
ITEM-2	PLANNING PROPOSAL - 28 FAIRWAY DRIVE, KELLYVILLE (6/2016/PLP)
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	22 MARCH 2016 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	FORWARD PLANNING COORDINATOR NICHOLAS CARLTON
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that a planning proposal to amend the maximum building height and floor space ratio applicable to land at 28 Fairway Drive, Kellyville be forwarded to the Department of Planning and Environment for Gateway Determination. Specifically, it is recommended that:

- The maximum building height applicable to the western portion of the site (west of the drainage corridor) be increased from 16 metres (5 storeys) to 36 metres (12 storeys); and
- A maximum floor space ratio of 3:1 be applied to the western portion of the site (west of the drainage corridor) (rather than 2.6:1 to the entire site as requested).

It is also recommended that Council proceed with discussions with the Applicant with respect to the proposed draft Voluntary Planning Agreement to ensure that the draft Agreement adequately resolves the issues relating to the increased demand for local infrastructure as a result of the planning proposal.

The proposal seeks to increase the maximum building height from 16 metres to 36 metres (approximately 12 storeys) and apply a floor space ratio of 2.6:1 to the entire site in order to allow for a total yield on the site of 355 dwellings (with a density of approximately 190 dwellings per hectare).

When considered against the identified future character of the site within the NSW Government Corridor Strategy (7 to 12 storeys 'high density apartment living') and the approved and planned future character of the high density residential areas to the east of the site, there is some merit to proceeding to Gateway and exhibition of this proposal. The applicant will be required to demonstrate design excellence for any building over eight (8) storeys.

The Gateway Process allows for the strategic merits of a planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary. It is considered that the planning proposal to increase the maximum building height from 16 metres to 36 metres and apply a maximum floor space ratio of 3:1 to the western portion of the site is suitable for forwarding to the Department of Planning and Environment for Gateway Determination and subsequently, to be publicly exhibited.

APPLICANT

Arden CH (NSW) Pty Ltd

OWNERS

Arden CH (NSW) Pty Ltd

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

Zone:	R4 High Density Residential and part SP2 Infrastructure
Minimum Lot Size:	1,800m ²
Maximum Height:	16 metres
Maximum Floor Space Ratio:	N/A

POLITICAL DONATIONS

Nil Disclosures

HISTORY**16/10/2014**

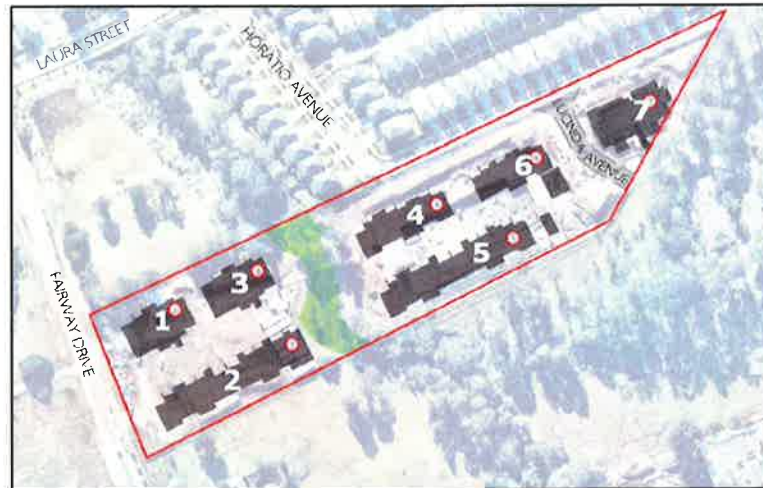
The Joint Regional Planning Panel approved DA 824/2013/JP for a residential development on the site comprising seven apartment buildings with a height of four (4) storeys, containing 174 apartments, at-grade and basement parking, landscaping and communal facilities (Figure 1).

28/08/2015

Development Consent granted for the construction of a fifth level on Building 5 (in the portion of the site east of the drainage corridor) to include an additional 10 units, resulting in a total of 184 units on the site.

15/02/2016

Development consent granted for amendments to the façade and to basement level to include storage cages and landscaping.

**Figure 1**

Approved Development (DA 824/2013/JP) (building identification number shown)

BACKGROUND

Construction of 'Buildings 4 to 7' has commenced on the eastern portion of the site (east of the drainage corridor) under the existing controls and Development Approval with 100% of the apartments reported to be sold. The planning proposal does not seek to amend the approved development outcome on the eastern portion of the site. Construction of 'Buildings 1 to 3' in the western portion of the site (to which the planning proposal relates) has not yet commenced.

REPORT

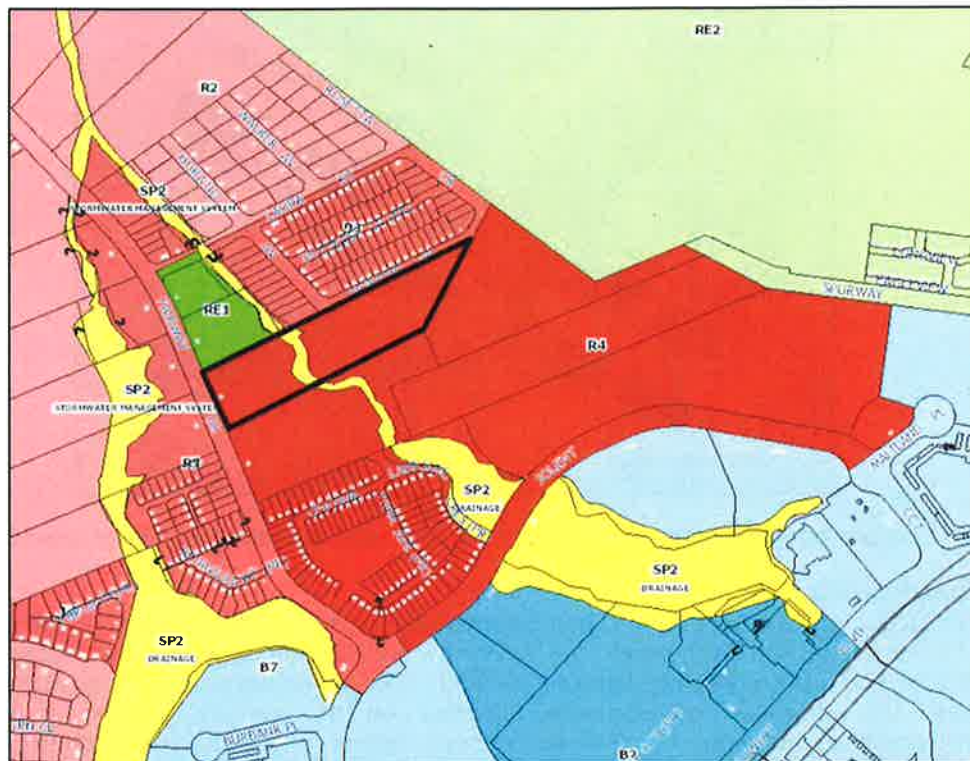
The purpose of this report is to consider proposed amendments to The Hills Local Environmental Plan 2012 (LEP 2012) to increase the maximum building height from 16 metres (approx. 5 storeys) to 36 metres (approx. 12 storeys) on the portion of the site that fronts Fairway Drive (west of the drainage corridor) and apply a maximum floor space ratio of 2.6:1 to the whole site.

