



IRF21/5221

Plan finalisation report – PP-2020-866

Ku-ring-gai Local Environmental Plan 2015
(Amendment No. 28) – Lindfield Village Hub

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Ku-ring-gai Local Environmental Plan 2015 (Amendment No. 28).

The draft LEP seeks to increase the building height and floor space ratio and include local provisions that enable residential flat buildings across the whole of the subject site (ie. the Lindfield Village Hub site) and enable affordable housing above the maximum residential FSR but within the maximum total FSR.

1.1.2 Site description

Table 1 Site description

Site Description	The planning proposal (Attachment Proposal) applies to land within the Lindfield Local Centre located to the west of the Pacific Highway.
Type	Site
Council / LGA	Ku-ring-gai



Figure 1 Subject site

The site consists of 27 parcels of land, including Woodford Lane and the closed portions of Drovers Way legally identified below in **Table 2** as:

Table 2 Legal description

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	

1.1.3 Purpose of plan

The draft LEP seeks to:

- increase the FSR from 1.3:1 to 2.31:1 (including a maximum residential component of 1.35:1);
- increase the maximum building height from 26.5m to 29.5m, 31.5m, 34.5m and 36.5m;
- introduce an additional local provision under 'Lindfield Village Hub' to:
 - allow an additional permitted use to allow residential flat buildings to be permissible with consent across the site;
 - achieve the following:
 - a community park with a minimum size of 3,000m²;
 - a civic plaza with a minimum size of 900m²; and
 - other community facilities with a combined minimum size of 3,000m² gross floor area (GFA)
 - 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 not exceeding the maximum FSR for the site of 2.31:1

The proposal will support 153 additional dwellings and 141 jobs (that includes 75 direct and 66 indirect jobs).

The table below outlines the current and proposed controls for the LEP.

Table 3 Current and proposed controls

Control	Current	Proposed
Maximum height of the building	26.5m	29.5m, 31.5m, 34.5m and 36.5m
Floor space ratio	1.3:1	2.31:1 (including a maximum residential component of 1.35:1)
Additional Permitted Use	N/A	Insert an additional permitted use under Schedule 1 to allow residential flat buildings to be permissible with consent across the entire site.
Additional Local Provision – Part 6	N/A	Prescribe the planned public infrastructure as follows: <ul style="list-style-type: none"> • A community park with a minimum area of 3,000m²; • A civic plaza with an approximate area of 900m²; • Community facilities comprising not less than a total GFA of 3,000m²
Additional Local Provision – Part 6	N/A	Limit the floor space for residential uses to a maximum FSR of 1.35:1 (exclusive of affordable housing)

1.1.4 State electorate and local member

The site falls within the Davidson state electorate. Jonathan O'Dea MP is the State Member.

The site falls within the Bradfield federal electorate. Paul Fletcher MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and public exhibition endorsement

The Gateway determination issued on 22/01/2021 (**Attachment A**) determined that the proposal should proceed subject to conditions. Council has met all the Gateway determination conditions.

The Gateway Determination included conditions which required amendments to be made to the Planning Proposal prior to public exhibition. The revised Planning Proposal was re-submitted to the Department for review and approval prior to exhibition, and the Department endorsed the revised proposal for public exhibition on 15/07/2021 (**Attachment D**).

In accordance with the Gateway determination the proposal was due to be finalised on 22/01/2022, and in that regard the Department requested that Council submit the planning proposal for

finalisation in the first week of November 2021. Council requested finalisation on 15 December 2021 (**Attachment B**).

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 30/07/2021 to 27/08/2021, as required by section 29 of the *Local Government Act 1993*.

A total of 439 submissions were received, including 348 form letters. The submissions table contains a summary of the matters raised in the submissions, council's comment and the recommended action required to update the planning proposal (**Attachment F1**).

3.1 Submissions during exhibition

3.1.1 Submissions objecting to or raising issues about the proposal

There were 439 submissions received from individuals and organisations. 348 of these submissions were form letters and 5 were received as late submissions.

The main issues raised in the community submissions include:

- Traffic, transport and parking
- Pedestrian bridge
- Height and density
- Impact on neighbourhood character, privacy, and overshadowing
- Site layout
- Green open space
- Community facilities and proposed land uses
- Affordable housing
- Timeframe, cost and funding

Traffic, transport and parking

A large number of submissions raised concerns around the traffic and parking issues associated with this development. Generally, parking is a consideration at the development application (DA) stage, but the planning proposal shows there is capacity to provide on-site parking in line with the site-specific DCP. This will include the replacement of the existing at-grade parking spaces and existing 135 commuter car spaces within the basement parking.

