



28 February 2016
Our Ref: 7847A.17WG

planning consultants

The Director of Urban Renewal
Department of Planning and Environment
GPO Box 39
SYDNEY 2001

Dear Sir/Madam

**Submission on Exhibition of the Kellyville Station Precinct Proposal
301 Samantha Riley Drive, Kellyville**

1.0 Introduction

DFP Planning has been engaged by Centro Holdings Pty Ltd to prepare a submission on the Kellyville Station Precinct Proposal. 301 Samantha Riley Drive was subject to a rezoning in 2014 which rezoned the subject site from the B7 Business Park to R1 General Residential to facilitate a residential flat building development with buildings up to 15 storeys in height. The Kellyville Station Precinct Proposal 2015 has reflected the rezoning of the subject site. However, as will be discussed in this report, it is now proposed to redevelop the site in accordance with the existing property boundaries and accordingly, this submission seeks to amend the height map to reflect a new concept proposal that fits within the existing property boundaries of Centro Holdings land.

By way of introduction the 2014 rezoning relied upon a significant boundary adjustment that required a three way land swap between Centro, Transport for New South Wales (TNSW) and Sydney Water to facilitate a ring road around the site that would have provided vehicular access from the proposed Kellyville Station commuter car park to a future four way signalised intersection on Samantha Riley Drive to the east of the existing roundabout. The land swap did not increase the area of the development site as there was no net land gain to Centro. However TNSW have now compulsorily acquired an easement from Centro along a small part of the western boundary that provides vehicular access to the commuter car park from Samantha Riley Drive to west of the subject site therefore rendering the land swap unworkable. The ring road around the subject site to the future four way intersection on Samantha Riley Drive does not form part of the EIS for the North West Rail Line and does not form part of TNSW required traffic network. Development of the subject site does require the establishment of the ring road for access.

Centro Holdings were willing to pursue the land swap to regularise property boundaries and facilitate the ring road however at no fault of Centro the parameters have changed which requires a planning response to reflect the current land ownership pattern.

This submission is supported by architectural concept plans prepared by Leffler Simes Architects which have informed the proposed height map for the site. A copy of the concept plans is located at **Attachment 1** of this submission.

2.0 The Subject Site and Surrounds

2.1 The Subject Site

The subject site is located on the northern side of Samantha Riley Drive, Kellyville and is directly opposite the intersection of Samantha Riley Drive and the entry into the Samantha Riley T-Way station. The site adjoins the proposed north/west railway corridor on the site's western boundary which is currently under construction. Further to the west is the existing T-Way access road which adjoins Old Windsor Road.

The site is approximately 890 metres to the west of the intersection of Windsor Road and Samantha Riley Drive and has a street frontage to and access from Samantha Riley Drive. The location of the site is provided in **Figure 1**.

