

## ASSESSMENT OF PLANNING PROPOSAL FOR LINDFIELD VILLAGE HUB SITES

### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To report on the assessment of the Planning Proposal to amend the planning controls that apply to the Lindfield Village Hub land at 1 Woodford Lane, 2-12 Bent Street, 1B Beaconsfield Parade, 19 Drovers Way, Drovers Way Road Reserve and Woodford Lane Lindfield.

**BACKGROUND:**

The Planning Proposal, lodged on 5 November 2019, seeks to amend the KLEP (Local Centres) 2012 to change the height of building and floor space ratio controls applying to the site. It also seeks to allow residential flat buildings with consent across the entire site, and to include a further site specific provision at Clause 6.9 to allow for rooftop plant, lift overruns, and rooftop communal open space (and associated structures) to be located above the proposed maximum height limits.

The Planning Proposal was referred to the Ku-ring-gai Local Planning Panel for advice on 6 April 2020.

**COMMENTS:**

The Planning Proposal has been assessed against the provisions of the Department of Planning, Industry and Environment's *'A guide to preparing Planning Proposals'* and section 3.33 of *the Environmental Planning and Assessment Act 1979*.

It is considered that there is sufficient merit to enable the Planning Proposal to be submitted to the Department of Planning, Industry and Environment for a Gateway Determination, subject to the incorporation of the recommended amendments

**RECOMMENDATION:**

That the Planning Proposal be submitted to the Department of Planning, Industry and Environment for a Gateway Determination subject to the amendments and recommendations outlined in this report.

## PURPOSE OF REPORT

To report on the assessment of the Planning Proposal to amend the planning controls that apply to the Lindfield Village Hub land at 1 Woodford Lane, 2-12 Bent Street, 1B Beaconsfield Parade, 19 Drovers Way, Drovers Way Road Reserve and Woodford Lane Lindfield.

## BACKGROUND

Council has engaged consultant MG Planning Pty Ltd to conduct the assessment of this Planning Proposal as Council's Major Projects Division is the applicant and Council is the landowner. An urban design assessment has also been prepared by consultants Zanardo Studio. Other assessments including biodiversity and traffic and transport issues have been carried out internally by Council's specialists.

The Planning Proposal was submitted to Council on 5 November 2019. Following review, issues were identified and a request for further information was forwarded on 24 January 2020. The proponent submitted an amended proposal on 21 February 2020, however this submission did not include all required information. Following further submission of revised documentation a review of the Planning Proposal formally commenced on 6 March 2020. This report assesses the amended Planning Proposal requested not the Planning Proposal as originally submitted.

A copy of the Planning Proposal and appendices is included at **Attachments A2-A10**.

The proponent seeks to make the following amendments to the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* (KLEP Local Centres 2012) to:

- amend the maximum permissible height applying to the site on the Height of Buildings map from part 17.5m and part 26.5m to part RL115.6, part RL120.6 and part RL127.5 as shown on the proposed Height of Buildings map and deletion of a maximum height from the Woodford Lane Road Reserve;
- amend the maximum permissible Floor Space Ratio applying to the site on the Floor Space Ratio map from generally 1.3:1 to 2.21:1 as shown on the proposed Floor Space Ratio map and deletion of a maximum FSR from the Woodford Lane Road Reserve;
- amend Schedule 1 to allow residential flat buildings on the subject land as an additional use permitted with consent across the whole of the subject site (*Note: currently permissible only on part of the site*); and
- insert new Clause 6.9 to allow exceptions to the maximum height of buildings on the subject land for the purposes of rooftop plant, lift towers, lift motor rooms and or communal open space and access to and structures associated with such space. (*Note: the Planning Proposal seeks to limit this provision to the subject land only*)

The proposed amendments to the KLEP Local Centres 2012 are intended to allow for development of the Lindfield Village Hub which is to become a community focal point with recreational activities and community facilities. It will include a new urban park, multi-purpose community facilities, commuter and community car parking and residential apartment buildings. The precinct is to be developed with a maximum height of 9 residential storeys or 5-6 commercial storeys (RL127.5) and maximum FSR across the site of 2.21:1. It is intended to deliver:

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- i) **Community Hub:** a range of facilities including a community centre, new park, restaurants and cafes, commuter car parking, new library with direct ground level access located adjacent to a new town square, and parking associated with new and existing uses.
- ii) **Public Realm:** A community park with a retail and community facility frontage providing passive surveillance opportunities and a civic plaza for outdoor dining and other leisure and social activities. A pocket park with native plantings at the south-west corner of Bent Street and Drovers Way.
- iii) **Retail Arcade:** A retail area arranged around the vertical circulation linking the basement levels to a civic plaza; including a supermarket and a mix of specialty retail at ground level.
- iv) **Residential:** Buildings providing a mix of 1, 2 and 3 bedroom units totalling approximately 153 units.
- v) **Drovers Way:** A new 15m wide, two-way, tree lined street with on street parking, landscaped areas and access into the retail arcade, and access to basement parking and servicing.
- vi) **Woodford Lane:** An active lane providing opportunities for the retail units fronting Pacific Highway to open out to the civic plaza at the rear.

The new community park on Bent Street is intended to be a minimum of 3,000m<sup>2</sup> and the new central plaza approximately 900m<sup>2</sup> with public seating and outdoor dining opportunities. The proposed community facilities are to comprise 3,000m<sup>2</sup> including a new library with minimum area of 1,250m<sup>2</sup>, community facility with area of 1,200m<sup>2</sup> and child care centre with area of 550m<sup>2</sup>.

Three major new building envelopes are proposed:

- north-eastern – residential block with retail on ground floor and a maximum height of 9 storeys (r127.5);
- southern - residential block with retail on ground floor and a maximum height of 9 storeys (RL120.6), and
- western – community facility block with retail on ground floor, childcare on upper level, attached dwellings on ground floor fronting Bent Street and a maximum height of 5-6 storeys (RL115.6).

Active frontages are proposed for each building envelope with the exception of the Drovers Way frontages (south) and the minor north-western and south-eastern frontages of the western block and south-eastern frontage of southern block.

A new commuter car park (135 spaces) is also proposed below ground (subject to funding by Transport for NSW) and a new kiss and ride area, public parking for 109 cars (to replace existing), and additional parking associated with newly proposed land uses (544 spaces). The 544 parking spaces required for the proposed uses are broken down as follows:

- 137 spaces for residents and 31 spaces for visitors;
- 309 spaces for retail uses;
- 61 spaces for community facilities; and
- 6 spaces for the childcare centre.

A total of 740 basement car parking spaces are therefore provided for.

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The indicative design provides for a total 14,460m<sup>2</sup> of residential (equating to approximately 153 units) and 8,140m<sup>2</sup> of retail / commercial GFA in addition to the community facilities (3,000m<sup>2</sup> including child care centre). The total floor space therefore equates to a maximum of 25,600m<sup>2</sup> of GFA or FSR of 2.21:1 (over a site area of 11,580m<sup>2</sup> excluding the Woodford Lane road reserve).

### Site Description and Local Context

The site is located in the Lindfield local centre, one street to the west of the Pacific Highway and Lindfield Train Station, and immediately adjoins the rear of premises fronting the highway. The site is irregular in shape, with frontages to Woodford Lane to the east, Bent Street to the north-west, the Drovers Way Road Reservation to the west and Beaconsfield Parade to the south.

The site is generally known as the Lindfield Village Hub and has a combined area of 1.3ha including road reserves (11,580m<sup>2</sup> excluding the Woodford Lane road reserve). It comprises the following landholdings:

- 1 Woodford Lane, Lindfield (Lot A DP 445525);
- 2 Bent Street, Lindfield (Lot 9 DP 1090427);
- 4 Bent Street, Lindfield (Lot 10 DP 3498);
- 6 Bent Street, Lindfield (Lot 3 DP 667420);
- 8 Bent Street, Lindfield (Lot 1 DP 724823);
- 10 Bent Street, Lindfield (Lot 4 DP 1226294 & Lot 8 DP1226294);
- 12 Bent Street, Lindfield (Lot 3 DP 1226294 & Lot 7 DP1226294);
- 1B Beaconsfield Parade, Lindfield (Lot 2 DP 1226294 & Lot 5 DP 1226294);
- 19 Drovers Way, Lindfield (Lots 1-15 DP 1099330 & Lot 1 DP 1226294);
- Drovers Way Road Reserve (Including Lot 6 DP 1226294); and
- Woodford Lane.

The site is located within the Lindfield local centre which comprises an established neighbourhood centre which is bisected by Pacific Highway and the T1 North Shore Rail Line. The rail line and highway is located on a ridge with land sloping away either side to the north-east and south-west. The centre is generally characterised by 2 storey shop-top housing development with speciality retail on the ground floor and residential or commercial office development above.

The subject site is located one block to the south-west of the highway at the rear of buildings fronting the highway across Woodford Lane, which acts as a service lane providing access to the rear of the shops and surface parking. The site is currently occupied by a surface car park comprising 109 parking spaces including a mix of short-term and unrestricted parking, roadways, vegetation, cleared vacant land and two existing dwellings (4 and 6 Bent Street).

The site is wholly owned by Ku-ring-gai Council and was previously subject to a site specific master plan and LEP and DCP amendment. The previous amendment to KLEP Local Centres 2012 was published in March 2017 (Amendment No. 6) and included changes to the zoning, height and floor space ratio (FSR) provisions for the site.

The current Planning Proposal indicates that it has been prepared in response to the Ku-ring-gai Council Draft Local Strategic Planning Statement (LSPS) produced in 2019 which outlines Council's current planning priorities for the LGA and the Lindfield local centre specifically. The LSPS is now in place and came in to force on 19 March 2020. The Planning Proposal also notes that it responds to the Greater Sydney Commission North District Plan which came into effect in

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March 2018 and which requires Council to deliver 4,000 additional dwellings for the period 2016-2021.

The North District Plan and LSPS point to the need to provide new housing supply, choice and affordability on sites with good access to jobs, services and public transport. Further Council has identified that its residents seek greater choice in residential accommodation for all age groups. In light of this context, Council has identified the Lindfield Village Hub site as a location well suited to accommodate increased density in close proximity to an established train station and local centre. A review of the previous master plan was therefore undertaken and it was identified that the site is capable of accommodating an increase in the intensity of land use through changes to the maximum height of building and floor space ratio controls without resulting in significant adverse impacts in terms of overshadowing, visual massing and resident amenity.

The subject land is classified as operational land in accordance with the requirements of the *Local Government Act 1993*.

As noted above, the site is located to the south-west of the Lindfield local centre one block from the Pacific Highway. To the north-east, the site is directly adjoined by the rear of two-storey buildings with retail use on the ground floor and residential / commercial above fronting the Highway. Across Bent Street to the north-west, development is characterised by 2-3 storey residential development comprising a retirement village. A retirement village is also located to the south-west of the site at 3 Beaconsfield Parade. A scout hall is located to the south-east fronting Beaconsfield Parade.

The site and land to the east is generally zoned B2 Local Centre however land immediately adjacent to the site to the south-west is zoned R4 High Density Residential. One allotment within the site (Lot 5 DP 666521) fronting Bent Street is also currently zoned R4 High Density Residential.

The Lindfield Railway Station is located across the Pacific Highway to the north-east approximately 75 metres walking distance from the site with pedestrian access provided via two existing through site links between shops connecting from Woodford Lane to the western footpath of the Pacific Highway.



Image 1 – Aerial photo, site outlined in red (Source: Nearmap, image dated 22 October 2019)

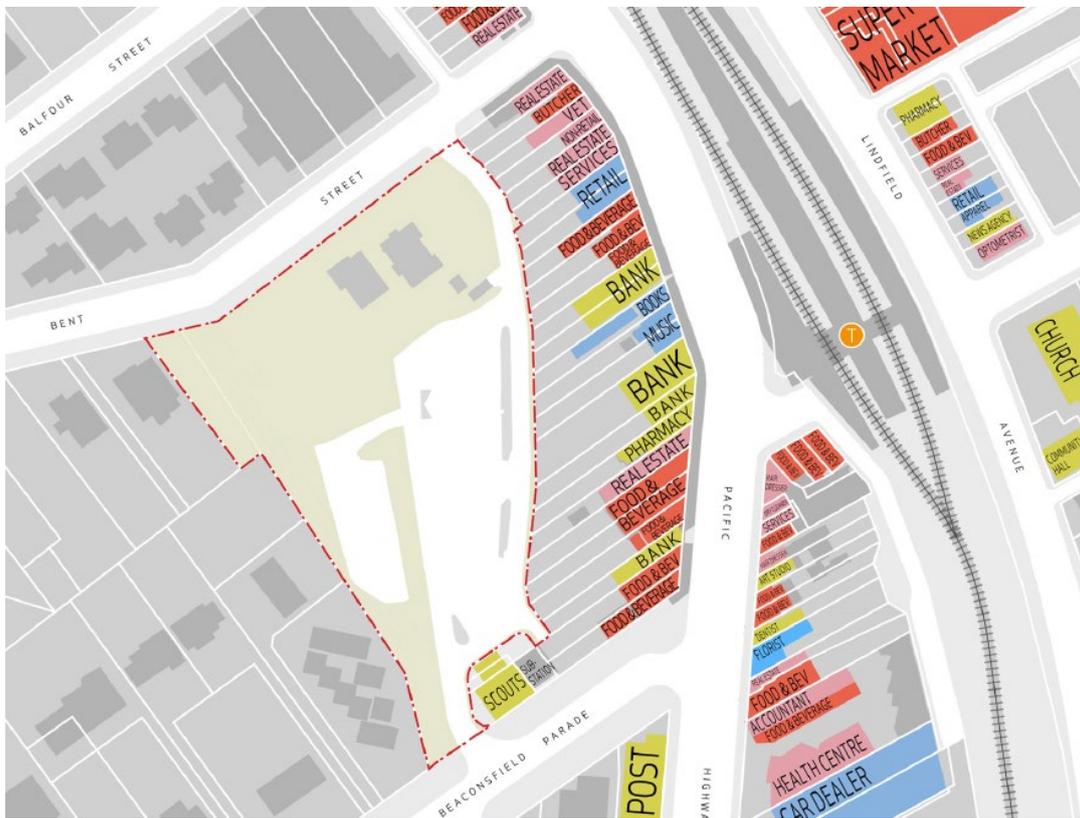


Image 2 - Site boundaries, site outlined in red (Source: Urban Design Report, AJ+C, Oct2019)

As noted above the site is currently zoned B2 Local Centre and part R4 High Density Residential under the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012*.

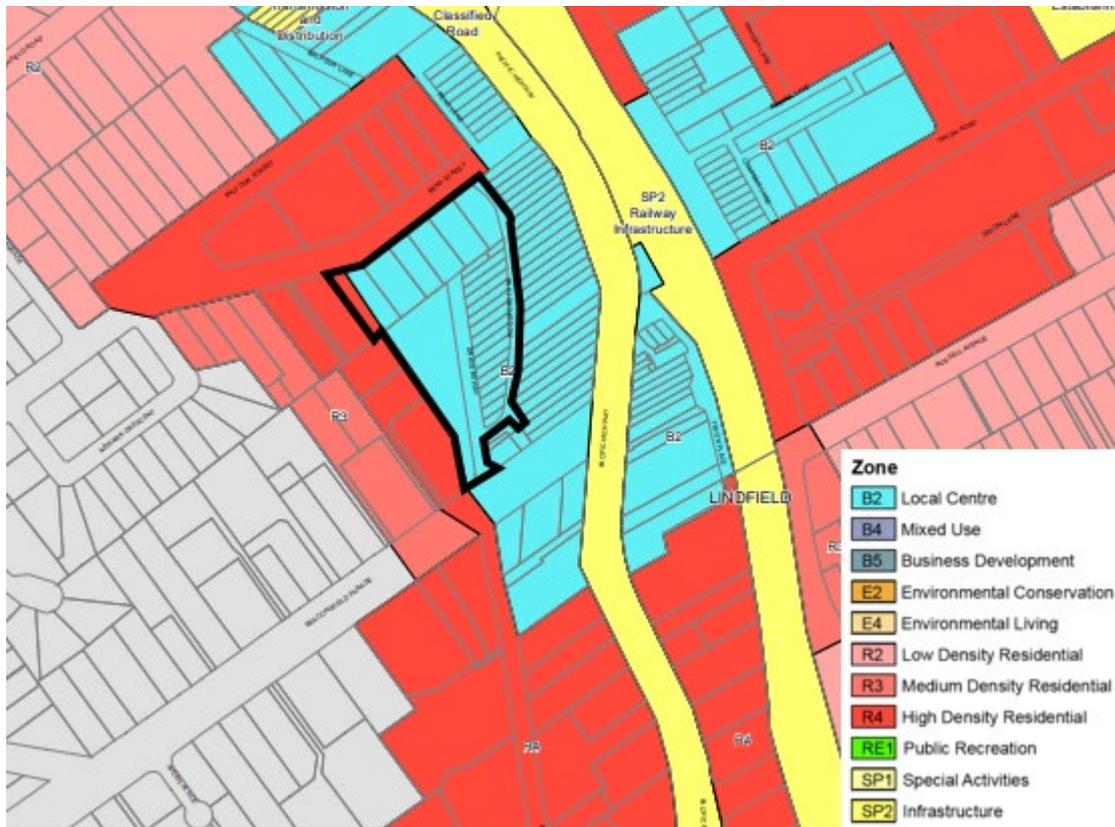


Image 3 – Zoning Map Extract KLEP Local Centres 2012

Permitted land uses in the R2 Local centre zone include:

*Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes (permanent); Hostels; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Water reticulation systems; Any other development not specified in item 2 or 4.*

Permitted land uses in the R4 High Density Residential zone include:

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Shop top housing.*

## Development History

The Lindfield Village Hub site was the subject of a site specific Planning Proposal and master plan which resulted in a previous amendment to KLEP Local Centres 2012 published in March 2017 (Amendment No. 6) and included changes to the zoning, height and floor space ratio (FSR) provisions. Council has since reconsidered the site development potential in line with North District Plan and LSPS objectives. Subsequently, a report was put to the Council meeting of 20 August 2019 seeking Council's endorsement of the lodgement of a Planning Proposal seeking to amend the KLEP Local Centres 2012 to increase the maximum height and Floor Space Ratio (FSR) provisions applying the site. At the meeting the Council resolved:

- A. *That Council endorse preparation and lodgement of a Planning Proposal, in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979, seeking to amend the Ku-ring-gai LEP (Local Centres) 2012 as it applies to the Lindfield Village Hub site as follows:*
  - i. *With a height control of no higher than the highest building in Lindfield being 23 – 41 Lindfield Avenue (known as the Aqualand building) which equates to no more than a 9 storey building on the Lindfield Village Hub site, including a provision at Clause 4.3 to allow for roof top plant, lift overruns and rooftop communal open space (and associated structures) to be located above the proposed maximum height limits, where appropriate.*
  - ii. *Amend the current additional permissible use provision at Clause 29 in Schedule 1 to allow development for the purpose of attached dwellings on the site, at the corner of Bent Street and Drovers Way, Lindfield.*
- B. *That Council note the proposed amendment of Part 14E of the KDCP (LC) 2012 to reflect the Planning Proposal and the associated Urban Design Report and that this will remove reference to the current Lindfield Village Hub Masterplan.*
- C. *That Council note the requirement to retain Lot 3 of DP1226294 as part of the project site area.*
- D. *That Council note that the minimum areas (m<sup>2</sup>) to be provided for the following project components are as follows:*
  1. *local park 3,000m<sup>2</sup>*
  2. *plaza 900m<sup>2</sup>*
  3. *library 1,250m<sup>2</sup>*
  4. *community facility 1,200m<sup>2</sup>*
- E. *That a funding strategy be developed to offset the anticipated reduction in revenue due to the reduction in proposed building heights.*
- F. *That Council authorise the General Manager to finalise the Planning Proposal on its behalf as landowner, in accordance with recommendations A-E, and to submit the Planning Proposal to the relevant Planning Authority (Council).*

Heights greater than 9 storeys were originally proposed for the site, however Council resolved to reduce the proposed height to a maximum of 9 storeys consistent with the existing tallest development within the Lindfield Local Centre on the northern side of the railway line (Aqualand building at 23-41 Lindfield Avenue).

