

An architectural rendering of a modern, multi-story residential building with a curved facade and extensive greenery. The building features a mix of brick and stone textures, with balconies and terraces integrated with plants. In the foreground, a paved walkway leads to the building's entrance, where several people are walking. Two cyclists are riding along a path next to a road. The sky is a soft, hazy blue with some clouds, suggesting a late afternoon or early morning setting. The overall atmosphere is one of a vibrant, sustainable urban environment.

LINDFIELD VILLAGE LIVING

259 & 265-271 PACIFIC HIGHWAY, LINDFIELD STATEMENT OF ENVIRONMENTAL EFFECTS

6 DECEMBER 2018
FINAL
PREPARED FOR OLSSON AND ASSOCIATES PTY LTD



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Project Code	SA7166
Report Number	SA7166_Lindfield Village Living_SEE_Final_v1

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EXECUTIVE SUMMARY

- This Statement of Environmental Effects accompanies an Integrated Development Application (DA) to Ku-ring-gai Council and the Sydney North Planning Panel 7 storey mixed-use residential development at the current Lindfield Library Site, known as Lindfield Village Living (LVL) and located at 259 & 265-271 Pacific Highway, Lindfield (the Site).
- Lindfield Village Living is a key project identified in Ku-ring-gai Council's 'Activate Lindfield' initiative which is part of the broader 'Activate Ku-ring-gai' initiative that focuses on the urban renewal of Ku-ring-gai's major centres. The 'Activate Lindfield' initiative intends the current Lindfield Library site to be predominantly residential with some lower order commercial uses as reflected in the preceding Planning Proposal and Precinct Masterplan for the site. The Planning Proposal informed the changes to the controls applicable to the Site within the Ku-ring-gai (Local Centres) LEP 2012 (KLEP 2012) and Ku-ring-gai DCP 2016 (KDCP 2016).
- The DA was preceded by significant design development and a Stage 1 Design Report which was commissioned by Ku-ring-gai Council to review the key opportunities and constraints of the Site and to test the SJB Precinct Masterplan.
- As part of the Stage 1 Design process, the design team explored a number of preliminary design options that improve on the original Precinct Masterplan. The project team determined that a U-shaped building design with four separately accessible cores would provide the highest level of amenity, functional apartment layouts and environmental performance accentuating access to natural light and ventilation for both apartments and communal open space areas
- The proposal responds positively to the strategic and statutory planning framework which relates to the Site. The project is consistent with the aims and objectives of a range of State, Regional and Metropolitan planning initiatives, and satisfies the local objectives and key development standards of SEPP 65 and the Apartment Design Guide, the KLEP 2012 and KDCP 2016.
- While a minor variation to the maximum building height standard of KLEP 2016 is proposed, this is considered reasonable on the basis that the proposal provides a more resolved and better urban outcome. This includes a more expansive area of communal open space than would result from strict compliance with the underlying development standard.
- The proposal provides a range of public benefits, including the provision of a generous and active public domain and new shareway/through site link as envisaged by the KDCP 2016 and Precinct Masterplan. The 'Activate Lindfield' initiative seeks to use the funds raised from the sale of the Lindfield Village Living to in part fund the re-location of key community facilities from the Site to the proposed Lindfield Village Hub.
- Based on preliminary feedback from Council Officers, the proposal has provided specific attention to building separation and its sensitive interfaces with surrounding properties and the rail corridor as well as providing a new retail tenancy fronting the new shareway/through site link.
- The supporting technical studies which accompany this DA establish that the environmental impacts of the proposed concept are generally positive, and where appropriate and will not give rise to any unreasonable impacts.
- This project represents a unique strategic opportunity to promote the redevelopment of a major mixed-use residential development Lindfield Town Centre. This accords with the State, Regional and Local strategic initiatives to provide a high-quality designed development and ultimately contribute to the provision of housing and employment opportunities in a centrally located site close to public transport.
- In summary, the proposal will provide a very positive response to the site and surrounding development and should be supported by the Sydney North Planning Panel.

1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for Olsson and Associates Pty Ltd (the applicant) in support of an Integrated Development Application (DA) to Ku-ring-gai Council and the Sydney North Planning Panel for a mixed-use residential development at the current Lindfield Library Site, known as Lindfield Village Living (LVL) and located at 259 & 265-271 Pacific Highway, Lindfield (the Site).

The development application has been prepared in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and seeks consent for the following works:

- Demolition of all existing buildings and structures on the site,
- Excavation, remediation and site preparation works,
- Construction of two basement levels with car parking for 150 vehicles, including 20 accessible spaces and 50 bicycle spaces,
- Construction of a mixed-use residential apartment building of varying height comprising 134 residential apartments, a 56 sqm retail tenancy (neighbourhood shop), communal open space, site landscaping and swimming pool at ground level,
- A minor variation to the maximum building height of 23.5m within the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012*,
- Tree removal (45 trees either on site or immediately adjacent), and
- Public domain works and landscaping including a new shareway/pedestrian through site link linking the Pacific Highway to Tryon Place.

The site is owned by Ku-ring-gai Council. Under clause 20 and Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRDSEPP), Council development with a Capital Investment Value (CIV) greater than \$5 million is required to be determined by the regional planning panel.

The proposed development has a CIV of \$68.235 million the Sydney North Planning Panel is therefore the Consent Authority for this development.

The report provides the following:

- **Section 1 – Introduction:** provides an overview of the site and supporting documentation.
- **Section 2 - Site and Surrounds:** provides a description of the site context, including identification of the site, existing development on the site, and surrounding development.
- **Section 3 – Background:** details the recent planning history of the site.
- **Section 4 – Proposed Development:** provides a detailed description of the proposed development.
- **Section 5 – Assessment of Planning Considerations:** provides an assessment of relevant matters under Section 4.15 of the EP&A Act 1979.
- **Section 6 – Conclusion.**

1.1. SUPPORTING DOCUMENTATION

Table 1 identifies the technical and design documents submitted as Appendices to this SEE.

Table 1 – Supporting Documentation

Document Name	Prepared by	Reference
Stage 1 Pre-Design Report	<i>Olsson and Associates Architects</i>	Appendix A
Design Vision Statement	<i>Fox Johnston & Olsson & Associates</i>	Appendix B
Pre-Lodgement Response Table	<i>Olsson and Associates Architects</i>	Appendix C
Clause 4.6 Variation Request	<i>Urbis</i>	Appendix D
Architectural Plans	<i>Fox Johnston</i>	Appendix E
Transport Impact Assessment	<i>PeopleTrans</i>	Appendix F
Arboricultural Impact Report	<i>Landscape Matrix</i>	Appendix G
Landscape Plans	<i>360 Degrees</i>	Appendix H
SEPP 65 Design Statement	<i>Fox Johnston</i>	Appendix I
Acoustic Report	<i>JHA Consulting Engineers</i>	Appendix J
Civil Plans and Stormwater Management	<i>Jones Nicholson</i>	Appendix L
BCA and Access	<i>Matt Shutter & Associates</i>	Appendix M
Fire Services	<i>Performance Based Consulting</i>	Appendix N
Electrical Services	<i>JHA Consulting Engineers</i>	Appendix O
Hydraulic Services	<i>Jones Nicholson</i>	Appendix P
Mechanical Services	<i>JHA Consulting Engineers</i>	Appendix Q
External Lighting Design	<i>JHA Consulting Engineers</i>	Appendix R
Geotechnical Report	<i>Asset Geotechnical</i>	Appendix S
Quantity Surveyors Report	<i>Coutts Cost Consulting</i>	Appendix T
Detailed Site Investigation	<i>SLR Consulting</i>	Appendix U
BASIX Certificate and Stamped Plans	<i>JHA Consulting Engineers</i>	Appendix V
Structural Engineers Report	<i>SDA Structures</i>	Appendix W
Derailment Risk Assessment	<i>Sherpa Consulting</i>	Appendix X
CPTED Report	<i>Design Partnership</i>	Appendix Y
Waste Management Plan	<i>SLR Consulting</i>	Appendix Z
Preliminary Construction Management Plan	<i>Fox Johnston</i>	Appendix AA
Heritage Impact Statement	<i>John Oultram Heritage and Design</i>	Appendix BB
Survey Plan	<i>Degotardi Smith & Partners</i>	Appendix CC

2. SITE AND SURROUNDS

2.1. THE SITE

The Site is located at 259 & 265-271 Pacific Highway, Lindfield at the southern edge of the Lindfield Local Centre. The site is also known as the Lindfield Library site.

Figure 1 illustrates the site and the allotments to which the development application relates.

Figure 1 – Aerial photo of the site



Source: Nearmap

The Site is irregular in shape and comprises 4 separate allotments. The site has a total combined area of 5,848.5m². The site has approximate frontages of 68m to the Pacific Highway, 99m to the North Shore Railway Line and 6m to Tryon Place. The site is referred to as the Lindfield Library Precinct and comprises the following buildings/services:

1. Lindfield Branch Library (Lot 8 in DP 660564);
2. Privately Let Studio Apartments (Lot 3 in DP 212617);
3. Lindfield Seniors' Centre (Lot 2 in DP 212617);
4. Lindfield Seniors' Resource Centre (Lot 8 in DP 660564);
5. Ku-ring-gai Youth Development Service (KYDS) (Lot 8 in DP 660564);

6. Lindfield Community Centre tennis court and sun shelter (Lot 8 In DP 660564);
7. Car park and access road (Lot 1 in DP 212617).

