

28 February 2016

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

Dear Sir/Madam

Submission – Kellyville Station Precinct Proposal

Property: - 21 Gainsford Drive Kellyville (Lot 63 DP862283); 15 Lewis Jones Drive Kellyville (Lot 15 DP1174226)

We act for Mr Mitrovich, the owner of the subject properties, upon which is presently situated a two Storey Dwelling (No. 21 Gainsford Drive) and single storey dwelling (15 Lewis Jones Drive) (the **site**).

1. The Subject Site

Lot 63 DP862283 and Lot 15 DP1174226, No. 21 Gainsford Drive and 15 Lewis Jones Drive, Kellyville are adjoining allotments, situated on the western side of Gainsford Drive on the corner of Lewis Jones Drive, Kellyville. The site is approximately 230metres south of Samantha Riley Drive and approximately 400metres to the east of Old Windsor Road (refer **Figures 1 and 2**).

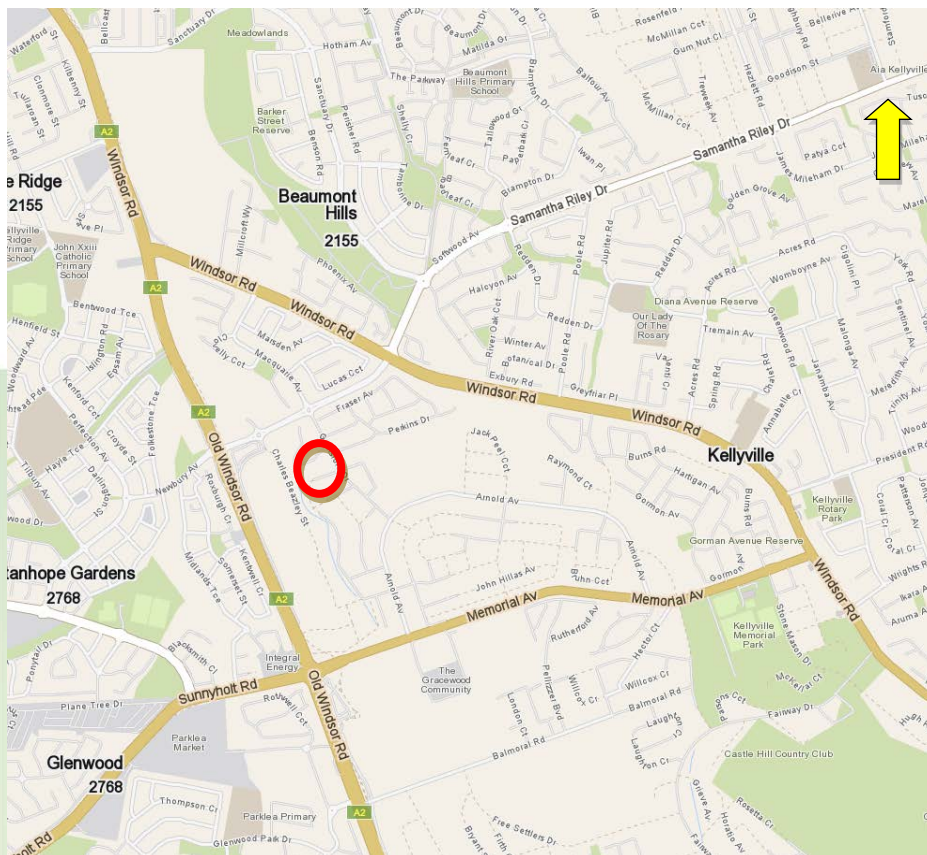


FIGURE 1: Location Map (<http://www.whereis.com/nsw>)

Submission_Kellyville StnPrecinct_Mitrovich_Feb2016_V2.doc



FIGURE 2: Aerial Photo of the site and immediate surrounds (<https://maps.six.nsw.gov.au/>)



FIGURE 3: No.21 Gainsford Drive



FIGURE 4: No.15 Lewis Jones Drive

2. Existing Zoning

The site is currently zoned R2 Low Density Residential under The Hills Local Environmental Plan (LEP) 2012 (refer **Figure 3**).