Relevant to resolution A (i) and (ii) above, post lodgement the Planning Proposal has been amended to:

- (1) remove the provision to allow attached dwellings on the site; and

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- (2) limit the provision which seeks to allow additional height over the permitted maximum for the roof top plant, lift overruns and rooftop communal open space (and associated structures) where appropriate to the site only and not to include it as a general provision that would apply to all land where KLEP Local Centres 2012 2012 applies.

The subject Planning Proposal is otherwise consistent with the above resolution of Council.

## COMMENTS

The Planning Proposal has been assessed against the provisions of the Department of Planning, Industry and Environment's *'A guide to preparing Planning Proposals'* and section 3.33 of the *Environmental Planning and Assessment Act 1979*.

A detailed evidence-based assessment of the Planning Proposal and its supporting studies has been conducted. The Planning Proposal provides sufficient evidence to demonstrate that the proposal has strategic and site-specific merit. Accordingly, the Planning Proposal is supported subject to the incorporation of the recommended amendments stipulated in this report and in the *Table of Assessment* at **Attachment A1**.

The following is a summary assessment of the key planning issues associated with the Planning Proposal.

### Strategic Merit

A Planning Proposal must demonstrate that the proposed amendments to a local environmental plan have strategic and site specific merit. The following is an assessment of the relevant merits of the Planning Proposal.

### Regional Plan

The Planning Proposal is consistent with the objectives of the *Greater Sydney Region Plan – A Metropolis of Three Cities*, in particular:

- Objective 4 – Infrastructure use is optimised;
- Objective 7 – Communities are healthy, resilient and socially connected;
- Objective 10 – Greater housing supply;
- Objective 11 – Housing supply is more diverse and affordable;
- Objective 14 – Integrated land use and transport creates walkable and 30 minute cities;
- Objective 22 – Investment and business activity in centres;
- Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced; and
- Objective 31 – Public open space is accessible, protected and enhanced.

*A Metropolis of Three Cities* outlines that liveability incorporates access to housing, transport and employment as well as social, recreational, cultural and creative opportunities. Improved health, public transport and accessibility outcomes are achieved through the provision of schools, recreation, transport, arts and cultural, community and health facilities in walkable, mixed-use places co-located with social infrastructure and local services. Mixed-use neighbourhoods close to centres and public transport improve the opportunity for people to walk and cycle to local shops and services. Enhancing the safety, convenience and accessibility has many benefits, including

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healthier people, more successful businesses and centres. The proposal is consistent with these principles.

***District Plan***

The *North District Plan* highlights that the North District will continue to grow over the next 20 years with demand for an additional 92,000 dwellings. The five-year target (to 2021) for Ku-ring-gai is to provide an additional 4000 dwellings. Additional housing is to be provided in locations which are linked to local infrastructure. The focus of growth is therefore on strategic centres and areas close to transport corridors.

The Planning Proposal is consistent with the following planning priorities of the *North District Plan*:

- Planning Priority N1 – Planning for a city supported by infrastructure;
- Planning Priority N3 – Providing services and social infrastructure to meet people's changing needs;
- Planning Priority N4 – Fostering healthy, creative, culturally rich and socially connected communities;
- Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport;
- Planning Priority N6 – Creating and renewing great places and local centres, and respecting the District's heritage;
- Planning Priority N12 – Delivering integrated land use and transport planning and a 30min city;
- Planning Priority N20 – Delivering high quality open space; and
- Planning Priority N21 – Reducing carbon emissions and managing energy, water and waste efficiently.

The Planning Proposal will allow for a mixed-use development providing community facilities, a new park, retail development and 150+ new dwellings in a well-located site within the Lindfield Local Centre, in close proximity to public transport and a major transport route (Pacific Highway). The co-location of residential dwellings, social infrastructure and local services in centres provides for a more efficient use of land and enhances the viability of the centres and public transport. The proposal is therefore in accordance with the North District Plan strategy to focus growth in areas close to public transport as well as with the concept of a 30-minute city.

In accordance with the Department of Planning, Industry and Environment's *'A guide to preparing Planning Proposals'*, a Planning Proposal is deemed to have strategic merit if it is consistent with the relevant district plan. As outlined above it is considered that the proposal is consistent with the objectives, priorities and strategies of both the Greater Sydney Region Plan and the North District Plan. It is therefore considered to have strategic merit.

***Ku-ring-gai Local Strategic Planning Statement (LSPS)***

The Ku-ring-gai LSPS came into effect on 19 March 2020 and provides a 20 year vision and planning priorities and associated actions for land use planning in Ku-ring-gai. The Planning Proposal is considered to be consistent with the stated vision and the following planning priorities in the Ku-ring-gai LSPS:

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- K1. Providing well planned and sustainable local infrastructure to support growth and change;
- K3. Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community;
- K4. Providing a range of diverse housing to accommodate the changing structure of families and households and enable aging in place;
- K6. Revitalising and growing a network of centres that offer unique character and lifestyle for local residents;
- K7. Facilitating mixed-use developments within the centres that achieve urban design excellence;
- K11. Promoting Lindfield as a thriving and diverse centre;
- K12. Managing change and growth in a way that conserves and enhances Ku-ring-gai's unique visual and landscape character;
- K14. Providing a range of cultural, community and leisure facilities to foster a healthy, creative, culturally rich and socially connected Ku-ring-gai; and
- K17. Providing a broad range of open spaces, sporting and leisure facilities to meet the community's diverse and changing needs.

The Planning Proposal does not adequately address the planning priority *K5. Providing affordable housing that retains and strengthens the local residential and business community* as claimed. There is no intent in the Planning Proposal to provide a dedicated affordable housing component in the future development and Council is yet to establish a SEPP 70 Affordable Housing Scheme to require the provision of affordable housing on the site. The mere provision of additional housing does not in itself contribute to housing affordability.

**State Environmental Planning Policies (SEPPs) and Ministerial Directions**

The Planning Proposal is not inconsistent with the State Environmental Planning Policies (SEPPs) applicable to the site and is generally consistent with the applicable Ministerial Directions (Section 9.1 Directions).

**Site Specific Merit**

The subject site is considered to be suitable for increased height and density, particularly given its location near to public transport, the Pacific Highway and within the Lindfield Local Centre. Notwithstanding this, the Planning Proposal does give rise to some potential impacts that should be addressed via amendments prior to it being forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.

The following comments and recommended amendments are made cognisant of the fact that a Planning Proposal is not a development application and does not consider the specific detailed matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A Planning Proposal only relates to an LEP amendment, and therefore needs to demonstrate that the proposed amendment itself is acceptable, with any future detailed design to be assessed at the later development application stage. Notwithstanding this, it is noted that an indicative design has been put forward as part of the Planning Proposal to illustrate the potential future built form that could be permissible subject to approval of the LEP amendment (and associated DCP controls).

**Height**

The location of the Lindfield local centre on the Highway and adjacent to the rail transport corridor with easy access to the Sydney CBD, indicates that it is an area appropriate for higher density (and height) transit-orientated development in accordance with the planning priorities outlined in the North District Plan. Given the strategic context, it is anticipated that the applicable heights and densities in the local centre will be increased in the future and that the proposed heights on the site should therefore be in keeping with the future context.

The Planning Proposal seeks to amend the applicable maximum height and floor space ratio (FSR) for the site to allow for a maximum permissible height of 9 residential storeys (RL127.5) consistent with the existing maximum height within the Lindfield Local Centre (to the north-east of the highway).

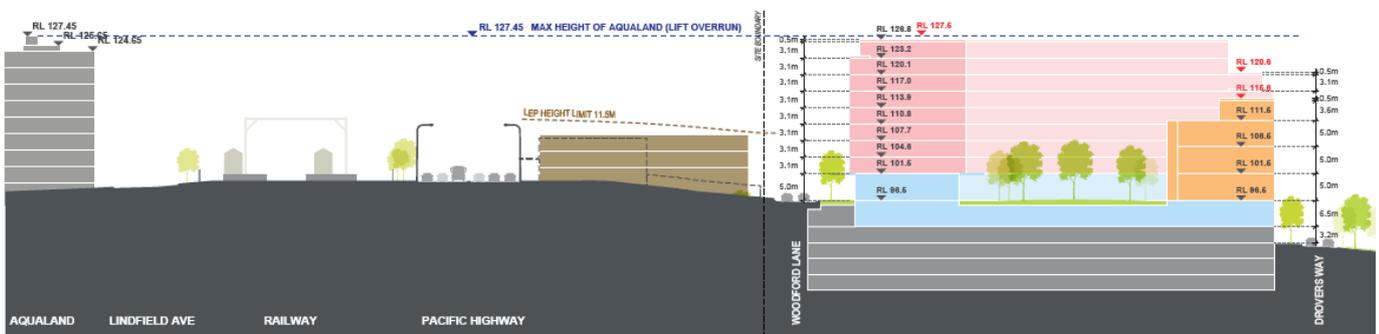


Image 4 – Basis of proposed height control (Source: Urban Design Report, AJ+C, Oct. 2019)

It is proposed that the highest building on site would be located in the north-east (9 storeys) with a lower building to the south-west (community building 4-5 storeys albeit with commercial floor to floor heights). A further 9 storey residential building is proposed at the southern end of the site. The urban design analysis submitted with the application acknowledges that the maximum height applicable to land adjacent to the site (east and west) is likely to increase over time. Land to the east (fronting the Pacific Highway) currently has an existing 11.5m height limit (3 storeys) and land to the west 17.5m (5 storeys). The analysis indicates that with the indicative design, appropriate separation distances to adjacent land are available based on existing and potential future height limits. The existing and proposed new roadways and proposed setbacks provide appropriate buffers to adjacent land and will ensure that future buildings can be designed to comply with relevant separation.

In relation to the appropriateness of buildings up to 9 residential storeys in height in the subject location, it is acknowledged that the site is on sloping land below the ridge line on which the railway line is located. The proposal, as amended, provides for a maximum height consistent with the existing maximum height within the centre which is considered not inappropriate. The site is highly accessible being immediately adjacent to development fronting the highway and within 45m walk of the train station. The proposed additional height and development density will allow the precinct to become a community focal point as planned and provide for the delivery of significant community facilities in the form of a new park, community centre, library and childcare centre in addition to public domain improvements, retail development and new high density housing. Further the proposed buildings will not result in any significant adverse impacts in terms of adverse shadow or visual impact and will provide appropriate amenity for future residents subject to detailed assessment at the development application stage. It is therefore considered that the proposed height is acceptable in the location.

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Given the minimum floor height requirements under the *Ku-ring-gai Local Centres Development Control Plan* (Local Centres DCP), a height of RL127.5 (31m) would accommodate a 9 storey residential or mixed use building when viewed from any street however in the high part of the site sufficient room may not be available under the maximum RL to provide for rooftop plant, lift overruns and rooftop communal open space (and associated structures and access there to). On the lower parts of the site it is considered likely that the proposed height would be able to accommodate these structures.

The Planning Proposal therefore seeks to insert a new clause into KLEP Local Centres 2012 to allow for roof top plant, lift overruns and rooftop communal open space (and associated structures and access there to) to be located above the proposed maximum height limits, where appropriate. This new clause is proposed as a site specific clause and would therefore only apply specifically to the subject land.

Clause 4.6 of the LEP currently allows Council to consider variations to the maximum height of building control on a site by site basis where it can be demonstrated that strict application of the control is unnecessary and unreasonable in the circumstances of the case. Council has advised that it generally supports variations for the purposes rooftop plant, lift overruns and rooftop communal open space where adequately justified on a case by case basis. However in the particular circumstance and given the slope of the land and the proposed RL height limits, it is considered appropriate that the subject clause be inserted into the LEP to provide certainty and to allow for minor encroachments into the maximum height limit where justified. It will provide flexibility for the future design of the development on a site that has a significant fall.

### Floor Space Ratio

In terms of FSR a maximum FSR of 2.21:1 is proposed across the site where a maximum FSR of 1.3:1 currently applies. An estimated gross floor area of 25,600m<sup>2</sup> (equating to an FSR of 2.21:1) has been calculated given the proposed land use mix illustrated in the indicative design, as follows:

- GFA Residential = 14,459 m<sup>2</sup>
- GFA Retail = 8,142 m<sup>2</sup>
- GFA Community = 2,450m<sup>2</sup>
- GFA Child Care = 550m<sup>2</sup>
- Total = 25,600m<sup>2</sup> / site area 11,580m<sup>2</sup> = FSR 2.21:1

The indicative design illustrates that an FSR of 2.21:1 can be achieved on the site in a scheme which is compliant with relevant controls and which demonstrates design excellence. It is therefore considered that an FSR of 2.21: would sufficiently allow for a suitable development of the site up to 9 (residential or mixed use) storeys in height whilst at the same time ensuring all relevant community and open space infrastructure is delivered.

In addition to LEP amendments it is proposed to amend the Ku-ring-gai Local Centres DCP (KLCDCP) to include detailed but simplified controls to guide the future development of the precinct. Proposed controls include requirements in relation to the proposed planned future character including:

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- identification of building footprints;
- access and movement arrangements;
- public domain requirements;
- community infrastructure to be delivered by VPA or other delivery mechanism;
- setbacks;
- built form and
- roads

It is considered that the proposed DCP controls are generally acceptable subject to some minor amendment as outlined in the Table of Assessment at **Attachment A1**

However in relation to the proposed land use mix, the DCP provisions as currently drafted would require that a minimum of only 5,000m<sup>2</sup> of retail / commercial floor space be delivered as part of the future development. This is in contrast to the indicative design which provides for 8,142m<sup>2</sup> of retail floor space. Concern has been raised by Council's Urban Design specialist that this provision could lead to reduced retail floor space and would result in pressure to convert excess floor space to residential use thereby stretching the building envelope and potentially compromising residential amenity. This position is supported by Council staff. To address this issue it is considered appropriate that a limit be placed on the permissible residential floor space on site. A limit of a maximum residential FSR of 1.3:1 is recommended. This would equate to a maximum residential floor space of 15,054m<sup>2</sup> or approximately 59% of the maximum total floor space allowed on site. The indicative design provides for 14,459 m<sup>2</sup> of residential floor space therefore this allocation would easily be accommodated within this limit. It is considered that the proposed limit is reasonable and will encourage the remaining floor space to be taken up by retail/commercial uses. Should this not be viable a smaller development overall would result. Either way an appropriate land use mix would be achieved.

The proposed limitation should be implemented through the additional of subclause (2) in proposed Clause 6.9 as follows:

*"6.9 Lindfield Village Hub development*

- (1) This clause applies to land known as "Lindfield Village Hub" in Lindfield at 1 Woodford Lane, 2-12 Bent Street, 1B Beaconsfield Parade, Drovers Way road reserve, 19 Drovers Way, and Woodford Land road reserve, Lindfield.*
- (2) The consent authority may grant development consent to development for the purpose of permissible residential uses on site but not where the total proposed residential uses exceed a maximum FSR of 1.3:1*
- (3) The consent authority may grant development consent to development for the purpose of rooftop plant, lift towers, lift motor rooms and or communal open space and access to and structures associated with such space, that would exceed or causes a building to exceed, the height limits set by clause 4.3, but only if the consent authority is satisfied that the structures:*
  - (a) are for the purposes of equipment servicing the building, plant rooms, lift towers, lift motor rooms, fire stairs and other areas used exclusively for mechanical services or ducting; or*
  - (b) are for the purpose of communal open space and access to, and structures associated with that space; or*
  - (c) for both (a) and (b); and*
  - (d) are not an advertising structure; and*

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- (e) does not include floor space area and is not reasonably capable of modification to include floor space area; and*
- (f) will cause minimal overshadowing; and*
- (g) any such rooftop structure referred to in (1)(a) and 1(b) is fully integrated into the design of the building."*

**Traffic and Parking**

The Transport and Traffic Impact Assessment Report provided with the Planning Proposal (**Attachment A4**) notes that the land uses proposed as part of the revised masterplan for the Lindfield Village Hub site are consistent with the land uses approved in the original masterplan for the site. However, the revised masterplan includes a minor increase to retail uses, no commercial uses and the residential dwelling yield is proposed to increase by 63 units to a total of approximately 158 dwellings (*Note: this number has not been revised to reflect the amended design*). In addition, the report notes that the number of commuter parking spaces to be included within the development would be 135 spaces in addition to the replacement of the existing 109 spaces on site either within the basement or on street along the proposed new roadways within the site and spaces for other relevant uses totalling approximately 788 spaces.

