



## Planning and Assessment

IRF20/4631

### Gateway determination report

<b>LGA</b>	Ku-ring-gai
<b>PPA</b>	Ku-ring-gai Council
<b>NAME</b>	Lindfield Village Hub (153 homes, 141+ additional jobs)
<b>NUMBER</b>	PP-2020-866
<b>LEP TO BE AMENDED</b>	Ku-ring-gai Local Environmental Plan (Local Centres) 2012
<b>ADDRESS</b>	1 Woodford Lane, Lindfield 2, 4, 6, 8 10, 12 (part), Bent Street, Lindfield 1B Beaconsfield Parade, Lindfield 19 Drovers Way, Lindfield Drovers Way Road Reserve Woodford Lane Reserve
<b>DESCRIPTION</b>	Lot A DP 445535, Lot 9 DP 1090427, Lot 10 DP 3498, Lot 3 DP 667420, Lot 1 DP 724823, Lot 4 DP 1226294 & Lot 8 DP 1226294, Lot 7 DP 1226294 , Lot 2 DP 1226294 & Lot 5 DP 1226294, Lots 1-15 DP 1099330 & Lot 1 DP 1226294, Lot 6 DP 1226294
<b>RECEIVED</b>	31/07/2020
<b>FILE NO.</b>	IRF20/4631
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal. A meeting was held with the Support Lindfield Group (as detailed in section 1.6).

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal is to amend Ku-ring-gai Local Environmental Plan (Local Centres) 2012 to:

- increase the FSR from 1.3:1 to 2.31:1 (including a maximum residential component of 1.35:1);
- increase the maximum height limit from 26.5m to the following levels relative to Australian Height Datum (AHD) RL115.6, RL120.6 and RL127.5 across the site;
- insert an additional local provision under 'Lindfield Village Hub' to:

- Allow exceptions to the maximum height of buildings provision for the purposes of rooftop plant, lift overruns and rooftop communal open space;
- Place a limit on residential FSR to be 1.35:1, however allowing further residential accommodation above this FSR maximum for the purposes of affordable housing; and
- insert an additional permitted use to:
  - Allow residential flat buildings to be permissible with consent across the site

The proposal affects land at the following addresses (referred to as Lindfield Village Hub or the Site) in Table 1:

Address	Lot and DP
1 Woodford Lane, Lindfield	Lot A DP 445535
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 DP 1226294
12 Bent Street, Lindfield (part)	Lot 7 DP 1226294
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)
Woodford Lane	

Table 1: Addresses and Lot numbers of the Lindfield Village Hub site.

## 1.2 Site description

The site (**Figure 1**) is currently occupied by a Council owned at-grade car park, which slopes towards existing residential land to the south-west, as well as various residential lots along Bent street. The site is bounded by a service lane (Woodford Lane) along the eastern boundary, and two residential streets (Bent Street to the north and Beaconsfield Parade to the south) and forms part of the B2 Local Centre zone that is located along the Pacific Highway.



Figure 1: Site aerial – Lindfield Village Hub (Source: NearMap).

### 1.3 Existing planning controls

The site is 11,075m<sup>2</sup> in size and is zoned B2 Local Centre under Ku-ring-gai Local Environmental Plan (Local Centres) 2012, with a corresponding maximum height of building of 26.5m and Floor Space Ratio (FSR) of 1.3:1. It is noted that a small residential lot is zoned B2 Local Centre and R4 Low Density Residential. The R4 zoned land of this lot has been excised from this proposal, as shown in Figure 2 below.

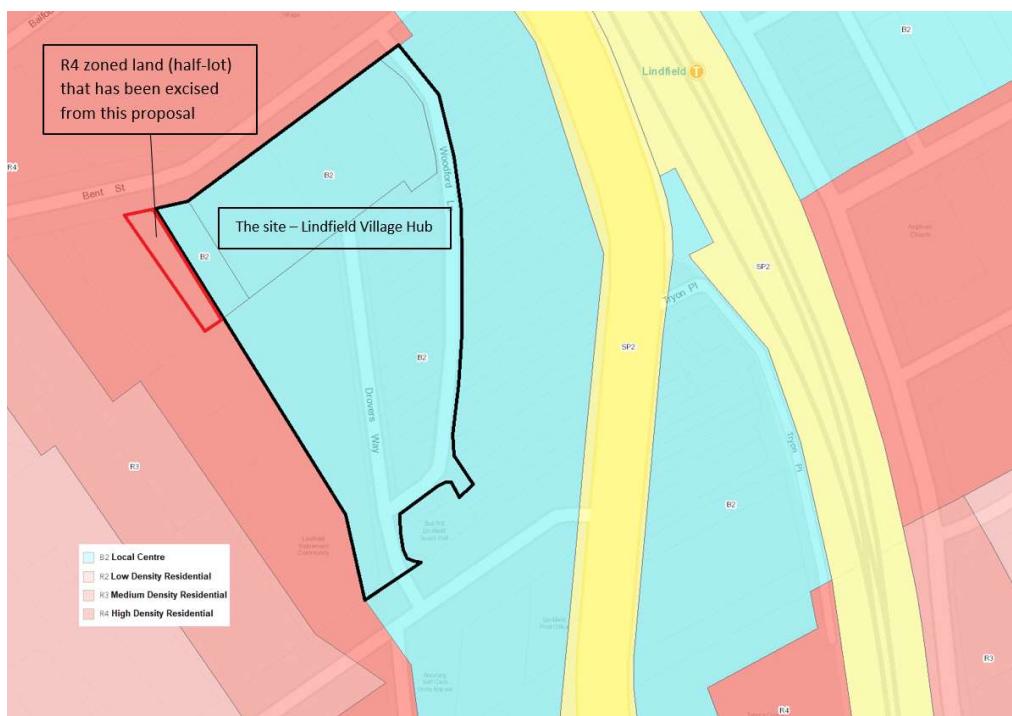


Figure 2: Land zoning – B2 Local Centre (NSW Planning Portal)

## 1.4 Surrounding area

The site is bounded by Bent Street to the north, Beaconsfield Parade to the south, Woodford Lane and Drovers Way turning into Woodford Lane lining the east boundary. A mix of low and medium density residential dwellings are to the west.