The site includes landscaping around each building and grassed areas mainly associated with the tennis courts. An existing toilet block is located to the north of the tennis courts. An existing historic well is located in the western portion of the site in front of the existing Library Building.

2.2. SURROUNDING CONTEXT

The site is located 150 metres south of Lindfield Train Station and is bounded by the Pacific Highway to the west, residential development to the south, North Shore Rail Corridor to the east and commercial (B2 zone) uses to the north (see **Figure 2** below) as describe below:

North: Directly north of the site is a car dealership located at 283 Pacific Highway, Lindfield. Further north is Lindfield Station.

East: Directly east of the site is the North Shore Rail Line and various single storey detached dwellings located along Lindfield Avenue.

South: Directly south of the site is a 3-storey residential flat building containing 16 apartments.

West: Directly west of the site is the Pacific Highway with a number of 2-storey detached dwellings on the opposite side of the carriageway.

Figure 2 – Aerial view of the site in context with greater Lindfield.



Source: Geocortex (Air Photo 2014)

2.3. SITE TOPOGRAPHY

The site topography slopes down from the ridge line along the Pacific Highway to the east with a cross fall of 7m from the south west to the north east (site survey). The site topography is illustrated in **Figure 3** below:

Figure 3 – Site Topography

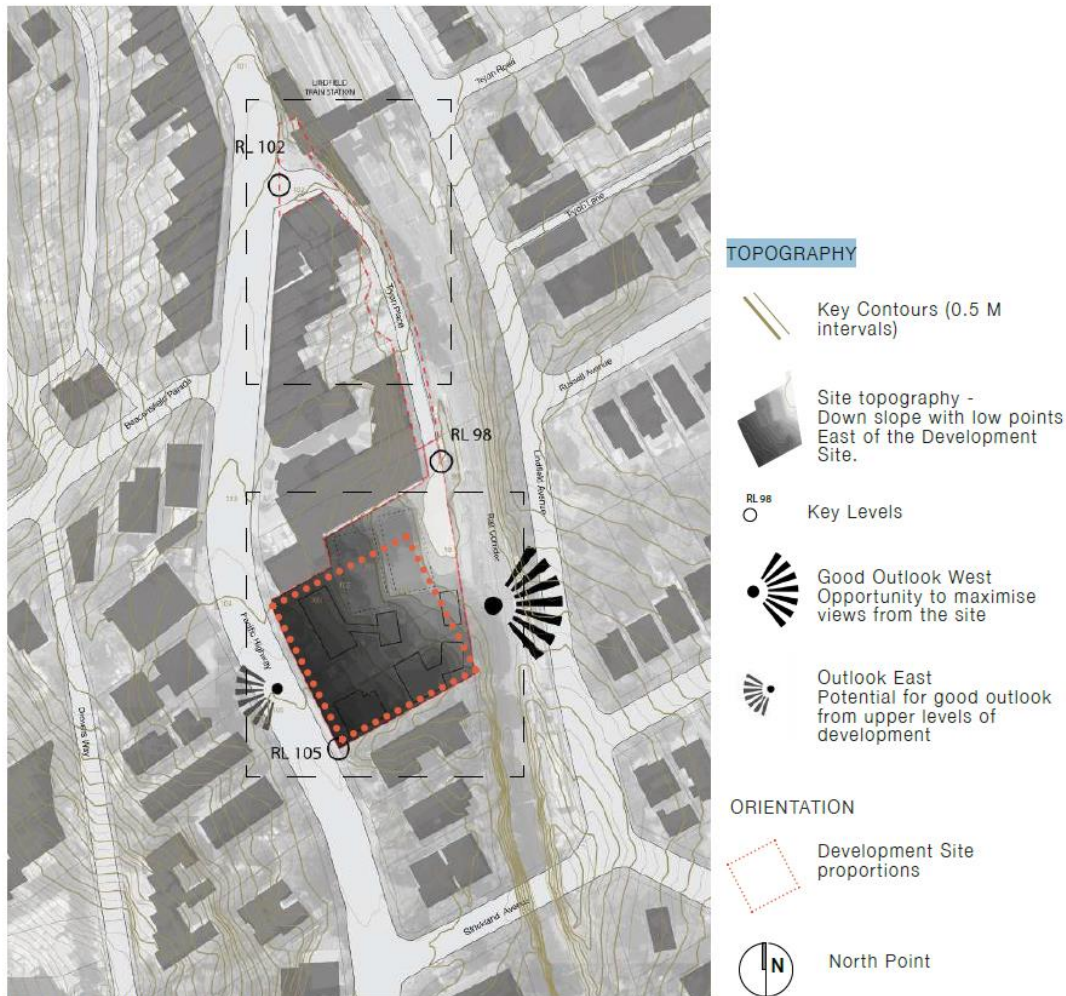


Fig. 1 : Orientation, Climate & Topography Plan Analysis. NTS.

3. BACKGROUND

3.1. PLANNING PROPOSAL – AMENDMENT OF KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (LOCAL CENTRES) 2012

In November 2014, Ku-ring-gai Council endorsed the commencement of a process to reclassify Council owned land at 259-271 Pacific Highway, Lindfield from Community to Operational land and to amend the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (KLEP 2012).

The 2014 report to Council warranted this reclassification site on the basis that

“the existing facilities on the site are either at the end of their useful life or inadequate for contemporary needs.” And,

‘Further, the existing buildings are not suitable for long term adaptation and re-use due to their condition.’

The Planning Proposal was supported by Council due to commitments it had made in relation to the development of the ‘Lindfield Hub’ which included the relocation of the former seniors centre, former seniors resource centre and library to this new community hub.

As part of this process consultants were engaged to undertake studies for the planning of the site including:

- Urban Design (SJB),
- Heritage,
- Economic, and
- Geotechnical and Contamination.

A Planning Proposal was prepared and submitted to amend the KLEP 2012 as follows;

- The reclassification of land at 259-271 Pacific Highway, Lindfield from Community Land to Operational land and discharging all interest in the land;
- The rezoning of the land to R4 – High Density Residential;
- The amendment to the floor space ratio (FSR) of the land from 1.3:1 to FSR of 2.0:1;
- The amendment to the maximum height of the land from 17.5 metres to 23.5 metres; and
- The inclusion of office and business premises as additional permitted uses on the site under Schedule 1.

The planning proposal included a Precinct Masterplan and Urban Design Study for the site prepared by SJB. The purpose of this study was to provide a justification and design rationale to support the amendment of the LEP controls.

The Ku-ring-gai LEP (Local Centres) 2012 (Amendment No. 5) was gazetted on 29 September 2017.

The Ku-ring-gai DCP (Local Centres) 2016 (KDCP 2016) was subsequently adopted by Council and came into effect on 7 December 2017. The KDCP 2016 incorporated the SJB Precinct Masterplan as the basis for a suite of site specific controls for the Lindfield Library site.

3.2. ACTIVATE LINDFIELD INITIATIVE

Ku-ring-gai Council's 'Activate Lindfield' initiative is part of the broader 'Activate Ku-ring-gai' initiative which focuses on the urban renewal of Ku-ring-gai's major centres. 'Activate Lindfield' involves three key projects which include:

- Lindfield Village Living (subject of this DA);
- Lindfield Village Hub; and
- Lindfield Village Green.

The objective these projects is to make Lindfield more attractive and provide:

- (a) A complementary mix of uses, activities and events;*
- (b) An integrated, permeable network of well-designed public spaces, paths and streets that support vibrant public life and high connectivity; and*
- (c) Buildings and structures of high architectural quality and environmental performance.*

The Activate Lindfield initiative intends the current Lindfield Library site to be predominantly residential as reflected in the SJB Precinct Masterplan for the site.

The initiative recognised that significant community facilities and open space will be provided within the two other precincts (Village Hub and Village Green).

The Lindfield Village Hub located on the Western Side of the Pacific Highway will incorporate the following community uses:

- A new library (1,200sqm),
- A new community centre (1,250sqm),
- A new child care centre (550sqm),
- New public domain (including plaza, park and other open space areas totalling 3,900sqm), lane / road and car parking within the site boundary.

The 'Lindfield Village Green' urban renewal project will transform the Tryon Place car park into a new public space which includes construction of a three-level basement car park for commuter and short-term parking (replacing the existing car park), a public park, café, gazebo and water feature. This project was approved in August 2018.

The Activate Lindfield Initiative clearly focuses on ensuring that community facilities are not lost to Lindfield in the development of the Lindfield Library site. This position was reiterated in an Ordinary Council Meeting held on 8 May 2018. In this meeting a Notice of Motion was resolved to reaffirm Council's position that the new Lindfield Library along with facilities for KYDS and the Lindfield Seniors will be provided for within the Lindfield Village Hub.

3.3. STAGE 1 DESIGN REPORT – DEVELOPMENT APPLICATION

As part of the detailed brief for Design Consultant Services for the Lindfield Village Living project, Council requested a Stage 1 –Pre-Design Report (Design Report). This Report was to highlight any planning, heritage, design, engineering, materials selection, construction and building services matters that are to be addressed in the detailed design stage (DA).

The Design Report was to also consider and justify any revisions to the SJB Masterplan and include a revised illustrative masterplan, sections, elevations and perspective views, relevant text and information for Council approval prior to proceeding to the detailed design stage.