Based on the proposed breakdown of land uses as outlined above, the report concludes access to and from the site would generally be available from the Pacific Highway via a new signalised intersection at Beaconsfield Parade, left-out at Bent Street, and the existing signalised intersection at Balfour Street and Havilah Road.

Utilising the Roads and Maritime Services *Guide to Traffic Generating Developments* the proposed development would generate a demand for 544 parking spaces in addition to the replacement of existing parking spaces and provision of 135 commuter parking spaces for Transport for NSW.

The Transport and Traffic Impact Assessment Report notes that the site is strategically well positioned to accommodate a mixed-use development with high quality recreational and community uses as it is aligned with the objectives of the Lindfield Local Centre DCP, Future transport 2056 and the Greater Sydney Region Plan, based on the following:

- located within a 10-minute walking catchment of several local services including retail, supermarkets, educational and recreational;
- located within 30-minutes of several employment, health and educational centres or precincts via public transport; and
- located within 30-minutes of several productivity and liveability destinations via cycling, as well as the Chatswood and Macquarie Park strategic centres.

It further notes that future planning of the Lindfield local centre should seek opportunities to maximise the ability to walk and cycle to/from the above locations via improvements to the walking and cycling networks.

In terms of traffic and intersection impacts the report identifies that the intersection of the Pacific Highway and Beaconsfield Parade requires signalisation as part of the project to enable right turn movements onto the Pacific Highway from the development (although this would be required with or without the development) and that subject to this provision the proposal will not result in an unacceptable traffic or pedestrian impact. It also notes that options exist to improve pedestrian connections across the Pacific Highway and that travel demand management measures should be

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implemented as part of any future development. This includes a site specific travel plan, limiting parking provision, bicycle parking provision and accommodating ride-sharing and car sharing on-site. These requirements should be included in the site specific DCP provisions applying to the site. Further the report indicates that the existing public transport provision is capable of meeting the demand generated by the development.

Council's Strategic Traffic Engineer has reviewed the Planning Proposal and Transport and Traffic Impact Assessment and has advised that:

- *The site has good access to public transport for new residents, and its location would provide them with access to a substantial number of jobs located in surrounding Strategic Centres and Health/Education precincts within 30 minutes by public transport, which is consistent with the North District Plan's Planning Priority N12;*
- *A relatively high proportion of workers in the Zone are from the Lindfield/Roseville area, and the majority of them use a car to access the workplace despite the typical distance to work being less than 4km for these workers. This has implications for provision of parking for staff of the retail and community uses, but also for targeting improved walkability, active transport and public transport, in order to reduce the demand on private vehicle use;*
- *There is a good selection of primary and secondary retail, basic health/medical, educational, leisure/recreational and community cultural facilities within 5 minute walk of the site, which would contribute to the overall liveability and walkability of the site;*
- *Improving the place function of the streets adjacent to the site could be achieved through the implementation of high level strategies including traffic calming, improved pedestrian/bicycle access and priority and public domain improvements;*
- *The additional rail passenger demand generated by the proposal over the peak period is unlikely to cause (or significantly worsen) congestion at Lindfield Station, given there is spare capacity on rail services at Lindfield during the peak periods;*
- *Despite some short term bus stop capacity issues on Pacific Highway outside Lindfield station, the expected low demand for bus journeys to work during the peak period as a result of the proposal is unlikely to cause capacity at nearby bus stops. Similarly, given the low proportion of workers in the area using buses for their journey to work, the new workers are unlikely to cause capacity issues.*

The advice notes that there are some issues with the Transport and Traffic Impact Assessment which should be amended including:

- *The calculated traffic generations for the specialty retail uses in Table 7.2 appear not to be based on the relevant traffic generation rate in Table 7.1. This needs to be recalculated and updated in the table;*
- *For the AM peak hour traffic generation rate for retail uses noted in Table 7.1, the 50% reduction to the AM peak hour traffic generation rate appears to have been applied to the resulting traffic generations in Table 7.2. This needs to be recalculated and updated;*
- *The footnote to Table 7.2 suggests that the traffic generation from retail uses has been reduced by 20%, to allow for linked multiple-purpose trips as suggested in Transport for NSW/RMS guidelines. However, this discount appears to have not been applied to the weekday PM peak hour and Saturday peak hour traffic generations. This needs to be recalculated and updated;*
- *A link diagram, showing existing and future intersection movement counts, should be provided as part of Section 7.2, for transparency.*

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Further, the Strategic Traffic Engineer's assessment notes that there are some issues relating to traffic assignments and the results of the traffic modelling which incorporate upgrade proposals to intersections on Pacific Highway, particularly in relation to the proposed traffic signals on Pacific Highway at Beaconsfield Parade and Strickland Avenue. Since transport infrastructure upgrades on Pacific Highway are a critical component of the proposal and Transport for NSW is the roads authority for Pacific Highway, the advice notes that issuing of a Gateway Determination could be conditional on the applicant providing evidence of consultation with/in-principle concurrence from Transport for NSW regarding the matters relating to the state/arterial road network.

Notwithstanding this advice it is considered that consultation with Transport for NSW can be undertaken post Gateway Determination during the exhibition of the Planning Proposal. This will ensure that the views of Transport for NSW are known prior to a decision being made on whether to proceed with the Planning Proposal.

Having regard to the above and subject to the amendments recommended, it is considered that the transport and traffic impact of the Planning Proposal is acceptable and will not result in any adverse impacts. A detailed assessment of the final design will be undertaken at the DA stage.

**Overshadowing and Solar access**

Shadow diagrams for mid-winter have been provided in the Planning Proposal's Urban Design Report for a range of alternative massing options including the preferred Option 5 upon which the indicative design is based. The shadow diagrams illustrate that given the site orientation acceptable solar access can be preserved to adjacent sites with the proposed building envelopes. The location of the proposed public park in the northern corner of the site will ensure solar access is optimised throughout the year. Shadows generally fall to the south-west in the am but by midday are largely contained within the site. In the afternoon shadows fall to the east on the rear of neighbouring retail development which fronts the Pacific Highway. The diagrams therefore illustrate that adjacent sites will retain at least a minimum of 3 hours of sunlight with the proposed development in midwinter based on the preferred envelope. Further the additional shadow resulting from the proposed increase in height, when compared to the existing master plan (which is reflected in the existing DCP controls), is not considered to result in any significant impact. This is considered acceptable, noting that further detailed assessment would be undertaken at the development application stage.

In terms of solar access within the development, it is noted that the submitted indicative design complies with the ADG requirements and that greater than 70% of units will receive 2 hours+ of sunlight to living areas and private open space in mid-winter. Further less than 15% of units will receive no sunlight as stipulated. The indicative design therefore demonstrates that an acceptable design is available within the envelope. The proposal also complies with the required 70% of units below 9 storeys being able to be naturally cross ventilated.

It is therefore considered that the proposal is acceptable in terms of shadows and solar access and natural cross ventilation.

**Biodiversity Impacts**

The previous master plan and DCP and LEP amendments for the site provided that the majority of the vegetation on site would be removed. This will not be altered by the subject Planning Proposal, which seeks to allow additional height and FSR but does not result in any change to the

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development footprint. Accordingly it is considered that the vegetation impact of the Planning Proposal would be essentially the same as under the current provisions applying to the site.

A detailed Flora and Fauna Assessment has been prepared which describes the biodiversity values of the site and outlines measures to be taken to avoid, minimise and mitigate impacts to the vegetation and species habitat present.

The report identifies the number of biodiversity credits that would need to be retired if the development proceeds as contemplated by the Planning Proposal. It is noted that the offset requirements are not required at the Planning Proposal stage, but would be applicable at Development Application stage. The same arrangements would be applicable to development of the site under the current planning controls.

Notwithstanding the addition of the proposed pocket park and retention of the Tallow-wood tree, the revised design provides opportunities for an improved landscape setting and has a positive biodiversity impact.

Council's Manager Environment and Sustainability has provided a referral for the Planning Proposal which generally concurs with the Flora and Fauna Assessment noting that a detailed Biodiversity Development Assessment Report will be required at the DA stage. However the advice also recommends amendments to the draft DCP provisions as follows:

- *The creation of vegetative connectivity between the two parks on Bent Street (as shown in the reference scheme and site specific DCP), is a positive outcome. To ensure that this outcome is realised the existing objective within the site specific DCP should be updated to address this desired future outcome.*
- *New point - A community 'pocket park' to the north on Drovers Way. To include open space with deep soil planting consisting of locally native tree, shrub and understorey species, that reflect the relevant vegetation communities within the area; and is to exclude monocultures. This area may also include salvaged hollows or nest boxes.*
- *New point - A community 'pocket park' to the south of Drovers Way. To protect existing significant Tallow-wood tree. Providing deep soil planting including locally native tree, shrub and understorey species (excluding monocultures).*
- *Edit of point 3 (p 14-5) - "A community park on Bent Street of minimum 3,000m<sup>2</sup> in size. It is to include a large open space with deep soil planting on the north-eastern corner of the site fronting Bent Street and Woodford Lane, play space, and flexible open space."*

*The Urban Design Report proposed controls regarding street tree plantings (Section 5.2 Figure 96 – 99) are supported. This should be further informed by the following control: To enable planting of large trees within public open space (where deep soil is restricted by basement car parking), use of tree pits / values or other engineered structures is required.*

These amendments are recommended in the *Table of Assessment* at **Attachment A1**.

The referral also recommends that the newly proposed pocket park on Bent Street be rezoned from existing R4 High Density Residential to RE1 Public Recreation as the land has been counted as deep soil area, provides for the conservation of an existing significant Tallow-wood tree and to

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provide improved consistency with the desired future use. It is considered that this is not necessary given the proposed Draft DCP provisions and as the land is included in the overall site to which the total maximum FSR applies. The Draft DCP provisions should however be strengthened to ensure this outcome as recommended (refer *Table of Assessment* at **Attachment A1**).

**Contamination**

Phase 1 and Phase 2 contamination reports were submitted with the Planning Proposal. The Phase 2 report notes that the site is not currently suitable for the proposed land use however can be made suitable subject to remediation and that a remediation action plan would therefore be required with any future development application.

However, the Planning Proposal allows an additional permissible land use: residential flat buildings on part of the site. It therefore changes the existing permissible land uses and provides for a use which Council cannot currently be satisfied is a suitable use for the site. Accordingly a remediation action plan should be prepared that clearly establishes that the site can be made suitable for the proposed future use prior to forwarding the Planning Proposal to the Department for a Gateway Determination.

Council's Manager Environment and Sustainability has also advised that further groundwater assessment (and potentially a groundwater management plan) is required to inform the Remediation Action Plan. Accordingly this should similarly be undertaken prior to forwarding the Planning Proposal to the Department for a Gateway Determination.

**Social and Economic Impacts**

The Planning Proposal identifies the potential social, economic and environmental benefits of the proposal at a high level, including increased supply of housing, revitalisation of the existing development and wider local centre, provision of employment through construction and operation, and improved public domain interface. More specifically benefits are identified as:

*Library, community centre and open space benefits including:*

- access to services and programs;
- access to meeting and work spaces by local businesses and community groups;
- social interaction benefits;
- increased local amenity;
- complement to education institutions;
- environmental benefits; and
- non-use benefits.

*Child care centre benefits including:*

- early childhood development benefits; and
- workforce engagement benefits.

*Transport benefits including:*

- reduced travel time and vehicle operating costs;
- decongestion benefit;

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- environmental benefits; and
- pedestrian benefits.

*Transit-Oriented Development benefits including:*

- improved travel outcomes;
- improved health outcomes;
- urban consolidation benefits; and
- improved housing choices.

Further the economic assessment report notes that when compared to the base case (master plan proposal consistent with existing planning controls) the proposal will have the following benefits:

*Employment*

- The development of the LVH under the proposed planning controls compared to the current controls will generate 127 additional FTE jobs during the construction phase, of which 70 will be directly created by construction expenditure on the LVH and an additional 57 via indirect effects; and
- Once complete, 75 additional FTE ongoing retail jobs will be created and as a result there will be an additional 66 FTE ongoing indirect jobs created, with total additional employment associated with the new Planning Proposal estimated at 141 additional jobs

*Value-Added*

- During the construction phase there will be an estimated value-added of \$20.58M directly associated with the construction of the LVH and an indirect effect of additional \$15.70M, resulting in a total contribution of \$36.28M to Ku-ring-gai's Gross Value Added across the construction phase; and
- Once operational the LVH is expected to contribute \$3.47M in value-added, \$2.49M directly and \$0.98M indirectly, ongoing for each year of operation

*Output*

- Output is expected to increase by a total of \$80.04M, \$50.7M from direct construction costs and \$29.34M from indirect effects, within the Ku-ring-gai LGA; and
- Operational activities are expected to contribute an additional \$4.99M in output, \$3.48M directly and \$1.51M indirectly, ongoing for each year of operation

It is therefore considered that the Planning Proposal will result in positive social and economic impacts.

**Public Benefits**

The Planning Proposal identifies a number of public benefits including the proposed new park and plaza, pocket park, and community facilities including library, community centre and childcare centre that will be delivered as a result of the project. While these uses are referred to in the draft DCP provisions it is considered that further certainty is required to ensure that these key community and public infrastructure elements are delivered in a timely manner as part of, or prior to, the overall development of the land. Draft DCP control 14E.12.6 indicates that the key

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community infrastructure is to be delivered through a Voluntary Planning Agreement (VPA) or other delivery mechanism.

Notwithstanding, it is considered appropriate that prior to the Planning Proposal being forwarded to the Department of Planning, Industry and Environment for a Gateway determination, Council (as the Applicant) provides an assurance that it intends to enter into a Project Delivery Agreement (or the like) with a developer in which the obligation on the developer to deliver the public benefits of the park, library, community centre, childcare will be legally binding. This will provide further certainty that the key public benefits of the project are delivered.

**Amendment to the Written Instrument**

As noted above in addition to map amendments, the Planning Proposal seeks to make two modifications to the written instrument of KLEP Local Centres 2012 as follows:

1. Amend Clause 29 in Schedule 1 (Additional Permitted Uses) to allow residential flat buildings across the entire site; and
2. Insert new Clause 6.9 Lindfield Village Hub development to allow the consent authority may grant development consent to development for the purpose of rooftop plant, lift towers, lift motor rooms and or communal open space and access to and structures associated with such space, that would exceed or causes a building to exceed, the height limits set by clause 4.3, but only if the consent authority is satisfied that the structures:
  - (a) are for the purposes of equipment servicing the building, plant rooms, lift towers, lift motor rooms, fire stairs and other areas used exclusively for mechanical services or ducting; or
  - (b) are for the purpose of communal open space and access to, and structures associated with that space; or
  - (c) for both (a) and (b); and
  - (d) are not an advertising structure; and
  - (e) does not include floor space area and is not reasonably capable of modification to include floor space area; and
  - (f) will cause minimal overshadowing; and
  - (g) any such rooftop structure referred to in (1)(a) and 1(b) is fully integrated into the design of the building.”

It is considered that these amendments are appropriate as:

1. allowing residential flat buildings with consent across the whole site will provide consistency and allow flexibility in the location of the future buildings on site; and
2. allowing for exceptions to the maximum height clause will provide certainty as well as flexibility and is justified in the circumstances given the slope of the land.

Further rationale for this recommendation is outlined in the *Table of Assessment* at **Attachment A1**.

**Amendments required to Planning Proposal**

MG Planning supports the Planning Proposal in principle as it has demonstrated sufficient strategic and site-specific merit to enable it to be forwarded to the Department for a Gateway

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Determination, subject to the recommended changes presented in this report and the *Table of Assessment* at **Attachment A1**.

MG Planning identifies the key changes required to the Planning Proposal prior to forwarding for a Gateway Determination are as follows:

1. Amend the Planning Proposal as stated in the *Table of Assessment* (**Attachment A1**)

This is to ensure that the content is clear, correct and consistent with Council's approach to land use planning prior to being presented for Gateway Determination and subsequent public exhibition.

2. Amend Building Height map

Maximum building height map to be reviewed with Council's urban design specialist to ensure the map accurately reflects the proposed building envelope and does not inadvertently provide an opportunity to achieve additional height.

Review annotation of building height map to make clear maximum RLs (note: current annotation of RL6, 7 and 8 considered confusing as not an RL).

3. Amend proposed Clause 6.9 to limit the total residential uses on land to a maximum FSR of 1.3:1

As outlined in this report, proposed Clause 6.9 is to be amended to impose a limit of a maximum FSR of 1.3:1 on residential uses on the site.

4. Amend Schedule 1 'Additional Permitted Uses' Clause 29

As outlined in this report, the proposed Schedule 1 amendment is to be modified to allow residential flat buildings across the entire site

Prepare an Additional Uses Map for the purposes of Schedule 1 Clause 29 (as above).

5. Amend the Draft DCP

As outlined in this report, an amended Draft DCP is to be provided (as outlined in *Table of Assessment* (**Attachment A1**)) which includes, among other matters identified, the following key amendments:

- requires active uses on Bent Street and wrapping around the corner of Bent Street and Drivers Way;
- identifies that the future community building is to be located at the corner of Bent Street and Drivers Way and is to provide an active frontage and direct pedestrian connection to both Bent Street and the park;
- requires that the park is to be located at or as close as possible to the level of Woodford Lane to ensure direct and accessible pedestrian access from the laneway for the full length of its frontage, and

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- requires that the park is to be open to the sky and that the plaza is also to be open to the sky with the exception of awnings or the like where required for weather protection only.

6. Amend other reports as outlined in *Table of Assessment (Attachment A1)*.

The proponent is to submit to Council two (2) hard copies of all documents (amended Planning Proposal and all attachments) and a USB with pdf versions of all documents and a Word version of the Planning Proposal.

### ADVICE FROM KU-RING-GAI LOCAL PLANNING PANEL

Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires Council to refer all Planning Proposals prepared after 1 June 2018 to the Ku-ring-gai Local Planning Panel for advice, before it is forwarded to the Minister for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

The Planning Proposal was reported to the Ku-ring-gai Local Planning Panel Meeting on 6 April 2020. A copy of the minutes of the meeting is included as **Attachment A12**. The Panel's advice was that the Planning Proposal be submitted to the Department of Planning, Industry and Environment for a Gateway Determination, subject to the amendments detailed in the report and Table of Assessment, and subject to the following amendments:

1. Post Gateway approval, but prior to the exhibition of the Planning Proposal, the applicant is to provide evidence of the in-principle support of Transport for NSW.