The wider locality is an established residential neighbourhood to the northwest, southwest, west, and to the east of the railway station, consisting predominantly of low-density residential dwellings. The site is located immediately adjacent to four residential properties along the western boundary.

The site is immediately surrounded by high density residential dwellings to the north and west and B2 Local Centre to the east where there are a number of specialty shops such as banks, real estate retail, food and beverage, pharmacy and post office. A scout hall is located immediately south of the site (**Figure 2**).



Figure 3: Surrounding locality, with the Pacific Highway and train line running through the centre of the image (Source: NearMap).

## 1.5 Summary of recommendation

The proposed development holds strategic merit, supporting the delivery of new housing and employment opportunities within walking distance of existing services and facilities, as well as Lindfield Station that connects the site.

It is recommended the planning proposal proceeds with conditions as explained throughout this report.

The Local Planning Panel supported the submission of the proposal to the Department for a Gateway determination, subject to various amendments to the proposal. The Local Planning Panel advice is contained at **Attachment D11**.

## 1.6 Additional Meetings

A meeting was held between the Department and the Support Lindfield Group on 27 August 2020 at the request of the group. It is noted the meeting involved the

Department listening to the Groups views and with the Department only providing feedback relating to the planning process.

## **2. PROPOSAL**

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### **2.1 Objectives or intended outcomes**

The primary objectives of the proposal are to amend Ku-ring-gai LEP (Local Centres) 2012 to facilitate the development of Lindfield Village Hub (the site). The proposed objectives are:

- To increase the maximum height limit from 26.5m to the following levels relative to Australian Height Datum (AHD) (i.e. RLs) RL115.6, RL120.6 and RL127.5 respectively;
- To increase the FSR from 1.3:1 to 2.31:1, including a maximum residential component of 1.35:1;
- To achieve the following floor space outcomes\*:
  - o Maximum total floor space across the site of 25,600m<sup>2</sup>
  - o Residential floor space in the order of 14,460m<sup>2</sup>;
  - o Minimum retail/commercial floor space of 5,000m<sup>2</sup>; and
  - o Minimum community floor space of 3,000m<sup>2</sup> (inclusive of a proposed childcare centre).
- To allow development for the purpose of residential flat buildings across the whole of the site;
- To allow exceptions to the maximum building height standard for the purpose of rooftop plant, lift overruns, and rooftop communal open space;
- To better provide for the orderly and economic development of the site;
- To enhance the public open space within the Lindfield local centre;
- To enable the delivery of the planned public infrastructure including multifaceted community facilities and public open space within the Lindfield Village Hub in accordance with Council's vision, in a cost-effective way;
- To provide for increased housing and jobs in a metropolitan significant centre with good access to public transport, services, and facilities;
- To contribute to the economy and provide additional employment opportunities for the community; and
- To ensure that development within the Ku-ring-gai LGA appropriately supports the objectives of planning policies and plans, namely Council's Community Strategic Plan, the Greater Sydney Regional Plan A Metropolis of Three Cities, and the North District Plan.

\*It is noted that the above floor space outcomes are indicative, and the intent of the proposal is not to dictate these calculations, but rather provide a general indication of floor space that can be provided across the site.



Figure 4: Preferred design scheme Urban Design Report)

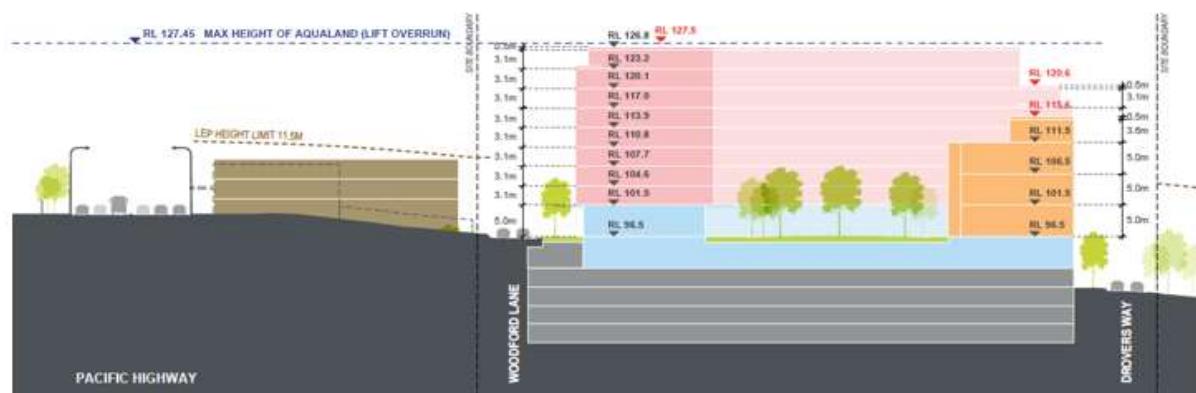


Figure 5: Preferred design elevations looking south-east (Urban Design Report).