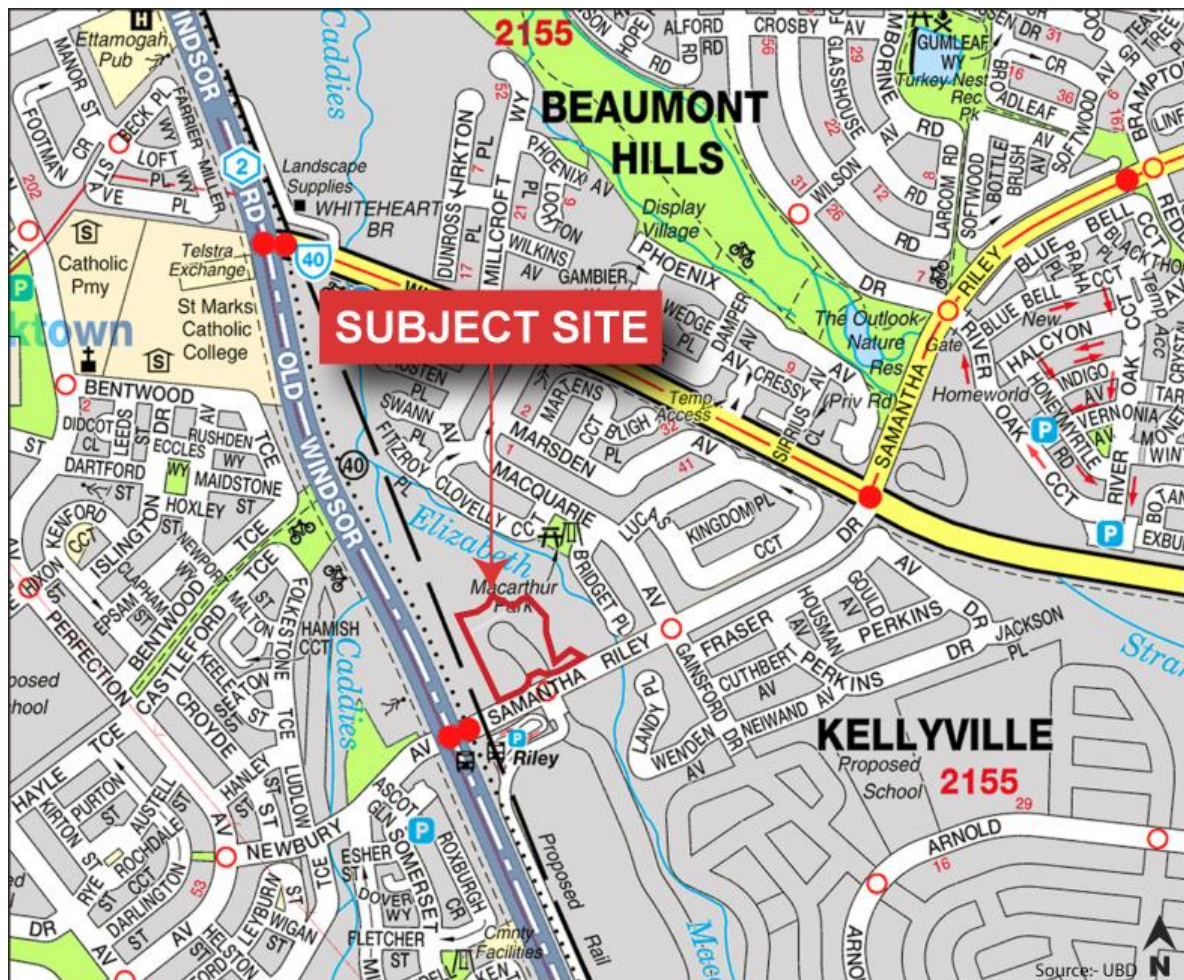


Figure 1: The subject site.

The legal description of the site is Lot 101 and Lot 103 DP 1122070. As can be seen in the aerial photograph at **Figure 2** the subject site is irregular in shape.



Figure 2: Aerial Photograph.

The dimensions of the site are as follows:

- | | |
|---|----------------------|
| • Frontage to Samantha Riley Drive (irregular) | 191.82 metres |
| • Western boundary adjoining future railway corridor | 155.3 metres |
| • Northern boundary (irregular) | 149.8 metres |
| • Eastern boundary adjoining Elizabeth Macarthur Ck (irregular) | 204.8 metres |
| • Total area | 22,900m ² |

A copy of the survey prepared by Michael Lockley is provided at **Attachment 2**.

2.1.1 Topography

The site has a gentle slope from Samantha Riley Drive generally to the north falling approximately 3 metres over 170 metres, representing a gradient of 1.8% (see Figures 3 & 4).



Figure 3: View looking north across the subject site.



Figure 4: View looking north east across the site.

2.1.2 Existing Vegetation

The site is generally overgrown with weeds and ground covers. There are a few trees dispersed across the site. The site was previously part of the Glenmore Dairy and accordingly still maintains its general character of open pasture land.

There are a row of Eucalyptus trees that line the T-Way corridor which are not located on the subject site but are a dominant natural feature in the locality.

2.1.3 Hydrology

The subject site is located to the west of Elizabeth Macarthur Creek which is part of the Cattai Creek catchment which ultimately flows into the Hawkesbury River. The creek is in poor condition and is generally overgrown with weeds. The creek is nominated by Sydney Water as a flood water basin. There are some trees located along the bank of the creek which are visible from the site and shown in **Figure 5**.



Figure 5: View to the west showing vegetation along Elizabeth Macarthur Creek.

As this creek is subject to flooding, the previous development application for the mixed use development approved on the site provided detailed flood modelling for the development. A flood assessment was undertaken by TTW which indicated that the site is above the 1 in 100 year flood level and the approved development will not have any impact on the levels of the 1 in 100 year flood event.

2.1.4 Site Improvements

The only site improvement is a bitumen driveway which extends approximately 30 metres into the site. The rest of the site is vacant. This roadway is depicted in **Figure 6**.

TNSW has compulsorily acquired an easement for 5 years for the purposes of carriageway along approximately 30% of the western boundary that will provide vehicular access from

Samantha Riley Drive to the commuter car park located west of the site. TNSW are currently constructing this carriageway.



Figure 6: Existing driveway on the site.

2.2 The Surrounds

Directly opposite the subject site to the south is the Samantha Riley T-Way interchange and associated car parking. Access to the T-Way car park is via the same roundabout that serves the subject site. **Figures 7 & 8** below show the T-Way car park and the T-Way itself. The Car park is partially closed to facilitate the construction of the Kellyville Station. The intersection of Samantha Riley Drive and the subject site is shown in **Figure 2** above.



