



Planning,  
Industry &  
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# Pre-exhibition Endorsement Report – PP-2020-866

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# 1 Introduction

## 1.1 Overview

### The proposal

The planning proposal originally submitted by Council on 31 July 2020 which sought to amend Kuring-gai Local Environmental Plan (Local Centres) 2012 for the land identified in **Table 1** and is referred to as Lindfield Village Hub (**Figure 1**) 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;
- introduce 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;
  - introduce an additional permitted use to allow residential flat buildings to be permissible with consent across the site; and
- place a limit on residential FSR of 1.35:1 however allowing further residential accommodation above this FSR for the purposes of affordable housing, although must not exceed the maximum FSR for the site of 2.31:1.

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.

### Site description

The site is located within the Lindfield Local Centre to the west of the Pacific Highway (**Figure 2**). It is situated approximately 75 metres west of the Lindfield Train Station and has an area of 1.1075 hectares. The site is bound by Bent Street to the north, Beaconsfield Parade to the south and Drovers Way, which turns into Woodford Lane to the east. There are four residential properties along the western boundary of the site.



The site consists of 27 parcels of land, including Woodford Lane and the closed portions of Drovers Way. It is surrounded by R4 High Density Residential zoned land to the north and west and B2 Local Centres zoned land to the east. The site is currently zoned B2 – Local Centre under Ku-ring-gai LEP 2012, with KLEP (Local Centres) 2012 now repealed (**Figure 3**). The proposal does not involve amendments to the existing land zoning.

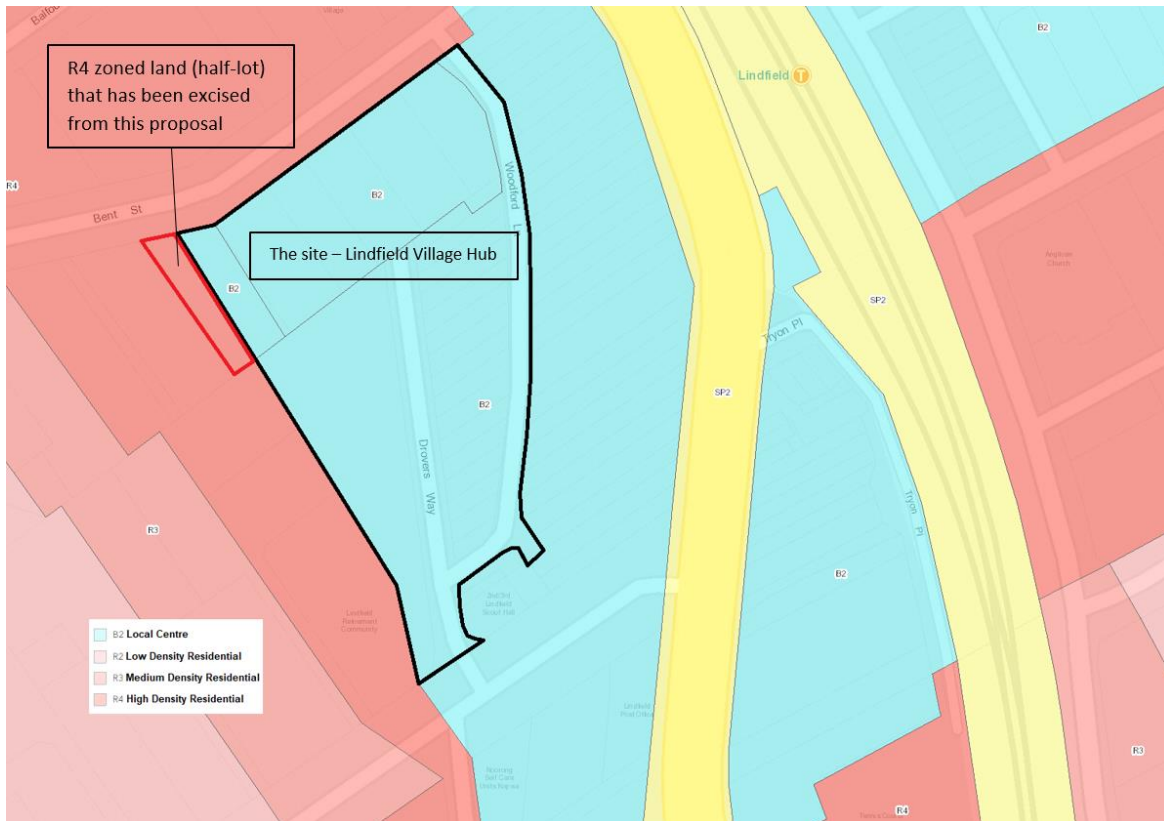


**Figure 1:** Subject site (site outlined in red)



**Figure 2:** Site context and surrounding area.





**Figure 3:** Land zoning map indicating existing zoning of site is B2 Local Centre (Source: planning proposal)

## 2 Gateway determination conditions

The Gateway determination issued on 22 January 2021 (**Attachment A**) determined the proposal should proceed subject to conditions, including the requirement that specific additional information is to be considered and various revisions required to the proposal prior to requesting endorsement from the Department for public exhibition.