**Reason:** To allow for Transport NSW to provide comment on the infrastructure in a timely manner

2. Appendix 1– Table of Assessment P10: add:

*Prior to the Planning Proposal being forwarded for a Gateway determination, Council (as the Applicant) is to provide assurance that it intends to enter into a Project Delivery Agreement (or the like) which includes, a legally binding obligation imposed on the Developer to deliver the public benefits of the park, library, community and childcare centres at the first stage of development.*

**Reason:** To ensure the community facilities are delivered in the first stage of the development.

3. Delete Clause 6.9(3) – Site Specific Height Exception Clause.

**Reason:** To provide a consistent definition of height across the LGA and avoid site specific definitions.

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4. Provide a Remediation Action Plan (RAP) prior to exhibition of the Planning Proposal.

**Reason:** Phase 1 and Phase 2 contamination reports conclude that the site can be made suitable for the proposed uses. It is reasonable for a RAP to be provided prior to exhibition.

5. Proposed Clause 6.9 be amended to impose a limit of a maximum FSR of 1.3:1 on residential uses (excluding affordable housing) on site notwithstanding the maximum permissible FSR of 2.21:1.

**Reason:** The residential FSR cap should not include affordable housing to provide an incentive to include affordable housing in this development.

6. Draft DCP, Public Domain 4 – add additional provision as follows:

*vi) retain and protect the existing Tallowood tree in the south of the site within the proposed pocket park to the west of Drovers Way*

**Reason:** To protect the significant tree on the site

The KLPP also resolved that:

*Should a Gateway Determination be issued for public exhibition of the Planning Proposal, site specific amendments to the Local Centres DCP as outlined in this advice report to be prepared and placed on public exhibition concurrent with the Planning Proposal.*

## **RESPONSE TO ADVICE FROM KU-RING-GAI LOCAL PLANNING PANEL**

The following is an assessment of the merit of the advice provided by the KLPP and the potential implications for the planning proposal and Council.

### **1. Consultation with Transport for NSW:**

Council's Strategic Traffic Engineer suggested that the issuing of a Gateway for the Planning Proposal could be conditional upon the applicant providing evidence of consultation with/in-principle concurrence from Transport for NSW regarding the matters relating to the state/arterial road network. The MG Planning assessment was of the view that Transport for NSW concurrence should be sought as part of agency consultation during the exhibition period, post gateway.

The KLPP formed the view that it was important that members of the public knew that there was in-principle support from Transport for NSW the traffic network could support the Planning Proposal prior to public exhibition.

Council has been in ongoing dialogue with Transport for NSW (formally RMS) regarding network planning and required infrastructure upgrades for Lindfield over many years without final resolution. The current phase of discussions were commenced in 2015. Earlier unresolved discussions commenced as early as 2013.

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To try to seek a resolution, even if it is only 'in principal support' prior to public exhibition, has the potential to cause significant undue delay. It is standard practice that principle infrastructure agency consultation on planning proposals occur post Gateway.

This recommendation from the Panel should not be supported by Council and formal consultation with Transport for NSW should occur post the issuing of a Gateway Determination for the Planning Proposal.

## ***2. Project Delivery Agreement***

MG Planning formed the view that, in order to provide greater certainty that the key public benefits of the project are delivered, prior to the Planning Proposal being forwarded to DPI&E for a Gateway determination, Council (as the Applicant) provide an assurance that it intends to enter into a Project Delivery Agreement (or the like) with a developer in which the obligation on the developer to deliver the public benefits of the park, library, community centre, childcare will be legally binding. The KLPP supported this position but also felt that, should the project delivery be staged, the community benefits should be delivered in the first stage. This would provide even greater certainty that the community benefits from the project will be delivered in a timely manner.

While this approach is at face value reasonable, given Council is in the financial tender stage of project delivery, this recommendation from the Panel should be noted by Council only and addressed when it considers formal tenders in coming months.

## ***3. Site Specific Height Exception Clause***

The Planning Proposal seeks to insert a new site specific clause into KLEP Local Centres 2012 to allow for roof top plant, lift overruns and rooftop communal open space (and associated structures and access there to) to be located above the proposed maximum height limits, where appropriate. The purpose of the clause is to provide certainty and to allow for minor encroachments into the maximum height limit where justified without the reliance on clause 4.6 of the LEP. It would provide flexibility for the future design of the development on a site that has a significant fall.

The KLPP did not support the inclusion of this site specific clause as it would provide an inconsistent definition of height across the LGA. It is of the view that site specific definitions should be avoided.

While this view of the KLPP is noted, it should be noted that it is proposed to measure the height of buildings on the site through the use of a RL control rather than measuring in metres. The use of an RL control is a more precise measure and it differs to most other land in Ku-ring-gai. The only other land using the RL control is the recently rezoned portion of the Killara Golf Club. Given the precise nature of an RL control, the inclusion of the proposed clause 6.9 on the site can be justified to allow the design flexibility required without the uncertainty presented by the reliance of clause 4.6 for any variation to the height controls.

The proposed clause 6.9 is similar to the Standard LEP optional clause *5.6 Architectural roof features*, which is used by a number of Local Government Areas within the Sydney metropolitan area. The objective of the clauses are to facilitate innovative design while ensuring that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.

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Other options available to councils who wish to provide flexibility in building height, while ensuring good design outcomes without significant impact on local amenity, is the use of a design excellence clause such as that used in the former *Ku-ring-gai Town Centres LEP 2010*. *Clause 6.4 Urban design excellence for Key Sites* sought to deliver the highest standard of urban and architectural design outcomes for Key Sites in the Ku-ring-gai town centres by providing additional height and floor space to proposals exhibiting outstanding architectural and urban design. The merit and potential impact of the proposals would be assessed by an independent panel of planning and design experts. Other Council's such as Hornsby and Parramatta include 'design excellence' clauses in their LEPs that intend to facilitate similar outcomes. The Department of Planning, Industry and Environments' *Design Excellence Guideline* (2010) defines design excellence. There may be potential scope to revisit such a clause.

In regard to height more generally, over the past 18 months Council has undertaken detailed built form studies for each of the four Local Centres. The studies were undertaken by experienced firms including CHROFI Architects, SJB Urban and Roberts Day. These companies are regularly working across Sydney on similar projects for local government and State government. The built form studies independently confirmed that heights of 12 to 15 storeys on selected sites in Turramurra, Lindfield and St Ives, and heights of 20+ storeys in Gordon, are appropriate, for the Ku-ring-gai Local Centres, within a broader Sydney Metro context.

Council engaged Jones Lang LaSalle and AEC Consultants to analyse development feasibility in each of the four centres. The studies found that commercial properties within the B2 zones are characterised by very high land values (particularly when compared to residential land), small lots and fragmented ownership patterns. The studies found that redevelopment of small commercial properties, typically the shops along the highways, require FSRs greater than 4.0:1 (and as high as 6.5:1) to reach development feasibility; redevelopment of large sites with a mix of retail and commercial uses to mixed use development require FSRs of higher than 3.0:1 to be feasible. Built form modelling indicates these FSRs typically result in building heights greater than 12 storeys.

The appropriate height standards and controls applying to this and other key sites in the primary Ku-ring-gai local centres is an ongoing consideration. In the meantime, the recommendation by the KLPP to not include proposed clause 6.9 should not be supported by Council. The inclusion of the clause is considered necessary to deal with the unique circumstances of the site.

#### **4. Remediation Action Plan (RAP)**

The MG Planning assessment of the Planning Proposal recommends that a Remediation Action Plan (RAP) for the site be prepared prior to the Planning Proposal being submitted for Gateway. The KLPP formed the view that RAP could be prepared for exhibition rather than Gateway so as not to cause undue delay. There was considered to be sufficient evidence in the Phase 1 and Phase 2 contamination reports to conclude that the site can be made suitable for the proposed uses.

This recommendation from the KLPP should be supported by Council.

### **5. *Limit of maximum Residential FSR***

Concern has been raised by Council's Urban Design specialist that any reduction in retail floor space on the site would result in pressure to convert excess floor space to residential use thereby stretching the building envelope and potentially compromising residential amenity. To address this issue it is considered appropriate that a 1.3:1 FSR limit be placed on the permissible residential floor space on site. It is considered that the proposed limit is reasonable and will encourage the remaining floor space to be taken up by retail / commercial uses. Should this not be viable a smaller development overall would result. Either way an appropriate land use mix would be achieved.

The KLPP also noted that there was no intention by Council to include an affordable housing component as part of the residential development on the site. The Panel formed the view that while the 1.3:1 cap on residential FSR is justified, it would also be reasonable to consider that the FSR cap could be exceeded provided that extra floor space was dedicated to the provision of affordable housing. This could act as an incentive to include affordable housing in the future development.

The Ku-ring-gai LSPS includes the planning priority *K5. Providing affordable housing that retains and strengthens the local residential and business community*. There is also an accompanying action to prepare a SEPP 70 Affordable Housing Contribution Scheme for Ku-ring-gai to enable a mechanism for the delivery of local affordable housing. As Council is yet to establish its SEPP 70 Affordable Housing Scheme it is not possible to mandate the provision of affordable housing on the site. However, there is nothing preventing Council from delivering affordable housing on this site through the use of height and FSR bonuses for its provision.

The KLPP's recommendation to exclude affordable housing from the residential FSR cap should be supported by Council.

### **6. *Protection of Existing Tallowwood.***

The KLPP expressed concern that the provisions in the DCP were not strong enough to ensure the protection of the existing substantial Tallowwood tree in the south-east corner of the site. While the tree is shown on a number of diagrams in the draft DCP, there was no reference to the tree in the written provisions. The additional DCP provision recommended by the Panel will assist in the protection and retention of the tree in any future development of the site and should be supported by Council.

## **SUMMARY OF RECOMMENDED CHANGES TO THE PLANNING PROPOSAL**

Having consideration of the assessment of the Planning Proposal by MG Planning and associated recommendations as well as the advice provided by the Ku-ring-gai Local Planning Panel, the following is a consolidated list of changes that are recommended to be made to the Planning Proposal and associated draft DCP prior to it being submitted for a Gateway determination:

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1. Amend the Planning Proposal as stated in the *Table of Assessment (Attachment A1)* subject to the following amendment:
  - Appendix 1– Table of Assessment P10: add:
 

*Prior to the Planning Proposal being forwarded for a Gateway Determination, Council (as the Applicant) is to consider what assurances it can give that it intends to deliver the public benefits of the park, library, community and childcare centres at the first stage of development.*
  - Appendix 1 – table of Assessment P18: amend as follows:
 

*A Remediation Action Plan is to be prepared that demonstrates that the land can be made suitable for the proposed residential use prior to the Planning Proposal being placed on public exhibition.*
2. Amend Building Height map:
  - Maximum building height map to be reviewed with Council’s urban design specialist to ensure the map accurately reflects the proposed building envelope and does not inadvertently provide an opportunity to achieve additional height.
  - Review annotation of building height map to make clear maximum RLs (note: current annotation of RL6, 7 and 8 considered confusing as not an RL).
3. Amend proposed Clause 6.9 to limit the total residential uses on land, excluding affordable housing, to a maximum FSR of 1.3:1
4. Amend Schedule 1 ‘Additional Permitted Uses’ Clause 29
  - The proposed Schedule 1 amendment is to be modified to allow residential flat buildings across the entire site
  - Prepare an Additional Uses Map for the purposes of Schedule 1 Clause 29.
5. Amend the Draft DCP
  - An amended Draft DCP is to be provided (as outlined in *Table of Assessment (Attachment A1)*) which includes, among other matters identified, the following key amendments:
    - requires active uses on Bent Street and wrapping around the corner of Bent Street and Drivers Way;
    - identifies that the future community building is to be located at the corner of Bent Street and Drivers Way and is to provide an active frontage and direct pedestrian connection to both Bent Street and the park;
    - requires that the park is to be located at or as close as possible to the level of Woodford Lane to ensure direct and accessible pedestrian access from the laneway for the full length of its frontage, and
    - requires that the park is to be open to the sky and that the plaza is also to be open to the sky with the exception of awnings or the like where required for weather protection only.

- Add additional provision under Public Domain 4 as follows:
  - *vi) retain and protect the existing Tallowood tree in the south of the site within the proposed pocket park to the west of Drovers Way*

6. Amend other reports as outlined in *Table of Assessment (Attachment A1)*.

## INTEGRATED PLANNING AND REPORTING

Theme 3 - Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	P2.1.1 Land use strategies, plans and processes are in place to effectively manage the impact of new development	P2.1.1.2: Continue to review the effectiveness of existing strategies, local environmental plans, development control plans and processes across all programs.
P4.1: Our centres offer a broad range of shops and services and contain lively urban village spaces and places where people can live, work, shop, meet and spend leisure time.	P4.1.1: Plans to revitalise local centres are being progressively implemented and achieve quality design and sustainability outcomes in collaboration with key agencies, landholders and the community.	P4.1.1.8: Finalise strategies and plans for Lindfield Local Centre and surrounds.  P4.1.1.9: Monitor, review and guide the Major Project proposals to ensure they deliver quality community outcomes and design excellence.

## GOVERNANCE MATTERS

The process for the preparation and implementation of Planning Proposals is governed by the provisions contained in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

If Council fails to make a decision within 90 days (from the commencement of the review of the application) or if Council makes a decision to not support the Planning Proposal, the proponent can make a request to the Department of Planning, Industry and Environment for a Rezoning Review.

*Local Planning Panels Direction – Planning Proposals* issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires Council to refer all Planning Proposals prepared after 1 June 2018 to the Local Planning Panel for advice, before it is forwarded to the Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

## RISK MANAGEMENT

This is a Planning Proposal initiated by Council and accordingly has been assessed by an independent planner and external urban design advice. Council should, to determine its position on the matter, specifically consider whether the Planning Proposal should be sent to the Department

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of Planning, Industry and Environment for a Gateway Determination having regard to the Local Planning Panel's advice and decide whether to proceed to public exhibition.

Council risks damage to its reputation if it does not undertake strategic land use planning in an effective and timely manner.

### **FINANCIAL CONSIDERATIONS**

The Planning Proposal was subject to the relevant application fee under Council's 2019/2020 Fees and Charges Schedule. The cost of the review and assessment of the Planning Proposal is covered by this fee.

The properties at 2 to 12 Bent Street Lindfield, that now form part of the Hub site, were acquired using development contributions levied under Ku-ring-gai Contributions Plan 2010 and will be utilised to provide for the open space and the new road components of the Hub development. Where most of any identified property will be required for infrastructure funded by the contributions, the whole of the existing property must be acquired from its owners and thence subdivided. A small part of the road land site, being 12 Bent Street, is residual to the area identified for the carriageway of the new road.

Clause 53(1) of the EP&A Regulations 2000 requires development contributions to be held as restricted assets and any amount earned by their investment (in any form) must be returned to the restricted account for use for the purposes for which it was levied (in this case roads). It is therefore flagged that the value of the residual land on 12 Bent Street Lindfield will need to be quantified for future reimbursement to the roads contributions restricted asset reserves.

A similar situation has previously arisen as part of the delivery of Hanson Way, the link road between Dumaresq Street and Moree Street in Gordon. The residual land that was not required for the carriageway, and thus not being utilised for the purpose for which it was acquired, became available for inclusion in the adjoining developable sites. Land on both sides of the Dumaresq Street end of Hanson Way has since been sold to the adjoining development sites. A similar situation is expected to arise in respect of residual land on the western side of Hanson Way at the rear of 35 Moree Street.

The applicant was specifically asked to address this issue by close of business on 9 April 2020. At the time of writing no written response had been received.

### **SOCIAL CONSIDERATIONS**

The Planning Proposal is considered to have significant positive social benefits including the delivery of two new public parks, 3,000m<sup>2</sup> of community facilities and additional housing choice.

### **ENVIRONMENTAL CONSIDERATIONS**

The potential environmental impacts of the Planning Proposal have been considered in this assessment, and there are no known impacts that prevent the further consideration of the Planning Proposal. The impacts of any specific development that may occur on the site as a result of the proposal would be considered in detail at the development application stage.

## COMMUNITY CONSULTATION

Council's Major Projects unit has commissioned various community engagement activities. The extent and outcomes of these activities is described in detail within the Community Engagement Summary Report at **Attachment A7**.

In the event that the Planning Proposal is granted a Gateway Determination by the Department of Planning, Industry and Environment, the Planning Proposal would be placed on public exhibition in accordance with the requirements of the Gateway Determination and the Department of Planning and Environment's publication '*A Guide to Preparing Local Environmental Plans*'.

The public exhibition would include notification to the surrounding properties and all material being made available on Council's website.

## INTERNAL CONSULTATION

The assessment of the Planning Proposal has included consultation with Council's Strategic Traffic Engineer and the Environment and Sustainability section of Council.

## SUMMARY

A Planning Proposal has been submitted for the Lindfield Village Hub site which seeks to make the following amendments to the KLEP Local Centres 2012:

- Amend the Height of Buildings map from part 17.5m and part 26.5m to part RL115.6, part RL120.6 and part RL127.5 as shown on the proposed height map;
- amend the Floor Space Ratio map from generally 1.3:1 to 2.21:1 as shown on the proposed height map and deletion of a maximum FSR from the Woodford Lane Road Reserve;
- amend Schedule 1 to allow residential flat buildings across the entirety of the subject land; and
- insert new Clause 6.9 to allow exceptions to the height of buildings for the purposes of the purpose of rooftop plant, lift towers, lift motor rooms and or communal open space and access to and structures associated with such space.

Council has engaged consultant MG Planning Pty Ltd to conduct the assessment of this Planning Proposal. Studio Zanardo was also engaged to provide an urban design assessment. Assessment of traffic and transport and biodiversity issues have been carried out by Council's Strategic Traffic Engineer and Biodiversity Officers respectively.

The Planning Proposal was reported to the Ku-ring-gai Local Planning Panel Meeting for its advice on 6 April 2020 in accordance with the *Local Planning Panels Direction – Planning Proposals* issued by the Minister for Planning under Section 9.1 of the *EP&A Act 1979*.

