

26 February 2016
Our Ref: 9057A.4KM

Director Urban Renewal
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

By Email: information@planning.nsw.gov.au

Dear Sir/Madam,

**RE: Submission in response to the Kellyville Station Precinct Proposal
Land at Hickson Avenue and Daffodil Crescent, Kellyville**

1.0 Introduction

We refer to our meetings with DoPE Officers of 4 February 2015 and 22 April 2015 and written submission of 16 April 2015 in respect of land in the vicinity of Hickson Avenue and Daffodil Crescent, Kellyville (the Site) which is identified below for ease of reference.



Figure 1: The Site

As you would be aware, we have been engaged by three landowners to investigate and prepare concepts for the potential future development of the Site, which is a landholding comprising 1.8633 hectares within the Kellyville Station Precinct, and to prepare submissions to the DoPE as appropriate.

Accordingly, we have reviewed the Kellyville Station Precinct Proposal inclusive of the Planning Report and Draft Development Control Plan (DCP) (collectively referred to herein as 'the Draft Plan') and hereunder provide a response on behalf of our Clients.

2.0 Support for R4 High Density Residential Zone

We would like to provide our support for the inclusion of the Site within the proposed R4 High Density Residential Zone and we are pleased to see that the DoPE has acknowledged that the Site is capable of accommodating residential flat buildings (amongst other uses), this being the vision under the Kellyville Station Structure Plan.

We request that no amendment in regard to the proposed R4 Zone be made as it applies to the Site as this is an appropriate zoning given the context of the Site, being in such close proximity to the Kellyville Station.

3.0 Height of Buildings

The Draft Plan proposes a Height of Buildings of 21 metres through the centre of the Site and 12 metres along the northern, eastern and southern sides of the Site. In our opinion, these height limits should be amended for this Site for the following reasons:

1. The Concept Plan submitted with our planning submission dated 16 April 2015 demonstrated that the centre of the Site was capable of accommodating a 9-storey building with a height of approximately 29 metres, without any adverse impacts on surrounding lower density land or other buildings within the Site in terms of solar access and whilst providing an appropriate urban form in the context of much higher buildings as anticipated on the opposite side of the creek (i.e. 40-50 metres);
2. The proposed 21 metre height limit in the Draft Plan for the centre of the Site would allow for a 6-storey residential flat building with a ground to roof height of 18 metres and the proposed 12 metre height limit for the northern and southern sides of the Site would allow a 3-storey residential flat building with a ground to roof height of 9 metres. Both of these height limits allow for 3 metres of roof structure which is plentiful for lift overruns and some plant/machinery but does not provide sufficient height for a 7th or 4th storey respectively.

Accordingly, we are of the opinion that the height limits in the Draft Plan are between the height required for 6 and 7 storeys and 3 and 4 storeys, respectively. In addition, the sloping topography of the land means that buildings on this Site will be slightly higher in parts in order to maintain level ground floorplates without excessive excavation. This dictates a slightly higher height limit.

3. Other land proposed to be zoned R4 High Density Residential in the Draft Plan that does not directly adjoin a low density zone and is generally comparable to the context of the Site has been nominated as having height limits of 28 metres, 40 metres or 46 metres, whereas the Site has been applied a 21 metre limit.

Furthermore, other land proposed to be zoned R4 High Density Residential in the Draft Plan that directly adjoins either an existing or an existing or proposed lower density zone has been nominated as having height limits of 15 and 18 metres, whereas the Site has been applied a 12 metre limit. Specifically, we refer to the following land:

- land on the corner of Sanctuary Drive and Old Windsor Road is proposed to be zoned R4 High Density Residential with a height of 15 metres and this land is adjoined to the north by land that has a 12-metre height limit; and
- land north of Darcy Street, Stanhope Gardens is proposed to be zoned R4 High Density Residential with a height of 18 metres and this land is adjoined to the south by land that has an existing and proposed 9-metre height limit.

Accordingly, the Draft Plan is inconsistent in its application of height limits. A 25 metre or even a 28 metre height limit across the centre of the Site and a 15 metre height limit on the northern and southern sides of the Site should be applied to be consistent with other land in the Precinct that is comparable to the Site in terms of its location adjacent to lower density/height areas.

4. To demonstrate that slightly greater height limits can be accommodated on the Site without adverse visual or other built environment impacts, a Revised Concept Plan for the Site has been prepared by Robertson + Marks (R+M) Architects (see **Attachment 1**) and **Figures 2 and 3** are extracts of that Revised Concept Plan.



Figure 2: Proposed Revised Concept Plan for the Site (Robertson + Marks)

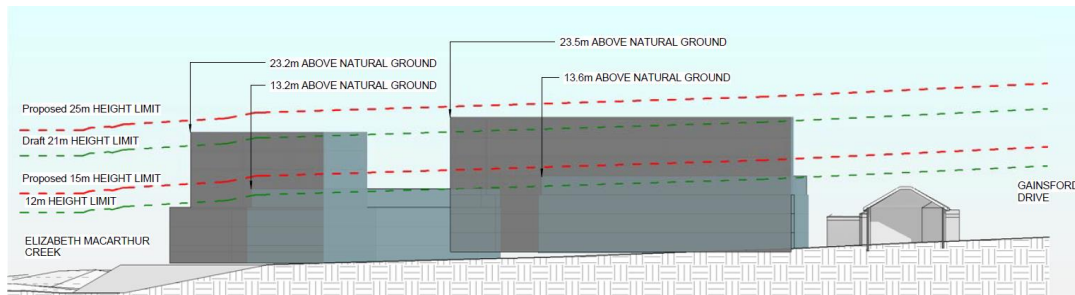


Figure 3: Section showing proposed Height of Building limits for the Site (Robertson + Marks)

This Revised Concept Plan proposes a 25 metre height limit across the centre of the Site (from western boundary to eastern boundary) which would allow 7-storey buildings and roof structure and a 15 metre height limit along the northern and southern sides of the Site which would allow 4-storey buildings and roof structure.