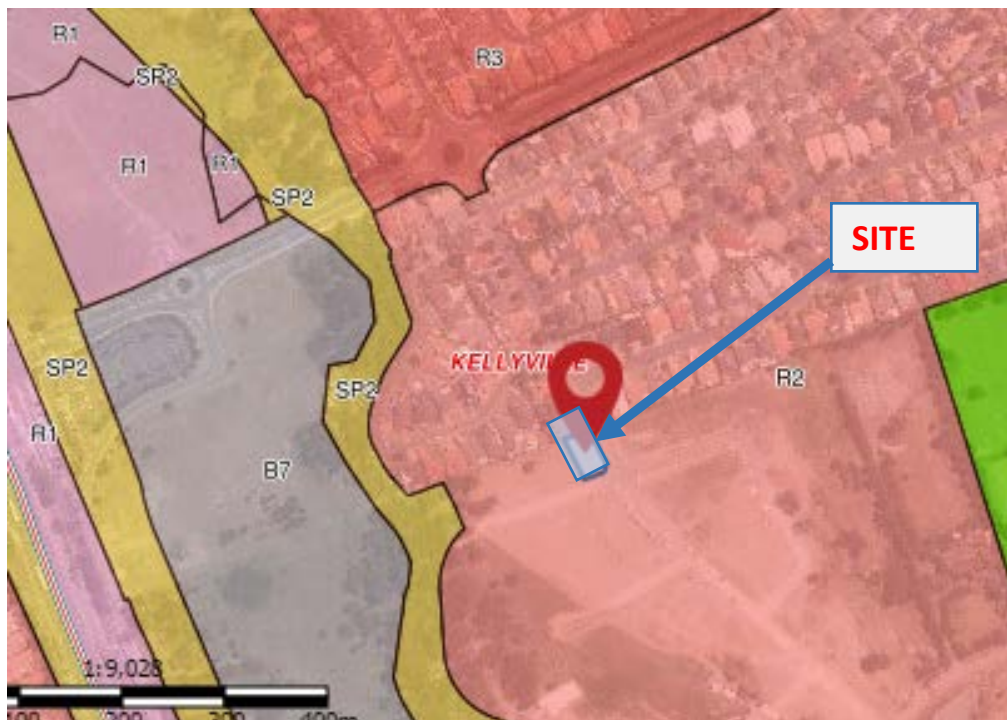


FIGURE 5: Extract of The Hills LEP zoning map (<https://www.planningportal.nsw.gov.au>)

3. The Site and the draft Kellyville Station Precinct Proposal

The Kellyville Station Precinct was identified as a priority precinct within the North West Rail Link (NWRL) Corridor Strategy, to provide for new housing and jobs in centres with good transport connections¹. The proposal presently on exhibition aims to recognise the character of existing low density areas while identifying the need for high quality public spaces and community facilities.

This submission provides an opportunity for the landholder to provide specific identification of issues, and associated feedback in accordance with the 'key components' of the Kellyville Station Precinct planning process, to consider community comments and ideas in the planning process.

The Kellyville Station is proposed for location within a key transport corridor (Old Windsor Road), with the site located approximately 350metres to the east of Kellyville Station.

The key features of the Priority Precinct program include:

- Changing preferences and lifestyles;
- Preference for apartments;
- Convenient transport options; and
- Ageing in place.

The strategy provides for housing near jobs and transport, while identifying the preference of people to want to live near centres with convenient access to services.

The preliminary precinct planning proposed that the northern boundary of the R4 High Density residential zone be located on the common boundary of the two properties and extending to Gainsford Drive thus retaining No.21 Gainsford Drive as R2 Low Density, but identifying No.15 Lewis Jones Drive as R4 High Density residential (refer **Figure 6** and **Figure 7**).



Figure 22: Precinct Plan for the Kellyville Station Precinct

FIGURE 6: Extract of Kellyville Station Precinct Proposal – Precinct Plan

¹ Kellyville Station Precinct Planning Report p.2.



FIGURE 7: Extract of Kellyville Station Precinct Proposal – Precinct Plan (detail zoning map extract)

4. Proposed Zoning

The exhibited plan however proposes to retain the R2 Low Density Residential zoning for both properties². Refer Figure 8.