## 3 Assessment of revised planning proposal

### 3.1 Assessment

Council submitted an amended planning proposal (**Attachment C**) on 27 May 2021 along with additional documentation (**Attachments C1- C10**) to satisfy the Gateway determination conditions and requested endorsement of the proposal to proceed to public exhibition. An assessment of each condition is provided below:

**Condition 1(a) – indicate the maximum height of building in metres for each tower in the planning controls rather than the use of RL's and indicate what is the maximum storey heights that can be accommodated within the building heights**

The proposal and urban design report (**Attachment C1**) have been updated to indicate maximum height of buildings in metres (ie. 29.5m, 31.5m and 37m) in the Height of Building Map (**Figure 4**), instead of the use of R/Ls. The proposed maximum storey heights (ie. 5 to 6 and 9 storeys) applying to the maximum building heights is indicated in the Proposal Report and the Urban Design Report.

Department Comment:

This condition has been met as the proposal has been updated to prescribe the proposed maximum height in metres (refer **Figure 4**), as opposed to the use of R/Ls. The Urban Design report indicates the corresponding maximum storey heights.



Figure 4: Indicative height of building map (Source: Urban Design Report)

**Condition 1(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**

The proposal expands upon the justification of the relationship and transition of the buildings stepping down the site towards the site boundary and the adjoining R4 high density residential land to the west to minimise visual bulk and scale impacts. The proposal also justifies the 21m separation (15m road reserve and 6m setback) in relation to the proposed building height envelopes and the impacts on the adjoining R4 zoned land as being acceptable.

The urban design report justifies that the additional overshadowing within an existing B4 zoned context and existing height of building control of 26.5m is considered minimal.

Department Comment:

The proposed approach of building height transitions stepping down the site to reduce visual bulk and scale combined with the proposed setback separations and the impacts on the adjoining R4 zoned land to the west is generally acceptable for a rezoning proposal.

A more detailed assessment of the bulk and scale and the overshadowing and solar impacts to the adjoining properties based on a detailed design will be necessary through the development assessment process.

Based on the justification provided no further reference scheme amendments are required prior to exhibition and therefore this condition has been satisfied.

**Condition 1(c) – provide further commentary on the alignment of the proposal with the adopted Local Housing Strategy**

The proposal has been amended to include commentary on the alignment with Ku-ring-gai Council's Draft Local Housing Strategy (LHS). This indicates that this proposal forms part of Council's ability to provide housing through a residual capacity. Council's draft LHS identifies a residual capacity in Council's existing planning controls of approximately 2,770 dwellings, with an additional 217 currently in the planning pipeline. The indicative urban design scheme proposes 153 dwellings, which are part of the residual capacity pipeline specified in the LHS.

Department Comment:

The proposal has been amended to include commentary on the alignment of the proposal with the Local Housing Strategy and therefore this condition has been satisfied.

**Condition 1(d) – clearly indicate 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**

The updated proposal provides additional information regarding the TfNSW commitment for 240 commuter car spaces in Lindfield. This total includes the Lindfield Village Hub maintaining the existing 135 commuter carparking spaces at the site. The proposal also states that the outstanding 105 commuter car parking spaces committed for Lindfield are being provided through the Lindfield Village Green development, which is due for completion in late 2021.

Department comment:

The updated proposal satisfies the condition by providing additional information and clarification on the commuter car parking spaces proposed on the subject site in relation to the total commuter carparking spaces committed across the Lindfield local centre.

**Condition 1(e) – obtain written feedback and seek in principle agreement from TfNSW regarding the proposed works listed in the Transport Impact Assessment by WSP**

Council has sought in-principle agreement from TfNSW and obtained written feedback from TfNSW on 18 June 2021 (**Attachment D**) regarding the proposed works listed in the Transport Impact Assessment (TIA).

The TfNSW response includes detailed comments, technical requirements and matters for further investigation relating to the traffic and pedestrian initiatives proposed in the TIA for Council's consideration. The response also indicates TfNSW is still investigating the feasibility of the proposed relocation (15 metres to the north) of the Pacific Highway at grade signalised pedestrian



crossing (adjacent to Tyron Place) which impacts the TfNSW view on whether a grade separated pedestrian bridge over the Pacific Highway is required.

TfNSW have subsequently further communicated with Council in early July 2021 indicating support to moving the signalised pedestrian crossing on Pacific Highway by 15 metres to the north and that this along with the proposed additional traffic signals at Beaconsfield Parade would negate any need for a grade separated pedestrian bridge over the Pacific Highway.