The assessment of the Planning Proposal and the consideration of the advice provided by the Ku-ring-gai Local Planning Panel has resulted in the following recommendations:

1. That the Planning Proposal and its attached reports are amended in accordance with the requirements of this Report and the Table of Assessment prior to submission for Gateway determination.

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2. That changes are made to the proposed amendments to the KLEP Local Centres 2012 as follows:
  - Proposed Clause 6.9 be amended to impose a limit of a maximum FSR of 1.3:1 on residential uses on the site notwithstanding the maximum permissible FSR of 2.21:1;
  - amend proposed maximum height map in conjunction with Council's urban design specialist to accurately reflect the proposed building envelope; and
  - prepare an additional permitted uses map identifying the subject site.
3. That the draft site specific DCP provisions be amended as recommended should a Gateway be issued for the Planning Proposal.

The Planning Proposal has been assessed against the provisions of the Department of Planning, Industry and Environment's *'A guide to preparing Planning Proposals'* and section 3.33 of the *Environmental Planning and Assessment Act 1979*.

It is considered that there is sufficient merit to enable the Planning Proposal to be submitted to the Department of Planning, Industry and Environment for a Gateway Determination, subject to the incorporation of the recommended amendments stipulated in this report and in the *Table of Assessment* at **Attachment A1**.

**RECOMMENDATION:**

- A. That the Planning Proposal to amend the planning controls that apply to the Lindfield Village Hub land at 1 Woodford Lane, 2-12 Bent Street, 1B Beaconsfield Parade, 19 Drovers Way, Drovers Way Road Reserve and Woodford Lane Lindfield be submitted to the Department of Planning, Industry and Environment for a Gateway Determination, subject to the amendments detailed in this report and Table of Assessment (**Attachment A1**).
- B. That should a Gateway Determination be issued for public exhibition of the Planning Proposal, site specific amendments to the Local Centres DCP as outlined in this report to be prepared and placed on public exhibition concurrent with the Planning Proposal.
- C. That Council notes the advice of the Ku-ring-gai Local Planning Panel that it should enter into a Project Delivery Agreement (or the like) which includes a legally binding obligation imposed on the future Developer of the site to deliver the public benefits of the park, library, community and childcare centres at the first stage of development.
- D. That the residual portion of land at 12 Bent Street to the west of the proposed new road be excluded from the Planning Proposal site area. The proposed floor space ratio standards in the Planning Proposal be recalculated to take into account the reduced site area while still providing for the same gross floor areas proposed in the Planning Proposal.

Helena Miller  
 Director, MG Planning Pty Ltd

Craige Wyse  
 Team Leader Urban Planning

Antony Fabbro  
 Manager Urban & Heritage Planning

Andrew Watson  
 Director Strategy & Environment

<b>Attachments:</b>	A1	Table of Assessment		2020/081365
	A2	Ammended Planning Proposal and RFI response		2020/081740
	A3	Planning Proposal Appendix 1 - Urban Design Study and Urban Design Response to RFI	Excluded	2020/081742
	A4	Planning Proposal Appendix 2 - Transport and Traffic Impact Analysis	Excluded	2020/081744
	A5	Planning Proposal Appendix 3 - Phase 1 Contamination Report	Excluded	2020/081747
	A6	Planning Proposal Appendix 3 (continued) - Phase 2 Contamination Report	Excluded	2020/081750
	A7	Planning Proposal Appendix 4 - Community Engagement Activity Summary	Excluded	2019/332693
	A8	Planning Proposal Appendix 5 - Flora and Fauna Report	Excluded	2019/332578
	A9	Planning Proposal Appendix 6 - Benefits Statement and Economic Impact Assessment	Excluded	2020/081768
	A10	Planning Proposal Appendix 7 - Draft Ku-ring-gai Local Centres DCP Part 14E		2020/081087
	A11	Planning Proposal Appendix 8 - Copy of Council Resolution of 20 August 2019		2019/332701
	A12	Ku-ring-gai Local Planning Panel Minutes - 6 April 2020		2020/101699

**PLANNING PROPOSAL**

PAGE	DOCUMENT/SECTION	COMMENT	RECOMMENDATION
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**General**

	<p>The Planning Proposal seeks to amend the <i>Ku-ring-gai Local Environmental Plan (Local Centres) 2012</i> to:</p> <ul style="list-style-type: none"> <li>change the height of building and floor space ratio controls</li> <li>ensure that residential flat buildings are permissible across the entire site and</li> <li>include a provision at Clause 6.9 to allow for rooftop plant, lift overruns, and rooftop communal open space (and associated structures) to be located above the proposed maximum height limits (<i>Note: It is proposed that this would be limited to apply to the Lindfield Village Hub site only</i>).</li> </ul> <p>in respect of the Lindfield Village Hub site comprising 1 Woodford Lane, 2-12 Bent Street, 1B Beaconsfield Parade, 19 Drovers Way, Drovers Way Road Reserve and Woodford Lane, Lindfield</p>	<p>This assessment considers that changes are necessary to the proposed LEP and DCP amendments sought by the Planning Proposal.</p> <p>Change is recommended to proposed LEP amendments, as follows:</p> <ul style="list-style-type: none"> <li>Amend Building Height map</li> <li>Amend proposed Clause 6.9 to limit the total residential uses on land to a maximum FSR of 1.3:1, and</li> <li>Prepare an Additional Uses Map for the purposes of Schedule 1 Clause 29.</li> </ul> <p>Further it is recommended that an additional provision be included in the Draft DCP amendments to</p> <ul style="list-style-type: none"> <li>Include an additional provision stating that an active frontage is required to Bent Street and the Drovers Way extension (at its corner with Bent Street) as part of any future development and that uses in this location should ideally be either community or non-residential in nature. Future development is also to optimise access to the proposed community facility above and connectivity to the future park and to minimise the potential for any blank facades at ground level</li> </ul> <p>These matters are outlined in further detail below:</p> <p><u>Maximum Height</u></p> <p>The Planning Proposal seeks to amend the applicable maximum height and floor space ratio (FSR) applying to the site to allow for a maximum height of RL115.6 in the north western part of the site (RL6), RL120.6 in the southern part of the site (RL7) and RL127.5 in the eastern part of the site (RL8) as illustrate below:</p>	<ul style="list-style-type: none"> <li>Maximum height and FSR changes supported.</li> <li>Proposed amendment to Schedule 1 Clause 29 to permit RFBs across entire site supported .</li> <li>Review Building Height map with Council’s urban design specialist to ensure it accurately reflects proposed building envelope and does not inadvertently allow an opportunity for additional height.</li> <li>Proposed local provision Clause 6.9 to be amended to limit the total residential uses on the land to a maximum of 1.3:1.</li> <li>Prepare an Additional Uses Map for the purposes of Schedule 1 Clause 29.</li> <li>Draft DCP amendments to be amended to make clear that an active frontage is required to Bent Street and the Drovers Way extension (at its corner with Bent Street) as part of any future development and that uses in this location should ideally be either community or non-residential in nature. Future development is also to optimise access to the proposed community facility above and connectivity to the future park and to minimise the potential for any blank facades at ground level</li> <li>Council undertake an exercise prior to exhibition to ensure that the proposed DCP controls are carefully coordinated with other relevant parts of KLCDP particular to identify any inconsistencies and where Part 14 prevails.</li> <li>The Planning Proposal and all</li> </ul>
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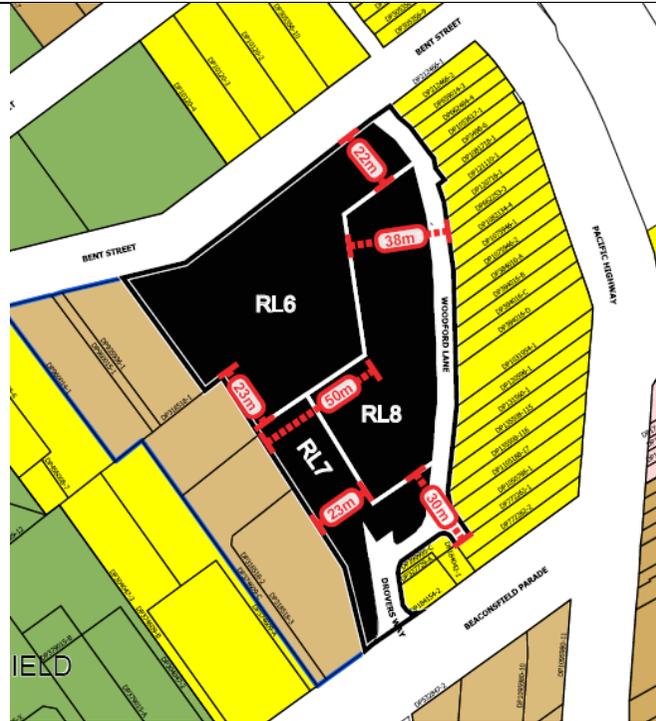


Figure 1: Proposed Maximum Building Height m (RL)

Specialist urban design advice prepared by Studio Zandaro (14 January 2020) notes that :

*the proposed building heights have been selected so as not to exceed the height of the 'Aqualand building' at 23-41 Lindfield Avenue in line with the Council Resolution 20 August 2019. This is supported from an urban design perspective. This height is equivalent to approximately 9 storeys. This building height is in keeping with the hierarchy of heights across the six Ku-ring-gai Local Centres, with Gordon being the main centre with the greatest building heights (up to 39.5m/12 storeys), and the remaining centres having lower building heights (variously up to 17.5m/5 storeys and 23.5m/7 storeys).*

*The approach of controlling building height with RLs as opposed to height in metres is supported for the reasons stated (PPA p11-12). The floor-to-floor levels and allowances shown as the basis for these RLs (UDR p63) are also considered to be*

supporting documents to be amended to incorporate the modified LEP and DCP amendments, prior to submission of the Planning Proposal to the Department for a Gateway Determination.

		<p><i>suitable...</i></p> <p>Since original lodgement the proposed LEP height mapping has been amended to remove the maximum height (and FSR) from the adjacent streets and in terms of height to include additional measurements to enable the height zones to be clearly defined.</p> <p>In relation to the height setting out Zandaro Studio has advised:</p> <p><i>For further clarity, it is suggested that the lines defining the height zones should be noted as parallel or perpendicular to the existing boundary lines they are set out from. Also, the '50m' dimension shown centrally on the map is not required for setting out and should be removed. It is noted that the line between RL7 and RL8 set 23m off the western boundary will run half-way through the southern leg of the Building 2 envelope. This will allow for two additional storeys to the eastern side of this southern leg at levels 7 and 8 (Urban Design Response p24-25) creating a higher presentation to the south towards Beaconsfield Parade. It may be desirable to move the southernmost line, currently dimensioned '30m', approximately 18m further north to better reflect the intention of the urban design study envelopes. It is noted that the map in the Amended Planning Proposal has not been updated (p54).</i></p> <p>Having regard to the above comments it is considered that the proposed height map should be reviewed in conjunction with Council's urban design specialist to ensure the map accurately reflects the proposed building envelope and does not inadvertently provide an opportunity to achieve additional height. This should be undertaken prior to forwarding the Planning Proposal for a Gateway determination.</p> <p>Specialist urban design advice prepared by Studio Zandaro also raised concerns with the proposed LEP amendment which would potentially allow residential apartments to front Bent Street as part of any future development of the site, to the exclusion of a secondary entry to a planned future Community Building on the corner of Bent and the extended Drovers Way. The indicative design submitted with the Planning Proposal identifies townhouse type development on the ground floor fronting Bent Street with community uses above. The rationale provided for this by the proponent's representative is that:</p>	
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		<p><i>“ while we agree with the urban design drivers that would lead to a second entry to the Community Building on the corner of Bent and Drovers, Council’s facility planning work concluded that the potential risks of a second entry outweighed the benefits... without a secondary ground level presence, we instead propose maisonettes at this location in order to provide contributory frontage”.</i></p> <p>Studio Zanadaro has raised concerns that any future development in the north western corner of the site (at ground level beneath the planned future community building) should provide an entrance and frontage to the community building and that if this is not pursued an alternate active retail or commercial use would be preferable to commercial. The advice identifies a number of DCP provisions (both general and specific) which support this position. Relevant provisions identified are:</p> <p>14E.1 Objective 2: To provide opportunities for new specialist retail, cafes and restaurants to be located away from the Pacific Highway</p> <p>14E.1 Objective 8: To ensure that buildings are designed to interact and engage with pedestrians at the street level</p> <p>14E.1 Objective 5: To improve commercial activity in the local centre by promoting street level activity</p> <p>14E.1 Objective 4: To provide active frontages to all streets, lanes and public open spaces</p> <p>Figure 14E.5-1 Notation of ‘supporting active frontage’ in this location</p> <p>14E.12.8(ii) active frontages are to be provided to all external areas adjacent to community and retail and commercial buildings and</p> <p>14E12.8(viii) provide an active pedestrian street at Bent Street with direct access to the community hub.</p> <p>Studio Zandaro further notes that under the Ku-ring-gai Local Centres DCP active street frontage is defined as follows:</p> <p><i>Active frontage - building street frontages at street level that provide direct and level entry and openings to allow physical and visual access that encourage interaction between the inside of a building and the external areas adjoining the building, including</i></p>	
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		<p><i>footpaths, road reserves or public spaces. Active street frontages support pedestrian safety and amenity and provide an interface between the public and private domain</i></p> <p>and that at section 6.6 it requires ground floor development in business zones...</p> <p>Having regard to the above Studio Zandaro considers that the ground floor on the corner of Bent Street and Drivers Way should be non-residential and therefore recommends that Council consider augmenting the Draft DCP with additional provision to ensure this outcome.</p> <p>It is agreed that having regard to the zoning and existing DCP provisions any development in the north western corner of the site fronting Bent Street should ideally be either community or non-residential in nature. This will optimise access to the proposed community facility above and connectivity to the future park. It is therefore considered that additional provisions should be included in the Draft DCP to make clear that any future development should provide for an active frontage on Bent Street and optimise connectivity to the future community facility building and park and minimise the potential for any blank facades.</p> <p>In terms of the proposal to extend the permissibility of RFBs across the entire site it is considered that this is appropriate from a land use perspective as it will allow flexibility in the design of the future buildings on site and will reduce the risk that further LEP amendments may be required if the future design includes RFBs (or part thereof) within the land where RFBs are not currently permitted. Consistency across the site in terms of land use permissibility will allow flexibility in design whilst the proposed additional DCP controls will guide the future development outcome on site.</p> <p><u>Maximum FSR</u></p> <p>The Planning Proposal seeks amendment to the LEP FSR map to allow a maximum FSR of 2.21:1 across the site. This is supported by the indicative design which illustrates a design concept comprising 3000m<sup>2</sup> community uses, 8140m<sup>2</sup> retail uses and 14,460m<sup>2</sup> residential uses totalling 25,600m<sup>2</sup> over 3 buildings. Over a site area of 11,580m<sup>2</sup> this equates to an FSR of 2.21:1.</p>	
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		<p>The indicative design illustrates that the FSR can be accommodated on site in a public domain and built form that is appropriate for the site, which achieves a high level of amenity and which can accommodate the proposed public benefits.</p> <p>In terms of Draft DCP controls, the proponent has proposed controls requiring community facilities comprising not less than a total of 3,000m<sup>2</sup> including new library with minimum area of 1,250m<sup>2</sup>, community facility with minimum area of 1,200m<sup>2</sup> and child care centre with minimum area of 550m<sup>2</sup> (14E.12 4 vii)). This is considered appropriate and will ensure that these public benefits are delivered as part of any future development proposed in conjunction with a VPA or other contractual arrangement (refer below).</p> <p>However Zanardo Studios has raised concerns that the proposed Draft DCP controls only require a minimum overall retail /commercial floor space of 5,000m<sup>2</sup> to ensure an appropriate mix if uses are realised at the site (14E.12 1 iii)). . This is in contrast to the 8,140m<sup>2</sup> retail floor space proposed in the indicative design and could potentially result pressure for the remaining floor space to become residential and thus compromise residential amenity.</p> <p>Zanardo Studios has recommended that the minimum retail / commercial floor be increased to reduce this tension or alternatively the residential uses be capped at 1.25:1 (reflecting the indicative design) or 1.3:1 rounded up. This could result in a smaller scheme should the total allowance for retail / commercial floor space not be taken up.</p> <p>From a planning perspective it is important that the site be developed as a true mixed use development comprising retail, commercial, residential and community uses. The proponent has argued that a minimum of 5,000m<sup>2</sup> will ensure that the future development combined with the community facilities, will ensure that a genuine mixed used development will be achieved at the site. It is however agreed that this lower requirement may result in pressure to reduce retail / commercial to the minimum and increase residential floor space. It is therefore agreed that an additional provision should be included into the LEP to require that development for the purposes of residential uses must not exceed a</p>	
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		<p>floor space ratio of 1.3:1 reflecting a maximum of 15,054m<sup>2</sup> or approximately 59% of the maximum total floor space allowed on site. This is considered reasonable and will encourage the remaining floor space to be taken up by retail / commercial uses.</p> <p><u>Maximum height limit exceptions</u></p> <p>As noted above the Planning Proposal seeks to include a provision at Clause 6.9 to allow for rooftop plant, lift overruns, and rooftop communal open space (and associated structures) to be located above the proposed maximum height limits (Note: This request has been amended since originally lodged and is now proposed to be limited to apply to the Lindfield Village Hub site only). The exact wording proposed is as follows:</p> <p><i>“6.9 Lindfield Village Hub development</i></p> <p><i>This clause applies to land known as “Lindfield Village Hub” in Lindfield at 1 Woodford Lane, 2-12 Bent Street, 1B Beaconsfield Parade, Drovers Way road reserve, 19 Drovers Way, and Woodford Land road reserve, Lindfield.</i></p> <p><i>The consent authority may grant development consent to development for the purpose of rooftop plant, lift towers, lift motor rooms and or communal open space and access to and structures associated with such space, that would exceed or causes a building to exceed, the height limits set by clause 4.3, but only if the consent authority is satisfied that the structures:</i></p> <ul style="list-style-type: none"> <li><i>• are for the purposes of equipment servicing the building, plant rooms, lift towers, lift motor rooms, fire stairs and other areas used exclusively for mechanical services or ducting; or</i></li> <li><i>• are for the purpose of communal open space and access to, and structures associated with that space; or</i></li> <li><i>• for both (a) and (b); and</i></li> <li><i>• are not an advertising structure; and</i></li> <li><i>• does not include floor space area and is not reasonably capable of modification to include floor space area; and</i></li> <li><i>• will cause minimal overshadowing; and</i></li> <li><i>• any such rooftop structure referred to in (1)(a) and 1(b) is fully integrated into the design of the building.”</i></li> </ul> <p>Zandaro Studios has raised concern that the above clause draws on the</p>	
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		<p>Standard Instrument LEP clause 5.6 “Architectural roof features” but could potentially be more aligned to its wording being framed as a consent must not be granted provision and aligning with the definition of gross floor area (e.g.in respect of common vertical circulation such as lifts and stairs rather than fire stairs).</p> <p>While the intent of this comment is understood it is considered that the proposed clause is more far reaching than the standard instrument clause and more appropriately identifies structures which may exceed the height limit without resulting in any significant impacts. Council currently applies a clause 4.6 variation to these circumstances however the applicant is seeking more certainty in this circumstance given the more nuanced approach (RL v m) approach to maximum height. The definition of building height is currently:</p> <p><i>building height (or height of building) means—</i></p> <ul style="list-style-type: none"> <li>• <i>in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or</i></li> <li>• <i>in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,</i></li> <li>• <i>including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.</i></li> </ul> <p>It is considered that the clause adequately caters for the potential height variations. Access stairs or other means of vertical circulation would be allowed by virtue of (b) subject to it providing access to the communal open space. There does not appear to be any planning imperative to be consistent with the definition of gross floor area in this case. Notwithstanding the exact wording could be refined pre or post exhibition if it is found to be problematic.</p> <p><u>Urban Design Controls</u></p> <p>Post lodgement a review of the Planning Proposal was undertaken and additional urban design controls to capture key design attributes identified in a RFI letter forwarded to the proponent on 24 January 2020. The submitted Draft DCP has since been amended to include these additional controls and Studio Zandaro has provided advice that this</p>	
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		<p>aspect of the proposal is generally considered acceptable. Minor changes to the wording have been recommended and are addressed in the Draft DCP section below. Studio Zandaro also recommended that Council undertake an exercise to ensure that the proposed controls are carefully coordinated with other relevant parts of KLCDCP particular to identify any inconsistencies and where Part 14 prevails. This considered appropriate and should be undertaken prior to exhibition.</p> <p><u>Residential amenity</u></p> <p>An indicative design has been submitted with the Planning Proposal, the purpose of which is to demonstrate that the proposed height, FSR and land uses can be achieved in a form of development that meets relevant requirements and controls and will result in an outcome that represents design excellence. The indicative design 'proves up' the proposed controls but represents merely one design option with the detail to be determined at the future DA stage.</p> <p>An assessment has been undertaken of the indicative design against the solar access and natural cross ventilation requirements of the SEPP 65 and the Apartment Design Guide (ADG). The documentation adequately demonstrates that a development scheme of the scale and form proposed can achieve the requirements of:</p> <ul style="list-style-type: none"> <li>• at least 70% of apartments receiving a minimum of 2 hours direct sunlight to living rooms and private open space between 9am and 3pm in mid-winter</li> <li>• not more than 15% of apartments receiving no direct sunlight to living rooms and private open space between 9am and 3pm in mid-winter, and</li> <li>• at least 60% of units being naturally cross ventilated for the first 9 storeys.</li> </ul> <p>Indeed the indicative design achieves in excess of these requirements.</p> <p>Detailed assessment of the final scheme against all relevant requirements would be undertaken at the DA stage however the indicative design demonstrates that an appropriate level of amenity can be achieved.</p>	
	Remediation	Phase 1 and Phase 2 contamination reports were submitted with the	<ul style="list-style-type: none"> <li>• A remediation plan is to be prepared that</li> </ul>