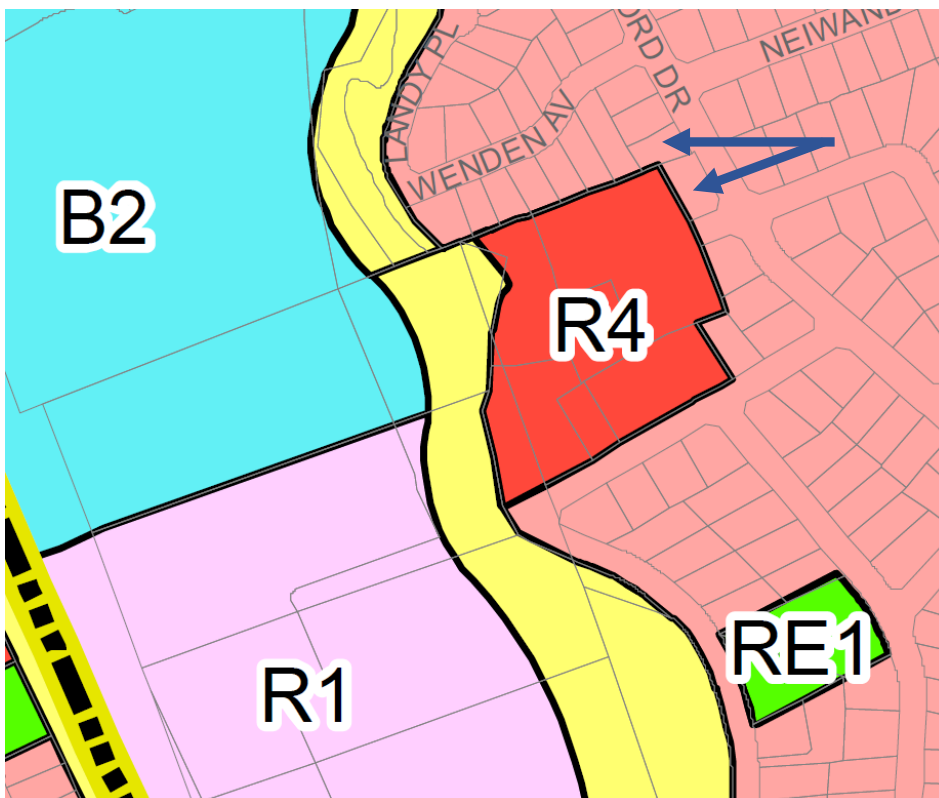


FIGURE 8: Proposed Planning Controls – Zoning (Figure 22) – the Showground Station Precinct

² Part 3.7. Proposed planning controls - Kellyville Station Precinct Planning Report.

The boundary of the R4 High Density Residential zone has been realigned to follow the extent of the residue vacant land and consequently does not extend to Gainsford Drive to the north-east. An extract aerial photo (**Figure 9**) superimposes the exhibited and suggested R4 zoning over the existing cadastral layout.

