design competitions with a Design Excellence Panel.

PP Number : PP_2016_THILL_006_00

Dop File No :

16/05650

Proposal Details

Date Planning 25-Oct-2016

Proposal Received :

LGA covered :

The Hills Shire

Region : Metro(Parra)

RPA :

The Hills Shire Council

State Electorate : BAULKHAM HILLS

Section of the Act :

55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 28 Fairway Drive

Suburb : Kellyville

City :

Postcode :

Land Parcel : Lot 31 DP 247442

DoP Planning Officer Contact Details

Contact Name : Chris Browne

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	Sydney North West	Release Area Name :	Balmoral Road
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	171
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	The Department's Lobbyist Contact Register has been checked on 20 May 2016, and there have been no records of contact with lobbyists in relation to this proposal.		

Supporting notes

Internal Supporting Notes :

The purpose of the proposal is to facilitate development on the site of a greater residential density than permissible under the current controls

The planning proposal, as submitted by Council, seeks to increase the permissible building height applicable to the western portion of the land at 28 Fairway Drive (being the portion west of the SP2 Drainage Corridor), apply a 'base' floor space ratio of 1:1; and an "incentivised" floor space ratio of 3:1 (with an associated local provision).

A current development consent allows for 79 dwellings on the western portion of the site. The planning proposal would facilitate approximately 250 dwellings on the western portion of the site, representing an increase of approximately 171 dwellings.

On the 25 October 2016 the Hills Shire Council agreed to a methodology to facilitate delivery of mixed apartment sizes whilst ensuring that Government expectations for overall yield within the North-west corridor are achieved. The Gateway determination has been conditioned to apply the methodology.

The subject site at 28 Fairway Drive, Kellyville, is located within the southern portion of the Balmoral Road Release area, approximately 800 metres from the proposed Norwest Station. The site is currently zoned R4 High Density Residential, and part SP2 Infrastructure.

The Planning Proposal retains the existing R4 zoning across the site, but seeks to increase the maximum permissible building height from 16 metres to 36 metres, and increase the allowable Floor Space Ratio (FSR) to 2.6:1

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of the Planning Proposal is to enable development within the land such that it has greater height and scale, and greater residential density.

The planning proposal seeks to allow for higher density development on the western portion of the site (west of the drainage corridor) by increasing the proposed dwelling yield from 79 up to 250 units, representing an additional 171 units.

The planning proposal does not seek to amend the previously approved development outcome on the eastern portion of the site.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The intended outcomes are to be achieved through amendment of the height and FSR controls pertaining to the land.

To achieve the intended outcomes, the planning proposal seeks to amend The Hills Local Environmental Plan 2012 to:

1. Increase the maximum building height applicable to the western portion of the site (west of the drainage corridor) from 16 metres (which allows for approximately 5 storeys) to 36 metres (which would allow for approximately 12 storeys), retaining the existing 16 metres height limit on the eastern portion of the site (east of the drainage corridor);
2. Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 3:1 to the western portion of the site (west of the drainage corridor);
3. Add to Clause 4.4 of The Hills LEP 2012 to allow for the "incentivised floor space ratio" only to be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements; and
4. Amend the existing Design Excellence provision within LEP 2012 (clause 7.7) to apply to all development with a height of 25 metres or more, with revised considerations for design excellence and a provision for a Design Excellence Panel rather than architectural design competition.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **6.3 Site Specific Provisions**

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 65—Design Quality of Residential Flat Development**

e) List any other matters that need to be considered :

DIRECTION 6.3 SITE SPECIFIC PROVISIONS

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. In particular, Clause 4(c) provides that a planning proposal must allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

The Planning Proposal includes provision for a new clause within The Hills Local

Environmental Plan 2012 intended to encourage the delivery of residential development to meet the needs of expected future residents in accordance with an agreed methodology outlined below. In this respect, it is considered that this aspect of the Proposal is inconsistent with clause 4(c) of the Direction. However, it is recommended that the Delegate of the Greater Sydney Commission agree to this inconsistency on the basis that it is of minor significance.