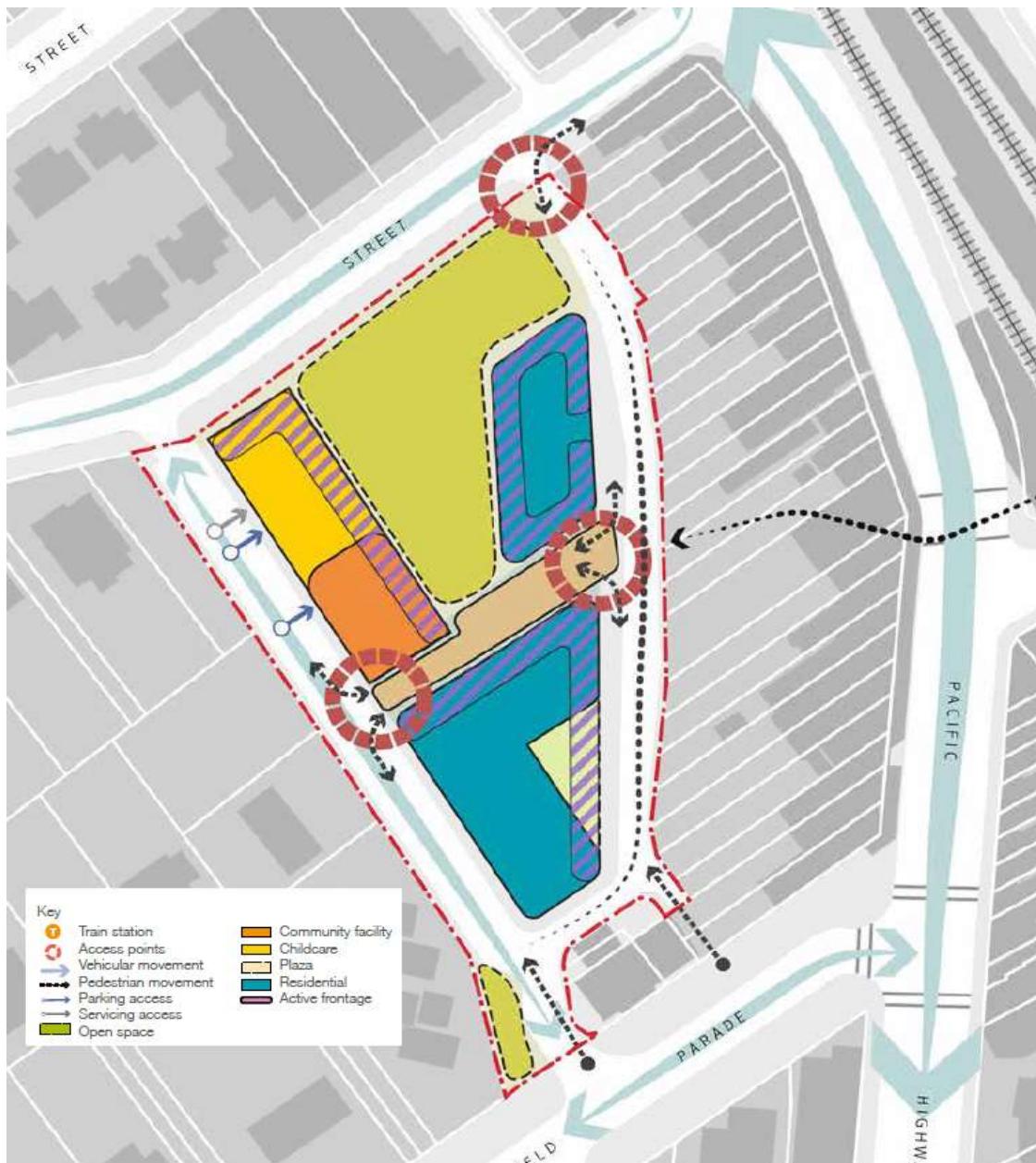


Figure 6: Proposed site layout (Urban Design Report)

## 2.2 Explanation of provisions

The proposal seeks to amend Ku-ring-gai Local Environmental Plan (Local Centres) 2012 as summarised in Table 2:

Provision	Current	Proposed
Height of Buildings	26.5m	RL115.6, RL120.6 and RL127.5 respectively to respond to the slope of the land
Floor Space Ratio	1.3:1	2.31:1 (including a maximum residential component of 1.35:1 – linked to the additional local provision explained below)
Additional Permitted Use	n/a	Insert an additional permitted use under Schedule 1 of the LEP to permit

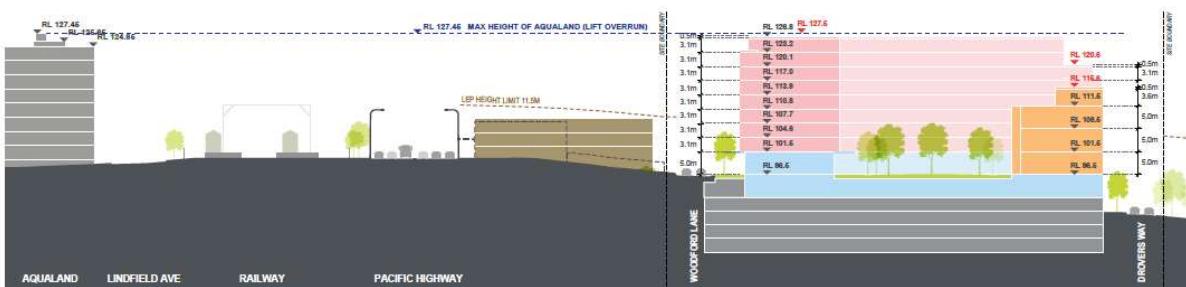
		Residential Flat Buildings across the site with development consent.
Additional Local Provision – Part 6	n/a	Allow structures to exceed the maximum height of building provision for minor structures (rooftop plant, lift overruns and/or rooftop open space)
Additional Local Provision – Part 6	n/a	Limit the floor space for residential uses to a total maximum FSR of 1.35.1 (exclusive of affordable housing)

Table 2: Existing and proposed planning controls.

The explanation of provisions are clear in terms of intent, however there are concerns about the justification of RL's and the Additional Local Provision to allow the maximum height of building to be exceeded. Both of these are examined further below:

### Height of buildings

The proposal intends to use RL's to set the maximum height of any buildings on the subject site to no higher than the tallest building in the local area which is 23-41 Lindfield Avenue (known as the Aqualand building), which has a height of RL127.45. This reflects a 20 August 2019 resolution of Council to limit the building height of the proposal to that of the Aqualand building and to be no more than 9 storeys (**Attachment D1**). The Urban Design Report at **Attachment C** provides the following section to illustrate the use of RL's set from the Aqualand building.



storeys that can be accommodated within this maximum height. This amendment is to be completed prior to exhibition of the planning proposal.

#### Additional Local Provision

As part of the proponent's urban design analysis it was shown that the significant fall of the site will result in the likelihood of communal open space, plant rooms and lift overruns being constructed above the maximum height of buildings.