These 135 commuter car spaces represent part of the TfNSW total commitment of 240 commuter spaces for the Lindfield local centre, in addition to the 105 spaces that will be provided as part of the Lindfield Village Green development.

TfNSW has deemed the traffic impacts on the surrounding road network to be acceptable, based on the recommended transport improvements as assessed in the Transport Impact Assessment. As part of the proposal, public domain improvements will be made to improve pedestrian and cycle accessibility and connectivity. Future development and residents on the site will make use of the Lindfield train station due to its close proximity.

An amendment to the draft DCP, Councils proposes to include an objective and specific development control to ensure appropriate levels of access and parking are maintained for the adjoining Scout Hall. Visitors to the Scout Hall will be encouraged to use the basement parking spaces for longer stays and the parallel parking bays in Woodford Lane for short stays. The draft DCP is included at **Attachment H**.

Department comment

The proposal will maintain the existing number of commuter car spaces on site through this proposal and this is consistent with the TfNSW commitment to the total number of commuter car parking spaces in Lindfield. TfNSW has also considered the recommendations of the Transport Impact Assessment (TIA) and impacts on the surrounding road network and deems this as acceptable. The Department considers that no further assessment of these issues is required at this stage and the proposal is able to proceed to finalisation.

Pedestrian Bridge

The submissions included strong support for a pedestrian bridge across the Pacific Highway.

Council has advised that it has undertaken a feasibility study for a potential pedestrian bridge, to divert some pedestrian movement away from the at-grade Pacific Highway pedestrian crossings. Council indicates that the issues include: the lack of practical space on the western side of Pacific Highway for lift shafts and ramps, necessary land acquisitions adjacent to Pacific Highway to facilitate this, the substantial issue and costs of relocating utilities, and that a bridge may cause pedestrians to bypass ground floor retail on Pacific Highway.

It is noted that TfNSW, in respect to reviewing the TIA recommendation to removing the proposed traffic control signals at the intersection of Pacific Highway and Beaconsfield Parade and removal of existing mid-block signalised crossing on Pacific Highway (adjacent Tryon Place), have indicated it would support a grade separated pedestrian bridge over Pacific Highway, subject to a number of conditions and specifications.

Council advise its current position is to instead increase the at-grade pedestrian crossing opportunities along Pacific Highway.

Department comment

Council's review of this matter has been thorough and well considered and the current approach is supported by TfNSW. The potential to further explore the need and or plan for a pedestrian bridge is not limited by the planning controls for the subject site proposed in this LEP amendment. This matter can still be further considered at a later time if required by Council in conjunction with TfNSW.

The Department considers that no further consideration of this issue is required at this stage to proceed with this proposal to finalisation.

Height and density

Submissions included concern with the proposed height and density of the proposal. Due to the location of the site within the Lindfield local centre and in close proximity to the station and Pacific Highway, Council considers the increase in density to be appropriate. The proposed FSR of 2.31:1 for the site is less than that of the Aqualand building on the north-eastern side of the station at 3.9:1.

Council proposes that the maximum building heights across the site be amended to better reflect the storey heights intended in the Urban Design Report reference scheme and as outlined in **Attachment I – Height Map Report**. This includes reducing the maximum building height of 37 metres to 36.5 metres and reducing the area that this applies and instead applying an additional maximum building height of 34.5 metres, as indicated in **Figure 2**.

Council also indicates the proposed 9 storey building height will be similar to the Aqualand building of 8 storeys. Specific storey height controls are also proposed within the DCP to further control the maximum building heights.

Council has resolved to include a maximum RL of 127.45 for the site to ensure the development on this site does not exceed the roof level of the Aqualand building.

Department Comment

The Department considers that the height and density of the proposal is satisfactory given the site's proximity to Lindfield Station and will facilitate a transformation of the area to provide more public benefit in the form of a park, plaza and other community facilities.

The proposal recognises the challenges of higher density development and responds to the topography of the site and location of adjacent properties by limiting the highest built portion to the centre of the site. The Department is satisfied that the proposal responds to the adjoining sites and is in line with the desired future character of the adjoining R4 – High Density Residential Zoned land.