STATE ENVIRONMENTAL PLANNING POLICY NO 65 - DESIGN QUALITY OF RESIDENTIAL FLAT BUILDINGS

The proponent's submission to Council indicates that the proposed development will facilitate the delivery of higher quality residential density through the construction of high quality residential flat buildings, which are SEPP 65 Compliant, but have apartment sizes greater than the minimum allowed in SEPP 65 and an apartment mix consistent with The Hills Shire DCP.

The Department has recognised that the North-West Rail Corridor will be subject to significant change and growth. Extensive strategic planning has been undertaken by both the Council and the Department to assist in identifying suitable dwelling yields and mix of apartment sizes. The Department and Council have worked collaboratively to identify an appropriate methodology that will ensure dwelling yields are achieved within the North-West Rail Corridor whilst providing a framework for Council to achieve its objectives in relation to dwelling mix in an environment that will be subject to significant change.

The methodology includes the identification of a base FSR and bonus FSR for each site based on walkable catchment from the train station. The provisions of SEPP 65 will apply to the base FSR. Where the bonus FSR is utilised 40% of 2 and 3 bedroom apartments will have a minimum floor area of 110 and 135 square metres respectively. The Gateway determination has been conditioned to require amendment of the planning proposal to comply with the agreed methodology.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The proposed period of public exhibition is 28 days.**

Council have advised that the planning proposal will be advertised in local newspapers and on display at Council's administration building, Castle Hill Library and Rouse Hill Library. The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners and stakeholders.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Hills LEP 2012 is a Standard Instrument LEP.**

Assessment Criteria

Need for planning proposal :

The objective of the planning proposal is to facilitate additional residential development by increasing the permissible building height on the western portion of the site from 16 metres to 36 metres, increasing the floor space ratio for part of the site from 1:1 to 3:1; and adding an incentives provision for the increased floor space ratio.

The site forms part of the Sydney Metro North West Corridor for which Council has recently undertaken a strategic review of redevelopment opportunities around future railway stations. This work was completed to build on the existing NSW Government North West Rail Link Corridor Strategy and is contained within The Hills Corridor Strategy.

Consistency with strategic planning framework :

A Plan for Growing Sydney 2014

A Plan for Growing Sydney is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. To achieve the Government's vision for Sydney as a "strong global City and a great place to live", the Plan sets out four (4) main goals, for Sydney to be:

- A competitive economy with world-class services and transport,
- A City of housing choice with homes that meet our needs and lifestyles,
- A great place to live with strong, healthy and well-connected communities, and
- A sustainable and resilient City that protects the natural environment and has a balanced approach to the use of land and resources.

The proposal is considered to specifically support the following Directions of "A Plan for Growing Sydney":

Direction 2.1: Improve housing supply across Sydney;

- Direction 2.2: Ensure more homes closer to jobs;
- Direction 2.3: Improve housing choice to suit different needs and lifestyles; and
- Direction 2.4: Deliver well planned new areas of housing.

The planning proposal seeks to facilitate the delivery of housing close to the Norwest Station Precinct, providing additional people in close proximity to jobs, transport and services. The additional yield generated by the proposal will assist in meeting the dwelling and job targets envisaged by the Plan.

Draft North West Subregional Strategy:

The planning proposal is consistent with the following Draft North West Subregional Strategy actions:

B2.1.1 Councils to consider planning for housing growth in centres, particularly those well serviced by public transport;

B3.3.2 Councils to undertake strategic planning to ensure land use plans make the most of new infrastructure, in particular for locations around new stations along the North West Rail Link; and

C2.1.3 North West Councils to ensure location of new dwellings improves the subregions performance against the target for State Plan Priority E5 'Jobs Closer to Home' which is to increase the proportion of people living within 30 minutes by public transport of a Strategic Centre. To improve performance of the North West Subregion the State requires North West councils to ensure that at least 80 per cent of new dwellings are located within 30 minutes by public transport of a Strategic Centre.

North West Rail Link Corridor Strategy

The State Government's North West Rail Link Corridor Strategy (2013) includes a vision for land surrounding the future NorWest Train Station. The new train station will be located between Norwest Boulevard and Brookhollow Drive, in Norwest Business Park on a site currently occupied by light industrial uses.