To provide flexibility during the refinement of the development through the development assessment process, the proposal intends to introduce an Additional Local Provision in Part 6 of the LEP that will:

- Allow plant rooms, lift overruns and communal open space to be positioned on the rooftops above the maximum building height control where justified.

While the proposal attempts to justify the provision as it provides flexibility in the final design, the Department is not satisfied that this provision provides certainty for the community regarding the perceived height of the building, nor is there any adequate justification for this proposal to be granted such flexibility as compared to the standard approach applied other proposals.

Clause 4.6 Exceptions to Development Standards applies to all standard instrument LEP's and should be used where it is necessary to justify minor encroachments above the height of building development standard. A recommended condition of the Gateway determination is to remove this aspect of the Additional Local Provision from the proposal.

#### Affordable Housing

It is noted that Council has not prepared a State Environmental Planning Policy (SEPP) 70 - Affordable Housing Revised Scheme. However, residential accommodation above the proposed residential FSR of 1.35:1 is permissible if it is in the form of affordable housing. This provides an incentive for future development and allows unused commercial floor space to be converted to affordable housing.

Whilst the Department is supportive of this inclusion and notes more generally the potential significant community benefits proposed as part of this amendment, it is recommended that further details are required to explain how the affordable housing provision will work. For example; further details are needed in terms of what is considered unused commercial space (eg. what duration of time?).

In addition, as the proposal is introducing residential flat buildings as being permissible with consent throughout the site, further information is required to address the integrity of the site as a village hub that has active frontages and commercial spaces interacting with the public open space.

It is recommended that the proposal be updated with this detail prior to exhibition.

#### **2.3 Mapping**

The proposal contains amendments to the Height of Buildings Map (HOB\_015B), the Floor Space Ratio Map (FSR\_015B) and the Additional Permitted Uses Map, as shown in **Figure 4 and 5**. The supporting mapping information is considered adequate for community consultation purposes, subject to expressing maximum height of buildings in metres as already outlined above.



Figure 8: Existing height of building (26.5m) and proposed (various RL's) height of buildings map. The full distribution of the height of buildings for each lot is on page 10-11 of the Proponent's report.



Figure 9: Existing and proposed FSR map – 1.3:1 to 2.31:1.



Figure 10: Additional permitted uses map to allow residential flat buildings to be permissible with development consent across the site.

### **3. NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is a result of numerous studies and reports that have been undertaken as part of the plans for Lindfield local centre, as well as a Community Engagement Study (**Attachment D4**) which took place over a six-month period in 2018-2019. Strategic planning was undertaken in preparation for a planning proposal in 2016 on land identified as the Lindfield Community Hub, which led to the amendment of the KLEP (LC) 2012 in 2017 (PP\_2016\_KURIN\_005\_00). This proposal made amendments to the zoning, height of building and FSR controls to the Community Hub and removed land identified for land acquisition.

The proposal will contribute to delivering Council's housing targets in accordance with the North District Plan. The amendments to the height, FSR and additional permitted uses will allow for the delivery of increased economic activity, the introduction of a night-time economy, increased housing supply and choice and improved community facilities, all with good access to public transport, services and facilities.

In addition to providing more housing choice, the proposal intends to produce various community facilities like a commuter car-park, large public park in the north of the site, library, child-care centre, multipurpose community building and a public plaza. The proposal also intends to retain a small area of open space to protect and retain the significant Tallow-wood tree to the southern end of the site (**Figure 11**).



Figure 11: Proposed open space and landscape plan (indicative).

The proposal is considered to hold strategic merit and will assist in meeting the needs of the future and changing community.

## 4. STRATEGIC ASSESSMENT

### 4.1 North District Plan

The planning proposal identifies that the proposal will be consistent with the North District Plan, as it will facilitate an increase in housing supply and commercial land use while providing greater housing choice within the Ku-ring-gai local government area (LGA).

#### Planning Priority N1 – Planning for a city supported by infrastructure

The planning proposal would provide employment opportunities, retail facilities and residential accommodation adjacent to existing, well connected public transport services that link Lindfield to the Sydney CBD and other strategic centres across Greater Metropolitan Sydney.

**Department comment:** The proposal aligns land use planning and infrastructure planning in order to maximise the use of existing and connected infrastructure.

#### Planning Priority N3 – Providing services and social infrastructure to meet people's changing needs

The proposal seeks to utilise the existing services and infrastructure, such as schools, specialty shops and medical services. However, it is also envisaged that the Lindfield Village Hub will be the focus for community activity and social infrastructure, including a new library, community centre and public open space.

**Department comment:** The proposal will provide services and social infrastructure to meet the changing needs of the community and will optimise use of available public land for social purposes.

Planning Priority N4 – Fostering health, creative, culturally rich and socially connected communities

The proposal seeks to increase the intensity of land uses, resulting in greater site activation as the core of community activity, and increased employment and housing choices. Increased opportunities for walking or cycling to access the site's services.

**Department comment:** The proposal encourages a healthy and socially connected community through the provision of social infrastructure and public open space.

Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport

The proposal will facilitate residential accommodation within close walking distance to public transport, connecting Lindfield to Sydney's strategic centres. The increase in intensity of residential land use contributes to the North District's housing target of 92,000 dwellings in 2016-2036.

**Department comment:** The proposal is consistent with the objectives relating to greater housing supply with access to employment, services and community infrastructure.

Planning Priority N6 – Creating and renewing great places and local centres, and respecting the District's heritage

The proposal will improve the provision of open space at a strategically important local centre that is well connected by public transport and contributes to a 30-minute city. The site can accommodate an uplift in residential, commercial and community land uses that will have positive physical and economic impacts on Lindfield.

**Department comment:** The proposal is consistent with this Planning Priority as it will facilitate development of a local centre.

Planning Priority N12 – Delivery integrated land use and transport planning and a 30-minute city

The proposal will increase the percentage of dwellings located within 30 minutes of a strategic centre by public transport. It will increase the capacity of existing mixed land uses with access to existing transport services.

**Department comment:** The proposal aims to maximise the site's accessibility to employment centres within a 30-minute catchment and is consistent with this Planning Priority.

