

CONSIDERATION OF SUBMISSIONS - PLANNING PROPOSAL AND SITE SPECIFIC DCP - LINDFIELD VILLAGE HUB SITE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider the submissions received during the public exhibition of the Planning Proposal and draft site specific DCP for the Lindfield Village Hub Site. For Council to determine whether to adopt the proposed amendments to the KLEP 2015 and to determine whether to adopt the revised site specific DCP controls.

BACKGROUND:

The Planning Proposal seeks to amend the Ku-ring-gai Local Environmental Plan 2015:

- increase the maximum height 26.5m to 29.5m, 31.5m, and 37m;
- increase the FSR from 1.3:1 to 2.31:1, including a maximum residential component of 1.35:1;
- achieve a community park with a minimum area of 3000m², a civic plaza with an approximate area of 900m², and Community facilities comprising not less than a total of 3,000m²; and
- to allow development for the purpose of residential flat buildings across the whole of the site.

COMMENTS:

The Planning Proposal and draft site specific DCP were placed on public exhibition from 30 July 2021 to 27 August 2021 in accordance with the conditions of the Gateway Determination and Council's Community Participation Plan.

RECOMMENDATION:

That Council adopt the Planning Proposal and draft site specific DCP for the Lindfield Village Hub Site subject to amendments and submit the Planning Proposal to DPIE to be finalised.

PURPOSE OF REPORT

For Council to consider the submissions received during the public exhibition of the Planning Proposal and draft site specific DCP for the Lindfield Village Hub Site. For Council to determine whether to adopt the proposed amendments to the KLEP 2015 and to determine whether to adopt the revised site specific DCP controls.

BACKGROUND

Site Description and Local Context

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

The site is generally known as the Lindfield Village Hub and has a combined area of 1.3ha including road reserves (11,580m² excluding the Woodford Lane road reserve). It comprises the following landholdings (see image 1):

- 1 Woodford Lane, Lindfield (Lot A DP 445525);
- 2 Bent Street, Lindfield (Lot 9 DP 1090427);
- 4 Bent Street, Lindfield (Lot 10 DP 3498);
- 6 Bent Street, Lindfield (Lot 3 DP 667420);
- 8 Bent Street, Lindfield (Lot 1 DP 724823);
- 10 Bent Street, Lindfield (Lot 4 DP 1226294 & Lot 8 DP 1226294);
- 12 Bent Street, Lindfield (Lot 3 DP 1226294 & 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); and
- Woodford Lane.



Image 1: subject site and surrounding context

The Planning Proposal seeks to make the following amendments to the Ku-ring-gai Local Environmental Plan 2015:

- increase the maximum height limit from 26.5m to 29.5m, 31.5m, and 37m respectively;
- increase the FSR from 1.3:1 to 2.31:1, including a maximum residential component of 1.35:1;
- achieve the following floor space outcomes:
 - maximum total floor space across the site of 25,600m²;
 - residential floor space in the order of 14,460m²;
 - minimum retail/commercial floor space of 5,000m²;
 - minimum community floor space of 3,000m² (inclusive of a proposed child care centre);
- allow for residential floor space above the maximum of 1.35:1 only if that additional floor space is in the form of affordable housing and the total maximum floor space for the site is not exceeded; and
- to allow development for the purpose of residential flat buildings across the whole of the site.

Site Specific DCP controls have been prepared to support the amendments sought by the Planning Proposal and provide greater assurance of development outcomes on the site.

The Planning Proposal has been prepared in accordance with the Council resolution of 20 August 2019, which amongst other matters, resolved that the height control for the site be no higher than the highest building in Lindfield being 23 – 41 Lindfield Avenue (known as the Aqualand building).

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As such the Planning Proposal seeks to set the maximum building heights for the site reflective of the highest building at 23-41 Lindfield Avenue, Lindfield.

The Planning Proposal was reported to the Ku-ring-gai Local Planning Panel (KLPP) on 6 April 2020. The KLPP resolution recommended that Council submit the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination subject to amendments.

The Planning Proposal was reported to OMC 28 April 2020 where Council resolved to submit the Planning Proposal (subject to amendments) to DPIE for a Gateway Determination which would enable the planning proposal to be placed on public exhibition.