Figure 7: T-Way car park to the south of the site



Figure 8: Looking south along the T-Way

Directly adjoining the site to the west is the corridor reserved for the future north-west rail line. It is proposed that the railway line would be at grade at this point. The corridor is generally devoid of any vegetation.

The T-Way runs adjacent to Old Windsor Road and the intersection of Samantha Riley Drive, the T-Way and Old Windsor Road are shown in **Figure 9**.



Figure 9: Intersection of Samantha Riley Drive and Old Windsor Road.

On the western side of Old Windsor Road is the Newberry Estate which is located in the Blacktown Local Government Area. The Newberry Estate generally consists of two storey detached dwelling houses as depicted in **Figure 10**. This area is proposed to be rezoned to permit high density residential development on the site.



Figure 10: View of the Newberry Estate.

To the north west of the subject site on the opposite side of Old Windsor Road, a large area of open space exists. This contains a water feature and areas are available for both passive and active open space as shown in **Figure 11** below.



Figure 11: View of water feature in open space to the north west of the subject site.

Land to the north of the subject site is also vacant former pasture land and is zoned Special Uses 5(a) drainage. Therefore there will be no urban development on this land.

To the east and north east is the residential estate of Elizabeth Macarthur. Elizabeth Macarthur Estate generally consists of one and two storey detached dwelling houses. A view of the dwelling houses in Elizabeth Macarthur Estate on Bridget Place is shown in **Figure 12**. This area is proposed to be rezoned R3 Medium Density by the Exhibited plan to facilitate town house and villa development.



Figure 12: View of dwellings in Elizabeth Macarthur Estate.

Elizabeth Macarthur Estate is separated from the subject site by Elizabeth Macarthur Creek and vacant land. Dwellings on Bridget Place and Clovelly Circuit are only located on the north eastern side of the road as the creek abuts the road reservation. This creates a sense of openness to these dwelling houses which are provided with views across the creek to the vacant land where the subject site is located. This is evident in **Figure 13**.



Figure 13: View of Elizabeth Macarthur Creek from Bridget Place looking south east across the subject site.

The subject site is located approximately 2 kilometres to the north of the Norwest Business Park where many employment opportunities are available and social infrastructure such as shopping centres, restaurants, gyms and other recreational facilities. Land to the south of Samantha Riley Drive is zoned for Business Park purposes. Accordingly, the subject site is located on the perimeter of the northern extension of the Norwest Business Park. The site is approximately 2 kilometres to the south of the Rouse Hill town centre which is well serviced by retail and entertainment facilities.

2.3 Site Analysis

A site analysis has been prepared by DFP and is depicted at **Figure 14** below. The site analysis shows the following:

- Adjoining and surrounding residential development;
- Areas of open space;
- The creeks in the vicinity of the site;
- Solar access path;
- Direction of prevailing winds ;
- Location of the T-Way bus stop;
- Location of the future railway corridor;
- Location of the Balmoral Road release area;
- Direction to Norwest Business Park; and
- Direction to Rouse Hill Town Centre.



Figure 14: Site Analysis.

3.0 Existing Controls Pursuant to The Hills LEP 2012

3.1 Zoning

The subject site currently has two land use zonings being R1 General Residential and SP2 Drainage. The SP2 Drainage zone on the site reflects the originally intended land swap where land owned by Sydney Water has been rezoned from SP2 to R1 General Residential to facilitate the ring road.

An extract of existing THLEP 2012 zoning Map is provided below at **Figure 15**.