As a result of communities building height concerns, the final maps show a slightly reduced maximum building height of 36.5 metres to be more consistent with the 9 storey maximum height and a reduced area that this maximum building height applies to. The Department supports Councils intention for the development of this site not to exceed the height of the Aqualand building. However, this can be achieved through the maximum building heights proposed in the amended proposal, rather than also including a separate control to set a maximum RL 127.45 for the site.

The proposal may proceed to finalisation and no re-exhibition of the proposal is required as a result of these minor reductions in the maximum building height.

Impact on neighbourhood character, privacy and overshadowing

Some submissions raised concerns over the impacts this proposal would have on the neighbourhood character, privacy and overshadowing, particularly to the west of the site across Drovers Way.

Council has indicated that overshadowing has been addressed in the Urban Design Report (**Attachment J**) and proposed changes to the building heights (refer and will be further assessed at the development assessment stage). The taller portions of the proposal are set back 23 metres from the Drovers Way boundary to reduce the visual and privacy impacts and the maximum building height along this boundary is 23 metres. This results in a 1:1 height to setback relationship along Drovers Way.

In addition Council proposes a DCP setback control to require the top storey of all parts of the development to be setback by a minimum of 3 metres. Council anticipates that sites to the west will be redeveloped to high density residential buildings in the future.

Department comment

The Department is satisfied that the proposal appropriately considers the bulk, scale and location of the proposed built form including by limiting the tallest structures to the centre of the site and graduating down to Drovers Way. The visual impact is considered satisfactory particularly given the intended transformation of the site to a village hub and higher density residential development.

The draft DCP also has further setback controls to mitigate overbearing bulk and scale on the existing dwellings to the west of the site, which will be further assessed as part of a future development application.

The Department considers that no further consideration of this issue is required to proceed this proposal to finalisation.

Site layout

A significant number of submissions drew attention to the proposed site layout. Option 5 has been chosen as the urban design scheme for the proposal. Council considers the community building to be in an appropriate location so that it will be an identifiable public building and it will have a strong street address from Bent Street. Council also believes the buildings are arranged appropriately to outline the public park and provide active retail surrounds while minimising overshadowing impacts.

Department comment

The proposal is supported by an Urban Design Report (**Attachment J**) that demonstrates a logical design scheme and general location for the community building and public open space. This also satisfactorily provides building envelopes that will not excessively overshadow the proposed open space and adjoining sites. Council has expressed that the draft DCP will contain controls to ensure the public park receives an appropriate amount of direct solar access. Further articulation of buildings and landscaping options can further improve this metric and is more appropriately dealt at detailed design resolution stage through the assessment of a future development application.

The Department considers that no further consideration of this issue is required to proceed this proposal to finalisation.

Green open space

Submissions raised concern for the proposed green open spaces. The proposed quantum of open space (public park and civic plaza) is consistent with Council's existing DCP requirements and are considered to interact with the proposed built form of the development. The Urban Design Report illustrated that the park will not experience any overshadowing between 12pm and 3pm on June 21 and only 30% of the park will be affected by overshadowing between 9am and 12pm. Council proposed overshadowing controls be included in the draft DCP to ensure the park received a given minimum of direct solar access.

Department comment

It is considered that based on the topography of the site and the intention of the public space to be prominent, the location of the proposed park and plaza are such that they will receive appropriate sunlight and will form a centrepiece to the hub. The proposal prescribes minimum sizes for the park and plaza, which form a part of the additional local provision in KLEP 2015. No further amendments are required to address this issue.

Community facilities

Submissions raised issues concerning the existing and need for community facilities. Council's Community Facilities Strategy 2018 demonstrated that most of Ku-ring-gai's facilities are out-dated and not fit-for-purpose. It also illustrated that the Lindfield Branch Library is the poorest facility in terms of layout, condition, functionality and floor space. Most of the community halls are small in size and are inflexible in catering to different users. As the population continues to grow, particularly within the local centres, there is a greater demand for community facilities.

Department comment

Council's Community Facilities Strategy has identified the need for improved community facilities within the locality. The transformation of the site from an at-grade car park to a village hub will facilitate improved access to community facilities for local residents in an appropriate location. No further amendments are required and the LEP amendment includes provision for the community facilities.

Affordable housing

Some submissions drew attention to the provision of affordable housing. Council indicate that the exclusion of affordable housing from the maximum 1.35:1 residential FSR and provision for

affordable housing beyond this FSR is considered to be an incentive for future affordable housing. Council considers affordable housing on the site to be optional and not mandated.