Gateway Determination

The Planning Proposal was submitted to DPIE for a Gateway Determination on 31 July 2020. A Gateway Determination was received on 22 January 2021. The Gateway Determination included conditions which required a number of amendments to the planning proposal document prior to public exhibition. A copy of the Gateway Determination is included as **Attachment A1**.

A condition of the gateway included the requirement to obtain written feedback and seek in principle agreement from Transport for NSW regarding the proposed works listed in the Transport Impact Assessment. This feedback was received on 18 June 2021 and a copy is included as **Attachment A2**.

The amended Planning Proposal documentation (as required by the Gateway Determination) was submitted to DPIE on 27 May 2021 for review and approval for public exhibition. DPIE provided pre-exhibition endorsement of the amended documents on 15 July 2021.

The Gateway Determination requires Council to complete the LEP within 12 months following the date of the Gateway determination i.e., by 22 January 2022. Further to this, the DPIE approval of Council's housing strategy requires the submission of Planning Proposal for the Lindfield Village Hub to the Department for finalisation by November 2021.

COMMENTS

1. Public exhibition

The Planning Proposal and draft Site Specific DCP were placed on public exhibition from 30 July 2021 to 27 August 2021 in accordance with the conditions of the Gateway Determination and Council's Community Participation Plan. A copy of the exhibited Planning Proposal and appendices is included at **Attachments A3-A14**.

2. Submissions – Planning Proposal and draft site specific DCP

A total of 439 submissions were received via email and Council's website during the public exhibition period. Of these submissions, 348 were form letters. 5 late submissions were received. A submission summary table is included at **Attachment A15** which provides a summary of the issues raised in the submissions, Council officers response, and any recommended amendments to be made to the Planning Proposal or the site specific DCP.

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The following is a summary of the key issues raised in the submissions and Council officers' response to those matters:

Traffic and Transport

A significant number of submissions raised concerns relating to following traffic and transport issues:

- Parking (existing issues and proposed provision), including commuter parking.

Response

Parking provision is generally a matter to be considered during the assessment of a development application. However, the Planning Proposal demonstrates there is capacity to provide car parking required by the site specific DCP for the proposed uses on the site (retail, community, commercial and residential), as well as the capacity to incorporate the existing at-grade parking spaces within the basement. Transport for NSW has confirmed its commitment to providing 135 commuter parking spaces on the site, which in conjunction with the 105 spaces being delivered as part of the Lindfield Village Green project, would deliver on the State Government's commitment of 240 commuter parking spaces in the Lindfield local centre.

- Traffic impacts and proposed changes to the road network, traffic signals and intersection modifications (existing issues, impacts from the proposal and adequacy of proposed upgrades);

Response

Transport for NSW has reviewed the proposal and its impact on the surrounding road network, and through its in-principle concurrence of various road upgrades in the Lindfield local centre along Pacific Highway and key local roads, has deemed the impacts are acceptable. Public domain improvements (as part of the Lindfield Village Hub project and draft Public Domain Plan for Lindfield) will assist to ameliorate the traffic impacts and improve pedestrian and cycle accessibility and connectivity in the centre.

- The Transport Impact Assessment itself (including failure to address issues);

Response

The Transport Impact Assessment (TIA) considered key roads leading to/from the site, which accounts for typical travel paths to the site from various destinations, and quantifies the projected traffic volumes at key intersections based on the proposed transport improvements, which includes consideration of redirected traffic movements as a result of proposed intersection modifications. The TIA assessed the worst case scenarios in a typical weekday and Saturday. The 2034 scenario effectively factors in background traffic growth as a result of increasing population and development.

- Public transport, and access to the station by the wider community;

Response

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The proposal is well located to take advantage of its proximity to Lindfield station. The proposed parallel parking bays in Woodford Lane would incorporate a future drop-off/pick-up area, to formalise existing informal drop-off/pick-up area which currently occurs in Woodford Lane.

- The Scout Hall (impacts to access/loading and parking);

Response

The upgraded Woodford Lane is planned to be a low speed environment with high pedestrian amenity and accessibility. No car parking for the development will be accessed from Woodford Lane, which would minimise the vehicle movements at the rear of the Scout Hall. For longer stays, visitors to the Scout Hall could park within the main public/retail car park of the development. For drop-offs and pick-ups and very short stays, the proposed parallel parking bays in Woodford Lane is proposed to incorporate a future drop-off/pick-up area as well as short stay parking.