It is noted that in all other respects, the Revised Concept Plan complies with the Draft DCP requirements (particularly setbacks) and applicable ADG provisions and provides for the public roads and creek crossing depicted in the Draft Plans.

5. The Revised Concept Plan also demonstrates that an appropriate outcome is achieved from the proposed height limits and building forms with respect to overshadowing of external public domain, private land and internal solar access.
6. The proposed height map includes a 25-metre wide strip of 12m height limit along the eastern side of the Site which is not necessary. The Draft DCP contains controls relating to side setbacks and specifically (Draft Control 6.1.3(7)) requires that “Where an apartment building adjoins land in the R2 zone, the minimum side and rear boundary setback is increased by an additional 3m”. For this Site, an apartment building on the eastern, centre part of the Site with a height of between 5-8 storeys would be required to have a setback of 12 metres from the boundary of the eastern adjoining R2 Zone.

Accordingly, the proposed Height mapping artificially constrains future development on this part of the Site and should be amended as depicted in **Figure 4**.

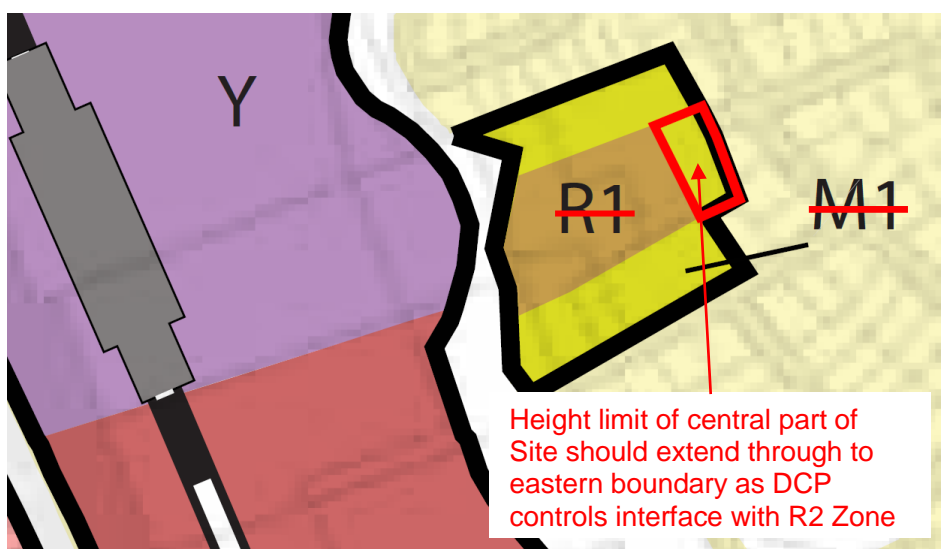


Figure 4: Proposed amendment to the height limit on the central, eastern side of the Site.

7. In our opinion, applying a 3-storey height limit to the northern, eastern and southern sides of a Site that is entirely within 350 metres of the new Kellyville railway station does not reflect the longer term outcomes for this locality. We would expect to see taller buildings on this Site with lower 2-3 storey buildings much further to the east as envisaged by the Structure Plan.

4.0 Floor Space Ratio

The Draft Plan proposes a Floor Space Ratio (FSR) limit of 1:1 for the Site however, this is less than what is achievable from a development scheme that would comply with the draft height limits and Draft DCP provisions.

R+M have tested the proposed height and setback controls against the proposed FSR at **Attachment 1** which demonstrates a FSR of 1.2:1 for a scheme that complies with the Draft Plan. Accordingly, at a minimum, the Draft Plan should be amended to reflect this FSR Testing.

However, as indicated above, we are of the opinion that increased height limits are justified and accordingly, we request that a FSR of 1.3:1 apply to the Site as depicted in the calculations for the Revised Concept Plan at **Attachment 1**.

5.0 Development Control Plan

We have reviewed the Draft DCP and are generally supportive of the proposed development controls however we note the following:

1. **Road Reservation Width** – the Draft DCP proposes a road reservation width for a Local Street of 18 metres however, we note that the roads through and adjoining the Site, being Daffodil Crescent, Lewis Jones Drive and Hickson Avenue, have already been approved by Council at 15.5 metres wide which is consistent with surrounding existing roads.

Accordingly, the Draft DCP should be amended to provide flexibility in road width where new local roads are to be an extension to an existing road at a conflicting width.

2. **Car Parking Rates** – the Draft DCP proposes car parking rates which vary from SEPP 65 and the ADG and accordingly, we would expect that the final version provides for the lower rates as expressed by the ADG and the Guide to Traffic Generating Development which would prevail over the DCP (see below):

- 0.6 spaces per 1 bedroom unit;
- 0.9 spaces per 2 bedroom unit; and
- 1.40 spaces per 3 bedroom unit.