Department comment

Council has not yet established any formal SEPP 70 Affordable Housing Scheme and set any required affordable housing targets. Council has taken the stance that affordable housing is intended to be optional for the site.

The proposal does allow for the potential implementation of affordable housing through an incentive of additional affordable residential floor space above the 1.35:1 residential floor space ratio for the site. No further amendments to the proposal are required to address this issue.

Timeframe, cost and funding

A small amount of submissions raised concern around previous proposals and concepts for this site. Council explains that this proposal only considered amendments to the LEP and is assessed on its strategic and site-specific merits and not the merits of past proposals. Council considers this planning proposal to be in accordance with the Council resolution of 20 August 2019 as endorsed by Council in April 2020.

Department comment

The Department is not a party to previous plans and concepts and is unable to provide comments relating to this issue. The proposal has been assessed on merit and is appropriate to facilitate the redevelopment of the site.

The request for finalisation from Council was submitted prior to the finalisation date issued by the Department through the Gateway determination (**Attachment Determination**).

3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with agencies listed below in Table 4 who have provided the following feedback. A full list of submissions and advice received from agencies is at **Attachment F2**.

Table 5 Advice from public authorities

Agency	Advice raised	Council response
Ausgrid	Ausgrid did not provide any comments.	Noted
TfNSW (Combined comments including Sydney Trains)	<p>TfNSW advised that any new traffic signals along the Pacific Highway will be dependent on the relocation of existing mid-block pedestrian crossing.</p> <p>Specific comments were provided that supported specific aspects of the recommendations of Councils Traffic Impact Assessment report.</p> <p>Other technical and policy advice was provided that generally relates to the DA stage.</p> <p>Comment regarding the potential for a pedestrian bridge is detailed in Section 3.1, above.</p>	<p>Mots issues raised will be resolved through more advanced modelling as part of the development application stage for the site.</p> <p>No changes to the proposal are required</p>

Agency	Advice raised	Council response
Sydney Water	Sydney Water provided a number of requirements and specifications that relate to the DA stage. They also advised that Council should provide annual growth and ultimate growth numbers, as this will inform quarterly growth to the existing service	All issues raised are appropriately dealt with through a future development application for the site. No changes to the proposal are required.

The Department considers Council has adequately addressed matters raised in submissions from public authorities. All unresolved issues from agencies are appropriately dealt with through the assessment of a development application under Section 4.15 of the Act.

3.3 Post-exhibition changes

3.3.1 Council resolved changes

At Council's Ordinary Meeting on 16/11/2021, Council resolved to proceed with the planning proposal with the following post-exhibition changes (**Attachment E1 and E2**):

Maximum height of buildings map

Council has resolved to amend the maximum height of building control to better align the intention of Council to keep the maximum 9 storey height limit for the site.

While the bulk and scale of the proposal is considered to be satisfactory at 9 storeys, Council indicated that the proposed height (in metres) was not consistent with the Urban Design Report that supports the proposal.

Although the previously proposed and exhibited maximum building heights were developed based on the ground levels of the sloping site, submissions raised concerns that more storeys may potentially be constructed than the intended 9 storeys based on the 37 metre height limit.

Council has responded by amending the maximum height on the building map sheet 15 from 37 metres to 36.5 metres to more accurately reflect a maximum 9 storey building. Council has also indicated that a height control (in storeys) also forms a part of the draft DCP for the site (**page 24 of Attachment H**).

In order to reduce building bulk and overshadowing, the tallest portion of the development site (ie. the area with a maximum building height of 36.5 metres) has also been reduced in area, with the separated area subject to a maximum building height of 34.5 metres.

Department comment

The Department supports the maximum building height changes, as reflected in the final maximum height of building map, as these improve the proposal from a bulk and scale and overshadowing perspective, and as additionally supported by the proposed draft DCP height controls in storeys.

It is also noted that Council has resolved for no buildings to be constructed higher than RL127.45, which is the current RL of the tallest building in Lindfield (the Aqualand building). The Department supports the intent of Council's resolution, although believes this can be achieved through the height of building controls, without an additional maximum RL control.

No re-exhibition of the proposal is required as a result of these minor reductions in the maximum building height and the reduction in that area that this applies.