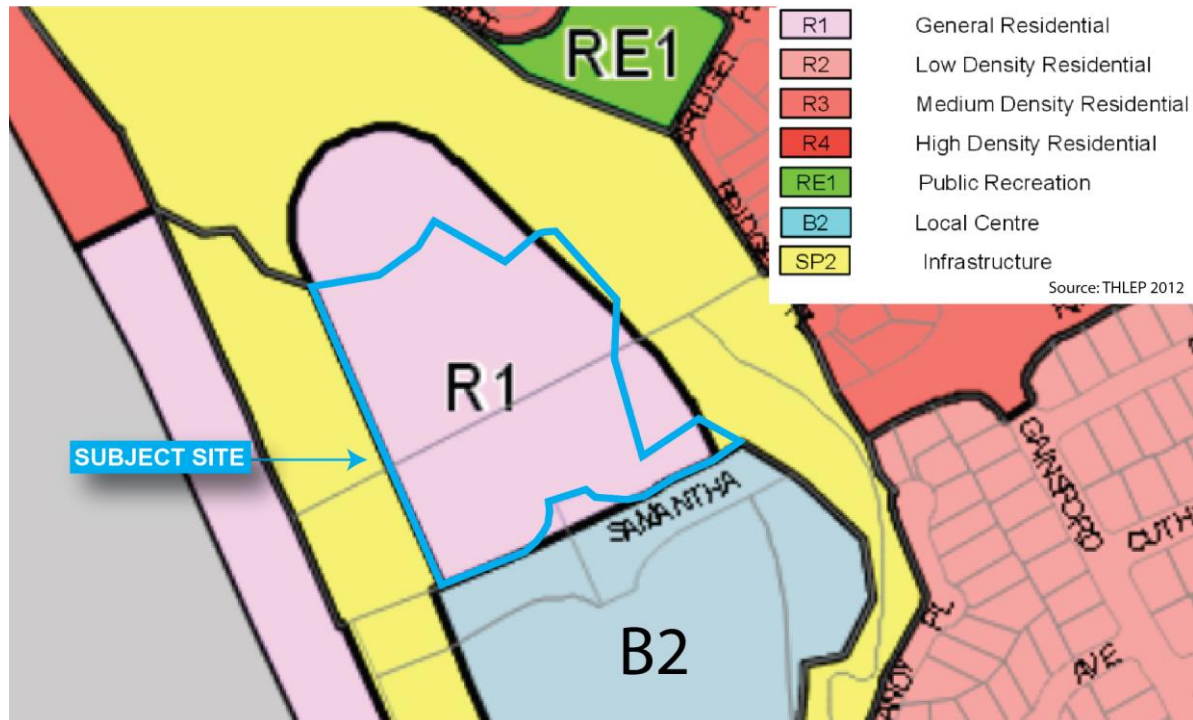


Figure 15: Extract of Zoning map from THLEP 2012

3.2 Height

The applicable heights for development on the site were based on a concept plan prepared by Leffler Simes Architects. The height limits on the site facilitated residential flat buildings with a maximum height of 15 storeys tapering down to 6 storeys with a one storey height limit though the centre of the site in the location of the central communal open space.

An extract from the THLEP 2012 Height Map is provided below in **Figure 16**.

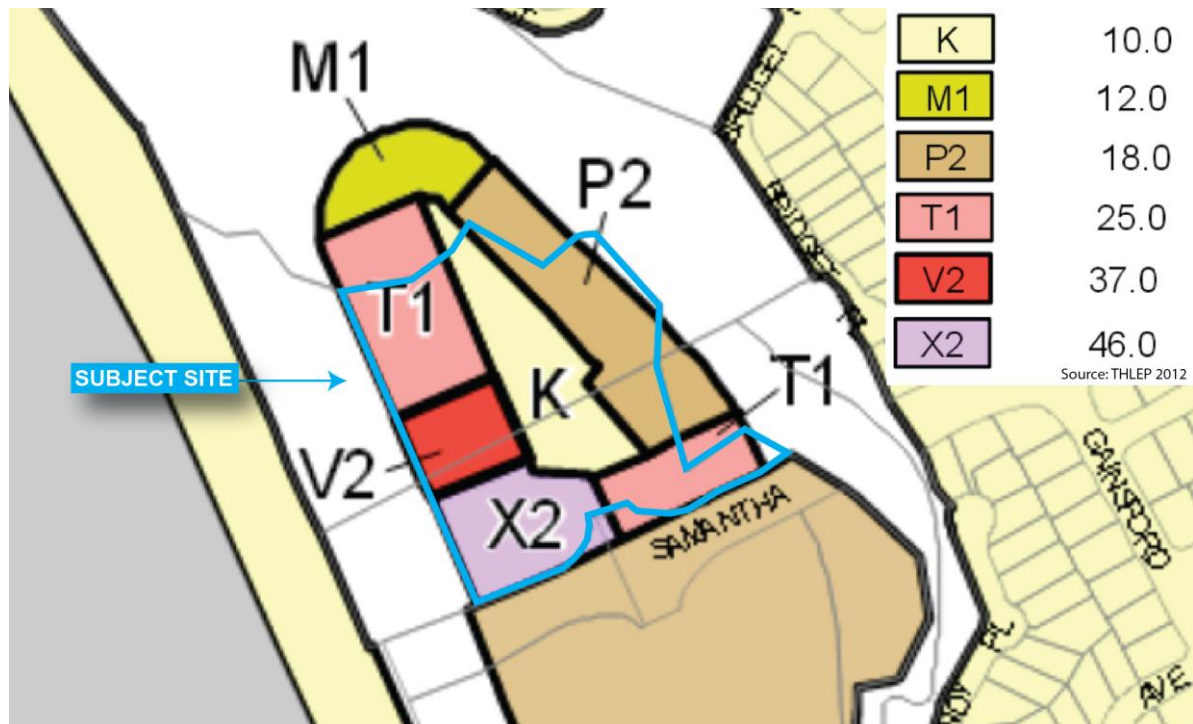


Figure 16: Extract of the Height of Buildings Map from the THLEP 2012.

3.3 Floor Space Ratio

A FSR control of 4.0:1 applies to the site.

An extract of THLEP 2012 FSR Map is provided below at **Figure 17**.

