

The Hills LEP 2012 - 4 McCausland Place, Kellyville

Proposal Title : **The Hills LEP 2012 - 4 McCausland Place, Kellyville**

Proposal Summary : **The planning proposal seeks to facilitate development of a 20-unit residential flat building and 15 townhouses on land in Kellyville zoned R3 Medium Density Residential bi including residential flat building as a permissible use and increasing the height on a portion of the site from 10 metres to 12 metres.**

PP Number : **PP_2016_THILL_010_00** Dop File No : **16/07642**

Proposal Details

Date Planning Proposal Received : **25-Oct-2016** 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 : **4 McCausland Place**

Suburb : **Kellyville** City : Postcode :

Land Parcel : **Lot 1001, DP 1172742**

DoP Planning Officer Contact Details

Contact Name : **Chris Browne**

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RPA Contact Details

Contact Name : **Patrice Grzelak**

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DoP Project Manager Contact Details

Contact Name : **Adrian Hohenzollern**

Contact Number : **0298601505**

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Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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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) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **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.**

Adequacy Assessment

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

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

Comment : **The planning proposal seeks to facilitate development of 15 townhouses and a 20-unit residential apartment building with the following mix:**

- 6 x 1 bedroom;
- 9 x 2 bedroom; and
- 5 x 3 bedroom.

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

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

Comment : **The proposal's objectives are to be achieved by retaining the current R3 Medium Density Residential zoning and adding the site to Schedule 1 Additional Permitted Uses to permit residential flat buildings.**

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?

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

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

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

If No, explain :

S117 DIRECTION 5.9 North West Rail Link Corridor Strategy

Direction 5.9 specifies that a planning proposal that applies to land located within the North West Rail Link (NWRL) Corridor must:

**(b) be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts; and
(c) promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.**

The subject site is identified as "Medium Density Residential Density" with a potential yield of 15-17 townhouses.

Council notes that the site is 1.9km from Kellyville station, but justifies an increased density than that proposed in the Structure Plan based on the close proximity to the future local centre, bus services and improved road network.

Further, the extension of Arnold Road was identified in 2015, after the Strategy was released, therefore the Structure Plan for Kellyville did not account for the improved road network, and access to arterial roads that this extension provides.

In light of the above, although the proposal is inconsistent with S117 Direction 5.9 North West Rail Corridor Strategy, this inconsistency is of minor significance.

S117 DIRECTION 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

The Planning Proposal also includes identification of the subject site on the Key Sites Map, and the introduction of a local incentives clause providing that the proposed density, height and floor space ratio is subject to compliance with Council's apartment size/mix and car parking controls. Council propose that an additional local provision to be inserted into The Hills Local Environmental Plan 2012 ("7.10 Residential Development Yield") which would apply to the site.

The Gateway determination has been conditioned to require amendment of the planning proposal to be consistent with the agreed methodology for residential development as discussed below and therefore the inconsistency is considered to be of minor significance.

STATE ENVIRONMENTAL PLANING POLICY NO 65 Design Quality of Residential Apartment Development.

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.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided extracts of the relevant existing and proposed maps. Council has also provided an aerial photograph clearly identifying the site in context, as well as a concept plan showing the proposed subdivision and dwelling layout.

Council has provided adequate mapping to identify the site and Council's intentions for the site.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has described the means of its intended community consultation and has suggested a 28-day exhibition period.

28 days is an appropriate timeframe for community consultation.

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 inserting residential flat buildings as an additional permitted use on the subject site and increasing the maximum building height to 12 metres.

Consistency with strategic planning framework : The site is identified in the North West Rail Link Corridor Strategy Kellyville Station Structure Plan.

Environmental social economic impacts : The development of the site will facilitate land acquisition for road projects in the area including realignment of Arnold Ave. The Council has identified these roads works are critical to ensure connectivity in the Balmoral Road Release Area.

The concept design submitted to Council includes a four storey residential flat building at the south eastern corner of the site and 2 storey townhouses located adjacent to the north and west boundaries.

The concept design addresses the transition from the residential flat building to the townhouses reducing the impact on existing development to the north. The residential flat building component addresses Memorial Ave providing an appropriate interface.

The proposal includes a minor increase in the maximum height from 10 metre to 12 metres which would allow development of a 4 storey residential flat building. The Department considers that potential impacts can be address by Council in the DCP and at development application stage.

Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
Period :

Timeframe to make **12 months** Delegation : **RPA**
LEP :

Public Authority **Sydney Water**
Consultation - 56(2)(d)

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
4 McCausland Place - Cover letter.pdf	Proposal Covering Letter	Yes
4 McCausland Place - Planning proposal.pdf	Proposal	Yes
4 McCausland Place - Council report 26 April 2016.pdf	Proposal	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 :

The amendment to The Hills Local Environmental Plan 2012, to include a new clause in Schedule 1 – Additional Permitted Uses to permit residential flat buildings, increase the maximum building height to 12 metres and the inclusion of a new local incentives provision should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended
 - (a) 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, and
 - (b) correct the reference to increase in the maximum building height to 12 metres.

A copy of the amended planning proposal is to be forwarded to the Department for information prior to the commencement of community consultation.

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

- (a) the planning proposal 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 Environment 2016).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
- Transport for NSW
- Transport for NSW - Roads and Maritime Services
- Integral Energy
- 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 Act. 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. 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 as it will provide housing in close proximity to a future town centre, and with established bus connections to major centres.

Signature:



Printed Name:

C VAN LAEREN

Date:

31/10/16