		<p>Planning Proposal. The Phase 2 report notes that the site is not currently suitable for the proposed land use however can be made suitable subject to remediation and that a remediation plan would therefore be required with any future development application.</p> <p>However the Planning Proposal allows an additional permissible land use: residential flat buildings on part of the site. It therefore changes the existing permissible land uses and provides for a use which Council cannot currently be satisfied is suitable on the subject land. Accordingly a remediation action plan should be prepared that clearly establishes that the site can be made suitable for the proposed future use prior to forwarding the Planning Proposal to the Department for a Gateway determination.</p>	<p>demonstrates that the land can be made suitable for the proposed residential use prior to the Planning Proposal being referred to the Department for a Gateway determination</p>
	<p>Public Benefits / VPA</p>	<p>The Planning Proposal identifies a number of public benefits including the proposed new park and plaza, pocket park and community facilities including library, community centre and childcare centre that will be delivered as a result of the project. While these uses are referred to in the Draft DCP provisions, it is considered that further certainty is required to ensure that these key community and public infrastructure elements are delivered in a timely manner as part or prior to the overall development of the land. Control 14E.12.6 indicates that the key community infrastructure is to be delivered through a Voluntary Planning Agreement (VPA) or other delivery mechanism.</p> <p>Notwithstanding, it is considered appropriate that prior to the Planning Proposal being forwarded for a Gateway determination, Council (as the Applicant) should provide an assurance that its intends to enter into a Project Delivery Agreement (or the like) with a Developer in which the obligation on the Developer to deliver the public benefits of the park, library, community centre, childcare will be legally binding. This will provide further certainty that the key public benefits of the project are delivered.</p>	<ul style="list-style-type: none"> <li>• Prior to the Planning Proposal being forwarded for a Gateway determination, Council (as the Applicant) is to provide an assurance that its intends to enter into a Project Delivery Agreement (or the like) with a Developer in which the obligation on the Developer to deliver the public benefits of the park, library, community centre, childcare will be legally binding.</li> </ul>
	<p>Local Strategic Planning Statement (LSPS)</p>	<p>The Planning Proposal assesses the project against the Draft Ku-ring-gai LSPS. The LSPS was adopted by Council on 17 March 2020 and came in to force on 19 March 2020. Accordingly the Planning Proposal should be amended to reflect the final LSPS wherever mentioned.</p>	<ul style="list-style-type: none"> <li>• Amend the Planning Proposal to reflect the final Ku-ring-gai LSPS now in force. All references throughout the documents should refer to the final LSPS.</li> </ul>

	Dwelling numbers	There is a discrepancy between the reports on the dwellings numbers proposed in the Indicative Design. The reports should be updated to reflect the amended scheme and to reference a consistent number of potential future dwellings or range in dwelling number e.g. 150-155 dwellings. A clear statement should also be included in the Planning Proposal regarding the net increase in dwellings that will result from the proposed changes. The capacity under the existing controls is to be noted as 95 dwellings.	<ul style="list-style-type: none"> <li>Amend all reports to reflect the amended scheme and to reference a consistent number of potential future dwellings or range in dwelling number e.g. 150-155 dwellings. A clear statement should also be included in the Planning Proposal regarding the net increase in dwellings that will result from the proposed changes.</li> </ul>
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**Introduction**

	Title	<p>Current title of PP – “To Amend the Floor Space Ratio and Height of Buildings Development Standards Relating to the Lindfield Village Hub”. Need to include and allow RFBs with consent on the subject land to clearly communicate scope of LEP amendment</p> <p>Include name of Proponent to clearly communicate Council is the proponent of the Planning Proposal</p>	<ul style="list-style-type: none"> <li>Amend to include words “and allow RFBs with consent on the subject land”</li> <li>Include words “prepared on behalf of Kuring-gai Council”</li> </ul>
6	Location Maps	Figure 1 – Location map with cadastre overlay – cadastre overlay out of date. Amend.	<ul style="list-style-type: none"> <li>Amend cadastre to show up to date land titles</li> </ul>
7	Location Maps	Figure 3: Current land use zoning of site and surrounding area - location map. Need to show site boundary on zoning plan.	<ul style="list-style-type: none"> <li>Amend to show site boundary on zoning plan</li> </ul>
8	Brief overview of Planning Proposal	Amend to include limitation of floor space for residential uses to maximum of 1.3:1 as recommended above to ensure appropriate mix of land uses on site	<ul style="list-style-type: none"> <li>Amend Paragraph 1 to include limitation of floor space for residential uses to a total maximum of 1.3:1</li> </ul>

**Part 1 – Objectives or intended outcomes**

9	Objectives or intended outcomes	Dot point 2 current states: To increase the FSR from 1.3:1 to 2.21:1. Need to add including a maximum residential FSR of 1.3:1	<ul style="list-style-type: none"> <li>Amend dot point 2 to: To increase the total maximum FSR from 1.3:1 to 2.21:1 including a maximum residential component of 1.3:1.</li> </ul>
9	Objectives or intended outcomes	Dot point 3 sets out specific GFA for each land use under the submitted indicative design. This is not the intention of the Planning Proposal itself. Rather this objective should be amended to reflect the overall	<ul style="list-style-type: none"> <li>Amend dot point 3 to: To achieve the following floor space outcomes:</li> </ul>

		maximum GFA across the site, the minimum community and retail GFA to be achieved and the maximum residential GFA.	<ul style="list-style-type: none"> <li>○ Maximum total GFA across the site of 25,600m<sup>2</sup></li> <li>○ Maximum Residential floor of 14,460m<sup>2</sup>;</li> <li>○ Minimum Retail/commercial floor space of 5,000m<sup>2</sup>; and</li> <li>○ Minimum community floor of 3,000m<sup>2</sup> (inclusive of a proposed child care centre).</li> </ul>
<b>Part 2 Explanation of provisions</b>			
12	Explanation of provisions	Indicative Structure Plan – typo paragraph 2	<ul style="list-style-type: none"> <li>• Correct typo</li> </ul>
14	Explanation of provisions Amendments to Written Instrument Proposed Amendment to Schedule 1	Delete paragraphs 2 and 3. Additional controls proposed in DCP to limit land use on corner of Bent Street and Drivers way to community or retail / commercial. Amendment to permissible use across the site will however allow flexibility where residential development steps over existing boundary of land where RFBs currently permitted.	<ul style="list-style-type: none"> <li>• Delete paragraphs 2 and 3.</li> </ul>
<b>Part 3 Justification</b>			
<b>Section A – Need for the Planning Proposal</b>			
17	Q1 - Is the Planning Proposal a result of any strategic study or report?	The Planning Proposal is supported by an Urban Design Study, Transport and Traffic impact Analysis, Phase 1 and Phase 2 Contamination Report, Community Engagement Activities Report, Flora and Fauna Report, Economic Impact Assessment and Benefits Statement and Draft Part 14E of KLCDCP. The key findings of these reports are identified in the Planning Proposal which provides sufficient evidence to support the proposal from a strategic and site specific basis.	<ul style="list-style-type: none"> <li>• Recommended amendments on a report basis are outlined below</li> </ul>
17	Q2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	It is considered that a Planning Proposal is the best means of achieving the objectives / intended outcomes. The degree of variation to existing KLEP Local Centres 2012 planning controls, in terms of height and floor space ratio, would not be appropriately considered as a clause 4.6 variation to existing development controls and cannot be accommodated via a development application.	
<b>Section B – Relationship to strategic planning framework</b>			
18		Insert heading for Strategic Merit test in accordance with the	

		<p>Department's 'A guide to preparing Planning Proposals' (refer Page 12-13 for assessment criteria)</p>	
<p>18-32</p>		<p>Insert heading.... Strategic merit test –</p> <p>1) Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?</p> <p>The Planning Proposal provides sufficient information to demonstrate consistency with the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>, and the North District Plan.</p> <p><u>Greater Sydney Region Plan – ‘A Metropolis of Three Cities’</u></p> <p>The proposal is consistent with the objectives of the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>, in particular:</p> <ul style="list-style-type: none"> <li>• Objective 6 – Services and Infrastructure meet communities changing needs,</li> <li>• Objective 7 – Communities are healthy, resilient and socially connected,</li> <li>• Objective 10 – Greater housing supply [Note: Add to PP report],</li> <li>• Objective 11 – Housing supply is more diverse and affordable [Note: Add to PP report],</li> <li>• Objective 14 – Integrated land use and transport creates walkable and 30 minute cities, and</li> <li>• Objective 31 – Public open space is accessible, protected and enhanced [Note: Add to PP report]</li> </ul> <p><i>A Metropolis of Three Cities</i> outlines that liveability incorporates access to housing, transport and employment as well as social, recreational, cultural and creative opportunities. Improved health, public transport and accessibility outcomes are achieved through the provision of schools, recreation, transport, arts and cultural, community and health facilities in walkable, mixed-use places co-located with social infrastructure and local services. Mixed-use neighbourhoods close to centres and public transport improve the opportunity for people to walk and cycle to local shops and services. Enhancing the safety, convenience and accessibility has many benefits, including healthier people, more successful businesses and centres.</p> <p><u>North District Plan</u></p> <p>The North District Plan highlights that the North District will continue to</p>	<p>Insert heading.... Strategic merit test –</p> <p>1) Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?</p> <p><u>Greater Sydney Region Plan – ‘A Metropolis of Three Cities’</u></p> <ul style="list-style-type: none"> <li>• Add objectives 10, 11 and 31 to assessment at Pages 1 – 22</li> </ul> <p><u>North District Plan</u></p> <ul style="list-style-type: none"> <li>• Delete consistency with the following planning priorities:             <ul style="list-style-type: none"> <li>○ Planning Priority N10 – Growing Investment, business opportunities and jobs in strategic centres – not relevant</li> <li>○ Planning Priority N17 – Protecting and enhancing scenic and cultural landscapes – not consistent</li> <li>○ Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid connections – not consistent</li> </ul> </li> </ul>

		<p>grow over the next 20 years with demand for an additional 92,000 dwellings. The five-year target (to 2021) for Ku-ring-gai is to provide an additional 4,000 dwellings. Additional housing is to be provided in the right locations which is linked to local infrastructure. The focus of growth is therefore on strategic centres and areas close to transport corridors.</p> <p>The Planning Proposal is consistent with the following planning priorities of the North District Plan:</p> <ul style="list-style-type: none"> <li>• Planning Priority N1 - Planning for a city supported by infrastructure,</li> <li>• Planning Priority N3 - Providing services and social infrastructure to meet people’s changing needs,</li> <li>• Planning Priority N4 - Fostering healthy, creative, culturally rich and socially connected communities,</li> <li>• Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport,</li> <li>• Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District’s heritage, and</li> <li>• Planning Priority N12 – Delivering integrated land use and transport planning and a 30min city</li> <li>• Planning Priority N16 – Protecting and enhancing bushland and biodiversity</li> <li>• Planning Priority N20 – Delivering high quality open space</li> <li>• Planning Priority N21 – Reducing carbon emissions and managing energy, water and waste efficiently</li> </ul> <p>The Planning Proposal will allow for a mixed-use development providing additional dwellings, community facilities and retail / commercial development in a well-located site within the Lindfield local centre, in close proximity to public transport and a major transport route (Pacific Highway). The co-location of residential dwellings, social infrastructure and local services in centres provides for a more efficient use of land and enhances the viability of the centre and public transport. The proposal is in accordance with the North District Plan strategy to focus growth in areas close to public transport and enhance the concept of a 30-minute city.</p>	
33		<p>Insert heading....Strategic merit test –</p> <p>2) Consistent with a relevant local council strategy that has been</p>	<p>Insert heading....Strategic merit test –</p> <p>2) Consistent with a relevant local council strategy that has been endorsed by the Department</p>

		<p>endorsed by the Department</p> <p>The Department's <i>'A guide to preparing Planning Proposals'</i> requires that only those local strategic plans endorsed by the Department are considered when assessing a Planning Proposal. There are no Ku-ring-gai local council strategies endorsed by the Department.</p>	<ul style="list-style-type: none"> <li>Provide comment that there are no local strategic plans that have been endorsed by the Secretary/Department.</li> </ul>
33		<p>Insert heading....Strategic merit test –</p> <p>3) Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</p> <p>The Planning Proposal does not demonstrate that there has been a change in demographic trends in the area that warrants a change to the planning controls i.e. to allow higher density on the subject site as proposed.</p>	<p>Insert heading ....Strategic merit test –</p> <p>3) Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</p> <ul style="list-style-type: none"> <li>Modify response to this criteria to state that the Planning Proposal does not respond to a change in circumstance OR provide evidence of changing demographic trends or new infrastructure and that they are not recognised by existing planning controls</li> </ul>
33		<p>Insert heading for Site Specific Merit test in accordance with the Department's <i>'A guide to preparing Planning Proposals'</i> (refer Page 12-13 for assessment criteria)</p>	
33		<p>Insert.....Site specific merit test –</p> <p>1) the natural environment (including known significant environmental values, resources or hazards)</p> <p>The site majority of the site is highly disturbed accommodating at grade car parking. Some vegetation exists on the site and will be impacted by the proposed redevelopment however the level of impact that would result from the subject Planning Proposal is no more than that which would result under the existing planning controls. Rather the Planning Proposal seeks additional height and FSR with the proposed footprint remaining the same. Notwithstanding any impacts would need to be fully addressed as part of any future development application(s).</p>	<p>Insert.....Site specific merit test –</p> <p>1) the natural environment (including known significant environmental values, resources or hazards)</p> <ul style="list-style-type: none"> <li>Include assessment against site specific merit test assessment criteria</li> </ul>
33		<p>Insert.....Site specific merit test –</p> <p>2) the existing uses, approved uses, and likely future uses of land in the</p>	<p>Insert.....Site specific merit test –</p> <p>2) the existing uses, approved uses, and likely</p>