Planning Priority N16 – Protecting and enhancing bushland and biodiversity

The proposal includes the creation of a small pocket park in the south west corner of the site, centred around the retention of a significant Tallow-wood tree. It also provides increased opportunities for native vegetation plantings.

**Department comment:** The site is largely urban in nature, however the proposal aims to enhance biodiversity outcomes through the retention of a noteworthy Tallow-wood tree, as well as creating quality open space and landscaping.

Planning Priority N20 – Delivering high quality open space

The proposal seeks to increase the urban tree canopy by rationalising the levels of the main park and plaza, and by including the pocket park in the south west corner around the retained Tallow-wood tree.

**Department comment:** The proposal is consistent with the Planning Priority as it will enhance and provide more publicly accessible open space within the locality.

Planning Priority N21 – Reducing carbon emissions and managing energy, water and waste efficiently

Access to existing public transport services reduces reliance on private vehicles and therefore carbon emissions. The proposal accentuates locational benefits and ecologically sustainable advantages of the site.

**Department comment:** The site is close to public transport and aims to provide employment opportunities for local residents and is consistent with this Planning Priority.

## 4.2 Local

The Community Strategic Plan 2038 is the current strategic vision for the Ku-ring-gai LGA and focuses on providing:

- a safer and easier area to navigate;
- services, facilities and things to do for young and older people;
- improved centres with more daytime and night-time activities;
- high quality urban design for new development;
- increased housing choice;
- events and places to meet in order to bring the diverse community together;
- protection of the natural environment; and
- protection of heritage buildings and historic places.

The proposal is consistent with Council's vision for the area, particularly with regard to services and facilities for all ages, improved centres and increased housing choice.

Local Strategic Planning Statement

The planning proposal is consistent with the vision of the Local Strategic Planning Statement (LSPS), in particular supporting infrastructure, connected urban villages, unique landscape qualities, and a diverse local economy. The proposal is also consistent with the relevant Planning Priorities of the LSPS including providing well planned and sustainable local infrastructure to support growth and change; providing housing close to transport, services and facilities; providing a range of diverse housing; revitalising and growing a network of centres; facilitating mixed-use developments within the centres; promoting Lindfield as a thriving and diverse centre; managing change and growth while conserving Ku-ring-gai's unique character; providing a range of cultural, community and leisure facilities; and providing a range of open spaces to meet the community's changing needs.

### Ku-ring-gai Local Housing Strategy

Whilst the proposal outlines the intention of the LEP amendment to increase housing supply, there is a lack of commentary surrounding the proposal's alignment to Council's Draft Local Housing Strategy (LHS). It is recommended as a condition that the proposal be updated to provide commentary on the alignment with the Draft LHS, or the adopted LHS.

### Ku-ring-gai Development Control Plan (DCP)

The proposed Draft Ku-ring-gai DCP (Local Centres) 2012 is found at **Attachment D8**.

The Department requested further information from Council regarding images that indicate opportunities for new supermarkets (labelled L7) within R4 zoned land along the western boundary of the site (**Page 14-2 of the Draft DCP - Attachment D8**).

The response from Council has indicated that this is an error, and that the DCP will be updated along with this proposal to remove the 'Masterplan' reference applied to the site. While not a condition of the Gateway determination, it is anticipated that Council correct any errors within the DCP in a timely manner.

#### **4.3 Section 9.1 Ministerial Directions**

The proposal is consistent with the below relevant Ministerial Directions:

- 1.1 Business and Industrial Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 6.3 Site Specific Provisions

Directions under s9.1	Council's comment	Department's comment
1.1 Business and Industrial Zones	Consistent. The proposal will encourage employment growth within the Lindfield local centre and in close proximity to existing transport routes and residential accommodation.	The proposal is consistent with the objectives of this direction, as it will encourage employment growth within an accessible and well-connected centre through a mixed-use development and does not propose to rezone business zoned land.
2.6 Remediation of Contaminated Land	Phase 1 and 2 contamination investigations confirmed the site could be made suitable for future development in line with the planning proposal, subject to the implementation of the recommendations of Phase 2 and the provision of a Remediation Action Plan (RAP).	The proposal does not involve a change in zoning of the site – B2 Local Centre and R4 High Density Residential are being maintained. The recommendations of Phase 2 contamination investigations are to be put into effect and a RAP be prepared as part of the development assessment process.

3.4 Integrating Land Use and Transport	<p>Consistent. The site is located within an existing local centre with well-established road and rail public transport services. The proposal will encourage employment growth within a well-connected area, thus supporting a reduced reliance on private car usage. Additionally, the proposal supports a reduced need for travel by co-locating employment and residential uses.</p>	<p>The proposal is consistent with the objectives of this direction, as it improves access to housing, employment and services either by walking, cycling or using public transport. It also reduces the demand for car usage as the site is well connected by public transport services to other employment and strategic centres across Sydney.</p>
6.3 Site Specific Provisions	<p>Consistent. The proposal does not contain any restrictive site-specific planning controls.</p>	<p>The planning proposal suggests a site-specific provision – allowing residential flat buildings to apply to the whole of the site even though majority of the site is zoned B2 Local Centre, with most local centres having activated ground floors. The proposal is required to be updated to address and justify the inconsistency to the satisfaction of the Department.</p>

#### **4.5 State environmental planning policies (SEPPs)**

The proposal is generally consistent with all relevant SEPP's and deemed SEPP's. However, the Proposal specifically addresses the following:

##### SEPP 55 – Remediation of Land

Investigations found various soil samples in exceedance of given ecological criteria, however, it is not considered that the metal impacts identified at the site are significant enough to justify remediation in the context of the proposed use (B2 Local Centre and R4 High Density Residential). In any case, further investigations and the preparation of a remediation action plan are required prior to the lodgement of a development application. This issue is discussed further in Section 5.2 below.

##### SEPP 19 – Bushland in Urban Areas

The proposal is potentially consistent with SEPP 19 Bushland in Urban Areas; however, any impacts would need to be addressed as part of any future development application on the site, as existing vegetation will be impacted.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

The Proposal intends to improve the quality, choice and convenience of new and expanded services within the locality and provide the option for residents and workers of the area to walk or cycle to the site. The proposal will also facilitate the provision of community and social infrastructure, such as the library and community facility, to meet the changing needs of the area.