In order to address the issues raised in the submissions it is recommended the following amendments are proposed to be made to the draft DCP:

- Include an objective and specific development controls within the DCP to ensure that appropriate levels of access and parking are maintained for the adjoining Scout Hall site.

Pedestrian Bridge

A large number of submissions made were in support of a pedestrian bridge over the Pacific Highway, connecting the Lindfield Village Hub site with Lindfield Station.

Response

Transport for NSW supported the proposed traffic control signals at the intersection of Pacific Highway and Beaconsfield Parade subject to removal of existing mid-block signalised crossing on Pacific Highway (adjacent Tryon Place) and replacement of this by a grade separated pedestrian bridge over Pacific Highway. However, the installation of a pedestrian bridge has specific land requirements, to accommodate lift shafts and ramp or stair access:

- There is no practical space on the western side of Pacific Highway within the footpath area to accommodate lift shafts and ramp or stair access. The only practicable option is to connect a bridge directly to adjoining buildings. This would require either land acquisition by Council (unfunded) or site redevelopment (current planning controls do not allow feasible redevelopment) neither of which have any degree of certainty;
- A preliminary feasibility study undertaken by Council found that there were a substantial number of utilities on the western footpath of Pacific Highway, which were a constraint on any landing structure. A structure in the western footpath would severely limit pedestrian accessibility and amenity. This would also require TfNSW approval to connect to the concourse.

The feasibility study also acknowledged that there was potential for a pedestrian bridge to divert some pedestrian movements away from the at-grade pedestrian crossing. It also concluded

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that a pedestrian bridge could potentially reduce the delays to general traffic on the Pacific Highway, although this is unlikely given that the constraints on the road network in Lindfield are at the boundaries of the local centre (i.e. intersection of Pacific Highway with Balfour Street and intersection with Grosvenor Road).

From an accessibility and liveability perspective, a pedestrian bridge will cause pedestrians to by-pass the ground floor retail on both sides of Pacific Highway as they move between Lindfield Station/eastern side of Lindfield and the Lindfield Village Hub site (with potential basement commuter parking). Travel paths will be longer via a bridge, which will reduce the convenience and easy access to the retail strip on Pacific Highway. The additional delay caused by the existing at-grade crossing could be offset by provision of additional crossing points (see below). Pedestrian amenity and access to retail will be affected by proposed Extended Clearways on Pacific Highway, removing kerbside access for large parts of the trading day and placing increased vehicle traffic volumes in the kerbside lane for longer periods.

Through its preferred transport scheme for Lindfield, Council is seeking to increase the crossing opportunities along the Pacific Highway and better connect the two sides of Lindfield, through the inclusion of at-grade pedestrian crossing facilities at new traffic signal-controlled intersection sites. Subsequent to its submission to the Planning Proposal, Transport for NSW advised that its investigations have shown that if the signals are relocated 15 metres north of their existing location, this will minimise any potential see-through effect. Transport for NSW also advised that when new traffic signals at the intersection of Pacific Highway and Beaconsfield Parade are installed, the mid-block crossing is to be relocated as part of those works. This has been Council's longstanding position.

Height and Density

Submissions raised concerns with the proposed height and density. The main concerns are that the proposed changes to the planning controls to increase the maximum building heights to 31.5m, 29.5m and 37m would be significantly over Council's resolution on 20 August 2019 that the Lindfield Village Hub site is to be "*with a height control of no higher than the highest building in Lindfield being 23-41 Lindfield Avenue (known as the Aqualand building) which equates to no more than a 9 storey building on the Lindfield Village Hub site*".

Response

The increase in density is considered appropriate from an urban design perspective given the location of the site and the public benefits of the proposal. The proposal will provide additional infrastructure including public open space, community facilities and commuter car parking.

The intensity of the proposal at nine storeys and 2.31:1 is generally considered acceptable from an urban design perspective. It is noted that the overall height of the development (roof RL) is similar to the Aqualand building on the north-eastern side of Lindfield Station which is eight storeys in height. It is noted that the proposed density/'intensity' of the proposal is less than the Aqualand building which is 3.9:1 FSR (59%). It is noted that the Aqualand building had a stated building height of up to 28.5m.