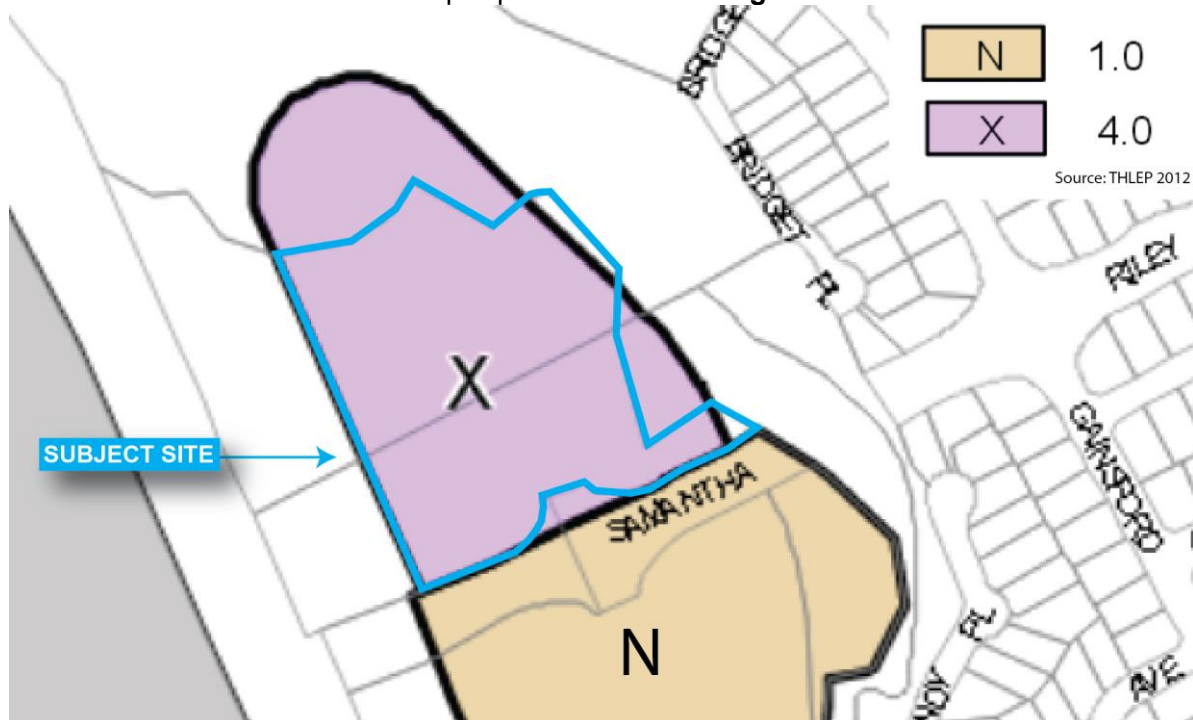


Figure 17: Extract of FSR map from THLEP 2012

4.0 Response to Kellyville Station Precinct Proposal 2015

This section address the matters requested to be amended in the THLEP 2012 through the amendments sought by the DoPE. These amendments relate to the zoning to reflect the current property boundaries of the subject site, and amend the Height of Buildings Map to reflect the development scheme prepared by Leffler Simes Architects (**Attachment 1**). The architectural concepts reflect the existing property boundaries.

4.1 Proposed Amendment to the Zoning Map to Reflect the Existing Property Boundaries

During the preparation of the planning proposal that rezoned the subject site from B7 Business Park to R1 General Residential in 2014, discussions were held with TNSW Sydney Water and The Hills Shire Council planning staff in relation to the relationship of the subject site with the Kellyville Station commuter car park that immediately adjoins the site to the west. We were also advised of the RMS's future plans for the construction of a 4 - way signalised intersection to the east of the site on Samantha Riley Drive and remove the existing roundabout that provides vehicular access to the subject site. TNSW and The Hills Shire Council officers, advised that the best planning outcome was for the construction of a ring-road from the new proposed 4-way intersection around the subject site to connect to Samantha Riley Drive at the western end of the site which would facilitate vehicular access to the proposed commuter car park that immediately adjoins the subject site on its western boundary.

The construction of the ring-road to connect with the proposed 4-way signalised intersection would cross land owned by Centro Holdings Pty Ltd, Sydney Water and TNSW. It was considered prudent by TNSW that the developer enter into a land swap arrangement with TNSW and Sydney Water that would result in a zero net gain of land to Centro. In this regard the proposed ring-road was designed in such a way that land within the ring-road was equal to the amount of land owned by Centro and that a land swap would occur for land outside the ring-road. This land swap would have been undertaken between Transport for NSW, Centro Holdings and Sydney Water.