A copy of this Stage 1 Design Report is included for background information purposes at **Appendix A**. An additional Design Vision Statement has also been provided by Fox Johnston at **Appendix B**.

As the SJB Precinct Masterplan was a high-level conceptual document to inform the LEP & DCP amendment, further testing of the Masterplan was required to determine whether this layout could be improved. This included testing the key objectives State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development) (SEPP 65) and the Apartment Design Guide (ADG).

The Stage 1 Design Report identified that the SJB Masterplan made use of the following opportunities:

- Strengthening the existing street edge and frontage to the Pacific Highway,
- Introduction of a new street connecting the Pacific Highway with Tryon Place,
- It encouraged commercial tenancies which currently have their main entrance on the Pacific Highway, to interface with Tryon Place,
- Retention of existing trees on site to create a buffer between the development site and the adjoining sites, rail corridor and residential flat buildings,
- Provision of a stepped built form to respond to the site's topography, and
- Anticipation of a future development envelope for the adjoining site to the north, so that 283 Pacific Highway can be redeveloped in the future.

The Design Report identified the following constraints and areas that could be improved within the SJB Masterplan:

- The design will need to address and mitigate the challenging acoustic environment of the Pacific Highway and Rail Corridor,
- Existing location of historic well is in conflict with the proposed building footprint.
- The built form impacts a number of existing trees on site.
- The adjoining residential building with habitable rooms and balconies facing north towards the site will need to be taken into consideration in terms of setbacks and solar access.
- The open space (public and private) suffers excessive over-shadowing.
- The dimensions of the central narrow courtyard limit the use of this space.
- The internal circulation configuration provides for long paths of travel to the apartment entries,
- Long corridors overlook the courtyard, and
- The proposed active frontage and road did not take in account the steep topography.

As part of the Stage 1 Design process, the design team explored a number of preliminary design options that improve on the Precinct Masterplan. These options are illustrated in **Figure 4**.

Figure 4 – Design Option Testing

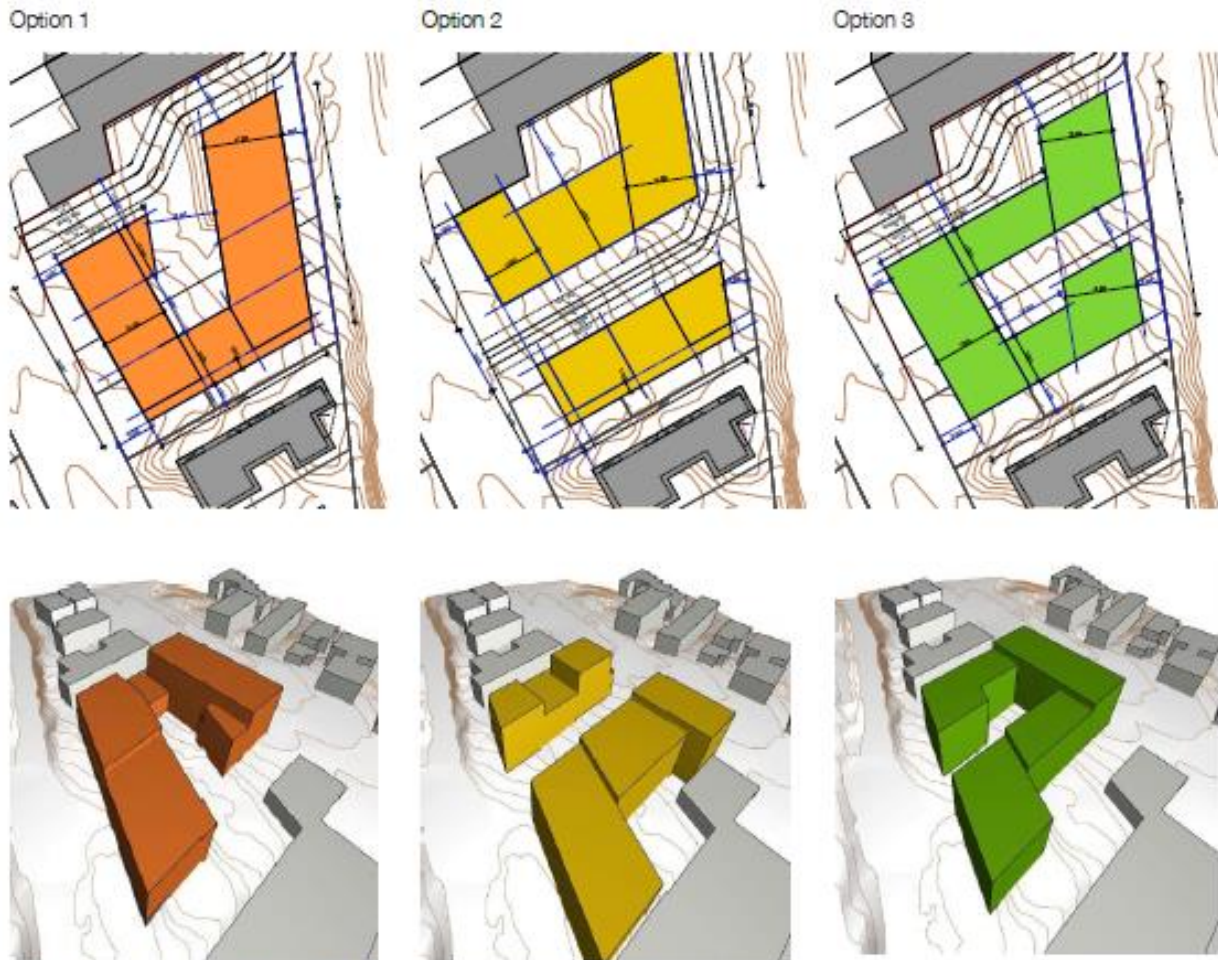


Fig. 1 : Exploration and testing of 3 Building Envelopes for the Development Site. Plans and Perspective views.

Source: Stage 1 Design Report - Olsson & Associates and Fox Johnston, 2018.

Following this testing, Option 1 was selected for the following key reasons:

- Respects DCP Masterplan objectives and main criteria,
- Provides a through site link identical to DCP masterplan with shared road,
- Results in limited over-shadowing of communal open space through its northern orientation,
- Acceptable solar access is maintained to 257 Pacific Highway to the south.
- The design provides a compact simple form with cohesive building depths to better respond to the site's context.
- District views are maintained when compared to Precinct Masterplan envelope.
- The design allows for a larger building envelope to encourage architectural design without compromising GFA.
- The proposal provides a well landscaped communal courtyard visually linked with landscaping to the north and south of the new street to create an extensive landscaped outlook.

Following sign off from Council's Major Projects team, Option 1 was progressed to detailed design and subsequent pre-lodgment meeting with Council.

3.4. PRE-LODGEEMENT CONSULTATION

The project team has met with Ku-ring-gai Council on a number of occasions to discuss the proposed development prior to the formal pre-lodgement meeting held on 10 August 2018.

The design presented at the pre-lodgement meeting was a progression of the Option 1 design presented in the Stage 1 Design Report.

Following the meeting, Council provided written feedback regarding architectural and urban design matters in a letter dated 18 October 2018. The matters raised in this pre-da meeting has been considered by the project team and addressed in the submitted design scheme. The project team's response to the matters raised in the pre-lodgement feedback have been included a detailed response table by Olsson and Associates at **Appendix C**.

The key matters raised in the pre-lodgement meeting included:

- Activation of new road through non-residential uses,
- Boundary setbacks for deep soil landscaping,
- Built form,
- Design response to road and rail constraints.

The matters raised within the pre-lodgement meeting have been addressed in Table 2 – Response to Key Matters. below, the submitted design, accompanying consultant reports and within this SEE.

Table 2 – Response to Key Matters.

Council Comment	Response
Activation Concern that the proposal does not appropriately activate the new laneway and as such is not consistent with the aims of the KLEP 2012, KDCP 2016 and Precinct Masterplan.	<ul style="list-style-type: none"> • A 56sqm retail tenancy has now been provided within the proposed design on the north western corner. • Further response to the matter of activation of the proposed shareway is included within the SEE at Section 5.2.10 and 5.3. • Council has decided not to pursue a child care centre in this location, rather providing this facility in a more appropriate location as part of the Lindfield Village Hub. • The site to the north, which is zoned B2 – Local Centre offers a wider range of permissible uses (food and drink premises etc.) that in our opinion will provide better opportunities activate the proposed shareway than relying on ancillary uses. • Council's support for the built form with the ground level communal open space open to the north and the 3-4 component to the south in addition to car park access at the lowest point of the site leaves little area for additional commercial tenancies at ground level.
Setbacks - ensure greater provision of deep soil planting within the setback areas, better amenity for residents, and more opportunities to retain existing trees as well as additional planting	<ul style="list-style-type: none"> • Further response to the matter of setbacks and deep soil area is included within the SEE at Section 5.2.10 and 5.3. • Setbacks have been increased to all boundaries and basement set back 6m from the eastern boundary to ensure greater deep soil area.