Whilst the land does slope more steeply towards the west, public domain views (for example from Lindfield Station or the Pacific Highway) do not enable comparative views of the ground plane. Overall building heights however can be appreciated and limiting the height of the

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proposal to the Aqualand building height will mean that the proposed buildings will appear to be similar in height from vantage points beyond the actual site.

It is noted that the proposed heights in metres in the Planning Proposal do not appear to be consistent with the reference scheme in the Urban Design report. For example, the Urban Design Report (p65) illustrates the 9 storeys as requiring 31m in height (RL127.5 - RL96.5), however the ground level does not appear to fall 6m from the highest to the lowest point within the building footprint of the northernmost building to substantiate the proposed height of 37m. The chosen heights may allow additional storeys to be accommodated above that intended

To ensure consistency between the reference scheme and the proposed LEP amendments, the outlines on the height of buildings map should be adjusted to more closely reflect the heights intended in the reference scheme. An additional way to control the overall building height may be to include a maximum RL of 127.45 (Urban Design Report p65) in the proposed new Part 6 Additional Local Provisions clause. A provision phrased in this way would capture the intent of the Council Resolution 20 August 2019 to have a height '*no higher than the highest building in Lindfield... (the Aqualand building)*'.

It is also noted that no storey control (similar to KDCP 7C.7 1) has been included in the draft site specific DCP.

In order to address the issues raised in the submissions it is recommended the following amendments are proposed to be made to the planning proposal and draft DCP:

- amend the height of building map in the planning proposal to more closely reflect the heights intended in the reference scheme;
- include a maximum RL of 127.45 (Urban Design Report p65) in the proposed new Part 6 additional Local Provisions clause; and
- include a storey control within the DCP (similar to KDCP 7C.7 1) relating to the LEP maximum height of buildings to ensure that the number of storeys is limited to those shown in the Urban Design Report.

Impacts on neighbourhood character, privacy and overshadowing

Concerns were raised with impacts on neighbourhood character, privacy and overshadowing as a result of the height, particularly along the realigned Drovers Way.

Response

Overshadowing has been addressed in the Urban Design Report (p58) and the impact has been previously assessed as acceptable. See also discussion in Exhibited Planning Proposal (p52-53). More detailed assessment will also be required at development application stage with ADG provisions working to protect reasonable solar access.

A maximum height of 29.5m is proposed along the southern half of Drovers Way. This exceeds the current LEP maximum height of building by 3m. A setback to the uppermost level could be introduced to maintain the 26.5m height at the building face. This would be consistent with what is indicated in the Urban Design Report (for example at p52 and p55) and what has been tested previously in the reference scheme in terms of GFA and achievement of amenity.

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The taller portions of the proposal with an additional two storeys of height are set back 23m from the boundary. This provides a 1:1 height to setback relationship with Drovers Way (Urban Design Report p65) which will reduce a sense of overbearing and visual impact and is considered acceptable from an urban design perspective.

It is noted that sites to the west of the proposal are zoned R4 High Density Residential with the potential to redevelop.

In order to address the issues raised in the submissions it is recommended the following amendments are proposed to be made to the draft DCP:

- include an explicit setback control to require the top storey of all parts of the building to be setback a minimum of 3m (similar to KDCP 7C.8 2(i) (but not (ii)).

Site layout

A number of submissions raised concerns over the proposed site layout presented in the preferred option in the Urban Design Report. Specific concerns related to the location of the proposed community facilities and the impacts of the proposed residential buildings on the open space and adjoining sites.

Response

The Urban Design Study investigated 7 massing options. Of the seven options, Option 5 has been used as the basis for this Planning Proposal for the following reasons listed below:

- the park and plaza are amalgamated into a single combined public space on the same level, maximising their perceptual scale and use value;
- park and plaza are directly accessible from Woodford Lane;
- the southern section of Drovers Way avoids an existing retaining wall to allow an existing tallow-wood tree to be retained, subject to future design development;
- additional floor area underneath the combined park/plaza allows for a more spatially feasible supermarket layout, and for a better balance between 'major' and 'specialty' retail;
- the additional building form is oriented north-south, allowing the overall development to meet ADG solar requirements; and
- the fall of the site is used to create a two-storey height step from Woodford Lane down to the buildings along Drovers Way, creating a sense of transition between the Hub and its western neighbours.