Centro Holdings undertook a flood study that was prepared by SKM that demonstrated that the location of the ring-road would not affect the 1 in 100 year flood level of Elizabeth Macarthur's Creek. The existing property boundary is located along the 1 in 100 year flood level which explains the irregular nature of the eastern boundary of the site, as Sydney Water has taken ownership of land below the 1 in 100 year flood level in this locality.

The planning proposal was gazetted in 2014 on the basis that the ring road would be constructed and a land swap would be undertaken between the 3 parties.

Since the gazettal of the LEP for the subject site in 2014, TNSW have indicated that they were only interested in leasing a portion of land at the south western corner of the subject site for the purposes of a roadway to provide vehicular access to the commuter car park. The lease arrangement extends approximately one third along the western boundary of the subject site. A copy of the plan showing the area subject to the lease of Centro's land by TNSW is provided at **Attachment 3**.

Sydney Water advised that they would seek commercial rates for land to be purchased by Centro at the R1 zoning rate despite the land being below the 1 in 100 year flood level. The outcome of this would be that there would be considerable expense to the developer to purchase land from Sydney Water when TNSW were not going to purchase land from Centro to facilitate the ring road to the commuter car park. Accordingly, we are advised by Centro Holdings that it became uneconomical to pursue the development in the form envisaged by the planning proposal given that a land swap was no longer being pursued by either Sydney Water or TNSW. Ultimately a commercial decision has been taken that it is better to retain the existing

22,900m² rather than purchase land from Sydney Water when TNSW do not want to pay for acquisition of land or pursue the construction of the ring road. Furthermore TNSW are only seeking to provide access to the commuter car park from the new roadway under construction to the west of the site and the ring road does not form part of their traffic network requirements.

Centro Holdings pursued the rezoning of the subject site in good faith that the land swap would occur between Centro and the government entities, however it is clear that Sydney Water and TNSW are not interested in this arrangement. Therefore for Centro Holdings to pursue a residential development on the subject site is necessary for the R1 Zone Boundary to be amended to reflect the existing property boundaries.

It is requested that the R1 General Residential zone be amended to reflect the existing property boundaries of 301 Samantha Riley Drive to facilitate a residential apartment development on the site. This will result in the land currently owned by Sydney Water that is below the existing 1 in 100 year flood level reverting to the SP2 Drainage zone. Through our discussions with Sydney Water, they were not interested in retaining land zoned R1 if the land transactions did not take place, accordingly it is likely that Sydney Water would not object to the down zoning of their property. Ultimately the proposed zoning amendment would not affect the amount of land zoned R1, which is 22,900m² and accordingly there is no reduction in land available for residential purposes. The proposed amendment to the zoning map is provided below at **Figure 18**.