Council Comment	Response
<ul style="list-style-type: none"> - 15% of Deep Soil should be achievable. 	<ul style="list-style-type: none"> • 1301 sqm (22%) of the site is provided as deep soil landscaping.
Building Height	<ul style="list-style-type: none"> • The proposal exceeds the maximum building height under the KLEP 2012. A request to vary the building height under clause 4.6 has been provided at Appendix D.
Built Form Privatisation of ground level and impacts on building address, active frontages, public domain, pedestrian interaction.	<ul style="list-style-type: none"> • Further response to the matter of built form is included within the SEE at Section 5.2.10 and 5.3. • The proposed built form has been tested to result in a high level of solar, acoustic and cross ventilation consistent with the ADG. • The built form ensures an expansive north facing communal open space area can be provided with excellent amenity. • The proposed built form and façade design responds to the acoustic environment offering maximum protection to internal areas.
Overshadowing	<ul style="list-style-type: none"> • Further response to the matter of built form is included within the SEE at Section 5.2.8 and 5.3. • Additional analysis has been provided within the Architectural Plans at Appendix E. The plans demonstrate an acceptable level of impact to 257 Pacific Highway which is consistent with the level of impact expected by the development uplift on the LVL site.
Tryon Place and New Shareway <ul style="list-style-type: none"> - One way south to north, - Should encourage pedestrian use over vehicles. - No reduction in 13m setback. 	<ul style="list-style-type: none"> • Further response to the matter the shareway is included within the SEE at Section 5.2.10, 5.3 and Transport Impact Assessment (TIA) at Appendix F. • A 13m setback has been maintained to the north. • Width of road encourages a shared, pedestrian orientated zone which will maximise the area devoted to public domain on the site whilst still ensuring the maximum FSR can be achieved on the site to maximise the development's future sale value which will fund community facilities and public domain upgrades within Lindfield.
Privacy and Overlooking <ul style="list-style-type: none"> - Retention of trees, - Compliance with setbacks to retain trees and deep soil areas, - Increase setback above level 4. 	<ul style="list-style-type: none"> • Refer to Arboricultural Impact Report at Appendix F and Section 5.2.10 and 5.3 of the SEE. • Trees have been retained on site where possible however many trees that require removal are situated in the vicinity of the new shareway or located centrally on the site. Tree protection measures have been included within the report.

Council Comment	Response
	<ul style="list-style-type: none"> Setbacks have been increased to all boundaries to increase deep soil zones. The Landscape Plans at Appendix H illustrate how these setback areas will be landscaped. The southern setbacks have been increased to around 9m above level 4 however it is also noted that the site to the south (257 Pacific Hwy) can only develop to 11.5m (4 storeys). Given that this 3-storey building contains 16 strata titled units, it is not anticipated that this site will be developed in the foreseeable future. As such there will be minimal privacy impacts from levels above the roofline of 257 Pacific Hwy.
Affordable Housing	<ul style="list-style-type: none"> Addressed in Section 5.2.7 of this SEE. It has been determined that Part 3 of the SEPP Affordable Rental Housing does not apply.
Local Centres DCP Part 7 - Residential Flat Building	<ul style="list-style-type: none"> The submitted design has addressed the controls and objectives within the KDCP 2016. Refer to assessment within the SEE at Section 5.2.10.
SEPP 65 and the ADG	<ul style="list-style-type: none"> The Architects have provided a Design Statement and SEPP 65 Compliance Table at Appendix I. Refer to assessment in section 5.2.8 of the SEE.
SEPP (Infrastructure) 2007 <ul style="list-style-type: none"> Natural ventilation and acoustics, Vibration 	<ul style="list-style-type: none"> Refer to Architectural Plans at Appendix E, Acoustic Report at Appendix J and assessment at section 5.2.4.

4. PROPOSED DEVELOPMENT

4.1. OVERVIEW

The DA seeks consent for the following works:

- Demolition of all existing buildings and structures on the site,
- Excavation, remediation and other site preparation works,
- Construction of two basement levels with car parking for 150 vehicles, including 20 accessible spaces and 50 bicycle spaces,
- Construction of a mixed-use residential apartment building of varying height comprising 134 residential apartments, a 56 sqm retail tenancy (neighbourhood shop), communal open space, site landscaping and swimming pool at ground level,
- A minor variation to the maximum building height of 23.5m within the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012*,
- Tree removal (45 trees either on site or immediately adjacent), and
- Public domain works and landscaping including a new shareway/pedestrian through site link linking the Pacific Highway to Tryon Place.

A Design Vision Statement has been included at **Appendix B**. Architectural Plans by Fox Johnston Architects are included at **Appendix E** and CGI Images at **Appendix K**. Key numeric aspects of the proposal are provided in Table 3.

Table 3 – Proposed Development Overview

Parameter	Proposed
Land Uses	Residential Flat Building Neighbourhood Shop
Maximum Building Height	26.8m
Overall GFA	11,674 sqm
Neighbourhood Shop GFA	56sqm
Residential GFA	11,618sqm
Number of apartments	134
Dwelling mix	1 bedroom: 53 (39.55%) 2 bedrooms: 52 (38.80%) 3 bedrooms: 29 (21.64%)
Deep Soil area	1,301sqm (22%)
Landscape area	1,600sqm
Communal open space	1565 sqm (26.8%) including: 775sqm (ground level)

Parameter	Proposed
	790sqm (rooftop)
Car Parking	Total: 150 (including 2 car share spaces)
Bicycle Parking	Total: 50 34 Residential and 16 visitor spaces.

4.2. DEMOLITION, EARTHWORKS AND EXCAVATION.

The proposed development includes the demolition of all buildings and existing structures on the site as shown on the Demolition Plan at **Appendix E**. The proposed development will involve earthworks to prepare the site for the proposed development and excavation to enable 2 levels of basement car parking.

4.3. DESIGN

A Design Vision Statement has been provided by Fox Johnston at **Appendix B**. The design team have worked closely together on a cohesive design which exhibits architectural design excellence based on strong ESD principles.

The proposal includes the following key design features:

- The sloping site topography is complemented by built forms following the site contours, harmonising with the landform while taking advantage of views and a north-easterly solar aspect to maximise apartment amenity.
- A carefully articulated massing which accentuates a permeable, active and walkable ground plane fronting Tryon Place. The proposed design responds to the context of the desired future built form for the site as outlined in the site-specific DCP.
- A ground floor retail/commercial tenancy is proposed on the north western corner of the proposed building. This tenancy will activate this visually prominent corner.
- A diverse mix of apartment sizes and layouts which includes 20 'Platinum Apartments' are provided in a planned density that responds to the location proximate to Lindfield Rail Station. Apartment sizes vary from 50sqm to 120sqm.
- A highly efficient U-shaped building design with four separately accessible cores, functional apartment layouts and environmental performance which accentuates access to natural light and ventilation. The majority of apartments have been designed to face North and East or West, many with dual orientation.
- Apartments that are provided with a variety of high quality indoor and outdoor spaces with a strong emphasis on visual privacy and outlook. Balconies are designed to maximise the potential for outdoor living and are covered to control the elements.
- Canopy trees in deep soil to all boundaries reflect the landscaped character of Lindfield. A central garden courtyard is the heart of the project, providing a pleasant outlook onto communal open space.
- Specific design treatments that respond to the existing noise environment adjacent Pacific Highway and Rail corridor through specific acoustic treatments, covered balconies, materiality and setbacks.
- A material palette which incorporates an array of complimentary materials – facebrick, sandstone, painted render, off-form concrete, powder coated aluminium and glazing. Materials have been selected for their longevity and robustness as well their textural tactile components.

Illustrative photomontages of the proposed development are provided in **Figure 5** below and within **Appendix K**:

Figure 5 – Illustrative photomontages



Picture 1 – Looking east at the proposed development from Pacific Highway.

Source: Fox Johnston



Picture 2 – Looking west at the proposed development from the North Shore Rail Line.

Source: Fox Johnston

4.4. ACCESS AND PARKING

A TIA, prepared by People Trans, is included at **Appendix F**. The TIA provides a detailed overview of the proposed vehicular access and parking arrangements for the proposed development including the new laneway.

4.4.1. Parking

A basement car park will provide car parking spaces for 150 vehicles including 2 share vehicle spaces, 50 bicycles and 20 accessible spaces consistent with the relevant statutory requirements.

4.4.2. New Shareway & Vehicle Access

A new shareway/through site link will be constructed as per the Ku-ring-gai Local Centres Development Control Plan 2016 – Lindfield Library (KDCP 2016). Whilst not in the exact location envisaged by the KDCP 2016 the new shareway/through site link will connect the Pacific Highway to Tryon Place.

The shareway has been designed to be one way, with traffic entering via the Pacific Highway and travelling south to north in an anti-clockwise direction. The carriageway has been designed to be a shared zone.

Civil engineering plans including road cross sections have been included at **Appendix L**.

Vehicle access to the basement car park is proposed at the lowest portion of the site in the north eastern corner via the Tryon Place extension.

4.4.3. Pedestrian Access

Four access points are proposed into the residential buildings. Access will be controlled to these areas via secure keypad entry.

Fencing will be provided between the ground level communal spaces and the through site link to clearly delineate and separate private spaces from the public domain.

4.5. OPEN SPACE AND LANDSCAPING

4.5.1. The Site

Landscaping details are provided within the Landscape Plans at **Appendix H**. The proposed landscaping includes the following key features:

- Passive and active green spaces with a combination of deep soil areas and soil on slab to form a holistic urban garden responsive to the scale of the development,
- Plant selection to suit various micro climatic conditions and site requirements and includes local native and indigenous species used where possible,
- Incorporation of large podium planters within the site as well as generous landscaped gardens along the adjacent property boundary and within the buildings providing natural areas for stormwater retention to complement the proposed deep soil areas and encourages indoor/ outdoor relationships through varied spaces which includes an activated rooftop communal space, and
- Extensive deep soil planting areas to the rear and front setback areas around the building providing adequate space for substantial tree planting. Landscape areas above the basement slab also have a minimum soil depth of 0.35m.