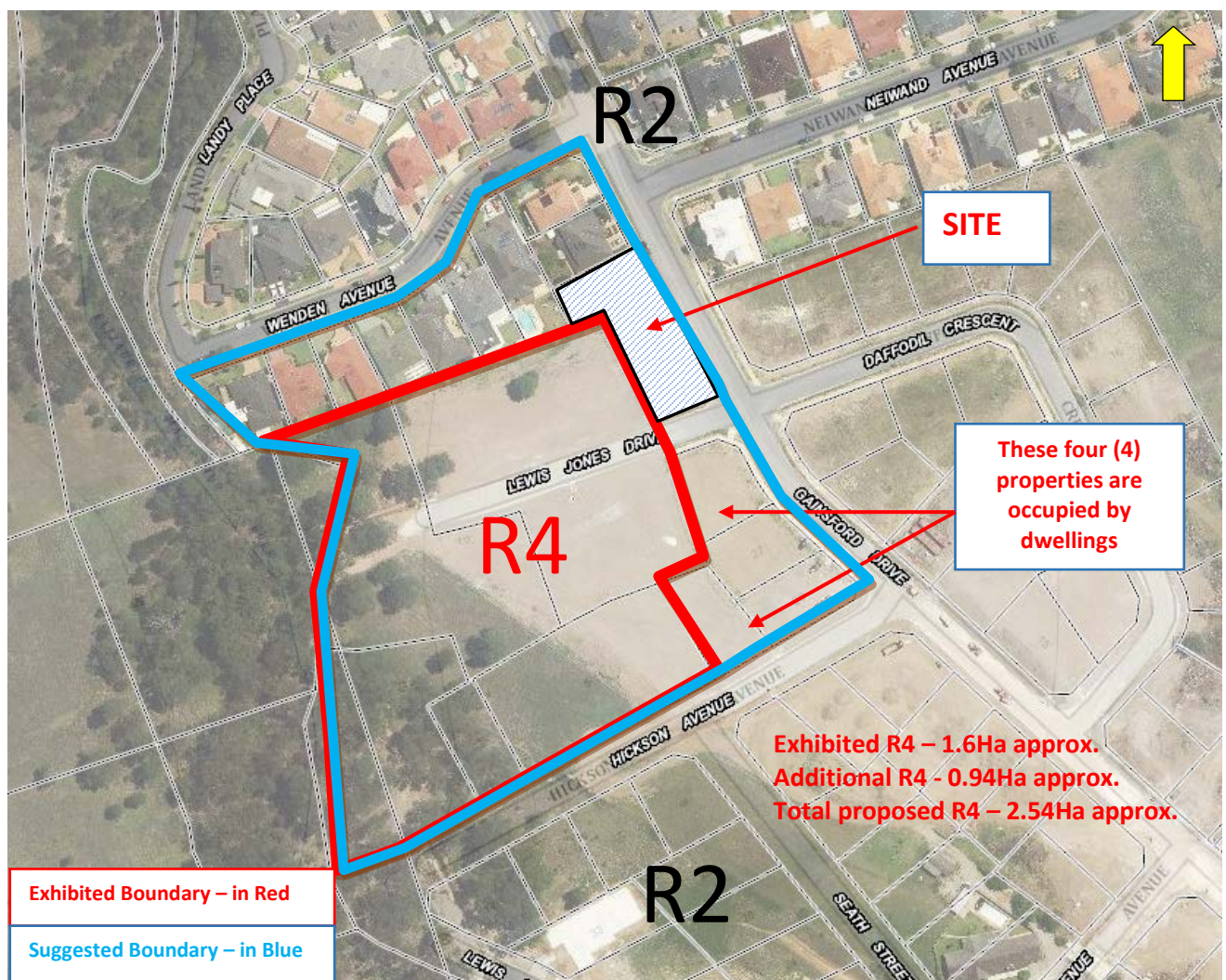


FIGURE 9: Aerial Photograph with Exhibited and Suggested R4 Land Use zone

5. Review of Proposed Zoning

The proposed land use zone immediately adjoining the site (R2 Low Density Residential) is identified as R4 High Density Residential.

It is our opinion that the proposed boundary of the R4 zone must be reassessed as it does not have due regard to the potential impact on existing R2 Residential (and future R2 Residential) zoned properties.

From our review there are potentially a number of impacts associated with the current proposed R4 high density boundary area, namely:

- Allowable building heights: R4 zoned land –R1 (21metres); M1 (12metres). Immediately adjoining R2 residential land (height limit K – 10metres)³. Whilst the rationale of the building heights proposed is understood, namely increased heights near the station, and graduating outwards to the perimeter to suit existing residential 1 -2 storey housing, there still remains an inadequate transitional buffer to the residue land parcels adjoining Gainsford Drive, Wenden Avenue and Hickson Avenue.
- The R4 Land parcel only allows for future vehicle access from Lewis Jones Drive or Hickson Avenue as it will be land-locked to the east, north and west by residential development or Elizabeth Macarthur Creek.

It is our proposal that the R4 High Density Residential zoning be extended to the road boundaries immediately to the north, east and south (refer **Figure 9**).

In consideration of the reasoning behind the proposed boundaries for the R4 zoned land, the supporting background reports and documents were reviewed.