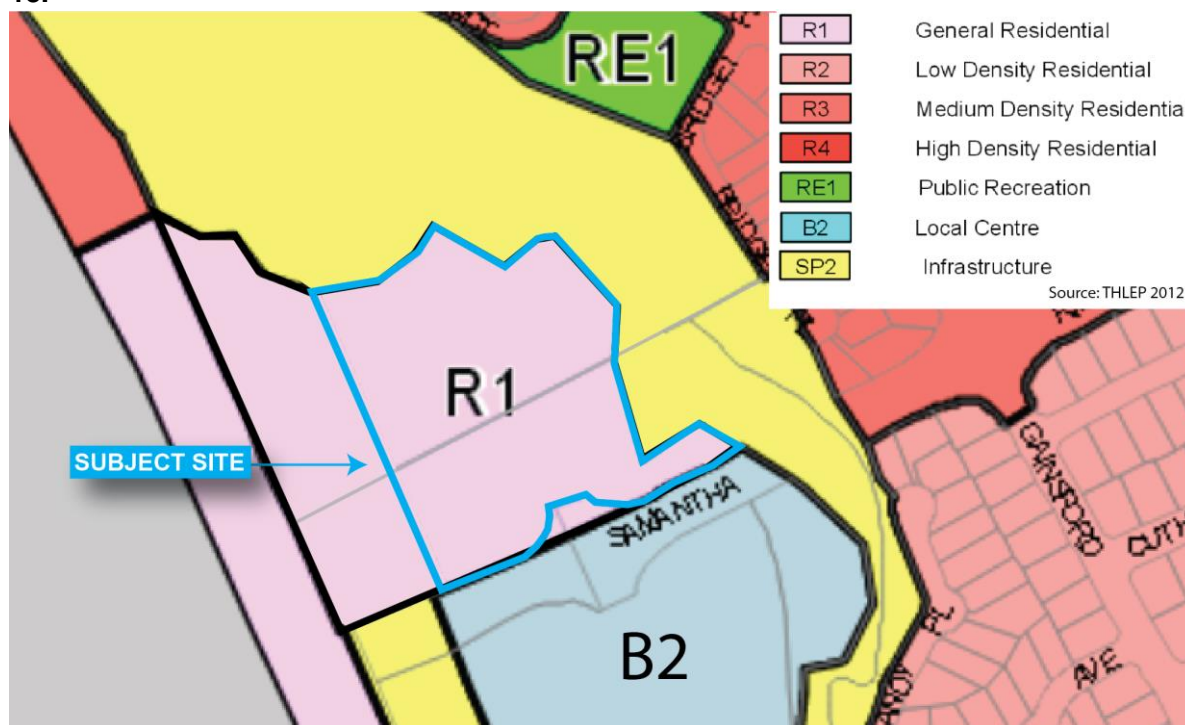


Figure 18: Proposed Zoning Map

4.2 Development Concept to Inform proposed amendments to The Height of Buildings Map.

Development concept plans have been prepared by Leffler Simes and are included at **Attachment 1** of this submission. The proposal provides 7 tower buildings on the site that range in height from 18 storeys to 6 storeys. With a maximum height of 55 metres.

The architectural concept plans at **Attachment 1** provides details on how the proposed scheme would provide a mix of unit types that are generally consistent with The Hills Shire DCP Unit Mix Controls. The proposal complies with SEPP 65 in relation to solar access and natural

ventilation with northern orientation being maximised by the provision of the large central landscaped gardens. The central landscaped garden area leads to the proposed recreation facilities which includes a swimming pool, lap pool, tennis court and a communal clubhouse.

It is considered that 18 storey buildings are appropriate in this location and the planning proposal that was placed on public exhibition and recommended for approval by Council staff included an 18 storey tower at the south western end of the site. This was amended by the elected Councillors at the Council meeting.

The 2013 DoPE North West Railway Kellyville Station Structure Plan noted that building heights in the vicinity of the Kellyville railway station could be up to 20 storeys in height. We see no reason why land owned by the State Government directly adjoining the railway station should not be 20 storeys with a 2 storey stepdown to buildings on 301 Samantha Riley Drive. The current proposal provides a 50 metre height limit which facilitates the equivalent of a 16 storey residential development on TNSW's land.

It would be a lost opportunity to provide housing opportunities for the site with maximum building heights of 15 storeys when the assessment of the Planning Proposal both by The Hills Shire Council and the DoPE was given gateway approval for an architectural scheme that proposed a height limit to facilitate 18 storeys.

The proposed heights will not generate any adverse solar access impacts as the subject site is bound by either flood liable land, the commuter car park to the west and Samantha Riley Drive to the south. Similarly the proposal will not generate privacy issues as the site is separated from other residential development sites either by the Skyrail, Samantha Riley Drive, or Flood liable land. The proposed amendments to the height map are site specific to the subject site and reflect the proposed heights of each of the seven buildings contained in the architectural concept plan

The architectural plans show a series of views of the proposal which demonstrate how the current proposal will dovetail into the proposed Kellyville Station town centre and will provide appropriate height transitions to the east, north and north east. Similar architectural features are proposed in this scheme as in the previous scheme provided to inform the 2014 rezoning of the site.

The proposal includes a child care centre for 100 children that was identified as a required future service in the Social and Infrastructure demand Study undertaken during the 2014 Planning Proposal process.

It is requested that the height map be amended to reflect the heights proposed in the concept plan. An amended LEP height map extract, based on the height maps proposed in the Kellyville Station Precinct Plan is provided below at **Figure 19**.