		<p>vicinity of the land subject to the proposal</p> <p>The Planning Proposal will provide for an appropriate range of land uses on site and subject to the recommended LEP amendment to provide for a maximum of 1.3:1 residential land uses and DCP amendments to require minimum and maximum other uses will provide an appropriate mix suitable for the location within the Lindfield Local Centre.</p>	<p>future uses of land in the vicinity of the land subject to the proposal</p> <ul style="list-style-type: none"> <li>• Include assessment against site specific merit test assessment criteria</li> </ul>
33		<p>Insert....Site specific merit test –</p> <p>3) the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p> <p>The site is located in an existing developed area with access to services such as water, sewer and electricity. The additional development provided for under the Planning Proposal is unlikely to place an unreasonable demand on existing services and infrastructure.</p>	<p>Insert....Site specific merit test –</p> <p>3) the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p> <ul style="list-style-type: none"> <li>• Include assessment against site specific merit test assessment criteria</li> </ul>
33	<p>Q4 - Is the Planning Proposal consistent with the local council's Community Strategic Plan or other local strategic plan?</p>	<p><u>Ku-ring-gai Council Community Strategic Plan 2038</u></p> <p>The Planning Proposal sufficiently identifies consistency with Council's Community Strategic Plan as well as the sustainability, transport and community facility strategies. The proposal will provide for additional housing to support the needs of the changing community and contribute to providing active uses within the Lindfield local centre.</p> <p><u>Ku-ring-gai Local Strategic Planning Statement (LSPS)</u></p> <p>The Ku-ring-gai LSPS came into effect on 19 March 2020. The Planning Proposal makes reference to the draft Ku-ring-gai LSPS that was in place at the time of drafting the planning proposal. In needs to be amended to reference the now in force LSPS</p> <p>The Ku-ring-gai LSPS provides a 20 year vision and planning priorities and associated actions for land use planning in Ku-ring-gai. The Planning Proposal is considered to be consistent with the stated vision and the following planning priorities in the Ku-ring-gai LSPS</p> <ul style="list-style-type: none"> <li>• K1. Providing well planned and sustainable local infrastructure to support growth and change</li> </ul>	<ul style="list-style-type: none"> <li>• Amend to include reference to the now in force Ku-ring-gai LSPS</li> <li>• Delete consistency with Planning Priority K5 - Providing affordable housing that retains and strengthens the local residential and business community</li> </ul>

		<ul style="list-style-type: none"> <li>• K3. Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community.</li> <li>• K4. Providing a range of diverse housing to accommodate the changing structure of families and households and enable aging in place</li> <li>• K6. Revitalising and growing a network of centres that offer unique character and lifestyle for local residents</li> <li>• K7. Facilitating mixed-use developments within the centres that achieve urban design excellence</li> <li>• K11. Promoting Lindfield as a thriving and diverse centre</li> <li>• K12. Managing change and growth in a way that conserves and enhances Ku-ring-gai's unique visual and landscape character</li> <li>• K14. Providing a range of cultural, community and leisure facilities to foster a healthy, creative, culturally rich and socially connected Ku-ring-gai</li> <li>• K17. Providing a broad range of open spaces, sporting and leisure facilities to meet the community's diverse and changing needs</li> </ul> <p>The Planning Proposal does not adequately address the planning priority <i>K5. Providing affordable housing that retains and strengthens the local residential and business community</i> as claimed. There is no intent in the planning proposal to provide a dedicated affordable housing component in the future development and Council is yet to establish a SEPP 70 Affordable Housing Scheme to require the provision of affordable housing on the site. The mere provision of additional housing does not necessarily contribute to housing affordability.</p>	
42	Q5 - Is the Planning Proposal consistent with applicable State Environmental Planning Policies?	<p>State Environmental Planning Policies (SEPPs) of relevance to the Planning Proposal are:</p> <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy 19 Bushland in Urban Areas</i></li> <li>• <i>State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)</i></li> <li>• <i>State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65)</i></li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment)</li> </ul>	<ul style="list-style-type: none"> <li>• Undertake assessment against relevant provisions of <i>State Environmental Planning Policy 19 Bushland in Urban Areas</i></li> <li>• Delete reference to <i>State Environmental Planning Policy 32 Urban Consolidation (Redevelopment of Urban Land) – REPEALED</i></li> </ul>

		<p>2005 (SREP Sydney Harbour Catchment) – deemed SEPP</p> <p>The Planning Proposal demonstrates compliance with SEPP 65 and the Apartment Design Guide (Urban Design Report, Appendix A)</p> <p>In relation SEPP 55 the Planning Proposal includes a Phase 1 and Phase 2 contamination assessment (Appendix C). The Phase 2 concludes that the site is not currently suitable for the proposed land use however can be made suitable subject to remediation. A remediation action plan will therefore be required with any future development application. The Planning Proposal does however allow an additional use: residential flat buildings on part of the site. It therefore changes the existing permissible land uses. The remediation action plan should therefore be prepared prior to forwarding the Planning Proposal to the Department for a Gateway determination.</p> <p>Whilst State Environmental Planning Policy 19 Bushland in Urban Areas is identified as being applicable, an assessment has not been made against the provisions of the SEPP.</p> <p>Whilst the SREP Sydney Harbour Catchment (deemed SEPP) is identified as being applicable, an assessment has not been made against the principles outlined in clause 13.</p> <p>Nothing in the Planning Proposal would contradict or hinder the application of the SEPPs. Detailed matters under each SEPP would need to be addressed as part of any future development application(s).</p>	<ul style="list-style-type: none"> <li>• Update to include assessment against principles outlined in clause 13 of <i>SREP Sydney Harbour Catchment</i> (deemed SEPP)</li> <li>• A remediation action plan is to be prepared that demonstrates that the land can be made suitable for the proposed residential use prior to the Planning Proposal being referred to the Department for a Gateway determination</li> </ul>
<p>44-48</p>	<p>Q6 - Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?</p>	<p>The s 9.1 Ministerial Directions that are relevant to the Planning Proposal are:</p> <ul style="list-style-type: none"> <li>• 1.1 Business and Industrial Zones</li> <li>• 2.3 Heritage Conservation</li> <li>• 3.1 Residential Zones</li> <li>• 3.4 Integrating Land Use and Transport</li> <li>• 4.1 Acid Sulfate Soils</li> <li>• 6.3 Site Specific Provisions</li> <li>• 7.1 Implementation of A Plan for Growing Sydney (redundant but not revoked)</li> </ul> <p>The following directions have been identified but are not relevant to the subject Planning Proposal:</p> <ul style="list-style-type: none"> <li>• 2.1 Environment Protection Zones</li> <li>• 6.2 Reserving land for a public purpose</li> </ul> <p>The table notes that Direction 4.1 Acid sulfate soils is relevant however</p>	<ul style="list-style-type: none"> <li>• Update the table listing the Ministerial Directions to correctly address Direction 4.1 Acid sulfate soils</li> <li>• Update the table listing the Ministerial Directions to remove reference to Directions 2.1 Environment Protection Zones, 6.2 Reserving Land for a Public Purpose</li> </ul>

		<p>does not adequately address the presence of ASS. The Phase 1 and Phase 2 Contamination reports (Appendix C) clearly identify that the site is within an area of “Low Probability” of acid sulphate soils and that no further investigation is deemed necessary with regards to acid sulphate soils.” The table should be updated with this information</p>	
44	Direction 1.1 Business and Industrial Zones	<p>This Direction requires that a Planning Proposal must retain areas and locations of existing business and industrial zones, and not reduce the total potential floor space area for employment uses and related public services in business zones.</p> <p>The Planning Proposal provides for an increase in retail and commercial uses business uses via an increase in the maximum height and FSR limit applying to the site. The Planning Proposal notes that it will allow the Lindfield Hub site to be redeveloped in a way that will encourage employment growth within the local centre. It further notes that it is envisaged that the site will accommodate a new supermarket, shops, businesses and community facilities. Additionally, the Planning Proposal seeks to increase the floor space capacity of the site thereby increasing the potential for the generation of new employment in close proximity to existing road and rail links as well as residential accommodation.</p> <p>Whilst the Planning Proposal also provides for an additional use (residential flat building) on part of the land, it is proposed that an additional provision be included to limit the maximum residential FSR to 1.3:1. This will ensure an appropriate mix of uses on site and will avoid pressure to convert retail or commercial floor space to residential use.</p>	
45	3.4 Integrating Land Use and Transport	<p>This Direction requires that a Planning Proposal must include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>• <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</li> <li>• <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</li> </ul> <p>The Planning Proposal demonstrates that the proposed development is consistent with transit orientated development principles which will promote use of public transport, and the Planning Proposal is supported by a Traffic Report (Appendix B). Council’s Strategic Traffic Engineer has provided some commentary on the detail of the analysis as addressed below but concurs that the proposal is appropriate from a traffic perspective.</p>	

47	6.3 Site Specific Provisions	The Planning Proposal is generally consistent with this Direction and provides for an additional use of part of the subject site beyond the existing planning controls with a maximum residential FSR of 1.3:1 of a total maximum FSR of 2.21:1.	
48	7.1 Implementation of A Plan for Growing Sydney (redundant but not revoked)	<i>A Plan for Growing Sydney</i> has been superseded by the <i>Greater Sydney Region Plan - A Metropolis of Three Cities</i> . Refer to consideration of the Planning Proposal against the Region Plan above.	<ul style="list-style-type: none"> <li>Amend to refer to <i>Greater Sydney Region Plan - A Metropolis of Three Cities</i></li> </ul>
<b>Section C – Environmental, social and economic impact</b>			
48	Q7 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	<p>The previous master plan and DCP and LEP amendments for the site provided that the majority of the vegetation on site would be removed. This will not be altered by the subject Planning Proposal which seeks to allow additional height and FSR but does not result in any change to the development footprint. Accordingly it is considered that vegetation impact of the Planning Proposal would be essentially the same as under the currently provisions applying to the site.</p> <p>A detailed Fauna and Flora Assessment has been prepared (Appendix E) which describes the biodiversity values of the site and outlines measures to be taken to avoid, minimise and mitigate impacts to the vegetation and species habitat present.</p> <p>The report identifies the number of biodiversity credits that would need to be retired if the development proceeds as envisaged within the Planning Proposal. It is noted that the offset requirements are not required at the Planning Proposal stage and would be applicable at the Development Application stage. The same arrangements would be applicable to development of the site under the current planning controls.</p> <p>Notwithstanding the addition of the proposed pocket park and retention of the Tallow-wood tree under the revised design provides opportunities for an improved landscape setting.</p>	
49	Q8 - Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?	<p>The potential impacts of increased building height, bulk and density need to be elaborated on in this section of the Planning Proposal and a more detailed response provided as to why the site is suitable for increased building height.</p> <p>Further, other issues have not been addressed including biodiversity, contamination and overshadowing impacts etc.</p> <p>The consideration of traffic impacts also needs to be addressed in this section taking into account the recommendations made in the Transport and Traffic Impact Analysis (Appendix B) and the comments provided by</p>	<ul style="list-style-type: none"> <li>Amend description of potential impacts to include all impacts that have been specified in the report including reference to where addressed and included traffic, biodiversity, contamination and overshadowing impacts</li> <li>Amend Transport and Traffic Report to address matters raised by Council's</li> </ul>

		<p>Council's Strategic Traffic Engineer. The traffic report should be amended to address identified issues (refer referral advice undated) prior to exhibition including:</p> <ul style="list-style-type: none"> <li>• <i>The calculated traffic generations for the specialty retail uses in Table 7.2 appear not to be based on the relevant traffic generation rate in Table 7.1. This needs to be recalculated and updated in the table;</i></li> <li>• <i>For the AM peak hour traffic generation rate for retail uses noted in Table 7.1, the 50% reduction to the AM peak hour traffic generation rate appears to have been applied to the resulting traffic generations in Table 7.2. This needs to be recalculated and updated;</i></li> <li>• <i>The footnote to Table 7.2 suggests that the traffic generation from retail uses has been reduced by 20%, to allow for linked multiple-purpose trips as suggested in Transport for NSW/RMS guidelines. However, this discount appears to have not been applied to the weekday PM peak hour and Saturday peak hour traffic generations. This needs to be recalculated and updated;</i></li> <li>• <i>A link diagram, showing existing and future intersection movement counts, should be provided as part of Section 7.2, for transparency;</i></li> </ul> <p>Notwithstanding Council's Strategic Traffic Engineer has concluded that:</p> <ul style="list-style-type: none"> <li>• <i>The site has good access to public transport for new residents, and its location would provide them with access to a substantial number of jobs located in surrounding Strategic Centres and Health/Education precincts within 30 minutes by public transport, which is consistent with the North District Plan's Planning Priority N12;</i></li> <li>• <i>A relatively high proportion of workers in the Zone are from the Lindfield/Roseville area, and the majority of them use a car to access the workplace despite the typical distance to work being less than 4km for these workers. This has implications for provision of parking for staff of the retail and community uses, but also for targeting improved walkability, active transport and public transport, in order to reduce the demand on private vehicle use;</i></li> <li>• <i>There is a good selection of primary and secondary retail, basic health/medical, educational, leisure/recreational and community</i></li> </ul>	<p>Strategic Traffic Engineer prior to exhibition</p> <ul style="list-style-type: none"> <li>• Include description of traffic impacts consistent with Transport and Traffic Impact Analysis as updated</li> <li>• Undertake consultation with Transport for NSW as the roads authority for the Pacific Highway at the exhibition stage</li> </ul>
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		<p><i>cultural facilities within 5 minute walk of the site, which would contribute to the overall liveability and walkability of the site;</i></p> <ul style="list-style-type: none"> <li>• <i>Improving the place function of the streets adjacent to the site could be achieved through the implementation of high level strategies including traffic calming, improved pedestrian/bicycle access and priority and public domain improvements;</i></li> <li>• <i>The additional rail passenger demand generated by the proposal over the peak period is unlikely to cause (or significantly worsen) congestion at Lindfield Station, given there is spare capacity on rail services at Lindfield during the peak periods;</i></li> <li>• <i>Despite some short term bus stop capacity issues on Pacific Highway outside Lindfield station, the expected low demand for bus journeys to work during the peak period as a result of the proposal is unlikely to cause capacity at nearby bus stops. Similarly, given the low proportion of workers in the area using buses for their journey to work, the new workers are unlikely to cause capacity issues;</i></li> <li>• <i>There are some issues relating to traffic assignments and the results of the traffic modelling which incorporate upgrade proposals to intersections on Pacific Highway, particularly in relation to the proposed traffic signals on Pacific Highway at Beaconsfield Parade and Strickland Avenue. Since transport infrastructure upgrades on Pacific Highway are a critical component of the proposal and Transport for NSW is the roads authority for Pacific Highway, the issuing of a Gateway could be conditional on the applicant providing evidence of consultation with/in-principle concurrence from Transport for NSW regarding the matters relating to the state/arterial road network.</i></li> </ul> <p>It is therefore considered that the Planning Proposal is acceptable from a traffic and transport perspective. Consultation with Transport for NSW as the roads authority for the Pacific Highway should be undertaken at the exhibition stage.</p> <p>This section should include:</p> <ul style="list-style-type: none"> <li>• a summary of all issues</li> <li>• reference to where addressed if elsewhere in the report and</li> <li>• an assessment if not otherwise addressed in the Planning Proposal.</li> </ul>	
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49	Q9 - Has the Planning Proposal adequately addressed any social and economic effects?	<p>The Planning Proposal identifies the potential social and economic effects of the proposal, with reference to the potential benefits of increased supply of housing, revitalisation of the existing development and wider local centre, provision of employment and community facilities and services. A Benefits Statement and an Economic Impact Assessment (Appendix F) have been submitted which note that development consistent with the Planning Proposal will provide new employment opportunities and greater business investment in the Lindfield Local Centre and wider Ku-ring-gai area and will have a positive impact on the local economy. The benefits are summarised as:</p> <ul style="list-style-type: none"> <li>• Increased employment opportunities via additional commercial floor space;</li> <li>• Increased housing opportunities through increased residential accommodation floor space;</li> <li>• Increased and enhanced community infrastructure through improvements to the design and increases in the quantum of public open space; and</li> <li>• Delivery of the Lindfield village hub public infrastructure by Council through improved funding options.</li> </ul>	
<b>Section D – State and Commonwealth interests</b>			
51	Q10 - Is there adequate public infrastructure for the Planning Proposal?	The Planning Proposal adequately demonstrates that the existing public infrastructure is capable of accommodating the proposal.	
52	Q11 - What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	No consultation has been undertaken to date. However, the Planning Proposal identifies the State agencies that should be consulted – Roads and Maritime Services Office of Environment and Heritage, Transport for NSW, Sydney Water, Ausgrid and Energy Australia. This is to be confirmed through the Gateway determination.	
<b>Part 4 Mapping</b>			
54	Height of Building Map Proposed	<p>Map includes height on Woodford Lane and no set out lines to locate height zones</p> <p>Height zones entitled RL6, RL7 and RL8 – considered confusing as not RLs. Change to Area 'X', 'Y' and 'Z'</p>	<ul style="list-style-type: none"> <li>• Amend Height of Building map to the map provided at Page 40 of Urban Design Report which does not show height on Woodford Lane roadway and shows set out lines to locate different height zones.</li> <li>• Height zones entitled RL6, RL7 and RL8 – considered confusing as not RLs. Change to Area 'X', 'Y' and 'Z'</li> </ul>

	Additional Uses Map	Proposed Schedule 1 clause 29 amendment refers to an “Additional Permitted Uses Map” with land shown “1” – no map provided	<ul style="list-style-type: none"> <li>Provide Additional Permitted Uses Map as per recommended amendment to Schedule 1 clause 29</li> </ul>
<b>Part 5 Community Consultation</b>			
56	5.1 Public consultation	The description of the public consultation is extensive however it refers to the proposal as being low impact under the Department’s Guide to Preparing Local Environment Plans. It is considered that the proposal is not low impact. Notwithstanding appropriate consultation has been recommended.	<ul style="list-style-type: none"> <li>Delete reference to ‘low impact’ Planning Proposal</li> </ul>
<b>Part 6 Project Timeline</b>			
56-57	Project Timeline	Timeframes to be determined	<ul style="list-style-type: none"> <li>Dates to be included within the timeframe table when available.</li> </ul>