Overall, this option best satisfies the project objectives adopted by Council. The location and form of the community facility is considered to be desirable from an urban design perspective as it will be an identifiable public building with its own public presence within the Lindfield town centre related to a public park. Reducing its height will reduce its floor space. Moving the community facility (i.e. incorporating it within another building) will reduce its identity. A strong street address to the community building from Bent Street is desirable from an urban design point of view.

The proposed buildings positively define the edge of the public park, provide active edges and are arranged so that they do not unreasonably overshadow the park. The proposed building

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arrangement and size are generally considered to be appropriate from an urban design perspective. The objectives and controls relating to the delivery of the park are considered to be strong.

Green Space and Open Space

Submissions raised concerns about the location of the proposed open space on the site and that the amount of open space being proposed was a reduction on what was proposed under the previous master plan.

Response

The Planning Proposal commits to the inclusion of:

- a community park with a minimum area of 3000m²; and
- a civic plaza with an approximate area of 900m².

This is consistent with Council's current DCP requirements (which is based on Council's adopted master plan from 2015). The Urban Design Study appended to the Planning Proposal provides indicative building envelope diagrams and an open space plan. These diagrams show how the open space requirement could be achieved within a development with building heights and densities proposed in the Planning Proposal.

The proposed buildings positively define the edge of the public park, provide active edges and are arranged so that they do not unreasonably overshadow the park. The proposed building arrangement and size are generally considered to be appropriate from an urban design perspective.

The Urban Design Report 4.11 - *Impact Analysis: Overshadowing* indicates the proposed park has no overshadowing on June 21 (mid-winter) between 12pm to 3pm and overshadowing affects about 30% of the total park area between 9am and 12pm June 21 (mid-winter).

In order to address the issues raised in the submissions it is recommended the following amendments are proposed to be made to the draft DCP:

- include over-shadowing controls to ensure future park receives a certain minimum of direct solar access.

Community Facilities and proposed land uses

Feedback was received from the community around existing community facilities as well as the need for new community facilities.

Response

Council's Community Facilities Strategy, 2018 undertook a review of existing Council-owned and operated community facilities. The review identified the following issues:

- the majority of existing facilities in Ku-ring-gai are old, out-dated and no longer fit-for-

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- purpose;
- there are significant inadequacies in the current provision of library facilities in the LGA, impacting on the Council's capacity to provide modern library services;
 - the Lindfield Branch Library is identified as the poorest facility in terms of floor area, condition, layout, and functionality;
 - the majority of community halls and centres have small spaces that are not flexible and limited in their capability to accommodate a range of users; and
 - there is a high and growing demand for community facility space for larger meetings and group activities (including space for functions, events and performances). Council's existing facilities do not cater for this demand.

Provision of Affordable Housing

Some submissions supported the provision of affordable housing as part of the project with some saying it should be a mandated component.

Response

The proposal allows additional residential floor space over and above the cap of 1.35:1 for the purposes of affordable housing. The exclusion of affordable housing from the maximum permissible residential floor space will allow any retail/commercial floor space potential not taken up in a future development to be used as affordable housing provided the maximum FSR for the site is not exceeded. As Council is yet to establish a SEPP 70 Affordable Housing Scheme to require the provision of affordable housing on the site, the exclusion of affordable housing from the 1.35:1 FSR provision will offer an incentive for affordable housing in a future development. The provision of affordable housing on the site will be optional and is not intended to be a mandatory requirement.

If affordable housing is provided in the future development scheme, it should be equivalent in quality to market housing and should not have less amenity. In order to address the issues raised in the submissions it is recommended the following amendments are proposed to be made to the draft DCP:

- include an objective and associated control in the DCP that requires any affordable housing to have equal or greater amenity than market housing.

Timeframe, Cost and Funding

Several submissions made reference to earlier concepts and proposals for this precinct and references to a series of funding options and sources for the future delivery of the project.

Response

This Planning Proposal only considers the proposed amendments to the LEP (zoning, height, floorspace ratio, etc). This report assesses the required strategic planning merits of the Planning Proposal as submitted and not the merits of previous proposals for Lindfield Village Hub put before Council.

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The Planning Proposal has been prepared in accordance with the Council resolution of 20 August 2019 and was endorsed by Council for public exhibition in its current form on 28 April 2020.

The development option presented in The Planning Proposal and Urban Design Report is generally considered to satisfy the planning project objectives for the Lindfield Village Hub adopted by Council (OMC 14 August 2018).