In addition, TfNSW have confirmed their in-principal approval of the upgrades and modifications proposed in the planning proposal TIA, subject to the comments and requirements outlined in the written response.

Department comment:

This condition has been satisfied as Council and has received written feedback (**Attachment C11**) and has sought and received in-principal agreement from TfNSW.

Many of the comments in the TfNSW written feedback relate to further investigation and traffic modelling and specific processes and requirements for the proposed traffic infrastructure upgrades that will be required as part of the future development application stage.

In addition, TfNSW has since confirmed their in-principal approval of the upgrades and modifications proposed in the planning proposal TIA, subject to the comments and requirements outlined in the TfNSW 18 June 2021 written feedback and subsequent communications with Council.

**Condition 1(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 proposal has been updated to provide a further clarification regarding the intentions of the affordable housing provisions for the subject site. The proposal contains a proposed site-specific clause that limits the floor space ratio for residential purposes to 1.35:1. Any residential floor space above this FSR can only be for the purposes of affordable housing and must not exceed the maximum FSR for the site of 2.31:1.

Department Comment:

The additional explanation provided in the amended proposal regarding Councils intentions for affordable housing satisfies this condition.

As Council is yet to establish a SEPP 70 Affordable Housing Scheme there is no specific affordable housing target that needs to be complied with. Further analysis of the capacity of the site to provide specific quantities of affordable housing should be considered through the development assessment process.

**Condition 1(g) – remove the additional local provision that allows any exceedance of the maximum height of building**

The proposed additional local provision relating to the exceedance of the maximum height of building has been removed from the amended proposal.

Department comment:

This condition has been addressed as this proposed additional local provision has been removed from the proposal.

**Condition 1(h) – prescribe a minimum site area in the Additional Local Provisions for the public open space area (the plaza, public lawn and playground etc.)**

The amended proposal includes prescribing the public amenity site area requirements through an additional local provision. The proposed provision prescribes the following minimum site areas:

- a community park with an area of 3,000m<sup>2</sup>;
- a civic plaza with an area of 900m<sup>2</sup>; and
- community facilities with a total area of 3,000m<sup>2</sup>, including a library with an area of 1,250m<sup>2</sup>, a community facility building/s with an area of 1,200m<sup>2</sup> and a childcare centre with an area of 550m<sup>2</sup>.

Department comment:

The proposal has been amended to detail and prescribe the minimum area size for the public facilities proposed, and therefore this condition has been met.

The proposal should also be further updated, prior to exhibition, to remove the proposed written clause and replace with a plain English explanation of the intention of the additional local provision. This is a standard approach to amending clauses within an LEP. This has been communicated to Council through the draft Letter to Council (**Attachment B**).

**Condition 1(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**

The amended draft DCP (**Attachment C2**) indicates that deep soil planting will be in accordance with the Apartment Design Guide (ADG) design criteria and design guidelines.

Department Comment:

The amended proposal satisfies this condition as it contains sufficient information to inform appropriate deep-soil outcomes in accordance with the ADG. Further assessment of such outcomes will be required through the development application process.

**Condition 1(j) – in response to any design amendments or related changes to the proposal as a result of the above conditions, update the GFA and FSR calculations for review**

The changes made to the amended proposal have not impacted the FSR or GFA calculations and therefore do not necessitate any changes to FSR or GFA.

Department Comment:

This condition has been satisfied as the FSR and GFA calculations for the proposal did not require updating as they were not impacted by any design changes.

It is noted that building heights proposed in the amended proposal have been increased approximately 0.5m – 1m, as compared to the heights in the original Urban Design Report, so as to allow for any planned plant/equipment and communal open space that may be located on the roof level. This does not have an impact on FSR or GFA. This appears to be in response to the gateway condition requirement to remove the previously proposed additional permitted use to allow for an exceedance of height for such items.

## 3.2 Assessment Summary

Through the above assessment of the revised planning proposal, the Department is generally satisfied that the revised proposal addresses the Gateway determination conditions 1 (a) – (j). In this regard the proposal can proceed to public exhibition.

## 4 Recommendation

The Department recommends that the revised planning proposal be endorsed for public exhibition.

The timeline should be further updated prior to exhibition based on the timing of the Department's endorsement. The proposed written clause for the Additional Local Provisions for the public open space should be replaced with a plain English explanation of intention prior to exhibition.

Officer	Position	Date
David Hazeldine	Manager, Place and Infrastructure	15 July 2021
Brendan Metcalfe	Director, North District	15 July 2021

### Assessment officer

Taylor Cole

Para Planning Officer, North District

9995 6628

## Attachments

Attachment	Document
A	Gateway Determination – 22 January 2021
B	Letter to Council
Proposal	Planning Proposal – revised to address pre-exhibition conditions - May 2021
C1-C10	Appendices to revised Planning Proposal
C11	TfNSW written feedback - 18 June 2021