6.0 Miscellaneous – Mapping and Extent of Site

We note the extent of the Site has changed since our original submission as it has come to our attention that the landholding also comprises land along the eastern side of Elizabeth Macarthur Creek that has been approved for development including a road extension of Lewis Jones Drive – albeit that this has yet to be constructed.

Accordingly, we request that any SEPP/LEP mapping accurately reflects the extent of the Site as depicted in **Figure 5** and **Attachment 2** and we would be pleased to provide further information in this regard if necessary.



Figure 5: Extent of privately owned land overlaid on proposed Zoning plan.

7.0 Conclusion and Recommendations

We have reviewed the Draft Kellyville Station Precinct Proposal and support the inclusion of our Clients' Site at Hickson Avenue and Daffodil Crescent land within the R4 High Density Residential Zone. However, we are of the opinion that the proposed building heights and FSR for the Site are inconsistent with other parts of the Kellyville Precinct and inconsistent with the scale of development that the land is capable of supporting as expressed in the Revised Concept Plan prepared by Robertson + Marks Architects (see **Attachment 1**). Accordingly, we recommend that:

- **Zoning – R4 High Density Residential** is supported and should be retained in the Final Plan and extended to cover the entire landholding;
- **Height of Buildings – 15 metres and 25 metres**, which provides for 4 storey buildings on the northern and southern sides of Site and 7 storey buildings through the centre of the Site from the eastern to western boundaries. These heights are more consistent with the height limits proposed for other land in the Precinct in the R4 Zone that adjoins existing or proposed low density/height areas;
- **Floor Space Ratio – 1.3:1**, which provides for buildings which can meet the proposed built form controls under the Revised Concept Plan, Draft DCP and the ADG;
- **Road Widths – 15.5 metres for Local Roads within the Site**, to accord with approved roads within the Site and existing roads adjoining the Site;
- **Car Parking Rates – As per the ADG and RTA Guide**; and
- **Mapping** – all mapping for the LEP/SEPP should be updated to reflect the extent of landholding.



Together with the landowners, we would welcome the opportunity to meet with the DoPE as soon as possible to discuss this submission further and should you have any queries, please do not hesitate to contact the undersigned.

Yours faithfully

DFP PLANNING PTY LTD

A handwritten signature in black ink, appearing to read 'K. Mackay', with a stylized flourish at the end.

**KENDAL MACKAY
PARTNER**

kmackay@dfpplanning.com.au

A handwritten signature in black ink, appearing to read 'R. Hayer', with a long, sweeping flourish extending from the end.

Reviewed: _____

Cc: Ms Ann-Maree Carruthers, ann-maree.carruthers@planning.nsw.gov.au
Mr Malcolm McDonald, Malcolm.McDonald@planning.nsw.gov.au

Encl. 1. Revised Concept Plan and FSR Testing
2. Mapping extents of the Site.