A review of the specialist reports and compiled constraints mapping indicates that the proposed R4 land in the vicinity of the site has been identified due to the largely undeveloped character of the land. The zoning is inconsistent in terms of not providing parameters that meet existing streets or environmental edges that provide a logical defining perimeter, while allowing for retention of natural environmental characteristics or connection with an existing streetscape and road network.

The proposed R4 land was not identified as constrained by any heritage, environmental or contamination matters that would limit development on the site. It is considered that an expansion of the area to include immediately adjacent zoned R2 land would be suitable in terms of meeting the aims of and objectives of the Kellyville Precinct, promoting future development that is orderly, efficient and environmentally sensitive.

The *Kellyville Precinct Recommended Development Control Plan Amendments (Hills LGA)* outlines the potential local controls that will be applied to future development in the precinct. The Aims and Objectives of the DCP include:

- ✓ *identifying the vision, development principles, key elements and indicative structure for the future development of the precinct*
- ✓ *communicating the planning, design and environmental objectives and controls against which the consent authority will assess future development applications*
- ✓ *ensuring the orderly, efficient and environmentally sensitive development of the precinct*
- ✓ *promoting a high quality urban design outcome.*

The recommendation of increasing the R4 zoned area to include the nominated site and surrounds is consistent with the key development principles and will provide greater connectivity and ability to enact the vision, through provision of a greater area with access to the existing road network and facilities, enabling promotion of a high quality urban design outcome, while minimising potential impacts on low height residential character dwellings.

³ Figure 23 - Kellyville Station Precinct Planning Report

Advantages for the nominated proposal include:

- ✓ Improved access for traffic and vehicles to access site and surrounding road network;
- ✓ Improved amenity for noise, traffic, privacy and overshadowing to immediately adjoining dwellings, providing for greater potential separation by utilisation of streets as buffer areas.
- ✓ Provide for residential housing choice within close proximity to a future station including within walking distance to the station and associated village services.
- ✓ Improved likelihood of orderly development with potential access from existing streetscapes and transport access routes. The larger site has the potential to attract a single developer that will provide for housing built form that is compatible with surrounding development.
- ✓ Development of an area with no constraints identified such as heritage, ecological, contamination that would limit development opportunities.
- ✓ Allowing for improved connectivity along an identified creek and recreation area to connect to existing streets, promoting integrated 'attractive, pleasant places' to meet the needs of the community.
- ✓ Allows for buildings that have a frontage to the street (Recommended DCP – 6.2.1) for multi dwelling housing.
- ✓ The redevelopment will not occur immediately consequently the ultimate demolition of the existing dwellings is considered to be a long term option and would not deter the orderly development of the R4 land.
- ✓ Improved setbacks and built form interface with the existing street network.

6. Conclusion

The site is located within an area of Kellyville that contains residential dwellings 1 -2 storeys in height. The site is located immediately adjacent proposed R4 zoned land, allowing for development of buildings with a height of 12metres – 21metres in height.

We consider the proposed R4 High Density residential zoning for the land immediately to the west of the site to be incompatible with existing R2 zoned land as it fails to provide reasonable transitional zones for separation, such as can be achieved by using existing roads. While it is acknowledged that setback provisions nominated within the proposed DCP will provide ability for designs to include consideration of amenity, the potential for increased amenity impacts at the interface of the two zones where the boundary abuts existing low density housing can be more effectively managed by allowing the street to be the zone interface.

Finally, none of the background documents identify any specific argument that supports the boundary determination of the identified R4 zoned land, nor identify any reason that would restrict the expansion of this area to the logical border of the immediately adjacent roads.

7. Recommendation

The following recommendation is made in respect of Lot 63 DP862283 and Lot 15 DP1174226, No. 21 Gainsford Drive and 15 Lewis Jones Drive, Kellyville.

1. That these properties and surrounding properties abutting Gainsford Drive, Wenden Avenue and Hickson Avenue, be zoned R4 High Density Residential as outlined in this submission. This would enable development of housing opportunities with access to existing and proposed transport links and connectivity to recreational areas.

We consider that the proposal has merit and is worthy of support.

Yours faithfully

PGH Environmental Planning



Patrick Hurley

Director

cc Client

(Figures: Source Whereis; and Sixmaps and extracts from Planning documentation on exhibition)