

# PRE-DEVELOPMENT APPLICATION MEETING REPORT

REFERENCE No:	PRE0138/14		
SITE ADDRESS:	43 Lindfield Avenue and 9 Havilah Lane LINDFIELD NSW 2070		
PROPOSAL:	Demolition of existing service station and carpark and construction of a 7 storey mixed use development with 4 levels of basement car parking		
DATE OF MEETING:	6 November 2014		
PRESENT AT MEETING:	Council		
	Name	Title	
	Jonathan Goodwill	Executive Assessment Officer	
	Shaun Garland	Team Leader Development Assessment South	
	Kathy Hawken	Team Leader Development Engineering	
	Applicant's representatives		
	Name	Capacity	
	Wally Zagoridis	owner	
	Robert Moss	owner	
	Vic Lake	Architect	
	Lisa	Architect	
PLAN REFERENCES:	Plan no.	Drawn by	Dated
	PRE-DA14	Vic Lake Architect	7/10/2014
	PRE-DA15	Vic Lake Architect	7/10/2014
	PRE-DA16	Vic Lake Architect	7/10/2014
	PRE-DA17	Vic Lake Architect	7/10/2014
	PRE-DA18	Vic Lake Architect	7/10/2014
	PRE-DA19	Vic Lake Architect	7/10/2014
	PRE-DA20	Vic Lake Architect	7/10/2014
	PRE-DA21	Vic Lake Architect	7/10/2014
	PRE-DA22	Vic Lake Architect	7/10/2014
	PRE-DA23	Vic Lake Architect	7/10/2014
	PRE-DA24	Vic Lake Architect	7/10/2014
	PRE-DA25	Vic Lake Architect	7/10/2014
DOCUMENTS/REPORTS	Document(s)	Dated	
	Letter prepared by Vic Lake	7 October 2014	
KEY ISSUES:	The Pre DA application states that answers to two questions regarding vehicle access and the creation of a pedestrian laneway are requested.		

## EXECUTIVE SUMMARY

<b>Zoning:</b>	B2 Local Centre
<b>Building height:</b>	26.5m
<b>Floor space ratio:</b>	3:1
<b>Permissible Development:</b>	Yes
<b>Relevant Environmental Planning Instruments &amp; Codes</b>	Ku-ring-gai LEP (Local Centres) 2012 Local Centres DCP SEPP 55 – Remediation of land SEPP 65 – Design quality of residential flat development Draft SEPP 65 Design Quality of Residential Flat Development (Amendment No 3) SEPP (BASIX) 2004 SEPP (Sydney Harbour Catchment) 2005 SEPP (Major Development) 2005 SEPP (Infrastructure) 2007
<b>Type of development:</b>	Local
<b>Relevant external referrals:</b>	Railcorp
<b>Bushfire Prone Land:</b>	No
<b>Riparian Zone:</b>	No
<b>Vegetation/Endangered Species:</b>	No
<b>In the vicinity of Urban Bushland:</b>	No
<b>Heritage Item:</b>	No
<b>In the vicinity of a Heritage Item</b>	Yes
<b>Urban Conservation Area:</b>	No
<b>Aboriginal heritage:</b>	No
<b>Visual Character Study Category:</b>	N/A
<b>Easement, covenants, reserves, road widening etc</b>	Yes – 9 Havilah Lane subject to a 1.22m wide easement for sewerage and drainage

## RESPONSE TO ISSUES

### PLANNING COMENTS

The Pre DA Application specifically requested responses to two questions regarding vehicle access and a pedestrian laneway. The application was not subject to a full assessment by all of Council's experts. The issues identified below are unlikely to be all the issues required to be addressed in the preparation of the development application.

#### Item 1 – Vehicle Access

*As Council will only permit vehicle access from Havilah Lane and due to the available Lane frontage being 15.620 metres the traffic arrangement proposed will separate the residential vehicle parking access from the commercial vehicle parking & delivery access. We seek Council's position on whether they will require separating the commercial delivery vehicles and the commercial (retail) vehicle parking as part of the development of the subject sites.*

#### RESPONSE:

The commercial delivery vehicles are not required to be separated from the commercial (retail) vehicle parking.

#### Item 2 - Public Pedestrian Link Between Havilah Lane & Lindfield Avenue

*During the recent Land & Environment Court Mediation and subsequent Hearing the Council mentioned that the provision of a public pedestrian link between Havilah Lane & Lindfield Avenue would not essential as the adjoining development to the south had provided a pedestrian connection. Further should the adjoining southern R4 land ever be developed a public access way could be included within their southern 6 metre side boundary setback. We seek Council's position on whether they will require a public pedestrian access way between Havilah Lane & Lindfield Ave over the subject sites as part of the development of the subject sites.*

#### RESPONSE:

The advice provided during the Land & Environment Court Mediation that the pedestrian laneway was not required also represents Council position with respect to the revised development proposal. The impact of not providing the required 5m setback does influence the built form of the development and the impacts of the development on the residential flat building adjacent site to the north. Further discussion regarding this matter is provided below.