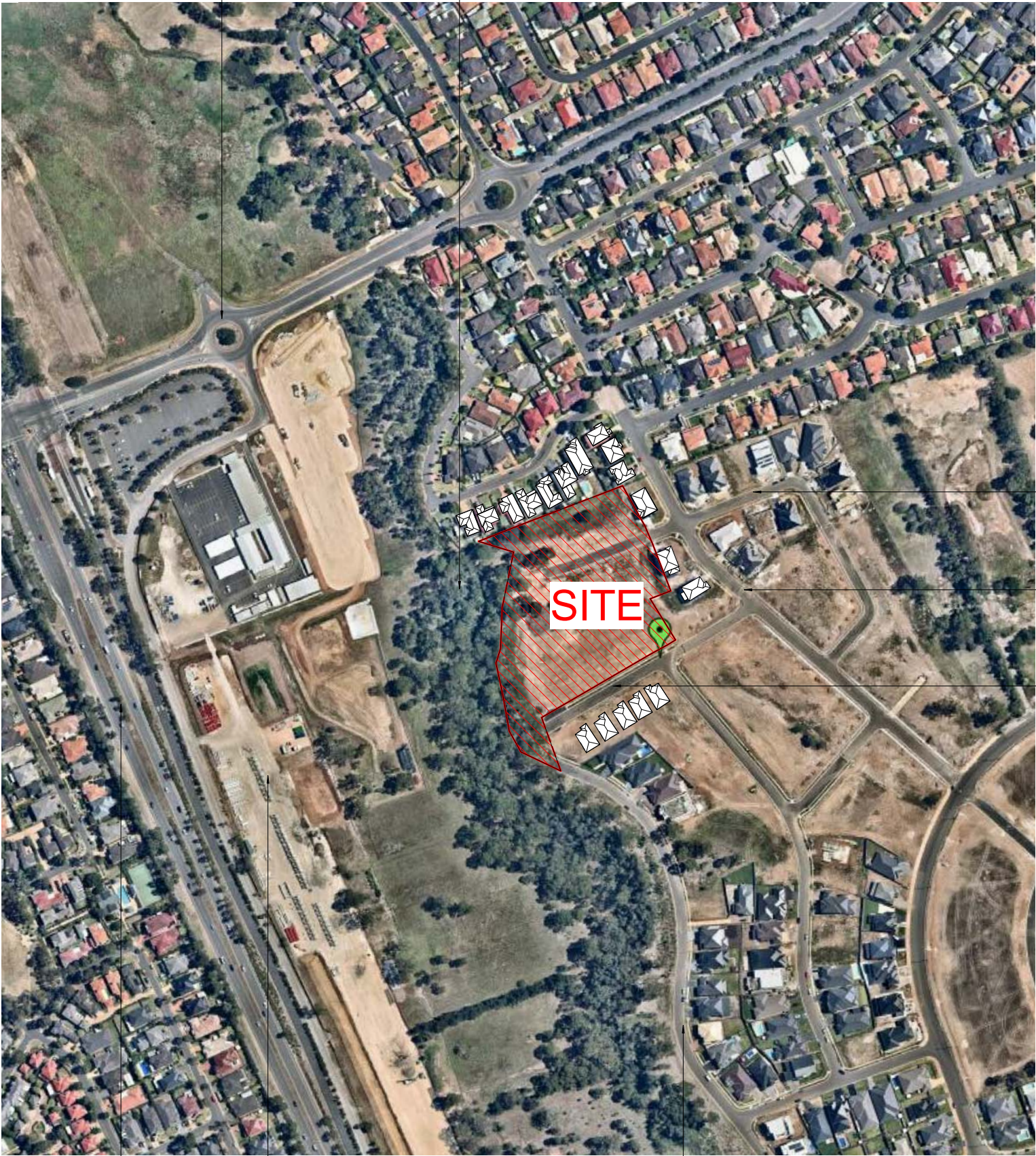
planning consultants

ATTACHMENT I

26 FEBRUARY 2016

ELIZABETH MACARTHUR
CREEK.

SAMANTHA RILEY
DRIVE.



DAFFODIL
CRESCENT.

GAINSFORD
DRIVE.

HICKSON AVENUE.

OLD WINDSOR ROAD

LEWIS JONES
DRIVE.

FUTURE KELLYVILLE
STATION



1 Context
1 : 2000

TRUE NORTH



DRAWING TITLE

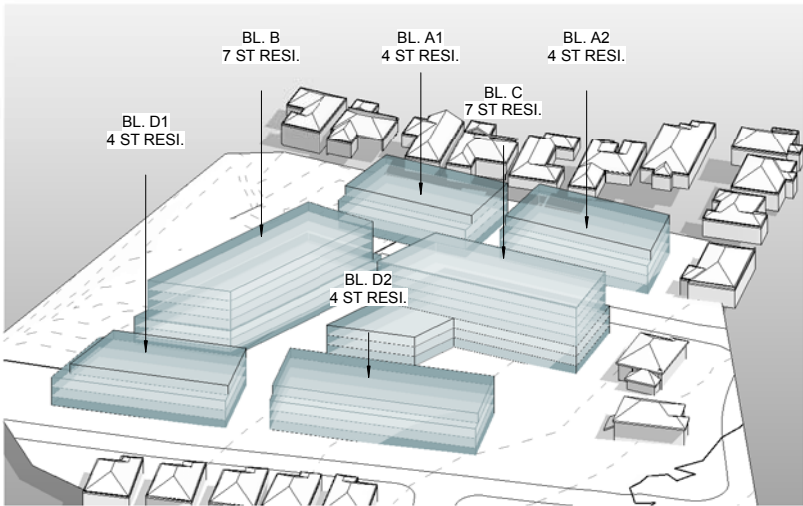
CONTEXT PLAN

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DATE : 26/02/16

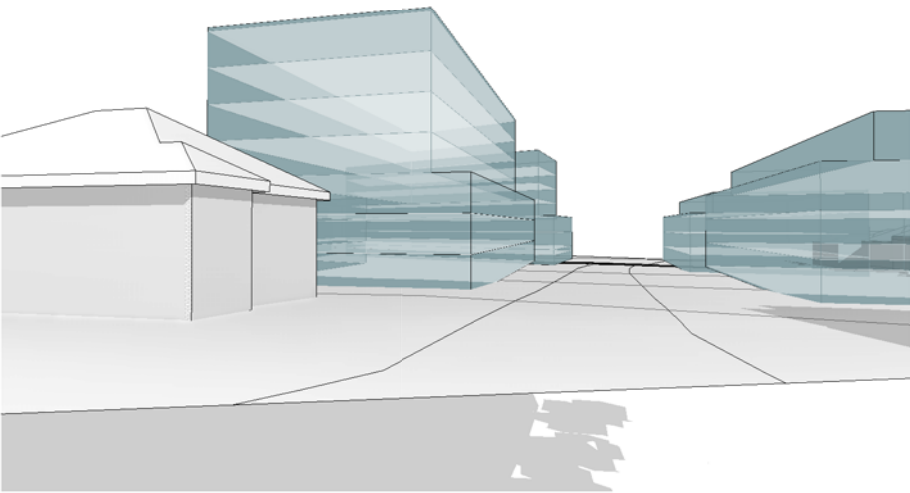
Drawing Number
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26 FEBRUARY 2016

Perspective (4) Viewed
from this point.