1. THE SITE

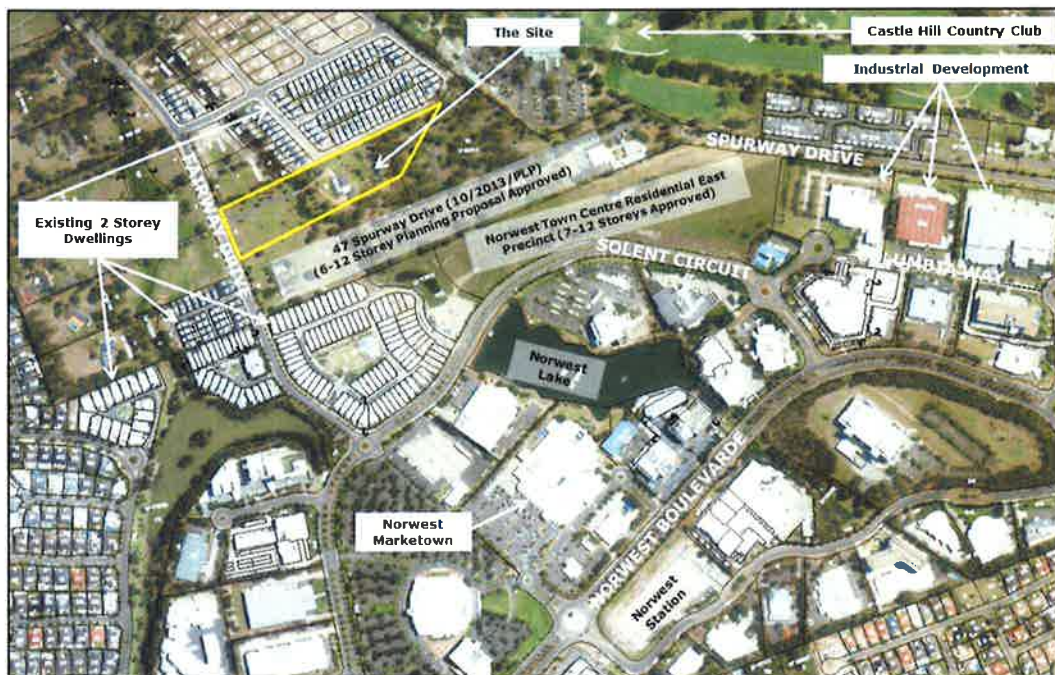
The site is known as 28 Fairway Drive, Kellyville, being Lot 31 DP247442. The site is irregular in shape and has an area of 20,237m² (or approximately 1.87 hectares excluding the SP2 drainage corridor). It has a frontage to Fairway Drive to the west (74m) and Horatio Avenue to the north (189m).

Located within the Balmoral Road Release Area the site is approximately 700 metres in a direct line from the Norwest Rail Station, although via public pathways it is approximately 1.1km walking distance from the station. The site is included within the Norwest Station Precinct, as detailed within the NSW Government North West Link Corridor Strategy.

It is currently zoned part R4 High Density Residential and part SP2 Infrastructure (Drainage Corridor). Adjoining the site is an integrated housing development (85 lots) to the north-east and land zoned RE1 Public Recreation is identified to the north-west. The site is affected by drainage, with the SP2 Drainage corridor bisecting the site. The site is bound by the Norwest Town Centre Residential Development to the south and south-east. Castle Hill Country Club is located further north-east and a range of residential land zoned R2 and R3 to the west and north-west which is likely to be subject to residential subdivision as part of the Balmoral Road Release Area in the future.

**Figure 2**

The site and surrounding area - current land zoning map (site identified in black)

**Figure 3**

Aerial view of the site and surrounding locality

2. PLANNING PROPOSAL

The applicants planning proposal seeks to allow for the development of approximately 355 residential units on the site (at a density of approximately 190 dwellings per hectare), being an additional 171 units above the yield of 184 units currently approved for the site (DA 824/2013/JP/A).

The planning proposal does not seek to amend the approved development outcome on the eastern portion of the site (east of the drainage corridor), but rather seeks to increase the development potential on the western portion of the site (west of the drainage corridor) by 171 units from 79 units (currently approved – 824/2013/JP/A) to 250 units.

To achieve this, the planning proposal seeks to retain the existing R4 High Density Residential zoning applicable to the site and amend LEP 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); and
2. Apply a maximum floor space ratio of 2.6:1 to the whole site (there is currently no floor space ratio applicable).