Design control 3 in Part 8A.1 – Building Setbacks of the Local Centres DCP states:

*In B2 and B4 zones, mixed use buildings are generally not required to provide side and rear setbacks, except where variations are required as specified in Volume B Part 1 of this DCP. These variations are designed to facilitate building articulation, modulation and the provision of new or widened streets and through site pedestrian walkways.*

Volume B of the DCP states:

*All buildings within this precinct are required to be built to the street alignment and with a zero setback to property boundaries with the following exceptions:*

*ix) 5 metres setback applying to northern boundaries of Nos. 43 Lindfield Avenue and No. 9 Havilah Lane for a pedestrian lane. Land is to be dedicated to Council at no cost.*

It is agreed that a 6m side setback requirement would apply to the development of 51 Lindfield Avenue for the purposes of a residential flat building, however the pedestrian laneway requirement does not apply to this site so it is unlikely that a request for the redevelopment of the site to include a pedestrian laneway would be made. The provision of a pedestrian laneway in a side setback is also inconsistent with one of the core objectives of the setback requirement, which is to provide deep soil landscaping to achieve a landscaped setting.

The future development of the town square will reinforce the role of Kochia Lane as a pedestrian thoroughfare linking Havilah Lane and Lindfield Avenue. The southern end of Kochia Lane is also closer to the pedestrian entry to Lindfield Train Station than the frontage of 43 Lindfield Avenue. For these reasons it is considered unlikely that not providing a new pedestrian laneway would have a significant adverse impact on pedestrian circulation through the Lindfield town centre.

A nil setback from the northern boundary for the ground floor level is considered acceptable providing that the visual impacts of the northern elevation are appropriately ameliorated through appropriate treatment. Concern is raised that the achievement of an appropriate treatment may be difficult if the northern face of the wall cannot be accessed during construction. During the meeting the use of precast panels for the northern wall was suggested. Other means of softening the wall, such as through landscaping on level 1 could be utilised, but this landscaping should be a secondary measure only, the primary means of providing an appropriate presentation to the street and adjoining site must be through suitably resolved architectural detailing.

The building separation requirements in Part 8A.2 'Building Separation' of the DCP will need to be satisfied by the proposal. The survey plan for the residential flat building at 51 Lindfield Avenue does not contain sufficient detail to determine whether compliance with the separation distance requirements will be achieved. A detailed survey of the building at 51 Lindfield Avenue should be obtained.

Detailed justification for the variation to the 5m wide pedestrian laneway requirement should be provided in the statement of environmental effects.

## **ANY OTHER RELEVANT MATTERS DISCUSSED**

Other issues discussed during the meeting included:

- landscape plans for planter boxes on levels 2, 6 and 8
- design quality of Havilah Lane elevation
- electrical substation requirements
- isolation of 39-41 Lindfield Avenue
- it was suggested that the development of 51 Lindfield Avenue as a residential flat building would not achieve the height limit as the allotment was undersized, further investigation reveals that this site is not subject to clause 4.3 (2A) of the Local Centres DCP which restricts the height of buildings on allotments of less than 2400m<sup>2</sup> to a maximum of 14.5m as the site is not located in 'Area 1' on the Height of Buildings Map
- requirement to redesign basement to protect the *Acmena smithii* (Lilli Pilli) located at the rear of 51 Lindfield Avenue or obtain approval for the removal of the tree prior to the lodgement of the development application, it is also noted that a

*Brachychiton acerifolia* (Illawarra Flame) located at the front of 51 Lindfield Avenue will also require redesign of the basement or approval for the removal of the tree prior to the lodgement of the development application

## **INFORMATION TO BE SUBMITTED**

- Refer to Council's DA Guide

[http://www.kmc.nsw.gov.au/resources/documents/DA\\_Guide.pdf](http://www.kmc.nsw.gov.au/resources/documents/DA_Guide.pdf)

- All plans (survey plan, architectural plans, landscape plans, stormwater plans, compliance diagrams) must be at a consistent and workable scale (1:100 preferable or 1:200). All plans must show consistent detail.
- The plans must be clear and legible and sharp in detail. Poor photocopied plans will not be accepted.
- Ensure correct and complete owner's consent is provided with development application. Owners consent for adjoining properties also to be supplied where works impact adjoining trees.

## **CONCLUSION**

The pre-lodgement meeting and this report attempt to answer the questions contained in the letter dated 7 October 2014 prepared by Vic Lake. The comments provided in this report are not the result of a full planning assessment and should not be considered exhaustive.

We hope that this advice assists you. If you have any further enquires please contact Jonathan Goodwill on 9424 0888 during normal business hours.

**JONATHAN GOODWILL**  
**EXECUTIVE ASSESSMENT OFFICER**

**SHAUN GARLAND**  
**TEAM LEADER – DEVELOPMENT ASSESSMENT**

**DATED:**

## **DISCLAIMER**

The aim of pre development application consultation is to provide a service to people who wish to obtain the views of Council staff about the various aspects of a preliminary proposal, prior to lodging a development application (DA). The advice can then be addressed or at least known, prior to lodging a DA. This has the following benefits: -

- Allowing a more informed decision about whether to proceed with a DA; and
- Allowing matters and issues to be addressed especially issues of concern, prior to lodging a DA. This could then save time and money once the DA is lodged.

All efforts are made to identify issues of relevance and likely concern with the preliminary proposal. However, the comments and views in this letter are based only on the plans and information submitted for preliminary assessment and discussion at the pre DA consultation. You are advised that: -

- The views expressed may vary once detailed plans and information are submitted and formally assessed in the development application process, or as a result of issues contained in submissions by interested parties;
- Given the complexity of issues often involved and the limited time for full assessment, no guarantee is given that every issue of relevance will be identified;
- Amending one aspect of the proposal could result in changes which would create a different set of impacts from the original plans and therefore require further assessment and advice;
- This Pre-DA advice does not bind Council officers, the elected Council members, or other bodies beyond Council in any way whatsoever.