A comparison of the previous and existing height of building map is shown below in **Figure 2**

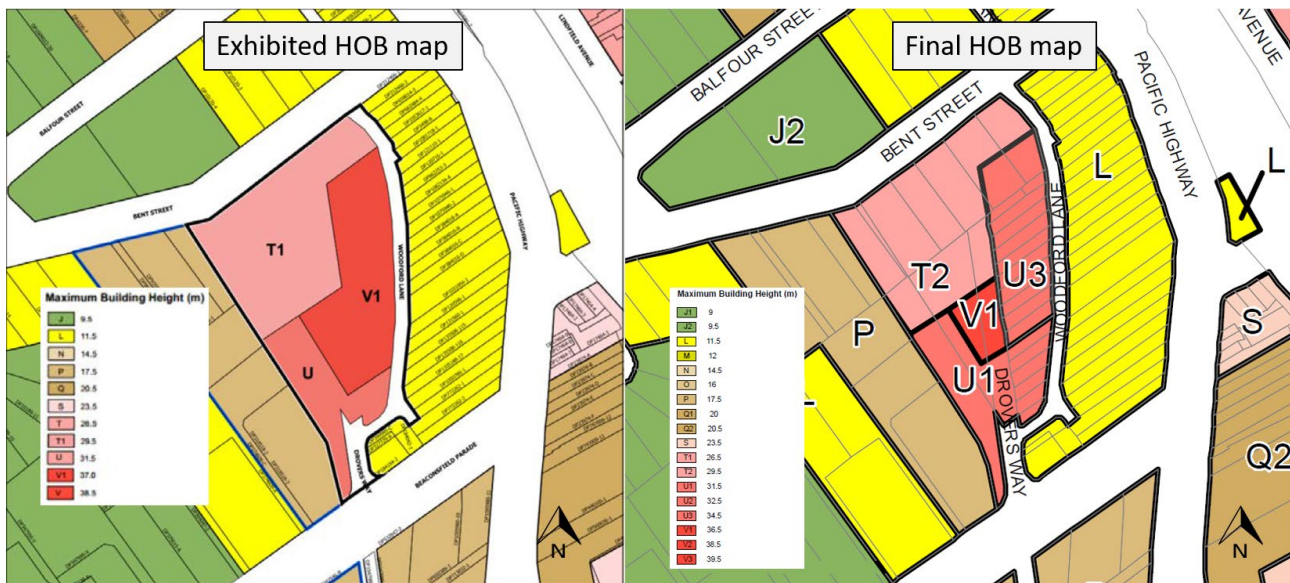


Figure 2: Comparison of the exhibited proposed height of building map and the final height of building map. The final map shows a more refined suite of heights, with reductions in some areas.

3.3.2 Justification for post-exhibition changes

The Department notes that these post-exhibition changes are justified and do not require re-exhibition. It is considered that the post-exhibition changes:

- More accurately reflect the intended height of the structure on the site, being a maximum of 9 storeys.
- Do not alter the intent of the planning proposal and are minor amendments to the planning proposal.

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment A**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Gateway determination report (**Attachment G**), the planning proposal submitted to the Department for finalisation:

- Remains consistent with the regional and district plans relating to the site
- Remains consistent with the Council's Local Strategic Planning Statement
- Remains consistent with all relevant Section 9.1 Directions
- Remains consistent with all relevant SEPPs

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1.

Table 6 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 7 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

4.1 Detailed assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

Administrative changes to HOB map sheet 15

A previous planning proposal (PP-2020-553) involved amendments to the height of building map sheet 15 (HOB_015). The changes carried out by PP-2020-553 presented an error in the height label and corresponding map legend. The sites below (circled in red) have labels of 'Q' in the existing map, however the existing legend has markers of Q1 or Q2, as shown in **Figure 3** below.