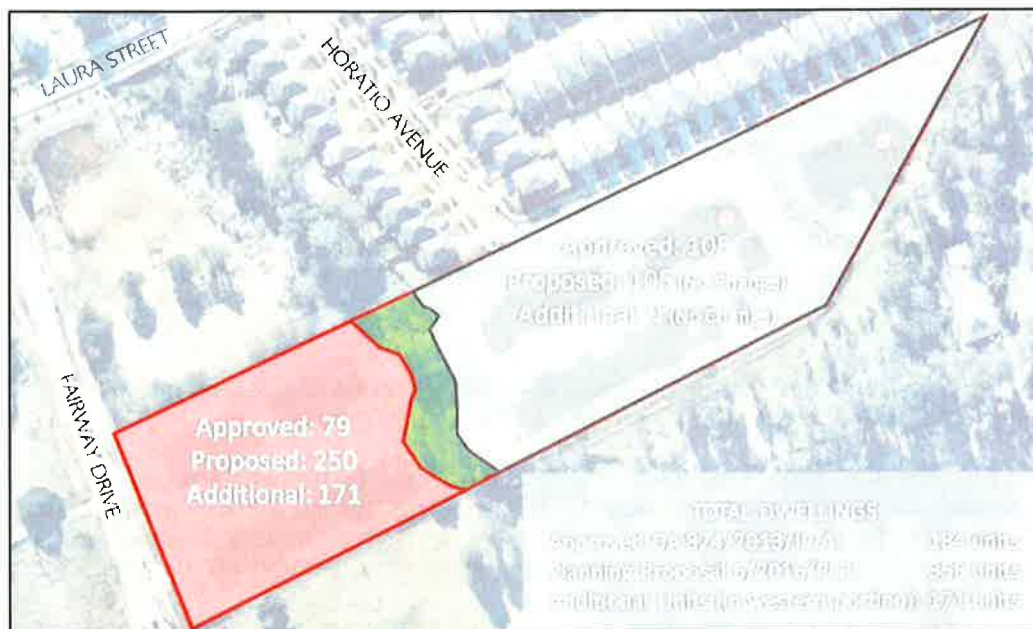
In support of the planning proposal, the applicant has submitted a design concept illustrating the intended future development outcomes for the site in accordance with the proposed LEP amendments.



Figure 4

Approved (DA 824/2013/JP/A) and Proposed (6/2016/PLP) Built Form (Height in Storeys)

As demonstrated below, the planning proposal does not proposed any change to the approved development outcome on the eastern portion of the site, but rather, seeks to provide an additional 171 units in the western portion of the site (being 250 units rather than the approved 79 units).

**Figure 5**

Approved (DA 824/2013/JP/A) and Proposed (6/2016/PLP) Dwelling Yields

The applicant has also submitted a draft Voluntary Planning Agreement which proposes to make a monetary contribution towards a new multi-purpose community centre, embellishments to the adjoining local park to the north and the upgrade of intersections and traffic signals within the Norwest Precinct. An assessment of the draft Voluntary Planning Agreement is included as a matter for consideration within this report.

3. STRATEGIC CONTEXT

A Plan for Growing Sydney

On 14 December 2014, the NSW Minister for Planning released 'A Plan for Growing Sydney'. The Plan 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.

A key principle for growth includes increasing and improving housing choice around centres. The planning proposal seeks to facilitate the delivery of housing close to the Norwest Business Park and the Norwest Rail Station.

Local Strategy

Council's Draft Local Strategy was adopted in 2008, it is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport.

The draft Local Strategy was adopted principally as a land use planning document to guide local planning and reflect the following five key themes of "Hills 2026 Community Strategic Direction: Looking Towards the Future":

- Resilient Local Leadership;
- Vibrant Communities;
- Balanced Urban Growth;
- Protected Environment; and
- Modern Local Economy.

The Local Strategy continues to provide a clear statement of the overall strategic land use management and planning objectives for the Hills Shire. However, it is noted that the dwelling and job growth targets detailed within the Local Strategy represent Council's projected growth targets as at June 2008.

The planning proposal is consistent with the principles of the Local Strategy Residential Direction as it seeks to provide additional residential accommodation in close proximity to the Norwest Town Centre, employment opportunities within Norwest Business Park and existing and planned services and infrastructure. Notwithstanding the strategic justification for residential development on the site, it is noted that residential development on the site is not required to meet Council's projected housing growth targets within the Local Strategy.

North West Rail Link Corridor Strategy

The NSW Government Corridor Strategy provides a vision for how the areas surrounding the eight (8) new stations of the Sydney Metro Northwest could be developed to integrate new homes and jobs.

The Norwest Structure Plan projects that within the Norwest Station Precinct, an additional 4,350 dwellings will be provided by 2036 including approximately 2,700 new dwellings in 3-6 storey apartment buildings and 350 dwellings in 7-12 storey apartment buildings. The Structure Plan also projects that the Norwest Station Precinct will accommodate 13,200 additional jobs by 2036.

The Structure Plan identifies the site as being suitable for High Density Apartment Living which could comprise 7-12 storey apartment buildings, carefully master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes.



Figure 6

North West Rail Link Corridor Strategy 'High Density Apartment Living' character area

The planning proposal is consistent with the Corridor Strategy as it seeks to promote the redevelopment of the site in the short-term for high density residential development given it's proximity to the station and Norwest Business Park and proposes a built form on the western portion of the site (west of the drainage corridor) of 7 to 12 storeys which is consistent with the identified character of the 'High Density Apartment Living' area.

The Hills Corridor Strategy

The Hills Corridor Strategy was adopted by Council on 24 November 2015 to build upon the platform established by the NSW Government's Corridor Strategy and articulate redevelopment opportunities arising from the Sydney Metro Northwest around each of the seven (7) stations that are within, or close to, the Shire. It is underpinned by guiding principles that reflect the long held strategic direction of Council that is embedded in Council's Local Strategy and Local Environmental Plan (LEP) with the key being a hierarchy of zones that see the greatest densities closer to the transport or centres, while maintaining low density housing choices in more peripheral locations.

The Strategy identifies Norwest Business Park as a major specialised centre and seeks to reinforce the centre as a key employment destination, becoming the largest employment centre for the North West. The Hills Corridor Strategy identifies opportunity for 5,320 additional dwellings and 14,450 additional jobs within the Norwest Precinct by 2036.

To achieve this, the Strategy identifies the site as being suitable for residential development with a residential density of 96 dwellings per hectare. This desired future character is reflective of the existing Development Approval for the site (yielding 184 dwellings) and seeks to provide a suitable transition in the intensity of development away from the Norwest towards planned and existing low density residential areas within the Balmoral Road Release Area.