3. State Agency Consultation

The conditions of the Gateway Determination required consultation with the following State agencies and public authorities under Section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979*:

- Transport for NSW – Sydney Trains;
- Transport for NSW;
- Government Architect NSW;
- Sydney Water; and
- Relevant energy and telecommunications authorities.

Responses were received from Ausgrid, TfNSW (combined comments including Sydney Trains) and Sydney Water.

A submission summary table outlining the key matters raised by each agency, and Councils response is included at **Attachment A16**.

Transport for NSW

Transport for NSW provided comments in relation to transport infrastructure upgrades both directly related to the proposal, and transport infrastructure upgrades being planned for the wider Lindfield local centre. In particular, comments and in-principle concurrence was provided for the following upgrades:

- new traffic signals at the intersection of Pacific Highway and Beaconsfield Parade, and relocation of the existing signalised pedestrian crossing on Pacific Highway outside Lindfield station. Transport for NSW supported the provision of a pedestrian bridge across Pacific Highway subject to the removal of the existing signalised pedestrian crossing on Pacific Highway;
- modifications to the intersection of Pacific Highway and Balfour Street/Havilah Road;
- closure of Bent Street at Pacific Highway;
- one-way traffic flow in Woodford Lane;
- new traffic signals at the intersection of Pacific Highway and Strickland Avenue;
- modifications to the intersection of Tryon Place and Pacific Highway; and
- modifications to Grosvenor Road at Pacific Highway.

Comments were also provided in relation aspects such as drop-off/pick-up areas, active transport provision and minimising car parking provision, although these would be considered in a future development application.

INTEGRATED PLANNING AND REPORTING

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	P2.1.1 Land use strategies, plans and processes are in place to effectively manage the impact of new development	P2.1.1.1 Continue to review the effectiveness of existing strategies, local environmental plans, development control plans and processes across all programs

GOVERNANCE MATTERS

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

This Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and the Department of Planning, Industry and Environment's (DPI&E's) guides, '*A Guide to Preparing Local Environment Plans*' (December 2018) and '*A Guide to Preparing Planning Proposals*' (December 2018).

Section 3.35 of the EP&A Act, a Planning Proposal authority may, at any time, vary a proposals as a consequence of its consideration of any submission or report during community consultation or for any other reason. Further community consultation would not be required unless the Minister so directs in a revised Gateway determination.

The site specific DCP controls are required to be consistent with the proposed LEP provisions contained in the planning proposal. Under Section 4.43(5)(b) of the *EP&A Act 1979*, a provision of a development control plan has no effect to the extent that it is inconsistent or incompatible with a provision of the LEP applying to the land. Clause 21 of the *Environmental Planning and Assessment Regulation 2000* sets out that after considering submissions on a draft DCP, Council may:

- approve the plan in the form in which it was publicly exhibited; or
- approve the plan with such alterations as the council thinks fit; or
- not proceed with the plan.

Council must publish notice of its decision on the draft DCP on its website within 28 days of the decision being made. The DCP comes into effect on the date that the notice is published on Council's website, or on a later date specified in the notice. It is recommended that the DCP is to come into effect on the same date as the planning proposal.

RISK MANAGEMENT

Council may risk damage to its reputation if it does not undertake strategic land use planning in a timely and effective manner in accordance with the North District Plan and Council's adopted Local Strategic Planning Statement.

FINANCIAL CONSIDERATIONS

The Planning Proposal and was subject to the relevant application fee under Council's Schedule of Fees and Charges. The cost of preparing this report is covered by the Strategy Department Urban Planning & Heritage Unit budget.

SOCIAL CONSIDERATIONS

The Planning Proposal is considered to have significant positive social benefits including the delivery of two new public parks, 3,000m² of community facilities and additional housing choice.

ENVIRONMENTAL CONSIDERATIONS

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

COMMUNITY CONSULTATION

The Planning Proposal and draft site specific DCP were placed on public exhibition from 29 July 2021 to 27 August 2021 in accordance with the requirements of the Gateway Determination, and Council's Community Participation Plan.

The public exhibition was advertised on Council's website, and via Council's Enews. Notification letters were sent to over 5,000 surrounding properties advising of the exhibition and inviting residents to make a submission.

The public exhibition material was available on Council's website, and including a FAQ document. Urban Planning staff were available during the exhibition period to answer any questions.