The proposal will enhance the quality of open space by levelling of the main park and plaza and the retention of the Tallow-wood tree within a small pocket park.

#### Open Space

The proposal intends to create quality open space through the proposed park and playground and plaza. This is also reflected in the draft DCP (**Attachment D8**).

Given the significance of the amenity that the proposal intends to produce, it is reasonable to have this captured in the LEP as a provision under Part 6 – Additional Local Provisions.

The 20 August 2019 Council resolution (**Attachment D1**) indicates a minimum area of 3000m<sup>2</sup> for the local park and 900m<sup>2</sup> for the plaza.

It is recommended as a condition of the Gateway determination to include the provision of a prescribed minimum amount (m<sup>2</sup>) open space for the site for public certainty and transparency.

#### Community Facility and Library

The Council resolution also states that the proposal will include a library of 1250m<sup>2</sup> and a community facility of 1200m<sup>2</sup>. While not conditioned as part of the Gateway determination, the proposal should clearly prescribe these intended minimum floor areas within the planning proposal document.

### **5.2 Environmental**

The key environmental effects include traffic and transport, biodiversity, contamination and overshadowing. The potential environmental impacts will be managed through the provisions of the site-specific Development Control Plan and the provisions of Part 22 (General Building Design and Sustainability) of the Ku-ring-gai Local Centres DCP.

#### Biodiversity

The majority of the site is used as a car park with limited vegetation in a highly modified urban area. The proposal will result in direct impacts to the site's biodiversity; however, these impacts would also occur from development under the existing planning controls.

The Flora and Fauna Report, prepared by EcoLogical, states that the proposal will remove 0.29ha of Sydney Turpentine Ironbark Forest (STIF) which is in a disturbed and modified condition, and also represents 0.45% of the mapped STIF extent within a 1500m radius. The report also states that the removal will not result in the overall decline of the condition of STIF remaining in the locality (**Attachment D5**).

It is noted that among the various community enhancements that the proposal is looking to introduce, the proposed park is in direct response to the existing ecological value, and the importance of retaining the significant Tallow-wood tree as a community asset. In any case, further assessment of vegetation is required through the development assessment process.

### Contamination

The site is zoned B2 Local Centre and R4 High Density and no changes to the zoning are proposed. A Phase 1 Preliminary Site Investigation (prepared by ADE Consulting) confirmed the site could be made suitable for future development in line with the planning proposal, subject to the implementation of the recommendations of Phase 2 and the provision of a Remediation Action Plan (RAP). The Phase 1 report recommends that prior to demolition that a Hazardous Materials Survey be undertaken, and that the site would be subject to a groundwater assessment and the development of a RAP. (**Attachment D2**).

A Phase 2 Groundwater Investigation (prepared by GHD) has also been carried out, with a recommendation of preparing a Construction Environmental Management Plan (CEMP) to manage soils and groundwater. Further examination of asbestos was also recommended during site clearance although the report also mentioned that it is unlikely that the asbestos present would pose unacceptable to current site users prior to redevelopment. The Phase 2 report did not consider that a remediation action plan was required (**Attachment D3**).

In any case, the issue of contamination is best resolved in more detail through the development assessment process, noting the above investigative work already undertaken.

### Overshadowing and bulk and scale

The Urban Design Report demonstrates that the overshadowing caused by the future development will be acceptable when considered over the course of the day at the winter solstice. Properties to the west of the site will experience the greatest impact but will be free of overshadowing by 12pm or 1pm and will receive a minimum of 2 hours solar access (**Attachment C**).



Figure 12: Solar access diagrams showing the extent of shadowing on residential dwellings to the west.

Further consideration of the extent of overshadowing on properties to the west should be undertaken during the development assessment process, noting that the current maximum height of buildings is 17.5m in the R4 High Density Residential Zone immediately west, and that there are several existing single detached dwellings in this area.

In addition, the southern tower along Drovers Way should consider a reduction in height, or increased setback to upper floors. This should alleviate the imposing bulk and scale and the overlooking/overshadowing issues and is a recommended condition of the Gateway determination. It is also recommended that the proposal be forwarded to the Government Architects office during the consultation period, for comments on the preferred design scheme.