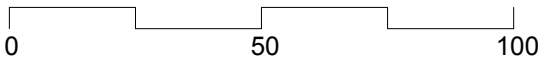
2 3D Revised Concept plan



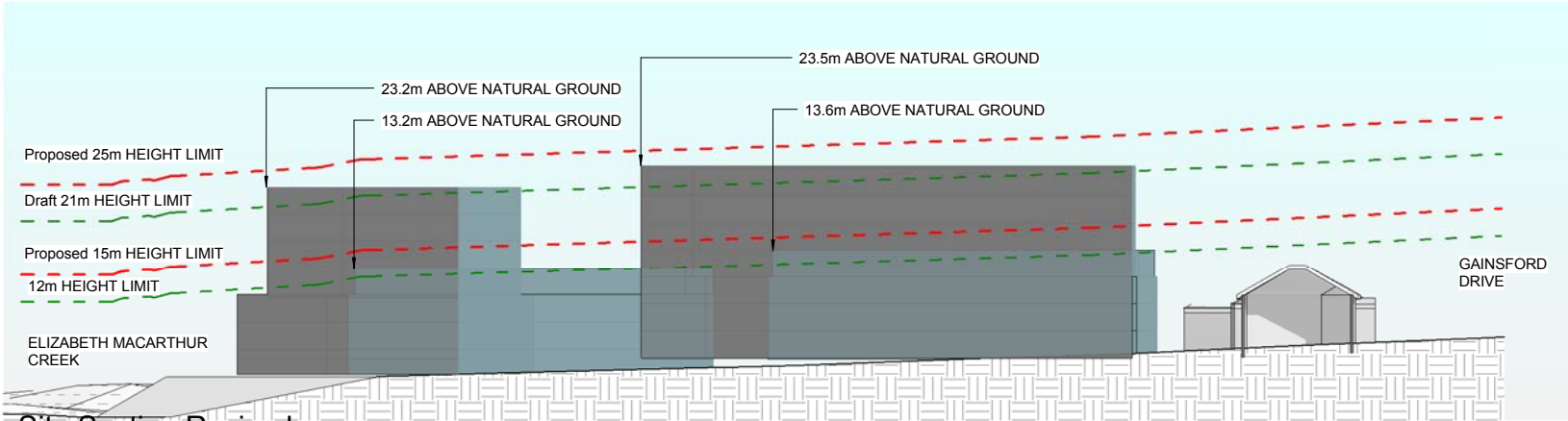
4 View Cnr of Gainsford and
Daffodil Revised Concept
plan