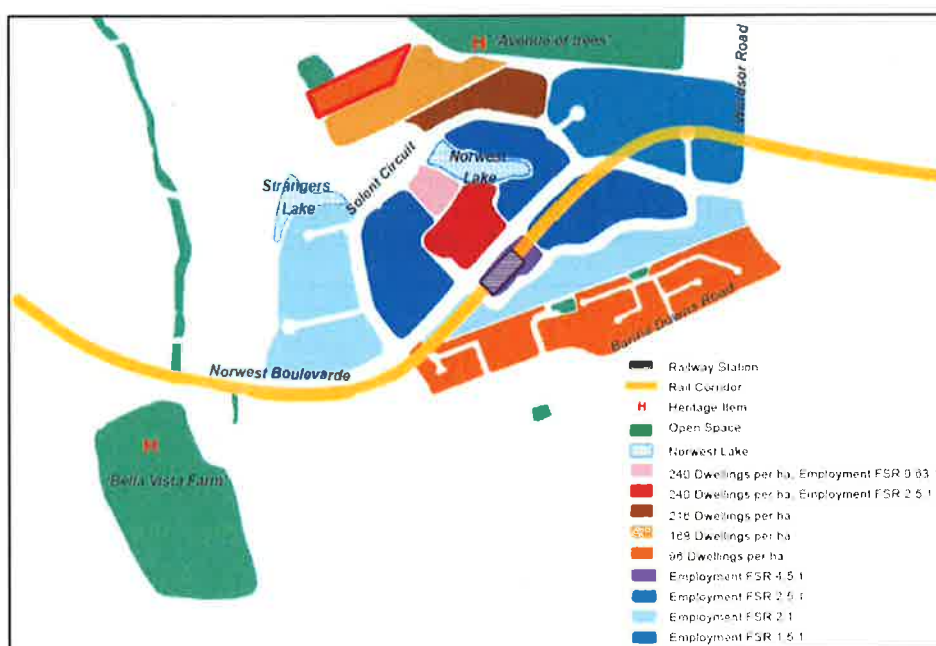


Figure 7
The Hills Corridor Strategy Norwest Station Precinct Desired Outcomes

The proposal to accommodate a total of 355 units on the site would result in a residential density of 190 dwellings per hectare, which is double the density envisaged for the site under The Hills Corridor Strategy.

Ministerial Section 117 Directions

Section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Environment to issue directions that Councils must address when preparing planning proposals for a new LEP. The relevant Section 117 Directions are:

- Direction 3.1 – Residential Zones
- Direction 3.4 – Integrating Land Use and Transport
- Direction 5.9 – North West Rail Link Corridor Strategy

The planning proposal is generally consistent with these Directions.

4. MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

- a. Residential Density and Character
- b. Floor Space Ratio and Building Height
- c. Local Infrastructure
- d. Voluntary Planning Agreement
- e. Local Incentives Provision

An overview of the key issues affecting this proposal is detailed below.

a. Residential Density and Character

The proposal to accommodate a total of 355 units on the site in a built form ranging in height from 7 to 12 storeys would result in a residential density of approximately 190 dwellings per hectare across the entire site (based on the planning proposal and the approved development outcome on the eastern portion of the site).

This residential density is consistent with the NSW Government Corridor Strategy as it would facilitate a built form ranging in height from 7-12 storeys, consistent with the outcomes identified for the site.

With respect to The Hills Corridor Strategy, it is noted that a density of 96 dwellings per hectare was applied to the site in light of the development approval for the site (currently under construction). That density reflected the current controls of the Balmoral Road Release Area planning which relate to the site. As Council has done in the Castle Hill North Precinct, it would be appropriate to give a density bonus to incentivise the delivery of Council's standards for apartment size, for design excellence and master planning if the yield can be adequately serviced.

The Norwest Precinct is not a priority precinct so the planning responsibility is Council's. While Council is yet to prepare precinct plans for this centre, it is considered that if not for the active development consent on the land, it would be reasonable to consider a higher density of development for the site of approximately 190 dwelling per hectare on the basis that:

- The 7-12 storey built form envisaged under the NSW Government Corridor Strategy would translate to an equivalent dwelling density (under The Hills Corridor Strategy) of approximately 168 to 288 dwellings per hectare. Given the

site is located on the periphery of the Norwest Precinct, it is considered appropriate for the density to be towards the lower end of this range;

- A density of 190 dwellings per hectare is not inconsistent with the future density and character of high density residential development to the east and south-east of the site (also within the Norwest Station Precinct) which ranges from 200 to 240 dwellings per hectare (increasing with proximity to the future Norwest station);
- The proposed density is marginally lower than that identified for land directly adjoining the site to the east, providing for a transition in density down from higher density development within the Norwest Town Centre and rail station towards lower density areas in the north.

It is noted that the proposal seeks to concentrate the additional residential density in the western portion of the site (fronting Fairway Drive), while maintaining the approved 4-5 storey development outcome in the eastern portion of the site. This approach is considered a reasonable method of achieving increased density on the site as the western portion of the site is more suitable to accommodate taller built form elements given:

- It is separated from any existing or future low density residential development (whereas the eastern portion of the site adjoins existing two (2) storey dwellings to the north);
- It is located fronting Fairway Drive, being a key vehicular access route to the Norwest town centre and through the Balmoral Road Release Area; and
- Taller built form elements on this portion of the site would have a lesser impact on the character of the surrounding area given ground level in the western portion of the site is lower than in the eastern portion.

Having regard to the above, it is considered that the proposed development outcome is satisfactory having regard to the NSW Government Corridor Strategy, the objectives and desired character for the area identified within The Hills Corridor Strategy and the planned and approved future character of high density residential land to the east of the site.

b. Floor Space Ratio and Building Height

Maximum floor space ratio is the primary control which limits the maximum yield of development on a site and controls the overall bulk and scale of the built form. Building envelope controls (such as maximum building heights) establish an envelope within which future development may occur (but not necessarily 'fill'). Focussing on maximum floor space ratio rather than overly prescriptive building envelope controls provides for greater flexibility at the detailed design and development assessment stage and allows for the exploration of master planned development outcomes on any given land.