**PLANNING PROPOSAL – APPENDIX A – Urban Design Study**

PAGE	SECTION	COMMENT	RECOMMENDATION
All	All	Report has been superceeded by Urban Design - response to RFI dated 20 February 2020.	<ul style="list-style-type: none"> <li>Either include in exhibition or amend urban design report to include updated design.</li> </ul>
All	All	Report to be updated to reflect revised dwelling numbers and consistent with all other reports	<ul style="list-style-type: none"> <li>Report to be updated to reflect revised dwelling numbers and consistent with all other reports</li> </ul>
50	4.7 Indicative Access and Servicing Diagram	Includes reference to residential access off Woodford Lane – remove.	<ul style="list-style-type: none"> <li>Delete reference to residential access off Woodford Lane or make clear relates to pedestrian only.</li> </ul>
51	4.8 Indicative Movement Diagram	Movement through shops fronting Pacific Highway to Train Station unclear. Show through site connection.	<ul style="list-style-type: none"> <li>Amend to show through site connections.</li> </ul>
53	Potential Use Distribution	Illustrates form use distribution and building form. Residential use shown on Bent Street contrary to recommendation.	<ul style="list-style-type: none"> <li>Amend to illustrate amended design and location of active uses on corner of Bent Street and Drivers Way rather than residential.</li> </ul>
55-56	Future Height increases on Neighbouring Sites	Heading misleading.	<ul style="list-style-type: none"> <li>Amend to 'Possible' future height increases on Neighbouring Sites.</li> </ul>
57	Solar Access & Cross Ventilation	Out of date Current assessment not on building by building basis and does not include detailed assessment of both solar access to living rooms and POS and natural cross ventilation	<ul style="list-style-type: none"> <li>Update to include revised design which meets ADG requirements on a building by building basis</li> <li>Include 'Eye of the Sun' diagrams</li> <li>Include assessment tables for both solar access to living rooms and POS and natural cross ventilation</li> </ul>
62	5.1 Proposed LEP controls 1. Proposed height of Buildings Control	Figure out of date Review and update in accordance with Council's Urban Design Specialist's advice. Include appropriate set out on height map. Height not to include roadway of Woodford Lane	<ul style="list-style-type: none"> <li>Review and update in accordance with Council's Urban Design Specialist's advice. Include appropriate set out on height map.</li> </ul>
64	5.1 Proposed LEP controls 3. Proposed Floor Space Ratio Controls (Gross)	Approach not consistent with LEP Delete	<ul style="list-style-type: none"> <li>Delete Figure 86 – confusing</li> </ul>

65	5.1 Proposed LEP controls 3. Proposed Floor Space Ratio Controls (Alternative)	Amend to make clear proposed Floor Space Ratio control	<ul style="list-style-type: none"> <li>Amend to make clear proposed Floor Space Ratio control</li> </ul>
66	5. Basis of Proposed Floor Space Ratio	Delete gross site area Figure 99 as not supported Amend to refer to 8,142m2 retail/ <u>commercial</u>	<ul style="list-style-type: none"> <li>Delete gross site area Figure 99</li> <li>Amend to refer to 8,142m2 retail/<u>commercial</u></li> </ul>
67	5.2 Proposed DCP Controls	Add active frontage notation on Figure 90 on corner of Bent Street and Drovers Way consistent with recommendation of this report Include Legend	<ul style="list-style-type: none"> <li>Add active frontage notation on Figure 90 on corner of Bent Street and Drovers Way consistent with recommendation of this report</li> <li>Include Legend</li> </ul>
84	6.6 Comparison of Indicative Design to KLDCP Masterplan 6.5.1 Structure Plan	Update Figure 133: Indicative Design – Structure Plan Amend to include active frontage requirement on corner of Bent Street and Drovers Way	<ul style="list-style-type: none"> <li>Update Figure 133: Indicative Design – Structure Plan</li> <li>Amend to include active frontage requirement on corner of Bent Street and Drovers Way</li> </ul>
85	6.6.1 Access	Update Figure 135: Indicative Design – Structure Plan Access arrows for community hub and residential shown incorrect colours - correct and make clear pedestrian only access	<ul style="list-style-type: none"> <li>Update Figure 135: Indicative Design – Structure Plan</li> <li>Access arrows for community hub and residential shown incorrect colours - correct and make clear pedestrian only access</li> </ul>
86	6.6.2 Building Setbacks	Update Figure 137 : Indicative Design – Building Footprint & Setbacks No setbacks shown on Bent Street although calculated as deep soil Include appropriate setbacks on Bent Street to ensure street tree planting	<ul style="list-style-type: none"> <li>Update Figure 137 : Indicative Design – Building Footprint &amp; Setbacks</li> <li>Include appropriate setbacks on Bent Street to ensure street tree planting</li> </ul>
88	6.6.4 Active Frontage	Update Figure 141: Indicative Design – Active Frontage to show active frontage wrapping around from Bent Street to Drovers Lane Clarify levels that each plan relates to.	<ul style="list-style-type: none"> <li>Update Figure 141: Indicative Design – Active Frontage to show active frontage wrapping around from Bent Street to</li> </ul>

			<p>Drovers Lane</p> <ul style="list-style-type: none"> <li>• Clarify levels that each plan relates to</li> </ul>
89	6.6.5 Massing & Potential Use Distribution	<p>Difference between commercial and residential unclear                      Need to use standardised colours for land uses                      Amend land use fronting Bent Street to retail / commercial</p>	<ul style="list-style-type: none"> <li>• Difference between commercial and residential unclear</li> <li>• Need to use standardised colours for land uses</li> <li>• Amend land use fronting Bent Street to retail / commercial / community</li> </ul>

**PLANNING PROPOSAL – APPENDIX B – Transport and Traffic Impact Analysis**

PAGE	SECTION	COMMENT	RECOMMENDATION
All	All	Council’s Strategic Traffic Engineer has identified a number of issues / inconsistencies with the report as outlined above. Report should be updated and amended to address these prior to exhibition.	<ul style="list-style-type: none"> <li>Amend report in line with comments of Strategic Traffic Engineer</li> </ul>
All	All	Report assesses previous indicative design. Update to current design including dwelling numbers consistent with other reports.	<ul style="list-style-type: none"> <li>Update to assess revised indicative design including dwelling numbers consistent with other reports.</li> </ul>

**PLANNING PROPOSAL – APPENDIX C – Phase 1 and Phase 2 Contamination Reports**

PAGE	SECTION	COMMENT	RECOMMENDATION
		Phase 2 report identifies that Remediation Action Plan required to confirm that the site is suitable for the proposed use. The Planning Proposal includes a change of land use for part of the site and will allow residential development on land where it is currently not permissible. Accordingly a Remediation Action Plan should be prepared to confirm that the site can be made suitable for the proposed use prior to the Planning Proposal being referred for a Gateway determination.	<ul style="list-style-type: none"> <li>A remediation action plan is to be prepared that demonstrates that the land can be made suitable for the proposed residential use prior to the Planning Proposal being referred to the Department for a Gateway determination.</li> </ul>

**PLANNING PROPOSAL – APPENDIX D – Community Engagement Activity Summary**

PAGE	SECTION	COMMENT	RECOMMENDATION
		Noted	Nil

**PLANNING PROPOSAL – APPENDIX E – Flora and Fauna Report**

PAGE	SECTION	COMMENT	RECOMMENDATION
		Noted	Nil

**PLANNING PROPOSAL – APPENDIX F –Economic Impact Assessment and Benefits Statement**

PAGE	SECTION	COMMENT	RECOMMENDATION
4	1.2 Regional definition	Typos in first sentence – ‘this’ and ‘regional’ and title – Region definition	<ul style="list-style-type: none"> <li>• Correct typos</li> </ul>
		Both reports refer to benefits as result of additional retail floor space but Planning Proposal as amended only provides for a guaranteed 5,000m2 of retail floor space. Both reports need to be revised to address revised indicative design and scenario where only 5,000m2 of retail floor space is delivered.	<ul style="list-style-type: none"> <li>• Both reports to be revised to address revised indicative design and scenario where only 5,000m2 of retail floor space is delivered. This would also result in reduced residential development given proposed cap of FSR of 1.3:1.</li> </ul>

**PLANNING PROPOSAL – APPENDIX G – Draft Ku-ring-gai Local Centres DCP Part 14E (Amended as of 5 March 2020)**

PAGE	SECTION	COMMENT	RECOMMENDATION
Various	Various – re: Biodiversity	Council’s Manager Environment and Sustainability has recommended additional controls be included in the Draft DCP in relation to biodiversity.	<p>Draft DCP to be amended to include additional controls in relation to the following:</p> <ul style="list-style-type: none"> <li>• The creation of vegetative connectivity between the two parks on Bent Street (as shown in the reference scheme and site specific DCP), is a positive outcome. To ensure that this outcome is realised existing objective within the site specific DCP should be updated to address this desired future outcome.</li> <li>• New point - A community ‘pocket park’ to the north on Drovers Way. To include open space with deep soil planting consisting of locally native tree, shrub and</li> </ul>

			<p>understorey species, that reflect the relevant vegetation communities within the area; and is to exclude monocultures. This area may also include salvaged hollows or nest boxes.</p> <ul style="list-style-type: none"> <li>• New point - A community ‘pocket park’ to the south of Drovers Way. To protect existing significant Tallow-wood tree. Providing deep soil planting including locally native tree, shrub and understorey species (excluding monocultures).</li> <li>• Edit of point 3 (p 14-5) - “A community park on Bent Street of minimum 3,000m2 in size. It is to include a large open space with deep soil planting on the north eastern corner of the site fronting Bent Street and Woodford Lane, play space, and flexible open space.”</li> <li>• The street tree plantings controls proposed in Section 5.2 Figure 96 – 99 of the Urban Design Report are to be included in the DCP and amended to include the following additional control:             <ul style="list-style-type: none"> <li>○ To enable planting of large trees within public open space (where deep soil is restricted by basement car parking), use of tree pits / values or other engineered structures is required.</li> </ul> </li> </ul>
<p>Various</p>	<p>Various – Flooding, ESD and Water Management</p>	<p>Council’s Manager Environment and Sustainability has recommended additional controls be included in the Draft DCP in relation to Flooding, ESD and Water Management.</p>	<p>Draft DCP to be amended to include additional controls in relation to:</p> <ul style="list-style-type: none"> <li>• more specific objectives and clauses addressing water management, microclimate and Urban Heat Island effects. This may include consideration of a range of factors such as shade, material / colour selection, Water Sensitive Urban Design, promoting cross ventilation (air movement) through open spaces.</li> </ul>

			<ul style="list-style-type: none"> <li>Clarification of the need for Future Groundwater Management Plans and the proposed detailed design to consider the impact of altered groundwater upon the existing canopy adjoining the site (including Sydney Turpentine Ironbark Forest, critically endangered ecological community).</li> </ul>
14-17	14E12 Precinct L5 Lindfield Hub	Active use not shown on corner of Bent Street and Drovers Way	<ul style="list-style-type: none"> <li>Figure 14E.12-1 Lindfield hub structure to be amended to show active uses on Bent Street and wrapping around the corner of Bent Street and Drovers Way</li> </ul>
14-18	14E12 Access and Movement	Clause (2) does not currently include a provision requiring pedestrian access from Bent Street to the community building	<ul style="list-style-type: none"> <li>Include additional subclause '(viii) direct pedestrian access to the community building from Bent Street'</li> </ul>
14-19	Figure 14E.12- 2 Access	Does not currently include an arrow showing access to the community building from Bent Street Need to amend to distinguish between vehicular and pedestrian access (noting residential access from Woodford Lane South appears to be provided for vehicles)	<ul style="list-style-type: none"> <li>Amend Figure 14E.12-2 Access to include pedestrian community access arrow from Bent Street</li> <li>Amend Figure 14E.12-2 Access to distinguish between vehicular and pedestrian access</li> </ul>
14-20	14E.12- 4 Public Domain	Subclause (iv) currently refers to “- main park to be located at or near the level of Woodford Lane”. This wording does not ensure direct and accessible access from Woodford Lane which is a significant urban design outcome from the project. Amend to strengthen wording.	<ul style="list-style-type: none"> <li>Amend 14E.12-4(iv) to state ‘- main park to be located at or as close as possible to the level of Woodford Lane to ensure direct and accessible pedestrian access from the laneway for the full length of its frontage’.</li> </ul>
14-21	14E.12- 4 Public Domain	Subclause (vi) currently refers to “- new park and plaza with minimum area of 3,900m <sup>2</sup> with plaza to be largely open to the sky and .... This wording does not ensure the Plaza is not built over however it is noted that awnings may be required. Amend wording to strengthen as suggested.	<ul style="list-style-type: none"> <li>Amend 14E.12-4(vi) to state “- new park and plaza with minimum area of 3,900m<sup>2</sup> with park open to the sky and plaza open to the sky with the exception of awnings or the like where required for weather protection only.....’</li> </ul>
14-24	14E.12-8 Built Form	Subclause (vii) currently refers to “- the community facility is to provide active frontage to Bent Street and the community park”.	<ul style="list-style-type: none"> <li>Amend 14E.12-8(vii) to state ““- the community building is to be located at the</li> </ul>

		This should be strengthened to make clear the community building is to be located on the corner of Bent Street and Drovers Way with an active frontage and direct pedestrian connection to both Bent Street and the park. Amend wording to strengthen as suggested.	corner of Bent Street and Drovers Way and is to provide an active frontage and direct pedestrian connection to both Bent Street and the park”.
14-25	14E.12.11 Roads	Text and diagrams for Woodford Lane, Drovers Way and Bent Street are not consistent. Amend to ensure consistent.	<ul style="list-style-type: none"> <li>Amend 14E.12.11 in relation to roads ensure text and road sections are consistent and as agreed with Council.</li> </ul>
14-29	New – 14E.12.12 Travel Demand Management	Include new section requiring that travel demand management measures be implemented as part of any future development including a site specific travel plan, limiting parking provision, bicycle parking provision and the accommodation of ride-sharing and car sharing on-site.	<ul style="list-style-type: none"> <li>Include new provision 14E.12.12 Travel Demand Management that requires that travel demand management measures be implemented as part of any future development including a site specific travel plan, limiting parking provision, bicycle parking provision and the accommodation of ride-sharing and car sharing on-site.</li> </ul>

**PLANNING PROPOSAL – APPENDIX H – Copy of Council Resolution – 20 August 2019**

PAGE	SECTION	COMMENT	RECOMMENDATION
		Noted	Nil

# FOR ACTION

## ORDINARY MEETING OF COUNCIL – 28/04/2020

TO: Team Leader Urban Planning (Craig Wyse)

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**Subject:** OMC080- Assessment of Planning Proposal for Lindfield Village Hub Sites  
**Minute Number:** 80  
**Notes:**  
**File Reference:** S12268 2020/003889

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### Resolved:

(Moved: Councillors Clarke/Szatow)

- A. That the Planning Proposal to amend the planning controls that apply to the Lindfield Village Hub land at 1 Woodford Lane, 2-12 Bent Street, 1B Beaconsfield Parade, 19 Drovers Way, Drovers Way Road Reserve and Woodford Lane Lindfield be submitted to the Department of Planning, Industry and Environment for a Gateway Determination, subject to the amendments detailed in this report and Table of Assessment (**Attachment A1**).
- B. That should a Gateway Determination be issued for public exhibition of the Planning Proposal, site specific amendments to the Local Centres DCP as outlined in this report to be prepared and placed on public exhibition concurrent with the Planning Proposal.
- C. That Council note the advice of the Ku-ring-gai Local Planning Panel that it should enter into a Project Delivery Agreement (or the like) which includes a legally binding obligation imposed on the future Developer of the site to deliver the public benefits of the park, library, community and childcare centres at the first stage of development.
- D. That the residual portion of land at 12 Bent Street to the west of the proposed new road be excluded from the Planning Proposal site area. The proposed floor space ratio standards in the Planning Proposal be recalculated to take into account the reduced site area while still providing for the same gross floor areas proposed in the Planning Proposal.

**CARRIED UNANIMOUSLY**

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# FOR ACTION

## KU-RING-GAI LOCAL PLANNING PANEL – 6/04/2020

TO: Team Leader Urban Planning (Craig Wyse)

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**Subject:** KLPP11 - Planning Proposal - Lindfield Village Hub Site

**Minute Number:** KLPP11

**Notes:**

**File Reference:** S12268-3 2020/063161

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### The Panel Advised:

#### Decision

**A.** The Ku-ring-gai Local Planning Panel makes a recommendation to Council that the Planning Proposal be submitted to the Department of Planning, Industry and Environment for a Gateway Determination, subject to the amendments detailed in this report and Table of Assessment, and subject to the following amendments;

#### Lindfield Village Hub

The Local Planning Panel recommends:

1. Post Gateway approval but prior to the exhibition of the Planning Proposal, the Applicant is to provide evidence of the in-principle support of Transport for NSW.
2. Appendix 1– Table of Assessment P10: add:

Prior to the Planning Proposal being forwarded for a Gateway determination, Council (as the Applicant) is to provide assurance that it intends to enter into a Project Delivery Agreement (or the like) which includes a legally binding obligation to be imposed on the Developer to deliver the public benefits of the park, library, community and childcare centres at the first stage of development.

3. Page 462 of the report : Delete Clause 6.9(3) – Site Specific Height Exception Clause
4. Page 471 of the report : – Provide a Remediation Action Plan (RAP) prior to exhibition of the Planning Proposal.
5. Page 473 of the report :- Proposed Clause 6.9 be amended to impose a limit of a maximum FSR of 1.3:1 on residential uses (excluding affordable housing) on site notwithstanding the maximum permissible FSR of 2.21:1.
6. Draft DCP, Public Domain 4 – add additional provision as follows:
  - (vi) retain and protect the existing Tallowwood tree in the south of the site within the proposed pocket park to the west of Drovers Way

**B.** Should a Gateway Determination be issued for public exhibition of the Planning Proposal, site specific amendments to the Local Centres DCP as outlined in this advice report to be prepared and placed on public exhibition concurrent with the Planning Proposal.

**C. Date of the decision:** 6 April, 2020

**D. Reason for the decision:** To advise Council in making its decision on submitting the planning proposal to DPIE to Gateway determination. Specifically (the reason for each of the Panel recommendations listed in order);

1. To allow for Transport NSW to provide comment on the infrastructure in a timely manner.
2. To ensure the community facilities are delivered in the first stage of the development.
3. To provide a consistent definition of height across the LGA and avoid site specific definitions.
4. Phase 1 and Phase 2 contamination reports conclude that the site can be made suitable for the proposed uses. It is reasonable for a RAP to be provided prior to exhibition.
5. The residential FSR cap should not include affordable housing to provide an incentive to include affordable housing in this development.
6. To protect the significant tree on the site.

**E. How community views were taken into consideration:** The planning proposal was notified in accordance with the Council's Community Participation Plan and submissions made by members of the public were considered.

**Voting:** Townsend, Robinson and Flynn voted in favour (E Malicki removed herself from the determination of GB.3)

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