Bridge connection



1 Site with Aerial Revised
Concept plan
1 : 750



3 Site Section Revised
Concept Plan
1 : 400

TRUE NORTH



DRAWING TITLE

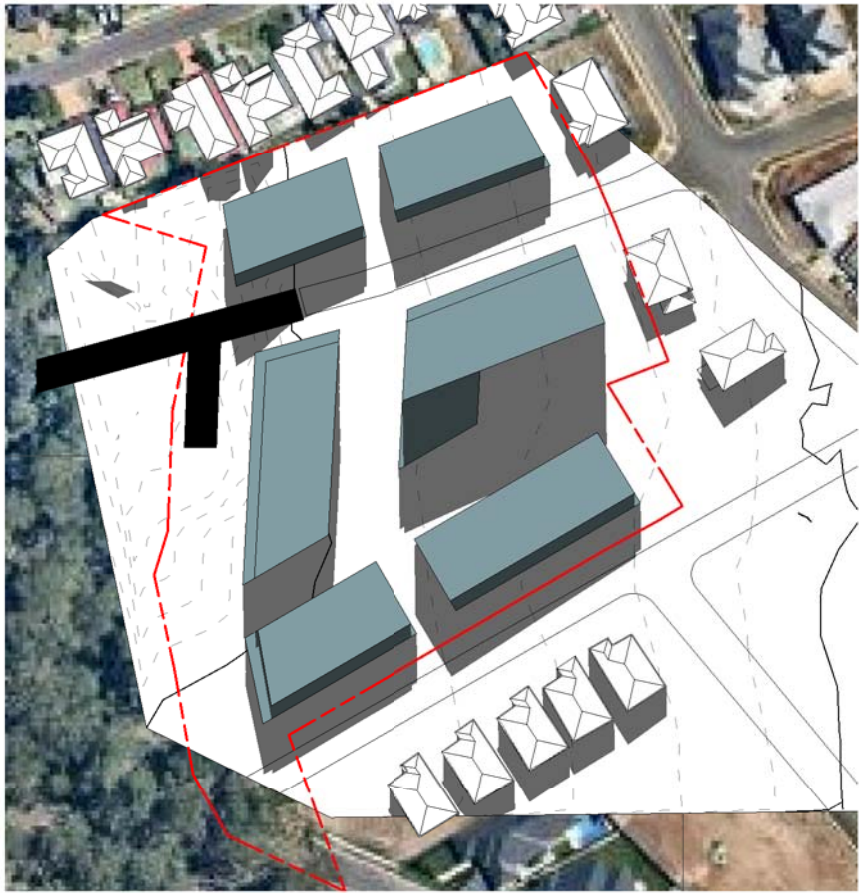
Revised Concept Plan

SCALE : As indicated @A1 Drawing Number
DATE : 26/02/16 A101.1

26 FRBRUARY 2016



2 Revised Concept Plan
Shadows 9am
1 : 1000



3 Revised Concept Plan
Shadows 12pm
1 : 1000



1 Revised Concept Plan
Shadows 3pm
1 : 1000

TRUE NORTH



DRAWING TITLE

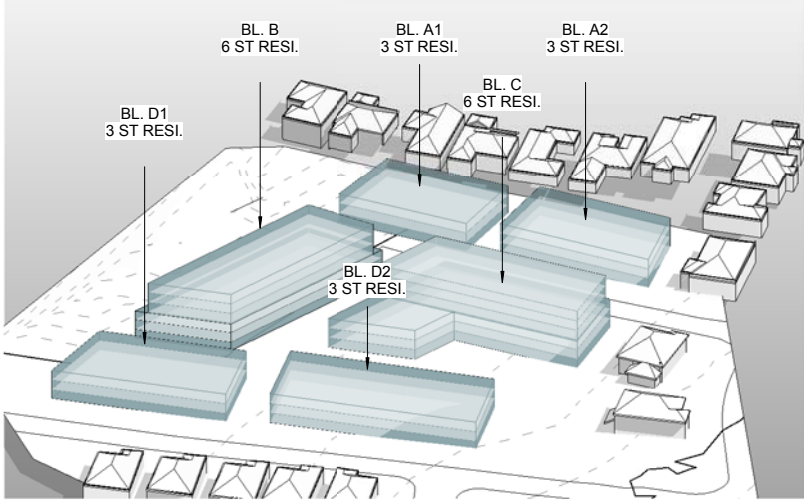
Revised Concept Plan Shadows

SCALE : 1 : 1000 @A1
DATE : 26/02/16

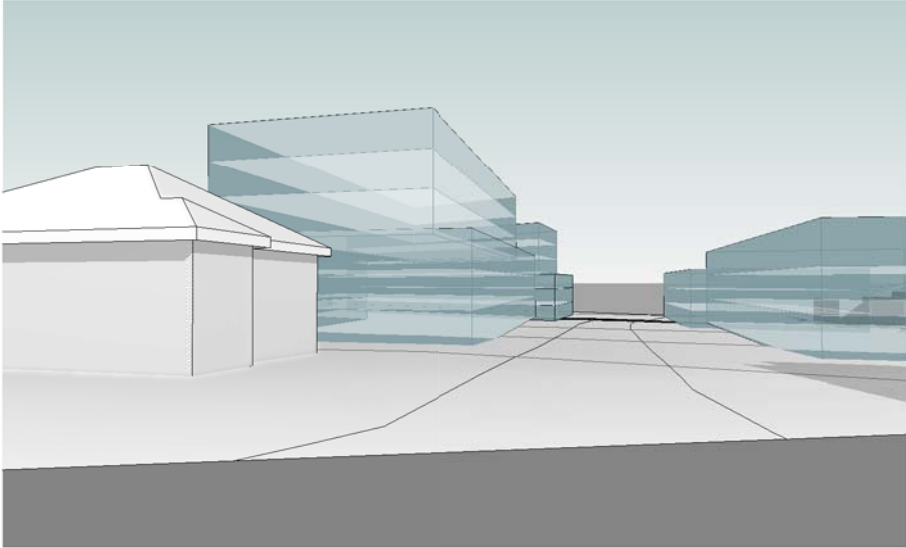
Drawing Number
A101.2

26 FEBRUARY 2016

Perspective (4) Viewed
from this point.



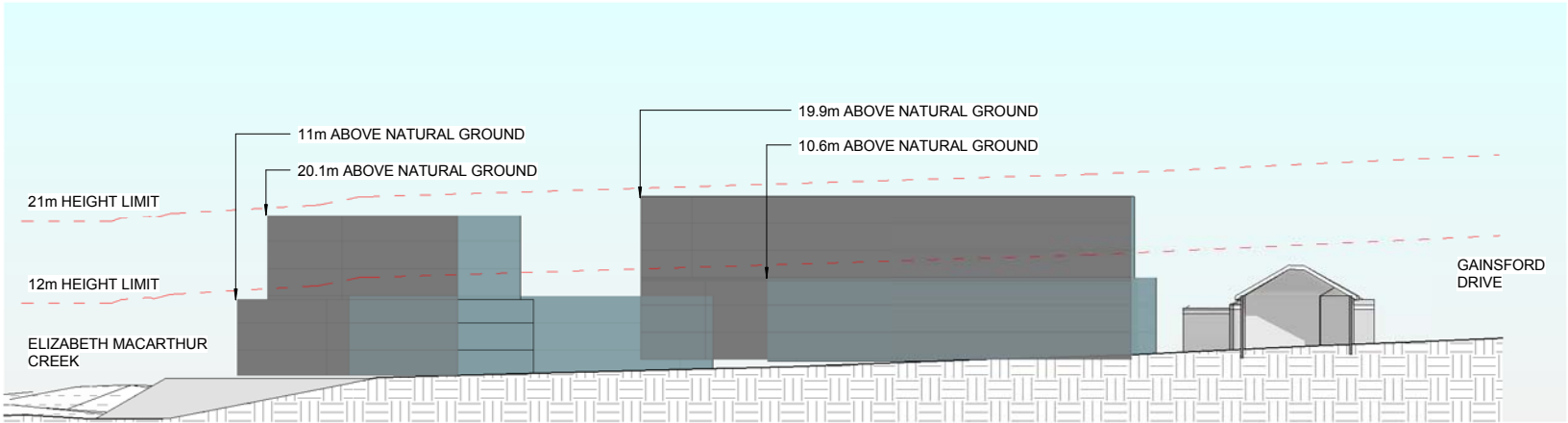
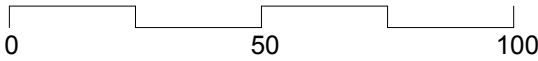
2 3D FSR Testing of Draft Controls