There is currently no floor space ratio applicable to the site. Accordingly, to facilitate the increased residential density on the site, the applicant has requested that a floor space ratio of 2.6:1 be applied across the entire site. Based on a site area of approximately 1.87 hectares (excluding the SP2 Drainage Corridor), this would facilitate approximately 48,573m² of gross floor area which would allow for approximately 485 units in total (at a density of 260 dwellings per hectare as opposed to the 355 units proposed at a density of 190 dwellings per hectare). Accordingly, the floor space ratio requested by the applicant would potentially allow for up to 130 more units than proposed within the development concept submitted by the applicant.

Given the planning proposal seeks only to amend the development outcome on the eastern portion of the site (increasing the yield from 79 dwellings to 250 dwellings), it is considered reasonable that only the eastern portion of the site be subject to a floor

space ratio as a result of this planning proposal. Specifically, the proposal to allow for 250 dwellings on the eastern portion of the site (that is, approximately 25,000m² of gross floor area on 7,102m² of land) would require the application of a maximum floor space ratio of 3.5:1 to the eastern portion of the site (rather than a floor space ratio of 2.6:1 across the entire site).

The NSW Corridor Strategy suggests a range of 3:1 to 4:1 in the 7-12 storey area. It is appropriate given the site is on the periphery of the Norwest Precinct to apply a floor space ratio of 3:1 to the western portion of the site (being the lower end of the 7-12 storey range). This would allow for approximately 213 units on this portion of the site.

To support this floor space ratio of 3:1, it is considered appropriate to apply a maximum building height of 36 metres (12 storeys) to the site, as requested by the applicant. This would allow for the tallest built form elements on the site to be up to 12 storeys in height, consistent with the development outcome approved for land adjoining the site to the east (recently approved planning proposal for 47 Spurway Drive – 10/2013/PLP).

It should be noted that while a maximum height of 36 metres would allow for buildings up to 12 storeys in height, the recommended floor space ratio of 3:1 would prevent this from being achieved across the whole site. The proposed maximum height and floor space ratio would enable for flexibility in the detailed design process to produce a variation in heights across the site, with the distribution and layout of height ultimately being determined based on consideration of all relevant controls including the proposed maximum floor space ratio and building height as well as other built form considerations such as landscaping, setbacks, building separation, privacy, solar access, design excellence and interface with adjoining development. It is noted that the amendments proposed to the existing design excellence clause within LEP 2012 as part of the precinct planning for Castle Hill North Precinct would ensure that the existing design excellence clause would apply to *all* development over 25 metres (8 storeys).

c. Local Infrastructure

- *Section 94 Contributions*

The site is currently subject to Contributions Plan No.12 – Balmoral Road Release Area. The existing approval for 184 dwellings on the site requires the payment of Section 94 Contributions valued at \$4.7 million. If levied under Contributions Plan No.12 – Balmoral Road Release Area, the additional 171 dwellings proposed would generate additional Section 94 Contributions of approximately \$4.5 million. However, it is noted that the proposed 171 additional dwellings were not originally envisaged on the site and as such have not been accounted for in the planning of local infrastructure or catered for by the facilities to be delivered under this plan.

- *Local Open Space and Community Facilities*

While 171 additional units resulting from this planning proposal may not, in isolation, create the need for new local infrastructure facilities, it is critical to consider the cumulative impact of incremental uplift and growth on local infrastructure provision. This is especially relevant where a number of planning proposals seek to achieve uplift in advance of the completion of detailed precinct planning and infrastructure assessments for the rail precincts.

To illustrate this the figure below identifies the additional dwellings, over and above the amount catered for by existing and planned local infrastructure, proposed by three (3) planning proposals within the northern area of the Norwest Precinct which are currently under evaluation.



Figure 8

Additional yield proposed by planning proposal currently under evaluation
(over and above the amount catered for by existing and planned local infrastructure)

As demonstrated above, the cumulative number of additional dwellings currently proposed within this area (over and above the amount catered for by existing and planned local infrastructure) is approximately 1,363 dwellings.

Based on participation rates within The Hills Shire (from the 1995, 2005 and 2012 Recreation Plan household survey results), 2,000 additional dwellings within an area would typically generate the need for approximately:

- 1 (one) new sports fields;
- 1 (one) local park;
- 1 (one) netball court;
- 1 (one) tennis court; and
- 40% of a local community centre.

Based on this, the 1,363 additional dwellings proposed within the north of Norwest Precinct by the three (3) planning proposals currently under evaluation would generate the need for approximately:

- 70% of a new sports field;
- 70% of a local park;
- 70% of a netball court;
- 70% of a tennis court; and
- 30% of a local community centre.

Accordingly, noting the cumulative impact of incremental development as a result of planning proposals, the 171 additional dwellings (over and above the amount catered for by existing and planned local infrastructure) proposed by the current planning proposal for 28 Fairway Drive would generate the need for approximately:

- 10% of a new sports field;
- 10% of a local park;
- 10% of a netball court;
- 10% of a tennis court; and
- 5% of a local community centre.

d. Voluntary Planning Agreement

A draft Voluntary Planning Agreement has been submitted in association with the planning proposal which proposes that the applicant make monetary contributions towards:

- The provision of a 900m² multipurpose community facility (the planning proposal documentation proposes that this should be located within the planned local park adjoining the site to the north);
- Embellishments to the local park adjoining the site; and
- Intersection and traffic signal upgrades within the Norwest Precinct.

The draft Voluntary Planning Agreement does not require the applicant to provide any of the above facilities, but rather proposes that the applicant would make monetary contributions to Council, to part fund their provision, valued at \$11,695 per additional dwelling (in excess of the 79 dwellings already approved for the western portion of the site). Based on the proposal for 171 additional dwellings, this would result in a total monetary contribution of \$2 million.

The draft Voluntary Planning Agreement also specifies that the future development of the additional 171 units would be exempt from the payment of Section 94 Contributions at the Development Application stage and that Council must endeavour to gazette the proposed LEP amendments within 9 months of the lodgement of the planning proposal otherwise the Voluntary Planning Agreement would no longer be operational/valid.