4.5.2. Public Domain

As detailed above and within the Landscape Plans at **Appendix H**, a new shareway/pedestrian through site link will be provided in the northern portion of the site. This portion of the site will be publicly accessible by vehicles and pedestrians. Works to this portion of the site include paving and landscaping including tree planting and rain gardens.

4.6. STORMWATER MANAGEMENT

A Stormwater Management Plan (SMP) has been included at **Appendix L**. The SMP has been designed to meet the requirements of the Ku-ring-gai Local Centres Development Control Plan 2016 'Water Management' Part 24 as well specific advice provided by council during the Pre-Lodgement Application Meeting.

The proposed stormwater management works include:

- On-site detention (OSD).
- On-site stormwater retention (reuse tanks).
- Water quality treatment.

Water that has passed through the rainwater tank, water quality chamber and OSD tank will discharge to the existing stormwater pit located in the southern corner of the site within the existing driveway as per the stormwater drainage design plans.

4.7. BUILDING CODE OF AUSTRALIA AND ACCESSIBILITY

The proposal has been designed to meet the relevant deemed to satisfy provisions of the Building Code of Australia (BCA) and the relevant Accessibility Standards. Reference should be made to the BCA and Accessibility report at **Appendix M**.

4.8. FIRE SERVICES

Fire Engineering advice has been provided in relation to the proposed development by Performance Based Consulting and is attached at **Appendix N**. This advice has assessed the relevant fire safety measures within the BCA. The advice confirms that identified non-compliances with the Deemed to Satisfy provisions of the BCA can be supportable subject to the performance-based solutions detailed within the assessment being incorporated into the detailed design.

4.9. BUILDING SERVICES

4.9.1. Electrical Services

JHA Engineering have assessed and provided advice in relation the key electrical infrastructure required to service the development within the Electrical and Level 3 Services Report (Electrical Report) at **Appendix O**. The Electrical Report has reviewed the level of existing electrical infrastructure supplies to the site and has identified the works required to ensure the new residential development will have consolidated electrical power with spare capacity for future upgrades if required. The report provides details of the following electrical works:

- A new chamber substation at the north eastern corner of Basement Level 2,
- A solar photovoltaic (PV) system installed on the roof of Building A and Building B,
- Interior lighting details and controls,
- Emergency and exit lighting,
- Security, surveillance and access control,
- Television and telecommunications services, and
- Smoke detection and emergency warning and intercom systems.

4.9.2. Hydraulic Services

Details of the hydraulic services required for the development are outlined in the Hydraulic Engineering Services Report and Plans at **Appendix P**. Reference should be made to this report for all details in relation to the following:

- Potable cold water,
- Sanitary drainage,
- Hydrants and hose reels,
- Natural gas services, and
- Rainwater harvesting.

4.9.3. Mechanical Services

Details and assessment of the mechanical services required for the development are outlined in the Mechanical Services Report and Plans at **Appendix Q**. Reference should be made to this report for all details in relation to the following works:

- Required mechanical services for BCA compliance.
- Plant space required for the proposed mechanical systems.
- Descriptions of the mechanical equipment required within the development including spatial and locations, and
- Proposed alternative mechanical solutions based on the proposed architectural layout.

4.10. EXTERNAL LIGHTING

Details of the external lighting required for the development are outlined in the Development External Lighting Design Report at **Appendix R**. Reference should be made to this report for all details in relation to the following works:

- External lighting design objectives and strategies,
- Proposed lighting zones,
- Proposed lighting layout, and
- Lighting hierarchy and typologies.

5. ASSESSMENT OF PLANNING CONSIDERATIONS

This chapter contains our assessment of the environmental effects of the proposed development as described in the preceding chapters of this report. Under Section 4.15 of the EP&A Act, in determining a development application the consent authority must take into account a range of matters relevant to the development including the provisions of environmental planning instruments; impacts on the built and natural environment, the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

5.1. INTEGRATED DEVELOPMENT

The Geotechnical Investigation at **Appendix S** notes that groundwater was measured in BH1 and BH5 which indicated a depth of 4.8m (RL 100.6 AHD) and 2.7m (RL 95.4 AHD) respectively. The Geotechnical Investigation notes that the groundwater level slope direction is consistent with the ground surface slope direction.

Whilst the Geotechnical Investigation notes that any inflow to basement excavations would be localised it does anticipate that some seepage of groundwater or perched water may occur during excavation through the fractured bedrock. As such dewatering via conventional sump and pump methods may be required.

Given the potential for de-watering identified within the Geotechnical Report, we recommend that the DA be referred to the NSW Office of Water to determine whether an Aquifer Interference Approval is required under section 91 of the *Water Management Act 2000*.

5.2. COMPLIANCE WITH THE RELEVANT STRATEGIC AND STATUTORY PLANS AND POLICIES

Under Section 4.15 of the EP&A Act the consent authority is required to take into account the relevant provisions of any environmental planning instrument, draft instrument, or development control plan in their assessment of a DA. The following legislation is considered relevant to the proposed development:

- *Environmental Planning and Assessment Act 1979 (EP&A Act)*;
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *State Environmental Planning Policy (Sydney Harbour Catchment) 2005*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*;
- *Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (LEP 2012)*;
- *Ku-ring-gai Local Centres Development Control Plan 2016 (KDCP 2016)*.

The DA's consistency with the relevant statutory plans and policies is assessed in the following sections.

5.2.1. State Environmental Planning Policy (State and Regional Development) 2011

Part 4 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) requires that certain development specified in Schedule 7 to that policy is regionally significant development. Schedule 7 of the SRD SEPP provides that Council related development that has a Capital Investment Value (CIV) over \$5 million is regionally significant development. Section 2.15 of the EP&A Act 1979 provides that the regional panel has the functions of the consent authority under Part 4 for regionally significant development. The Quantity Surveyors Report (**Appendix T**) confirms that the CIV is over \$5 million and as such the Sydney North Planning Panel is the consent authority for this development.

5.2.2. State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) requires that the consent authority consider whether the land is contaminated prior to issuing consent. SEPP 55 provides a statewide planning approach to the remediation of contaminated land. SEPP 55 requires that the consent authority consider whether the land is contaminated, and if so, whether the land is able to be remediated prior to that land being used for the intended purpose.

A Stage 2 Detailed Site Investigation (DSI) was completed by SLR in 2016 and is included at **Appendix U**.

The DSI concluded:

- *“The detected concentrations of the identified contaminants of potential concern in soils in the areas of environmental concern on the site, are considered unlikely to present an unacceptable direct contact human health exposure risk, with the exception of lead at sampling point TP01 and TP07, and carcinogenic PAH (as benzo(a)pyrene TEQ) at sampling points TP01, TP06, TP07 and HA06;*
- *The potential for unacceptable contamination human health exposure risks to be present in uncharacterised fill soils in the vicinity of sampling points HA01, HA04 and HA06, cannot be precluded;*
- *It is considered that the site could be made suitable for the proposed land use scenario, subject to:*
 - *further assessment and management/remediation (if warranted) of identified lead and carcinogenic PAH impacts in soil, taking into consideration future detailed design of the proposed development;*
 - *addressing uncertainty around fill material in the vicinity of sampling points HA01, HA04 and HA06, taking into consideration future detailed design of the proposed development, and the limitations of undertaking further investigations while underground services are still present in the vicinity of HA06;*
- *In the event that management and/or remediation of lead or carcinogenic PAH in soils is required, there are well established and industry accepted methods available for addressing this form of contamination. Management and/or remediation options could include in-situ containment, ex-situ containment, or offsite disposal;*
- *Hazardous materials including but not limited to asbestos, that may be present in structures on the site, should be appropriately managed / removed, and appropriate clearances obtained from a suitably experienced occupational hygienist or environmental consultant, before demolition of those structures. This will assist in mitigating potential for future land contamination to occur during demolition, which can happen if hazardous materials are not managed appropriately; and*
- *Further contamination assessment works at the site should be undertaken by a suitable experienced environmental consultant.”*

The DSI has identified that the land can be made suitable for the proposed use subject to further assessment. As such further testing and if required the preparation of a Remediation Action Plan (RAP) and Site Audit Statement providing details of the methods to address the contamination and remediation options including details of containment and/or offsite removal should be undertaken prior to commencing any works on the site.

5.2.3. Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 (Sydney Harbour SREP) (Deemed SEPP)

The site is located within the hydrological catchment of Sydney Harbour, this is because the site is within the area shown on the Sydney Harbour Catchment Map accompanying the Sydney Harbour SREP at detailed at Schedule 1 to that instrument. Development within this hydrological catchment must consider the relevant principles of this plan.

Being within the catchment it is considered that drainage/runoff from the site would eventually drain into Sydney Harbour. Detailed stormwater and drainage plans have been submitted with the development application package, it is also noted that the proposed development includes below ground on-site stormwater detention. It is considered that the proposed development is consistent with the controls within the SREP and as such is considered to have minimal impacts on the Sydney Harbour Catchment.