4 View Cnr of Gainsford and Daffodil FSR Testing of Draft Controls

Bridge connection

1 Site with Aerial FSR Testing of Draft Controls
1: 750



3 Site Section FSR Testing of Draft Controls
1: 400

TRUE NORTH



DRAWING TITLE

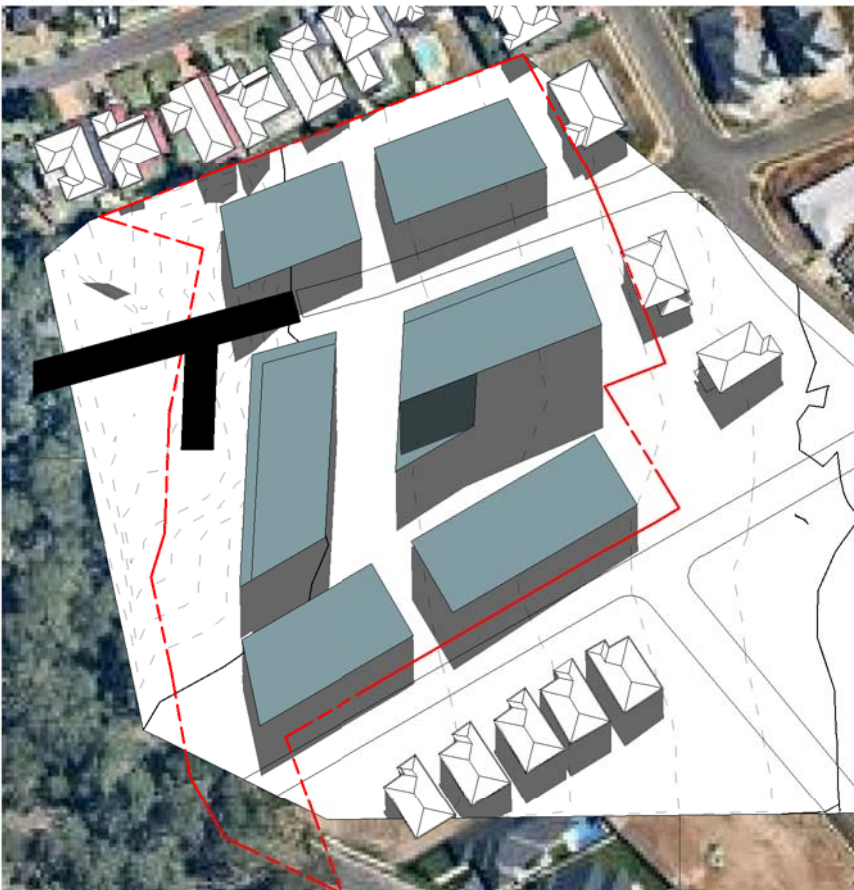
FSR Testing of Draft Controls

SCALE : As indicated @A1 Drawing Number
DATE : 26/02/16 A103.1

26 FEBRUARY 2016



1 FSR Testing of Draft
Controls Shadows 9am
1:1000



2 FSR Testing of Draft
Controls Shadows 12pm
1:1000



3 FSR Testing of Draft
Controls Shadows 3pm
1:1000



TRUE NORTH

DRAWING TITLE

FSR Testing of Draft Controls
Shadows
SCALE : 1:1000 @A1
DATE : 26/02/16

Drawing Number
A103.2

		A	B	C A x B		D	E	F 12.5% C	G 5% C	H 4% C	I	J C-(D+F+G+I)	K	L	M	N	O	P K/(C-F)x100			
Level	Description	Pop up	Pop up	Footprint	Levels	Total Gross Floor Plate	Lift & Stair Core	Corridor	Balconies	Exterior Walls	Intertenancy Walls	Service Risers	DCP GFA	Strata Area	1 Bed	2 Bed	3 Bed	Number of apartments	Floor Efficiency		
Site Area =	18365.00																				
Use																					
1.1	Block A1 Lower			769.0	3.0	2307.0	63.8	90.0	288.4	115.4	92.3	11.5	1828.0	1645.7	5	12	2	19	82%		
1.2	Block A1 Upper			659.0	1.0	659.0	21.3	30.0	82.4	33.0	26.4	3.3	519.1	462.8	1	3	1	5	80%		
1.3	Block A2 Lower			847.0	3.0	2541.0	63.8	90.0	317.6	127.1	101.6	12.7	2019.9	1828.2	5	14	2	21	82%		
1.4	Block A2 Upper			719.0	1.0	719.0	21.3	30.0	89.9	36.0	28.8	3.6	568.3	509.6	1	4	1	6	81%		
1.5	Block B Lower			1265.0	3.0	3795.0	63.8	45.0	474.4	189.8	151.8	19.0	3048.2	2851.4	8	21	3	33	86%		
1.6	Block B Upper			1024.0	4.0	4096.0	85.0	60.0	512.0	204.8	163.8	20.5	3273.7	3049.9	9	23	4	35	85%		
1.7	Block C Lower			1473.0	3.0	4419.0	63.8	90.0	552.4	221.0	176.8	22.1	3559.8	3293.1	9	25	4	38	85%		
1.8	Block C Upper			1007.0	4.0	4028.0	85.0	120.0	503.5	201.4	161.1	20.1	3218.0	2936.8	8	22	3	34	83%		
1.9	Block D1 Lower			962.0	3.0	2886.0	63.8	90.0	360.8	144.3	115.4	14.4	2302.8	2097.3	6	16	2	24	83%		
2	Block D1 Upper			752.0	1.0	752.0	21.3	30.0	94.0	37.6	30.1	3.8	595.4	535.3	2	4	1	6	81%		
2.1	Block D2 Lower			1226.0	3.0	3678.0	63.8	90.0	459.8	183.9	147.1	18.4	2952.2	2715.1	8	20	3	31	84%		
2.2	Block D2 Upper			1057.0	1.0	1057.0	21.3	30.0	132.1	52.9	42.3	5.3	845.5	773.2	2	6	1	9	84%		
TOTAL						30937.0		795.0					24730.8	22698.4							
FSR													1.3			65	170	26	262		
															25%	65%	10%				