The draft Voluntary Planning Agreement submitted by the applicant is unacceptable for the following reasons:

- The local park adjoining the property to the north has been identified and funded under Contributions Plan No.12 – Balmoral Road Release Area to service the planned population of the Balmoral Road Release Area (not the *additional* population resulting from this planning proposal). The planning proposal relies on this existing planned provision rather than identifying how the *additional* demand for open space (both passive and active) created by the additional 171 dwellings (not catered for by the existing and planned local infrastructure) will be met;
- The proposed monetary contribution is \$2.5 million less than what would already be payable for the proposed *additional* 171 units under the existing contributions plan applicable to the site (\$2 million proposed under the draft Agreement versus \$4.5 million that would be payable under Contributions Plan No.12 – Balmoral Road Release Area as a condition of development consent – although it is noted that the proposed 171 additional dwellings were not originally envisaged on the site and as such have not been accounted for in the planning of local infrastructure or catered for by the facilities to be delivered under this plan);
- The proposed monetary contribution is disproportionately low compared with the cost of providing *additional* infrastructure (potentially on new land) that would be required to cater the *additional* residential density proposed;
- The applicant's proposal to contribute towards the part construction of a new community centre on the adjoining local park to the north is not supported. This local park has been acquired by Council using money collected under Contributions Plan No.12 to service the planned population of the Balmoral Road Release Area. While the *additional* 171 units proposed would generate demand for approximately 5% of a new local community centre, the location of such a facility at this location is not supported by any of Council's strategic planning for the surrounding locality. Further, as demonstrated by comparison between Figures 9 and 10 below, the proposed location of a new community centre within the local park would nearly halve the available area and recreational capacity of the planned local park as

passive open space for use by the planned population within the Balmoral Road Release Area;

- While it is appreciated that the applicant has attempted to suggest a suitable location for a new community centre, a more suitable arrangement under any draft Voluntary Planning Agreement would allow Council to expend the monetary contributions on new local infrastructure which services the *additional* population, as determined by Council, and as deemed appropriate and timely by Council following more detailed master planning for the Norwest Precinct and analysis of recreational needs and opportunities arising from increased residential densities associated with the Sydney Metro Northwest;
- The specification of a timeframe for the gazettal of the associated Local Environmental Plan (which involves a number of processes outside of Council's control) is not considered to be a relevant condition of a draft Voluntary Planning Agreement. Further, the proposed timeframe for gazettal (9 months from the date of submission of the planning proposal – being July 2016) is unreasonable and unachievable.



Figure 9

Preliminary draft concept for planned local park adjoining the site to the north funded through Contributions Plan No.12 (draft to be subject to community consultation)

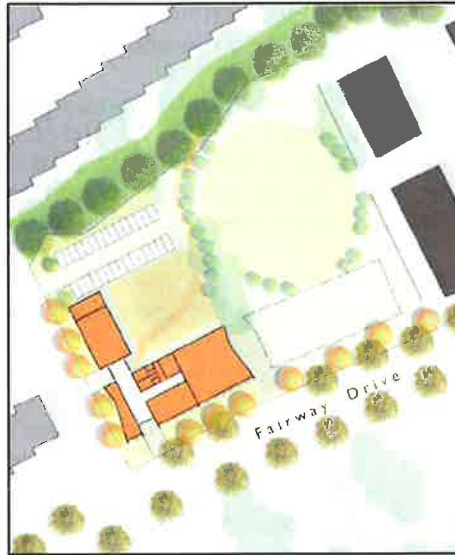


Figure 10

Proposed layout of planned Local Park adjoining the site to the north submitted by the applicant and including a community centre.

Should Council resolve to proceed with the planning proposal, it is recommended that the draft Voluntary Planning Agreement undergo further negotiation to resolve how the applicant will address the increased demand for local infrastructure generated by the proposed increase in residential density, without relying on the existing planned provision of local open space (which has been planned to cater for the planned population within the Balmoral Road Release Area, not the additional population generated by this planning proposal). Any draft Voluntary Planning Agreement must have regard to the need for *additional* public open space facilities (both passive and active) as a result of the proposed increase in residential density including, but not limited to, embellishment costs and the potential requirement for additional land acquisition within the surrounding locality. The draft Voluntary Planning Agreement would be reported back to Council prior to the public exhibition of the planning proposal and should the planning proposal proceed to public exhibition, it should be exhibited concurrently with the draft Voluntary Planning Agreement.

e. Local Incentives Provision

The applicant has indicated a commitment to comply with Council's apartment size, mix and car parking requirements which will promote the housing outcomes advocated by Council to suit the needs of expected future residents.

Should Council resolve to proceed, it is recommended that the planning proposal include a local provision which ensures that the uplift generated by the planning proposal can only be achieved where the development delivers the housing product that meets Council's apartment mix, apartment size and centres car parking rate.

The proposed local provision would utilise the incentives framework established through The Hills Corridor Strategy and precinct planning process for the Castle Hill North Precinct which provides a "base floor space ratio" and an "incentivised floor space ratio". Given the uplift generated by this proposal should only be granted where the development meets Council's requirements, it is recommended that the "base floor space ratio" be set at 1:1 (allowing for approximately 79 dwellings as per the existing approval for the western portion of the site), with an "incentivised floor space ratio" of 3:1 (allowing for approximately 213 dwellings within the western portion of the site).

The proposed clause to be included within the Local Environmental Plan written instrument is provided as Attachment 1 to this report.

It is noted that the amendments proposed to the existing design excellence clause within LEP 2012 as part of the precinct planning for Castle Hill North Precinct would ensure that the existing design excellence clause would apply to *all* development over 25 metres (8 storeys). The proposed clause to be included within the Local Environmental Plan written instrument is provided as Attachment 2 to this report.

5. OPTIONS

The following options for this planning proposal are presented for Council's consideration:

Option 1

The planning proposal for 28 Fairway Drive not proceed for the following reasons:

1. The proposal is inconsistent with the residential density identified for the site within The Hills Corridor Strategy and the planning for the Balmoral Road Release Area;
2. The proposal fails to adequately address the increased demand for local infrastructure generated by the proposed additional residential development; and
3. The proposal is premature, given that the Norwest Station Precinct should be master planned as a precinct to ensure jobs are delivered.