5.2.4. State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) applies to Ku-ring-gai. Under the vegetation. Under the Vegetation SEPP, Council may issue a permit for the removal of vegetation provided that it does not exceed the biodiversity offsets scheme threshold, or forms part of a Heritage Item, Heritage Conservation Area or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance. In this instance The DA seeks development consent for tree removal rather than a permit. The proposed tree removal has been addressed within the accompanying Arboricultural Impact Report at **Appendix G**.

5.2.5. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 was gazetted on 25 June 2004. The policy applies to proposed BASIX affected or BASIX optional development across the State. The aim of the policy is to provide consistent implementation of the BASIX Scheme across the State.

The proposed development is BASIX affected. A BASIX certificate 954322M has been issued by JHA Consulting Engineers and is included with stamped plans at **Appendix V**.

5.2.6. State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) the ISEPP provides guidelines which must be taken into account where development is proposed in, or adjacent to, specific roads and railway corridors.

Division 15 Railways Subdivision 2 Development in or adjacent to rail corridors

This division applies to the development application as it is located adjacent to a rail corridor, the North Shore Rail Line.

Clause 85 of the ISEPP requires that development be referred to the 'Rail Authority' for the rail corridor and take into consideration any response to this notice if the development meets the relevant criteria specified within the clause.

Clause 86 of the ISEPP requires that development which proposes excavation within 25m (measured horizontally) of a rail corridor which penetrates the ground to a depth of at least 2m below ground level (existing) be referred to the 'rail authority' for the rail corridor and take into consideration any response to this notice and given their concurrence.

In deciding whether to provide concurrence the rail authority must take into account:

(a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:

(i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and

(ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and

Clause 87 of the ISEPP applies to residential development adjacent to rail corridors in which the consent authority considers likely to be adversely affected by rail noise or vibration. Clause 87 (3) provides further criteria in relation to residential development which states:

87(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time*

Urbis Comment: It is expected that the DA will be referred to Sydney Trains for concurrence. The following key points are noted in response to the relevant provisions within the ISEPP:

- A Structural Engineers Report has also been provided by SDA Structures Pty Ltd and included at **Appendix W**. The report addresses basement excavation, derailment protection and stray current. The report also includes concept sketches illustrating the relevant zones of influence for excavation.
- Derailment protection may be required for structures that are located within 10m of the centreline of the track. A derailment risk assessment was undertaken by Sherpa Consulting dated 6th April 2018 (**Appendix X**). This report was based on the original Masterplan noted that the building location was around 18m from the track centreline and, in that case, the derailment risk assessment indicated that no specific collision loading requirements were required for structures in the 10-20m zone of the rail centreline. The proposed building is a minimum 17.5m away from the centreline and as such it is considered that the findings of this report are still applicable to the proposal.
- In terms of excavation the SDA report confirms that:

“the excavation can be carried out with minimal temporary shoring and without the need for temporary ground anchors extending into the rail corridor, and that the effect on rail assets and infrastructure will be negligible.”
- A Geotechnical Report has previously been undertaken by Asset Geotechnical and is provided at **Appendix S**. This report provides recommendations for the design and construction of the development and identifies the potential geotechnical risks of construction on adjoining developments (Pacific Highway and the Rail Corridor) which include; vibration effects due to rock excavation, settlement / deflection of adjacent footings due to the basement excavation, and induced settlement due to groundwater drawdown.
- An Acoustic Report has been undertaken by JHA Consulting Engineers and is included at **Appendix J**. The report provides recommendations in relation to the design to ensure that the development can meet the ISEPP criteria whilst also ensuring natural ventilation can be achieved per the requirements of the ADG. The NIA confirms that subject to these recommendations being implemented the design can meet the noise level requirements within the ISEPP can be achieved.

Based on the information provided within the submitted documentation, the proposal is considered to have adequately addressed the key matters under Division 15 Subdivision 2 of the ISEPP, Development in or adjacent to rail corridors.

Division 17 Roads and Traffic Subdivision 2 Development in or adjacent to road corridors

This division applies to the development application as it is located adjacent to a major classified road corridor, the Pacific Highway.

Clause 101 of the ISEPP requires that the consent authority must not grant consent to development with frontage to classified road unless it is satisfied that:

- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Urbis Comment: The proposed shareway connects the Pacific Highway to Tryon Place and formed part of the Planning Proposal for the site. RMS provided comments in relation to this Planning Proposal and the Lindfield Local Centre Transport Network Model Study Report in a letter dated 16 May 2016.

In relation to vehicular access arrangements to the Site, RMS noted that access should be via the ‘rear lane’ extension to Tryon Place as proposed. RMS also stated that:

"[They] would support the proposed extension of Tryon Place southward to a new connecting road to the Pacific Highway provided this road is one-way only and is left-in only from the Pacific Highway." This arrangement would need to be set out in a site-specific Development Control Plan/Planning Agreement for the site to ensure future access will be obtained and constructed as proposed.

As per the submitted TIA by People Trans at **Appendix F** and submitted Architectural Plans at **Appendix E** access to the proposed basement carpark is via the southern extension to Tryon Place and consistent with the site specific DCP. The new shareway (connecting road) extending to the Pacific Highway will be one way with left in access only from the Pacific Highway.

Clause 102 of the ISEPP relates to the impact of road noise or vibration on non-road development and applies to residential development adjacent to a road with an annual average daily traffic volume (AADT) of more than 20,000 vehicles and states:

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,

(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Urbis Comment: As per the RMS Traffic Volume Maps, the Pacific Highway is identified as a road with an AADT of more than 20,000 vehicles. As detailed above the submitted Acoustic Report confirms that subject to these recommendations being implemented the design can meet the noise level requirements within the ISEPP.

Clause 104 of the ISEPP relates to new development specified within Schedule 13 of the ISEPP of a relevant size or capacity with access either to a classified road or to a road that connects to a classified road (if access is within 90m of that connection measured along alignment of connecting road).

Urbis Comment: Access to the site will be via Tryon Place. When the proposed extension to Tryon Place and the Pacific Highway is completed, this access will be within 90m of that connection. The proposal is for 134 residential apartments which means that the development is of a relevant size or capacity (75 or more dwellings). The proposal is therefore 'Traffic Generating Development' and should be required to be referred to RMS for concurrence.

5.2.7. State Environmental Planning Policy (Affordable Rental Housing) 2007.

Part 3 - Retention of existing affordable rental housing.

The site currently contains an existing two-storey residential apartment building contains 14 studio units which are rented out to the public at market rate.

Part 3 of *State Environmental Planning Policy (Affordable Rental Housing) 2007* (ARHSEPP) applies to buildings that were *low-rental residential buildings* as at 28 January 2000. The ARHSEPP defines a *Low-rental residential building* as follows:

"low-rental residential building means a building used as a residential flat building containing a low-rental dwelling or as a boarding house and includes a building:

(a) that, at the time of lodgement of a development application to which this Part applies, is lawfully used as a residential flat building containing a low-rental dwelling or as a boarding house, irrespective of the purpose for which the building may have been erected, or

(b) that was used as a residential flat building containing a low-rental dwelling or as a boarding house but that use has been changed unlawfully to another use, or

(c) that is vacant, but the last significant use of which was as a residential flat building containing a low-rental dwelling or as a boarding house."

The Department of Planning *Guidelines for the Retention of Existing Affordable Housing, 2009* provides further guidance on what types of buildings are excluded from Part 3 of the SEPP Affordable Rental Housing 2009.

When the ARH SEPP is read in conjunction with these guidelines, the ARHSEPP follows the standard LEP definitions when determining what would be considered a 'low rental residential building'. This means that Part 3 of the ARHSEPP only applies to buildings defined as 'residential flat buildings' or 'boarding houses'.

The guidelines go on to state that Part 3 of the ARHSEPP does not apply to other forms of accommodation lawfully characterised as an alternative land use which includes *inter alia* **seniors housing**.

Based on documentary evidence provided by Ku-ring-gai Council as part of the Planning Proposal, it can be confirmed that the former 'Arrunga Aged Care Self Contained Units' were used for *seniors housing* prior to 28 January 2000. As such Part 3 of the ARH SEPP does not apply in this instance.

5.2.8. State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) was gazetted on 19 June 2015. The SEPP aims to improve the design quality of residential flat buildings, shop top housing and the residential component of mixed use developments. It applies to any building that comprises 3 or more storeys and 4 or more dwellings.

A detailed assessment of the proposal against the SEPP 65 design quality principles and the Apartment Design Guide (ADG) has been prepared by the Architect, Fox Johnston and is included at **Appendix I**. Fox Johnston have also prepared the required design verification statement. The SEPP 65 statement and assessment confirms that the proposed design achieves the ten principles set out in SEPP 65 and that the proposed building has been designed to be consistent with the ADG.

The proposed reference design demonstrates a high level of amenity for common lobbies, corridors and apartments including:

- Solar Access – 70.8%,
- Natural Cross Ventilation – 63.4%,
- Natural ventilation to all apartments (refer to discussion below),
- 3.1m floor to floor heights.