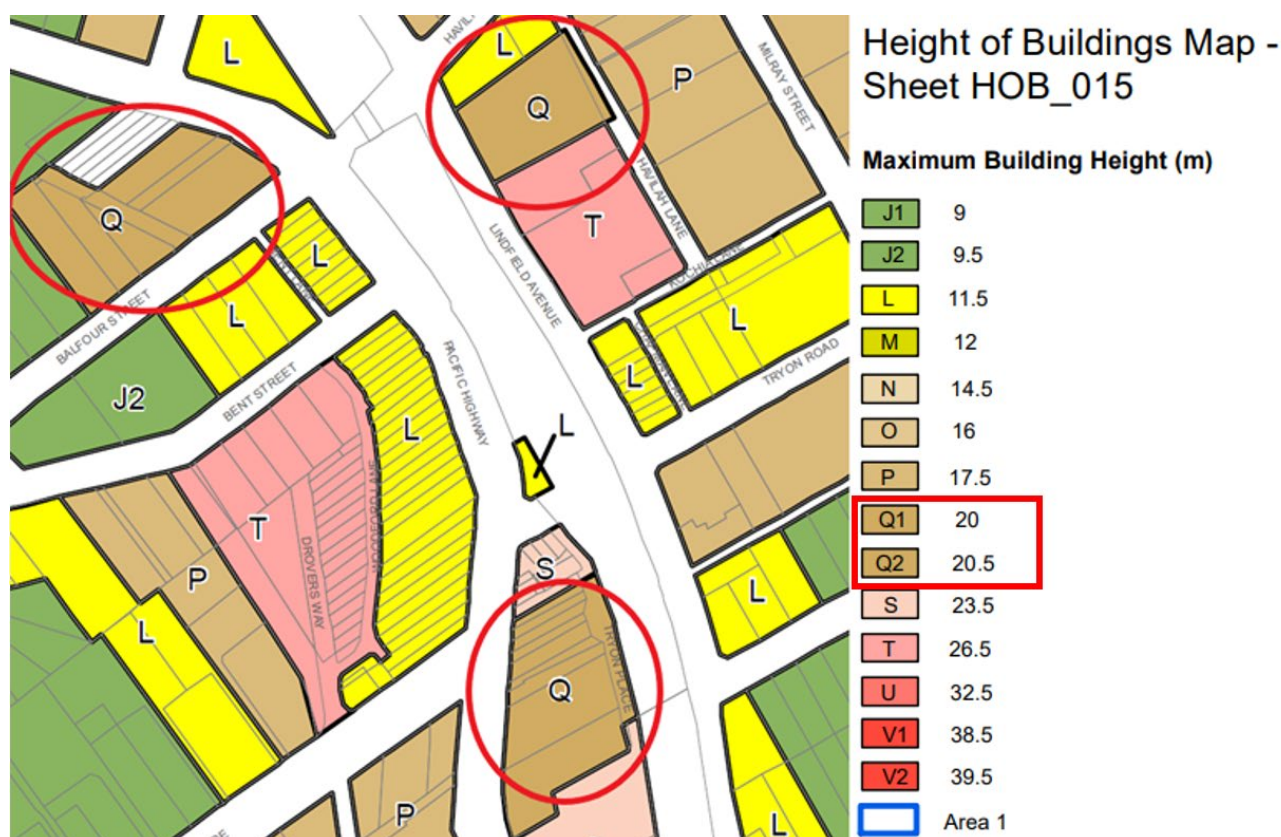


Figure 3: Existing HOB_015 that shows the incorrect labels for three areas (circled in red). The labels should be 'Q2' as to match the corresponding height of 20.5m.

The final map results in the sites identified above as having labels Q2 applied to them and reverts to the heights that were identified prior to the mapping error.

It is noted that while not exhibited, this portion of the amendment corrects an administrative error, and Council has confirmed that no changes to the height are being made.

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 8 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Three maps have been prepared by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Council confirmed on 23/03/2022 that it approved the draft and that the plan should be made (Attachment C)</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Parliamentary Counsel Opinion	On 23/03/2022 , Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The draft LEP has strategic merit being consistent with the North District plan
- It is consistent with the Gateway Determination
- Issues raised during consultation have been addressed, and there are no outstanding agency objections to the proposal.



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 23 March 2022



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 Director, North District
 23 March 2022

Assessment officer

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 9860 1554

Attachments

Attachment PC – Parliamentary Counsel Opinion and Instrument – 23 March 2022

Attachment Proposal – Planning Proposal – May 2021

Attachment A – Gateway Determination – 22 January 2021

Attachment B – Finalisation Request – 15 December 2021

Attachment C – Council agreement to make the plan – 23 March 2022

Attachment D – Exhibition Endorsement Letter to Council – 15 July 2021

Attachment E1 – Council Report – 16 November 2021

Attachment E2 – Council Resolution – 16 November 2021

Attachment F1 – Summary of Submissions

Attachment F2 – Responses from Agencies

Attachment G – Original Gateway determination report – 22 January 2021

Attachment H – Draft Lindfield Village Hub DCP

Attachment I – Height Map Report

Attachment J – Urban Design Report