Option 2

The planning proposal for 28 Fairway Drive, amended in accordance with the recommendations of this report, be forwarded to the Department of Planning and Environment to:

1. Increase the maximum building height applicable to the western portion of the site (west of the drainage corridor) from 16 metres (5 storey) to 36 metres (12 storeys);
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); and
3. Include a local provision which ensures that the "incentivised floor space ratio" can only be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements and for any building that exceeds 25 metres in height that design excellence must be demonstrated.

Council would also enter into negotiations with the applicant with respect to a draft Voluntary Planning Agreement which adequately resolves the issues relating to the increased demand for local infrastructure.

Option 3

The planning proposal for 28 Fairway Drive, as submitted by the applicant, be forwarded to the Department of Planning and Environment to:

1. Increase the maximum building height applicable to the western portion of the site (west of the drainage corridor) from 16 metres to 36 metres; and
2. Apply a maximum floor space ratio to the whole site of 2.6:1.

CONCLUSION

It is considered that there is adequate strategic justification for higher density development on the site having regard to the location of the site, the NSW Government Corridor Strategy which identifies a 'high density apartment living' development outcome on the site with a built form of 7-12 storeys and the approved and planned future

character of high density residential land to the east and south-east of the site within the Norwest Precinct.

Having regard to the strategic planning framework as well as the context of the site, this report recommends that Council forward the planning proposal to the Department of Planning and Environment for Gateway Determination subject to amendments which:

- Increase the maximum building height applicable to the western portion of the site (west of the drainage corridor) from 16 metres to 36 metres;
- Apply a "base floor space ratio" of 1:1 and "incentivised floor space ratio" of 3:1 to the western portion of the site (west of the drainage corridor);
- Include a local incentive provision which ensures that the "incentivised floor space ratio" can only be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements; and
- Include a local provision for design excellence applying to *all* development over 25 metres (8 storeys).

The Gateway Process allows for the strategic merits of a planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary. It is considered that the planning proposal is suitable for forwarding to the Department of Planning and Environment for Gateway Determination and subsequently, to be publicly exhibited.

Should Council resolve to forward the planning proposal to the Department of Planning and Environment, this report also recommends that Council enter into negotiations with the applicant with respect to a draft Voluntary Planning Agreement which adequately resolves the issues relating to the increased demand for local infrastructure. While it is considered that the planning proposal may be forwarded to the Department of Planning and Environment for Gateway Determination in advance of these negotiations, it is recommended that the planning proposal should not proceed to public exhibition until Council is satisfied that the draft Voluntary Planning Agreement adequately addresses these issues.

IMPACTS

Financial

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

The Hills Future - Community Strategic Plan

The planning proposal seeks to promote the better usage of existing land and capitalise on the strategic location of the site.

RECOMMENDATION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Local Environmental Plan 2012 as follows:
 - a. Increase the maximum building height from 16 metres to 36 metres for the portion of 28 Fairway Drive, Kellyville west of the SP2 Drainage Corridor;
 - b. Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 3:1 to the portion of 28 Fairway Drive, Kellyville west of the SP2 Drainage Corridor; and
 - c. Include a local provision which provides that the "incentivised floor space ratio" can only be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements and for design excellence applying to *all* development over 25 metres (8 storeys).

2. Council proceed to discuss with the Applicant the preparation a draft Voluntary Planning Agreement which resolves the issues relating to the increased demand for local infrastructure generated by the additional residential density; and
3. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.

ATTACHMENTS

1. Draft Local Incentives Provision (2 pages)
2. Proposed Design Excellence Provision (2 pages)

ATTACHMENT 1

CLAUSE 4.4 FLOOR SPACE RATIO**4.4 Floor space ratio**

(1) *The objectives of this clause are as follows:*

- (a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development.*
- (b) to provide for a built form that is compatible with the role of town and major centres.*
- (c) to limit residential flat building development that is inconsistent with the demographic profile of the Hills Shire.*

(2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

4.4A Floor space ratio incentive

(1) *The objectives of this clause are as follows:*

- (a) to ensure the provision of a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets.*
- (b) to provide opportunities for suitable housing density that is compatible with the future character of the surrounding area.*
- (c) to promote development that accommodates the needs of larger households, being a likely future residential use.*
- (d) to promote development that does not isolate sites that will contribute to an improved built form outcome.*
- (e) to ensure the provision of quality public domain and improved pedestrian and cycle connections within centres.*
- (f) to facilitate development that is sympathetic to the character of heritage items.*

(2) *Despite clause 4.4, development consent may be granted for development that exceeds the floor space ratio shown on the Floor Space Ratio Map but no greater than the floor space ratio shown on the Floor Space Ratio Incentive Map only if:*

- (a) no more than 25% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are studio or 1 bedroom dwellings, or both, and*
- (b) at least 10% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are 3 or more bedroom dwellings, and*
- (c) the development comprises the following:*
 - i. Type 1 apartments—up to 30% of the total number of dwellings (to the nearest whole number of dwellings), and*

- ii. Type 2 apartments—up to 30% of the total number of dwellings (to the nearest whole number of dwellings), and
 - iii. Type 3 apartments, and
- (d) the following minimum number of car parking spaces are provided in the development:
- i. for each 1 bedroom dwelling—1 car parking space, and
 - ii. for each 2 or more bedroom dwelling—1 car parking space, and
 - iii. for every 4 dwellings—1 car parking space, in addition to the car parking spaces required for the individual dwelling, and
- (e) the development in an area identified in the Key Sites Map and shown in Column 1 of the table to this subclause meets the specifications shown opposite the area in Column 2.

Column 1 Area on the <u>Key Sites Map</u>	Column 2 Specifications relating to the Area
N/A	N/A

(3) In this clause:

Type 1 apartment means:

- (a) a studio or 1 bedroom apartment with an internal floor area of at least 50m² but less than 65m², or
- (b) a 2 bedroom apartment with an internal floor area of at least 70m² but less than 90m², or
- (c) a 3 or more bedroom apartment with an internal floor area of at least 95m² but less than 120m².