All persons who made a submission have been notified of this matter being reported back to Council.

INTERNAL CONSULTATION

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

SUMMARY

The Planning Proposal and draft site specific DCP for the Lindfield Village Hub site were placed on public exhibition from 30 July 2021 to 27 August 2021 in accordance with the conditions of the Gateway Determination and Council's Community Participation Plan.

A total of 439 submissions were received via email and Council's website during the public exhibition period.

Following consideration of the issues raised in the public submissions, it is recommended the following amendments are made to the planning proposal and draft DCP before finalisation:

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- i. Amend the height of building map in the planning proposal to more closely reflect the heights intended in the reference scheme.
- ii. Include a maximum RL of 127.45 (Urban Design Report p65) in the proposed new Part 6 Additional Local Provisions clause.
- iii. Include a storey control within the DCP (similar to KDCP 7C.7 1) relating to the LEP maximum height of buildings to ensure that the number of storeys is limited to those shown in the Urban Design Report.
- iv. Include a setback control to require the top storey of all parts of the building to be setback a minimum of 3m (similar to KDCP 7C.8 2(i) (but not (ii))).
- v. Include over-shadowing controls to ensure future park receives a certain minimum of direct solar access.
- vi. Include an objective and associated control in the DCP that requires any affordable housing to have equal or greater amenity than market housing.
- vii. Include an objective and associated controls in the DCP to ensure that appropriate levels of access and parking are maintained for the adjoining Scout Hall site.

RECOMMENDATION:

That:

- A. Council adopt the Planning Proposal to amend the planning controls that apply to the land at 1 Woodford Lane, 2-12 Bent Street, 1B Beaconsfield Parade, 19 Drovers Way, Drovers Way Road Reserve and Woodford Lane, Lindfield, subject to the amendments identified in this report.
- B. The Planning Proposal be submitted to the Department of Planning, Industry and Environment in accordance with section 3.36 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Industry and Environment be requested to make the plan.
- C. Council adopt the Ku-ring-gai Development Control Plan amendment associated with the planning proposal subject to the amendments identified in this report. The Development Control Plan is to come into effect on the same date as the associated amendments to *Ku-ring-gai Local Environmental Plan 2015* come into effect.
- D. Delegation be given to the General Manager and Director Strategy and Environment to correct any inconsistencies or errors in the Planning Proposal and draft DCP prior to it being submitted to Department of Planning, Industry and Environment for finalisation.
- E. Those persons who made submissions be notified of Councils decision.












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Attachments:	 A1	Gateway Determination		2021/222753
	 A2	TfNSW Pre exhibition letter		2021/179493
	 A3	Planning Proposal - Exhibition Version	Excluded. See page 119 of the separate attachments supplied with the business paper for the 19 October 2021 OMC.	2021/299462
	 A4	Appendix A - Urban Design Study	Excluded. See page 191 of the separate attachments supplied with the business paper for the 19 October 2021 OMC.	2021/222785
	 A5	Appendix B - Traffic Impact Assessment	Excluded. See page 280 of the separate attachments supplied with the business paper for the 19 October 2021 OMC.	2021/222798
	 A6	Appendix C - Phase 1 Contamination Report	Excluded – circulated electronically only	2021/222803
	 A7	Appendix C - Phase 2 Contamination Report	Excluded – circulated electronically only	2021/222808
	 A8	Appendix D - Community Engagement Report	Excluded. See page 310 of the separate attachments supplied with the business paper for the 19 October 2021 OMC.	2021/222810
	 A9	Appendix E - Flora and Fauna Report	Excluded. See page 319 of the separate attachments supplied with the business paper for the 19 October 2021 OMC.	2021/222813
	 A10	Appendix F - Benefits of Lindfield Village Hub	Excluded. See page 397 of the separate attachments supplied with the business paper for the 19 October 2021 OMC.	2021/222857
	 A11	Appendix F - Economic Impact Assessment	Excluded. See page 406 of the separate attachments supplied with	2021/222858

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		the business paper for the 19 October 2021 OMC.	
A12	Appendix G - Draft Site Specific DCP		2021/222862
A13	Appendix H - Council Resolution OMC 20 August 2019		2021/222864
A14	Appendix I - TfNSW letter 8 September 2020		2021/222865
A15	Submission Summary Table		2021/298991
A16	State Agency Submissions Summary Table		2021/239284