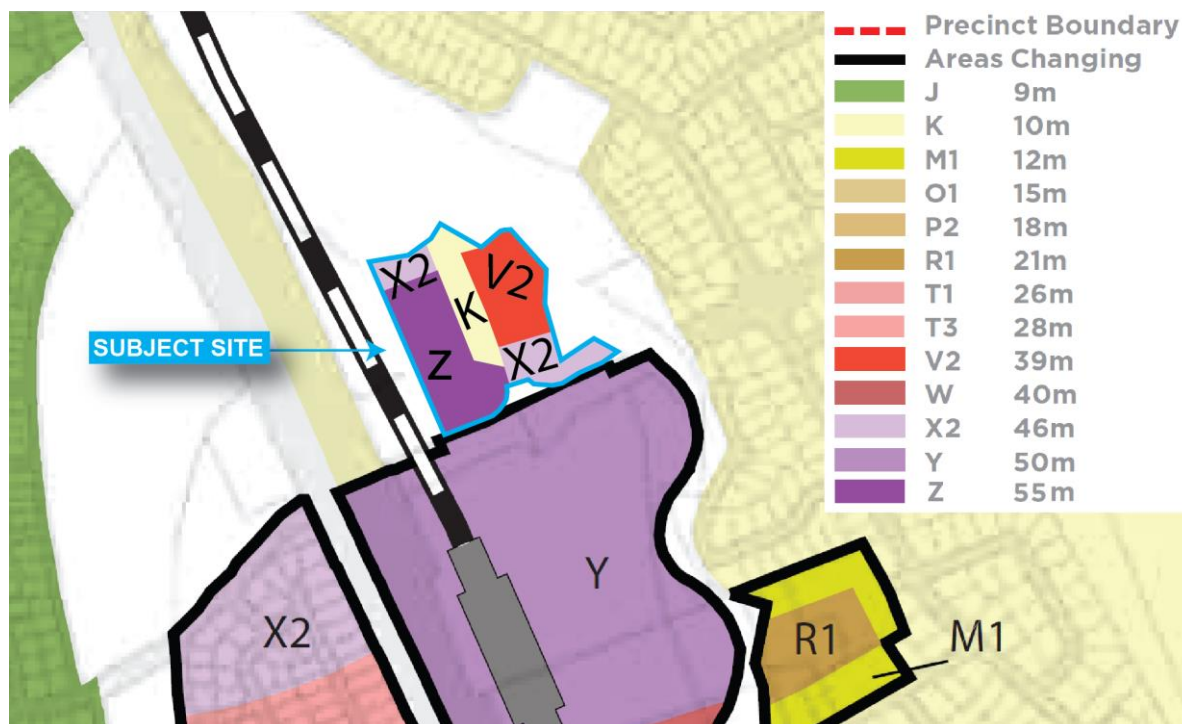


Figure 19: Proposed Height Map

4.2.1 Vehicular Access

Should the ring-road be pursued in the future, the concept plan has been designed so as not to preclude the ring-road being constructed in the future. It is proposed to utilise the existing round-about entry from Samantha Riley Drive until alternate access is available. Currently it is not possible to access the subject site from the proposed 4-way intersection as there is not sufficient space to construct a roadway into the body of the site without crossing Sydney Water's land. Should the round-about be deleted in the future and the 4-way signalised intersection constructed and vehicular access made available to the subject site, it would be possible for the road access to the site to be made available between Tower E and Tower F that would connect into the internal road system on the subject site. Therefore it is considered that this proposal does not preclude the possible future access road from the 4-way signalised intersection should the round-about on Samantha Riley Drive be deleted in the future.

The concept plan demonstrates how basement level car parking can be provided on the site that complies with Council's current DCP requirements for Car parking. Access to the basement car park is from the central access road. Should it be necessary to obtain vehicular access from the 4 way signalised intersection in the future the new road will connect to the central access road where access will still be available to the basement.

5.0 Conclusion

This submission aims to ensure that the R1 zone boundary reflects the existing lot boundary at 301 Samantha Riley Drive owned by Centro Holdings. The original proposal to provide a ring-road around the site was based on the understanding of Centro Holdings that a three way land swap would occur between Centro Holdings, TNSW and Sydney Water that would result in a zero net gain of land to Centro Holdings, however, TNSW have now sought only to lease land at the south western corner of the site for 5 years for access to the commuter car park and Sydney Water are seeking to be paid full commercial rates for the purchase of their land and accordingly it is uneconomical to undertake these land transfers that result in the same amount of developable land.



The second amendment sought is an amendment to the height map that would facilitate the development concept prepared by Leffler Simes at **Attachment 1** of this submission. The 2013 Department of Planning North West Railway Structure Plan – Kellyville Station indicated that building heights would be up to 20 storeys and accordingly an 18 storey height limit on the site would have resulted in a 2 storey transition from the land zoned B2 around the station and the subject site. The proposal provides a 3 storey transition to the east and to the north with Tower E stepping from 9 storeys down to 6 storeys at the north eastern part of the site.

This concept has demonstrated that should the ring-road be constructed at a later date, the proposed zoning and height map will not preclude construction of the ring road, as an area between Tower F and Tower E has been made available for a future access point into the central vehicular access way. This access will be necessary should the round-about be removed and replaced with the 4-way signalised intersection to the east of the site. It is noted however, that if the round-about is deleted, it is not currently possible to access the body of the subject site from the 4-way signalised intersection without part of the ring-road being constructed on land owned by Sydney Water.

No change is proposed to the Floor Space Ratio control of 4:1.

DFP trusts that the information contained in this submission enables the Department of Planning to respond to the current situation in terms of land ownership patterns to facilitate a high quality residential development on the subject site.

Should there be any further queries, please do not hesitate to contact Warwick Gosling on 9980 6933.

Yours faithfully

DFP PLANNING PTY LIMITED

A handwritten signature in black ink, appearing to read 'W. Gosling', written over a horizontal line.

**WARWICK GOSLING
DIRECTOR**

wgosling@dfpplanning.com.au

Reviewed: _____

A handwritten signature in black ink, appearing to be a stylized 'JH', written over a horizontal line.

- Encl. 1. Concept Plans
 2. Survey
 3. Lease for easement to access commuter carpark.