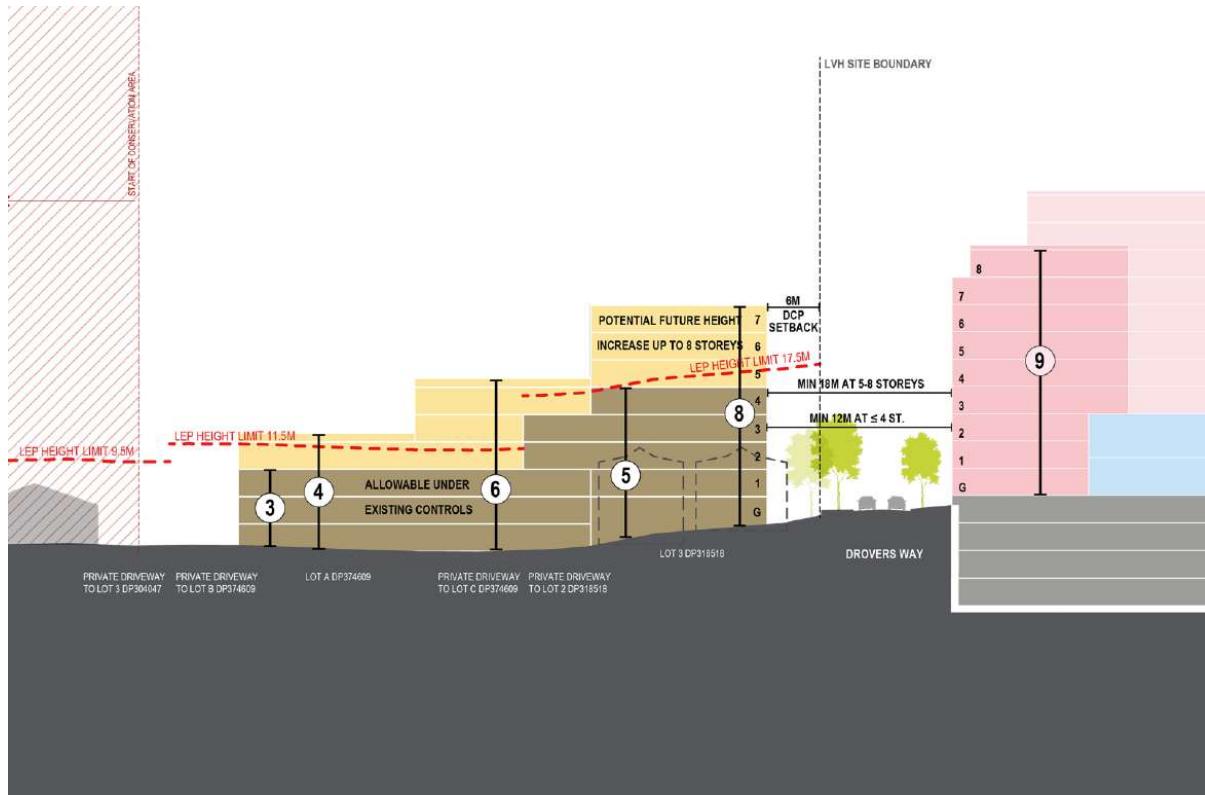


Figure 13: Elevations looking north-west showing the interaction between the proposed towers (shaded pink), existing dwellings (hatched outline) separated by Drovers Way and also indicating the existing height limit controls (red dashed line) (Urban Design Report page 55).

## Design

It is noted that the Urban Design Report (**Attachment A**) shows a car parking level above ground level (see **Figure 14** below). Refinement of the design through the development assessment process should seek to reduce the associated impact on amenity through sensitive design and appropriate screening.

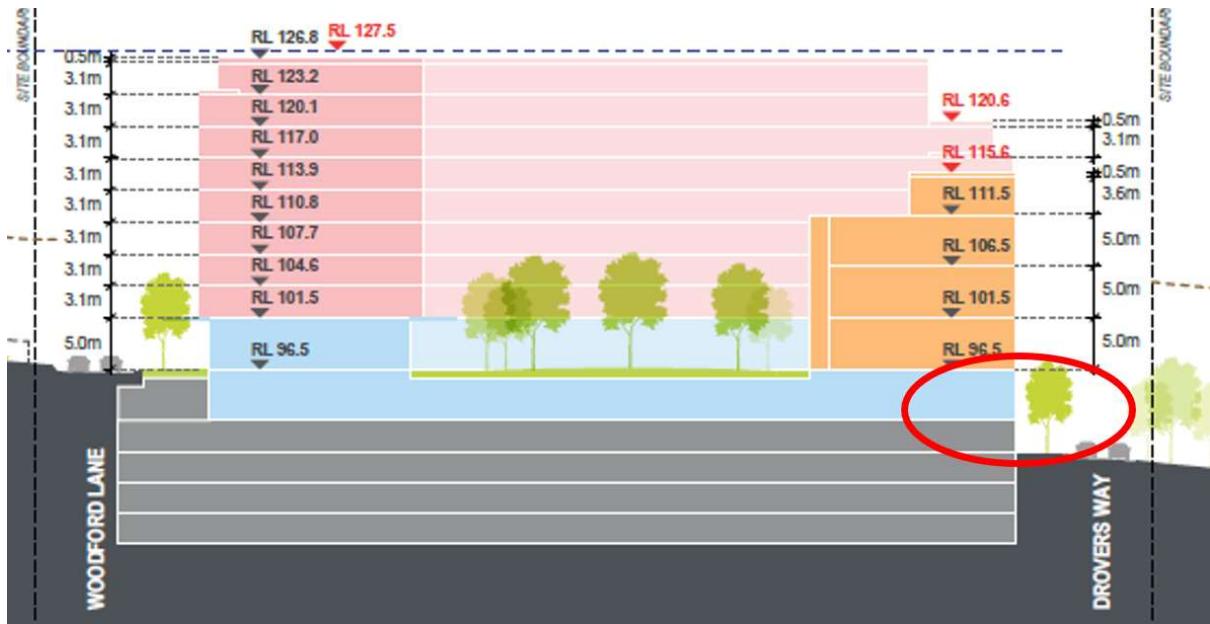


Figure 14: Elevations looking south-east

### 5.3 Economic

The increased commercial floor space (estimated at an additional 3500m<sup>2</sup> above the existing controls) and community infrastructure (public open space, library, community facility) will increase economic activity within the B2 Local Centre including greater employment opportunities and business investment, resulting in a positive impact on the local economy. The 'Benefits of Lindfield Village Hub' (**Attachment D6**) prepared by SGS Economics and Planning, lists the various public benefits that each community aspect will provide, including:

- Access to services and programs through the library
- Complement education institutions through the library
- Workforce engagement and opportunity
- Early childhood development through the proposed child-care facility
- Reduced travel time for future residents; and
- Improved housing choice

The Economic Impact Assessment, prepared by SGS Economics, states that the proposal includes the creation of 127 construction jobs and an estimated 141 ongoing additional operational (retail/service/office) jobs (**Attachment D7**), many of which have the potential to be filled by local residents via walking, cycling or public transport. The report also suggests that there will be approximately 442 new residents within the Lindfield Village Hub. The increased residential population will also positively boost the local economy of new and existing retail and services.

#### Traffic and transport

The site has access to existing public transport and therefore access to other employment centres, contributing to a 30-minute city consistent with the North District Plan. The site is within walking distance of retail, health, educational, recreational and community facilities, contributing to the site's walkability. The additional residents will not result in congestion at the station as there is still capacity

on rail services during the peak. Congestion at bus stops is expected to be limited due to expected low demand of bus services.