Norwest is designated as a Specialised Precinct for the North West under the Draft Metropolitan Strategy for Sydney to 2031 and is noted as the largest employment centre in the North West Subregion.

The subject site falls within the boundaries of the Norwest Station Precinct and is identified as a short term opportunity site within walking distance to the proposed new station and the associated zoned B2 future Local Centre. The Structure Plan envisages a high density residential outcome for the site, which is consistent with the current proposal.

Hills Corridor Strategy

The Hills Corridor Strategy articulates Council's vision and desired outcomes for land within the rail corridor. It identifies Norwest as a major employment centre. Council also identify that recent development in the Rouse Hill Regional Centre and other recent

development within the Station Precinct has limited opportunities to provide additional housing to support the delivery of the new rail infrastructure.

While the proposal is not a result of a site specific study, it is noted that the site is already zoned R4 High Density Residential and the proposed amendments will facilitate an increased density of residential development on the site, providing additional housing in a strategic location close to the Norwest rail station and employment opportunities within the Norwest business park in a manner consistent with the Hills Corridor Strategy.

Council also note that given the location of the site in relation to the Norwest station precinct, it would be subject to future precinct planning and potential planning control amendments to achieve the desired development outcomes. Council consider that the planning proposal is appropriate as it will expedited consideration of desired outcomes for the subject site. This conclusion is supported.

Site Specific Considerations

It is noted that the development has commenced on the eastern portion of the site.

An indicative design submitted to Council indicates that the proposal seeks to accommodate the additional residential density in the western portion of the site, fronting Fairway Drive, while retaining the already approved 4-5 storey development on the eastern portion of the site.

This form of development addresses transition to low density residential, site access and potential impact on the residential character of the area.

The combination of proposed FSR and height limit will ensure an appropriate development outcome of the site noting that the higher development is limited to the western portion of the site.

The application of the Design Excellence clause to the site is consistent with the Castle Hill north planning proposal and is supported as it will promote better design outcomes.

There are no environmental constraints that prohibit the proposal from proceeding to Gateway.

Environmental social
economic impacts :

Though the site contains River-flat Eucalypt Forest (Endangered Ecological Community) and Cumberland Plain Woodland (Critical Endangered Ecological Community), both in the eastern portion of the site (east of the drainage corridor). The portion of the site to which the planning proposal relates (west of the drainage corridor) is not an environmental sensitive area.

The subject site is currently zoned R4 High Density Residential and residential flat buildings are a permissible use under the current controls. the proposal relates to scale and density of development on the site and does not reduce the existing environmental protection standards that apply to the site.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d)			

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council cover letter - 28 Fairway Drive, Kellyville.pdf	Proposal Covering Letter	Yes
Council Report and Resolution.pdf	Determination Document	Yes
Planning proposal - 28 Fairway Drive, Kellyville.pdf	Proposal	Yes
Proponent's Planning Proposal - 28 Fairway Drive, Kellyville.pdf	Proposal	Yes
Traffic and Parking Assessment - 28 Fairway Drive, Kellyville.pdf	Study	Yes
Urban Design Report - 28 Fairway Drive, Kellyville.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **6.3 Site Specific Provisions**

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

1. Prior to exhibition, the planning proposal is to be amended to be consistent with the attached methodology for Local Residential Development Clause at Tab A. Please note that the planning proposal should be amended to state that clause attached to the methodology is indicative only and may be subject change as a result of legal drafting.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013) and must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

3. Council is to consult with the following agencies:

- Department of Education and Communities
- Office of Environment and Heritage
- Transport for NSW
- Transport for NSW - Roads and Maritime Services
- Sydney Water

Each public Authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the EP&A Act, 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. Authorisation is to be given to Council to exercise the functions of the Greater Sydney Commission under section 59 of the Act that are delegated to it by instrument of delegation dated 14 October 2012.

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination

Supporting Reasons :

The proposal is supported in principle as it will provide housing in proximity to existing and future public transport.

The proposal is considered particularly timely given that construction of the Sydney Metro Northwest is underway and precinct planning around the future railway stations has identified potential for a high density residential outcome on this site.

Signature:



Printed Name:

C VAW LATREND

Date:

28/10/16