Type 2 apartment means:

- (a) a studio or 1 bedroom apartment with an internal floor area of at least 65m² but less than 75m², or
- (b) a 2 bedroom apartment with an internal floor area of at least 90m² but less than 110m², or
- (c) a 3 or more bedroom apartment with an internal floor area of at least 120m² but less than 135m².

Type 3 apartment means:

- (a) a studio or 1 bedroom apartment with a minimum internal floor area of 75m², or
- (b) a 2 bedroom apartment with a minimum internal floor area of 110m², or
- (c) a 3 or more bedroom apartment with a minimum internal floor area of 135m².

internal floor area does not include the floor area of any balcony.

The Hills DCP means The Hills Development Control Plan as in force at the commencement of this Plan.

DRAFT LOCAL ENVIRONMENTAL PLAN AMENDMENTS

ATTACHMENT 2

CLAUSE 7.7 DESIGN EXCELLENCE

7.7 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.
- ~~(2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land identified as "Area A" on the Height of Buildings Map.~~
- (2) This clause applies to any development, comprising residential floor space, which contains a building with a height of 25 metres or more.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:
- (a) whether a high standard of architectural design, materials and detailing as established in The Hills DCP is achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the building displays the desired character established in The Hills DCP,
 - (d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resources, energy and water efficiency established in The Hills DCP,
 - (e) whether satisfactory arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned,
 - (f) whether the configuration and design of communal access and communal recreational areas within the residential elements of development incorporate exemplary and innovative treatments and will promote a socially effective urban village atmosphere.
- ~~(5) Development consent must not be granted to the following development on land to which this Plan applies unless an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development:~~
- ~~(a) development in respect of a building that is, or will be, higher than 45 metres or 13 storeys (or both) in height;~~
 - ~~(b) development having a capital value of more than \$5,000,000;~~
 - ~~(c) development for which the applicant has chosen to have such a competition.~~
- ~~(6) Subclause (5) does not apply if the Council certifies in writing that the development is one for which an architectural design competition is not required.~~
- (5) In determining whether to grant consent to the development application, the consent authority is to take into account the recommendations of the Design Excellence Panel results of the architectural design competition.
- (6) In this clause:

DRAFT LOCAL ENVIRONMENTAL PLAN AMENDMENTS

***Design Excellence Panel** means an independent Panel established by The Hills Shire Council to provide recommendations on whether development, to which this clause applies, exhibits "Design Excellence".*

***The Hills DCP** means The Hills Development Control Plan as in force at the commencement of this Plan.*

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 22 March 2016

COMMUNITY FORUM

130 ARTICLE IN THE SYDNEY HILLS FOCUS AUTUMN 2016 EDITION

Ms Colleen Burke of Mackillop Drive, Baulkham Hills congratulated Deputy Mayor Councillor Yvonne Keane on receiving her award for Women in Local Government recently. She said that it is pleasing to see that Cllr Keane's efforts in Council and in our community officially were recognised.

Ms Burke also commended the Hills Shire Council on its \$2.9 million acquisition of lands in the Hillview Road, North Kellyville area, part of which will be set aside for passive recreation. Ms Burke commented on the article in the current edition of the Hills Shire Times that acknowledges the need to acquire land for public use as a result of booming development, the growing population and the increasing popularity of sports such as football.

Ms Burke asked for clarification of a statement that was made in the Councillor Comments in the Sydney Hills Focus Autumn 2016 Edition. She said that in that publication, Councillor Taylor MP acknowledged the hard work involved with field allocations for winter sport and then commented that there were some unfortunate outcomes last year when young children were denied access to recreational space that others in the community declined to share.

Ms Burke asked if Councillor Taylor MP could please name the group of children denied access and inform the rate payers as to which area was not shared last year. Ms Burke said that she believes that it's unclear within the community whether Councillor Taylor MP was in fact referring to areas that were being considered for categorisation from parkland/bushland to sports fields or whether in fact he was referring to perhaps a sports field that may have been booked for sporting activities, that was not used regularly by the club that held that booking during the winter season of 2015.

Councillor Taylor MP replied that he did not want to get into this debate anymore. Councillor Taylor MP advised that he had received numerous emails on this matter. He said that his statement is in the Sydney Hills Focus Magazine and if it is read correctly, Ms Burke will see that there is a future intent in them as well.

Ms Burke, replied that the statement says that people were denied access and would like explanation as to how they were denied access to the 2015 winter season?

Councillor Taylor MP did not make any further comment.

ITEM-2

PLANNING PROPOSAL - 28 FAIRWAY DRIVE, KELLYVILLE (6/2016/PLP)

Proceedings in Brief

Tristan Kell – Town Planner of AE Design representing the applicant addressed Council regarding this matter.

A MOTION WAS MOVED BY COUNCILLOR HARTY OAM AND SECONDED BY COUNCILLOR TAYLOR MP THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 22 March 2016

131 RESOLUTION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Local Environmental Plan 2012 as follows:
 - a. Increase the maximum building height from 16 metres to 36 metres for the portion of 28 Fairway Drive, Kellyville west of the SP2 Drainage Corridor;
 - b. Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 3:1 to the portion of 28 Fairway Drive, Kellyville west of the SP2 Drainage Corridor; and
 - c. Include a local provision which provides that the "incentivised floor space ratio" can only be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements and for design excellence applying to *all* development over 25 metres (8 storeys).
2. Council proceed to discuss with the Applicant the preparation a draft Voluntary Planning Agreement which resolves the issues relating to the increased demand for local infrastructure generated by the additional residential density; and
3. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.

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

VOTING FOR THE MOTION

Clr Dr M R Byrne Adjunct Professor
Clr Keane
Clr Taylor MP
Clr Preston
Clr Dr Lowe
Clr Thomas
Clr Harty OAM
Clr Tracey
Clr Dr Gangemi

VOTING AGAINST THE MOTION

None

ABSENT

Clr A N Haselden
Clr Hay OAM

ITEM-3

PLANNING PROPOSAL - 2-6 AND 7 MAITLAND PLACE, BAULKHAM HILLS (5/2016/PLP)

Proceedings in Brief

Dr Shane Geha, the Applicant addressed Council regarding this matter.