The Transport Impact Assessment (TIA) (**Attachment D9**), prepared by WSP, indicated that the following road network changes are necessary to support the future growth around the Lindfield Village Hub and Lindfield;

- Upgrades to the intersection of the Pacific Highway, Balfour Street and Havilah Road;
- New signals at the intersection of the Pacific Highway and Beaconsfield Parade;
- New signals at the intersection of the Pacific Highway and Strickland Avenue;
- Upgrades to the existing signalised intersection at the Pacific Highway and Grosvenor Road
- Bent Lane to be one-way southbound; and
- Traffic signal improvements along Lindfield Avenue on the eastern side of the Lindfield Local Centre.



Figure 15: Notable streets that may require future works/upgrades (NearMap)

It is recommended as a Gateway condition that Council obtain in-principle agreement to the required upgrades proposed and referred to in the TIA, including clarification of what is required as part of this proposal and what is ongoing works outside the scope of this proposal and development. Evidence of this is required to be submitted prior to endorsement for public exhibition.

## Commuter Carpark

At the request of the Department, additional information was provided by Council on 7 December 2020 concerning commuter car parking including clarification of the site's contribution to the intended total of 240 commuter car spaces across Lindfield (**Attachment F**). It was indicated TfNSW has been in communication with Council regarding its ongoing commitment to this project (**Attachment D10**). The proposal is required to be updated to include this information and clarification of the number of commuter car spaces that will be provided as part of the proposal in relation to any parking agreements relating to Lindfield local centre as a whole.

## Infrastructure – Pedestrian bridge

At the request of the Department, Council provided information on 7 December 2020, regarding the potential for a pedestrian bridge over the Pacific Highway. Council has since advised that the cost of a potential bridge is unfunded, and also that lack of practicality surrounding a pedestrian bridge meant that it is not a part of the preferred transport scheme.

## **6. CONSULTATION**

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### **6.1 Community**

28 days is considered a satisfactory time for community engagement and response. This has been recommended as a Gateway condition.

### **6.2 Agencies**

Council is required to consult with:

- Transport for NSW;
- Government Architect NSW;
- Sydney Water;
- Relevant energy and telecommunications authority

## **7. TIME FRAME**

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Council has recommended a 7-month timeframe; however, given the scale of the proposal, and the required amendments, 12 months for the Plan to be made is considered appropriate and is provided as a recommended condition. A condition to update the project timeline is also recommended to align with the proposed 12-month timeline from when the Gateway determination has been issued.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has not requested to be the local plan-making authority due to the proposal involving Council owned land. Council is required to submit the proposal for finalisation by the Department within the time frame above.

## **9. CONCLUSION**

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Subject to the conditions of a Gateway determination, the planning proposal has merit and is supported to proceed with conditions as it will:

- contribute to meeting the housing needs of the North District;
- provide additional housing choice and supply in a well-connected area with access to existing public transport, retail and community services;

- provide additional employment opportunities within a locally strategic centre; and
- promote community activity through the provision of additional community infrastructure, such as public open space and community facilities.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. Note that the consistency with section 9.1 Directions 6.3 – Site Specific Provisions is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is required to amend and update the planning proposal and Urban Design Report to:
  - (a) Indicate the maximum height of building in metres for each tower in the planning controls rather than the use of RL's, as well as to translate and indicate what is the maximum storey heights that can be accommodated within the building heights;
  - (b) Amend the south west tower reference scheme and planning controls to provide a more sympathetic transition to the surrounding existing lower density residential dwellings. This may include a reduction in building height and/or more appropriate setbacks to address bulk and scale issues for upper levels;
  - (c) Provide further commentary on the alignment of the proposal with the Draft Local Housing Strategy or the adopted Local Housing Strategy;
  - (d) Clearly indicate, in the proposal report, the quantity of commuter carparking spaces to be provided on-site, in relation to commuter car parking for the Lindfield local centre as a whole and how this relates to any commuter carparking agreements;
  - (e) Obtain written feedback and seek in principle agreement from Transport for NSW regarding the proposed works listed in the Transport Impact Assessment by WSP, as well as further refining the planning proposal (if necessary) as a result of these discussions;
  - (f) Clearly explain Council's intention to allow affordable housing above the maximum FSR of 1.35:1 and to allow the conversion of any unused commercial/retail floor areas to residential accommodation in the form of affordable housing. The report is to detail what is defined as 'unused floor area'. Clearly explain what quantum of affordable housing is expected to be provided as part of this proposal and to explore if and/or how any level of certainty can be ensured;
  - (g) Remove the additional local provision that allows any exceedance of the maximum height of building;
  - (h) Prescribe a minimum site area ( $m^2$ ) in the Additional Local Provisions for the public open space area (the plaza, public lawn and playground etc.) and ;
  - (i) Consider including a minimum deep soil control for the site in the DCP to allow for adequate deep-soil tree planting across the site and amend

- the design reference scheme to ensure there is no basement car parking under the Woodford Lane road reserve.
- (j) In response to any design amendments or related changes to the proposal as a result of the above conditions, the Gross Floor Area and Floor Space Ratio calculations are to be updated and presented to the Department for review.
2. Council is required to submit the amended proposal as a result of Condition 1 above (including the amended Urban Design Report and associated attachments) for endorsement by the Department prior to public exhibition.
  3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows.
    - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
    - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
  4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act:
    - Transport for NSW – Sydney Trains;
    - Transport for NSW
    - Government Architect NSW
    - Sydney Water;
    - Relevant energy and telecommunications authority
  - Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
  5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
  6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Given the site is in Council ownership, Council should not be authorised to be the local plan-making authority to make this plan.



**22 Jan 2021**

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North District**

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Acting Director,  
North District**

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Attachments

<b>Attachment</b>	<b>Title</b>
A	Planning Proposal Report
B	Gateway determination
C	Urban Design Report
D1	Council Resolution 20 Aug 2019
D2	Phase 1 Contamination Report
D3	Phase 2 Contamination Report
D4	Community Engagement Activity
D5	Flora and Fauna Report
D6	Benefits of LVH Report
D7	Economic Impact Assessment
D8	Proposed Draft KDCP
D9	Traffic Impact Assessment
D10	TfNSW Response to KMC re: LVH
D11	KLPP Advice