ASSUMED CARPARK CAPACITY DEMAND

		1 Bed	2 Bed	3 Bed	Visitor parking	Total
1.1	Block A1	6	16	4	2	28
1.2	Block A2	7	18	4	3	31
1.3	Block B	17	44	10	7	79
1.4	Block C	18	47	11	7	83
1.5	Block D1	8	20	5	3	35
1.6	Block D2	10	26	6	4	46
TOTAL NUMBER OF CAR SPACES REQUIRED		65	170	39	27	301
LEVELS OF CARPARK REQUIRED AT 100% SITE COVERAGE						0.6

Definitions:
Gross Floor Plate(GFP) = Area of the concrete slab footprint
DCP GFA = GFP less External wall, lifts & stairs, balconies and service risers
Strata area = DCP GFA less intertenancy wall and common corridors
Floor Efficiency (%) = Strata Area /(GFP-Balconies) x 100

Assumptions:

1	Unit mix:
	1 Bed = 25%
	2 Bed = 65%
	3 Bed = 10%
2	Average unit size: (sq m)
	1 Bed = 65
	2 Bed = 90
	3 Bed = 120
3	Efficiency = 85%
4	Lift + Stair Core 21.25
4.1	Stair Core 12.00
5	Corridor (sqm) 15 sqm per lift each level
6	Balconies = 12.5% (All balconies roofed to be included as part of UCA calculations)
7	External Walls = 5%
8	Intertenancy Walls = 4%
9	Service Risers approximately 0.52 sqm per unit
10	
11	Parking area/car = 35 sqm

DCP Parking Rates

Residential

- Car space per one bedroom dwelling = 1
- Car spaces per two bedroom dwelling = 1
- Car spaces per three bedroom dwelling = 1.5
- Car spaces per ten dwellings for visitor parking = 1

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
- (i) storage, and
- (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

Notes: Type 2 Hills DCP apartment sizes used.
Apartment mix from Hills DCP

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
		A x B			12.5% C	5% C	4% C		C-(D+F+G+I)						K/(C-F)x100

Level	Description	Pop up	Pop up	Footprint	Levels	Total Gross Floor Plate	Lift & Stair Core	Corridor	Balconies	Exterior Walls	Intertenancy Walls	Service Risers	DCP GFA	Strata Area	1 Bed	2 Bed	3 Bed	Number of apartments	Floor Efficiency		
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2.1	Block D2 Lower			1226.0	3.0	3678.0	63.8	90.0	459.8	183.9	147.1	18.4	2952.2	2715.1	8	20	3	31	84%		
TOTAL						27750.0		675.0					22202.5	20417.5							
FSR													1.2		59	153	24	235			

25% 65% 10%

ASSUMED CARPARK CAPACITY DEMAND

		1 Bed	2 Bed	3 Bed	Visitor parking	Total
1.1	Block A1	5	12	3	2	20
1.2	Block A2	5	14	3	2	24
1.3	Block B	17	44	10	7	78
1.4	Block C	18	47	11	7	83
1.5	Block D1	6	16	4	2	28
1.6	Block D2	8	20	5	3	36
TOTAL NUMBER OF CAR SPACES REQUIRED		59	153	35	24	249
LEVELS OF CARPARK REQUIRED AT 100% SITE COVERAGE						0.5

Definitions:

Gross Floor Plate(GFP) = Area of the concrete slab footprint

DCP GFA = GFP less External wall, lifts & stairs, balconies and service risers

Gross floor area (GFA) = Fully enclosed covered area (FECA) + Unenclosed covered area (UCA). Definition as per Australian Cost Management Manual published by the Australian Institute of Quantity Surveyors.

Strata area = DCP GFA less intertenancy wall and common corridors

Floor Efficiency (%) = Strata Area /(GFP-Balconies) x 100

Assumptions:

1	Unit mix:
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	3 Bed = 10%
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DCP Parking Rates

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Car spaces per ten dwellings for visitor parking = 1

Notes:

Type 2 Hills DCP apartment sizes
Apartment mix from Hills DCP

from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but **excludes:**
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
- (i) storage, and
- (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and



planning consultants

ATTACHMENT 2



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