The proposed site layout allows for north facing communal open space and deep soil areas which have a high solar amenity exceed ADG and DCP requirements including;

- 1,565 sqm of communal open space (26.8% of the site)
- 1,301 sqm of deep soil landscaping (22% of the site)

Overall, the proposed development achieves a high level of consistency with the relevant provisions of the Apartment Design Guide (ADG) however, alternate design solutions are required in relation to the following objectives:

- *Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter*
- *Objective 3F-1 – Visual Privacy (separation and setbacks)*
- *Objective 4B-1 All Habitable Rooms are naturally ventilated*
- *Objective 4D -1 Apartment type and minimum internal area requirements*
- *Objective 4J - Noise and pollution*

Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter

Objective 3B – 2 seeks to ensure that overshadowing to neighbouring properties is minimised during mid-winter. A detailed solar analysis undertaken by the Architect and illustrated within the submitted plans at **Appendix E** has revealed that the proposed development will have a minor impact on the neighbouring residential apartment building to the south (257 Pacific Highway). The detailed elevational analysis demonstrates the shadow impact in 15min increments.

The analysis has found that 9 (56.25%) apartments within the current building at 257 Pacific Highway receive 2hrs sunlight and the proposed development will result in a further reduction to this number of 3 apartments.

Whilst there will be some minor impact from the development to the north facing apartments of 257 Pacific Highway, the level of impact is considered acceptable for these reasons:

- In its analysis the project Architects have determined that the low levels sunlight achieved by 257 Pacific Highway is more a result of its orientation and long northern and southern facades. The analysis has found that the proposed development does not result in any further shadows to the glazing of apartments that do not currently receive the required 2 hours.
- **Figure 6 to Figure 8** provide a comparison between the Precinct Masterplan and the proposed built form. The image demonstrates that the impact is generally consistent with the level of impact envisaged by the Precinct Masterplan adopted by Council with only a minor increase to impacts. These impacts result mainly from the shifting of the '4 storey connecting building' between the two main buildings to the south of the site which was supported by Council in its pre-lodgement advice.
- The impact illustrated within the analysis is considered acceptable in the context of a built environment that is likely to undergo substantial change as it transitions to a higher density around Lindfield Train Station.
- The site has gone through a detailed planning process to implement controls to achieve a more intensive high-density residential development on the site which includes a height of 23.5m and FSR of 2:1. The level of impact is consistent with what would ordinarily be anticipated in a high-density environment.
- The requirement for the shareway and 13m setback to the northern boundary constrains the ability to increase lower level setbacks beyond those proposed whilst maintaining the FSR predominantly below the 23.5m height limit.
- The proposed orientation provides a better solar outcome for the communal open space areas on the site, than the original Masterplan. The original Masterplan would have been in shadow throughout the day and as such would have a more highly compromised solar amenity.
- Overall the building separation between the two buildings is 14m at the lower levels which exceeds the minimum habitable separation within the ADG of 12m.

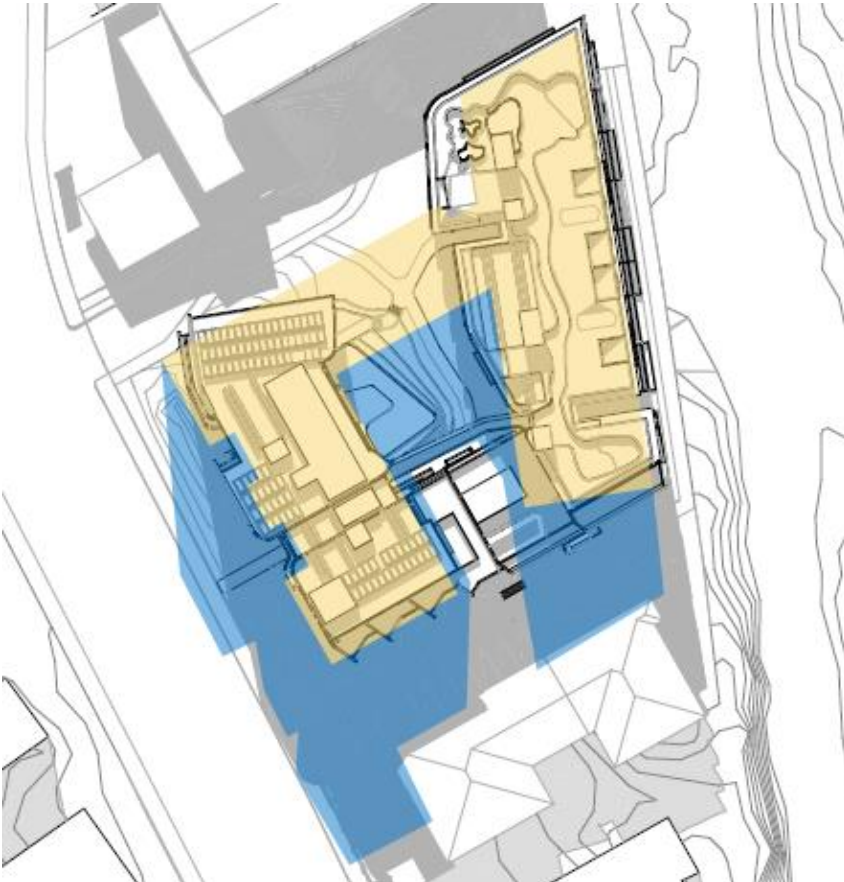
Given the above, the overshadowing impacts to 257 Pacific Highway are on balance considered acceptable.

Figure 6 - Shadow Comparison – June 21, 9am



Source: Fox Johnston

Figure 7 - Shadow Comparison – June 21, 12pm



Source: Fox Johnston

Figure 8 - Shadow Comparison – June 21, 3pm



Source: Fox Johnston

Objective 3F -1 Visual Privacy

Objective 3F-1 – Visual Privacy seeks to ensure that adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy (separation and setbacks).

The proposal has minor encroachments into the required setback for habitable rooms and balconies to the southern boundary. The minor variations to the ADG habitable zone setbacks to the southern boundary are considered acceptable for the following reasons:

- At the lower levels the majority of each balcony and living area windows are setback 6m. The minor encroachment relates mainly to the splayed (offset) portion of the balconies which improves visual privacy, visual interest and articulation to the lower level facades.
- The building separation between the proposed building and 257 Pacific Highway is 14m which is 2m greater than the required habitable separation distance of 12m.
- The proposed setbacks above Level 4 only encroach approximately 0.19m into the 9m habitable setback zones which is considered a minor encroachment.
- The adjacent building to the south is three storey strata titled building with a maximum height of 11.5m. This means that even if the site were to be developed, based on a floor to floor height of 3m it could only realistically achieve one additional storey under the height limit. The encroachment into the 9m setback is therefore unlikely to cause significant privacy concerns to any existing or future development of 257 Pacific Highway as these levels would look out over the roof top and not directly into apartments.
- Whilst there will be a reduction in the number of dwellings that achieve 2hrs sunlight in midwinter the impact is considered acceptable in the context of the minor level of the setback encroachments which are unlikely to change the level of impact if full compliance were to be required.
- As shown in the landscape plans the setback areas are able to achieve significant levels of deep soil planting.

Based on the minor variation and the level of impacts generated the proposed setbacks to the southern boundary are considered an acceptable planning outcome.

Objective 4B-1 All Habitable Rooms are Naturally Ventilated & Objective 4J - Noise and pollution

Objective 4B-1 & Objective 4J seeks to ensure that all apartments are naturally ventilated whilst also ensuring that acceptable internal acoustic amenity is able to be achieved on sites that are affected by significant noise sources.

The development site is located adjacent to the Pacific Highway and the North Shore Rail Corridor. The ISEPP provides minimum internal acoustic amenity criteria that is required to be achieved in all apartments.

The Acoustic Report at **Appendix J** has confirmed that based on its assessment, apartments exposed to noise from the Pacific Highway and the Rail Corridor will require alternative means of ventilation in addition to acoustic treatment to meet the requirements of the ISEPP, National Construction Code and the KDCP 2016.

The Acoustic Diagram provided by Fox Johnston A-801-002 within the submitted plans at **Appendix E** illustrates that:

- 23 (23.8%) apartments will be provided with winter gardens (30% fixed open), and
- 66 (49%) apartments will be fitted with mechanical outside air fans.

Figure 9 and **Figure 10** illustrate how the proposed balconies fronting the two main noise sources will be treated to ensure that adequate internal acoustic amenity can be achieved whilst also maintaining natural ventilation in accordance with the ADG. As recommended within the Acoustic Report, the proposed acoustic treatments include:

Typical Railway Balcony

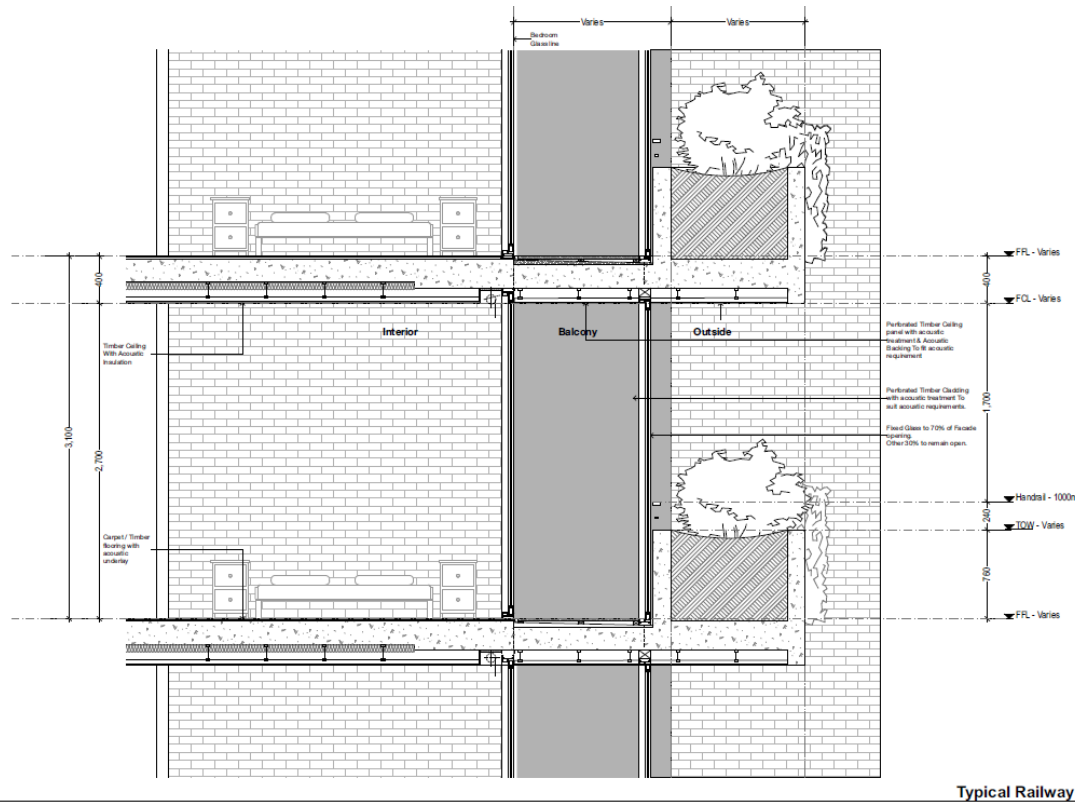
- Fixed glass to 70% of Façade opening with minimum Sound Reduction Index RW32,
- Balcony walls and ceiling to be lined with perforated timber cladding with Noise Reduction Coefficient (NRC) ≥ 0.5 , and
- Glazing with an acoustic performance equal or greater than detailed within Appendix B of the Acoustic Report.

Typical Highway Balcony

- Balcony walls and ceiling to be lined with perforated timber cladding with Noise Reduction Coefficient (NRC) ≥ 0.5 ,
- Acoustically treated mechanical ventilation system complying with relevant ventilation requirements, and
- Glazing with an acoustic performance equal or greater than detailed within Appendix B of the Acoustic Report.

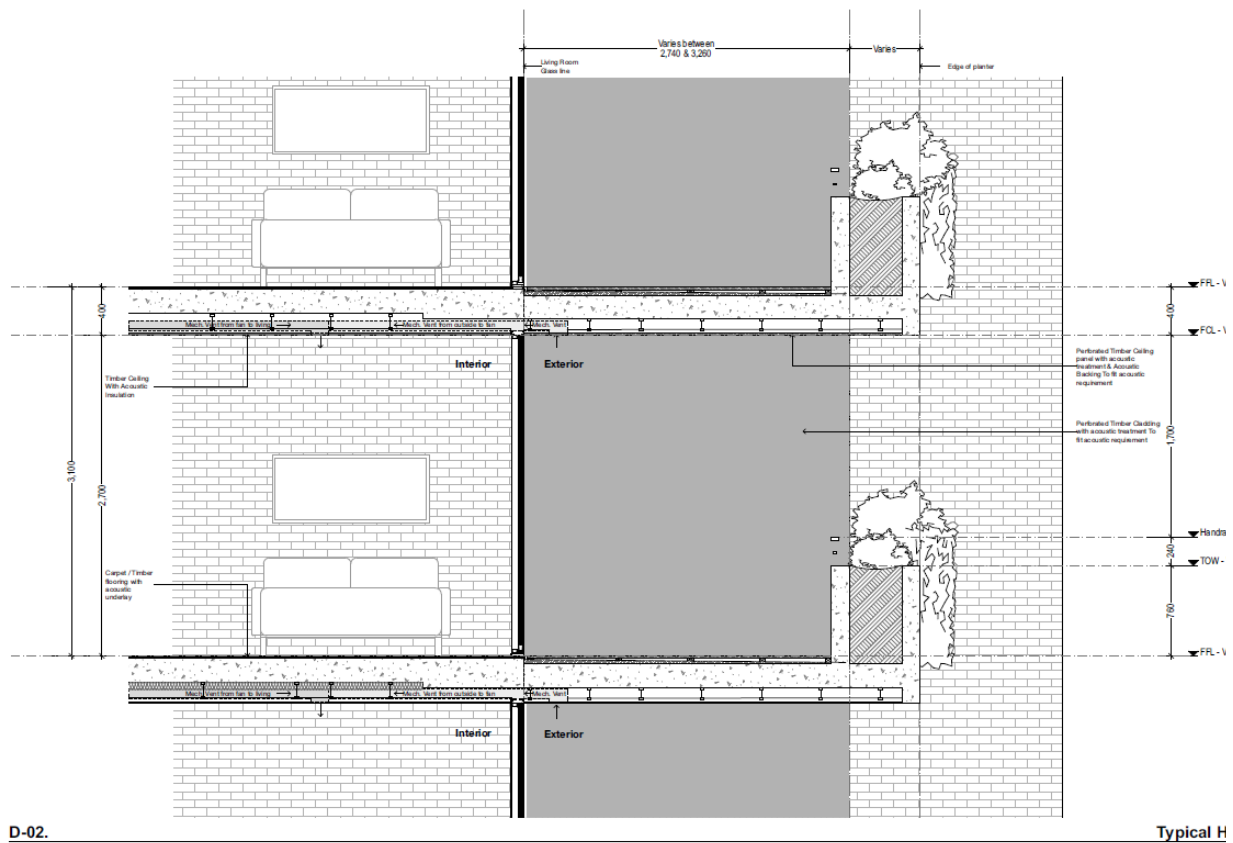
The Acoustic Report confirms that that subject to the recommended design solutions being incorporated, the proposal achieve both natural ventilation and meet the relevant acoustic criteria.

Figure 9 – Section – Typical Railway Balcony



Source: Fox Johnston

Figure 10 – Typical Pacific Highway Balcony



Source: Fox Johnston

Objective 4D -1 Apartment type and minimum internal area requirements

Objective 4D – 1 specifies minimum internal area requirements for apartments. In particular, the ADG provides that apartments which have an additional bathroom should add 5sqm to the minimum area.

The majority of the apartments have been measured to comply with these minimum internal areas. The following 2-bedroom apartments were found to be slightly below the minimum internal areas when adding the additional bathroom. These apartments include G01, 101, 201, 301, 401 and 501 and have been measured to have an internal area of 73sqm.

The minor non-compliance is deemed justifiable because the second bathroom will provide a better design outcome and increased amenity to the proposed two-bedroom apartments.

5.2.9. Ku-ring-gai Local Environmental Plan (Local Centres) 2012

Table 4 addresses the key compliance considerations in the *Ku-ring-gai Local Environmental Plan (Local Centres)* (LEP2012).

Table 4 – Ku-ring-gai LEP 2012 Assessment

Clause	Proposal	Complies
1.2 Aims		
a) to establish a hierarchy of centres for Ku-ring-gai	The proposed development does not impact on the achievement of this aim the site is Zoned R4 – High Density Residential which permits only lower order retail, commercial and business uses.	Yes
b) to guide the future development of land and the management of environmental, social, economic, heritage and cultural resources in Ku-ring-gai for the benefit of present and future generations,	The proposed development is broadly consistent with the key parameters of the KLEP 2012 and KDCP 2016. A minor height variation is proposed however is justified in the accompanying request to vary the Height of Buildings Development Standard under clause 4.6 of the KLEP 2012 (Appendix D).	Yes
c) to facilitate the development of the centres to enhance Ku-ring-gai's economic role and cater to the retail and commercial needs of the local community,	The proposed development responds to this aim by providing space for a new neighbourhood shop at the ground floor. A new shareway/pedestrian through site link will improve access to retail and commercial uses around Lindfield Station.	Yes
d) to provide a variety of housing choice within and adjacent to the centres	The proposed residential development will provide a variety of apartment types and sizes within the Lindfield Local Centre close to Lindfield Train Station	Yes
e) to protect, enhance and sustainably manage the biodiversity, natural ecosystems, water resources and ecological processes within the catchments of Ku-ring-gai,	The proposed development is within a highly urbanised environment. Trees will be retained on site where possible.	Yes
f) to recognise, protect and conserve Ku-ring-gai's indigenous and non-indigenous cultural heritage	The site is not identified as a Heritage Item within the KLEP 2012, nevertheless a plaque recognising the history of the site will be placed in a prominent location on the development site, (refer to HIA at Appendix BB)	Yes

Clause	Proposal	Complies
g) to encourage a diversity of employment in Ku-ring-gai,	The site is zoned for residential use rather than employment however contributes to this diversity through the provision of space for a neighbourhood shop within the proposal.	Yes
h) to achieve land use relationships that promote the efficient use of infrastructure,	The proposal is for a high density residential use in a Local Centre close to a high frequency public rail line and as such promotes the efficient use of infrastructure.	Yes
i) to facilitate good management of public assets and promote opportunities for social, cultural and community activities,	<p>The proposal is part of the 'Activate Lindfield' Initiative which proposes to relocate the community activities on the site to Lindfield Village Hub which is also being developed by Council.</p> <p>Space for a new neighbourhood shop has been re-introduced to the scheme following the pre-lodgement meeting. Whilst Council's pre-lodgement comments relating to an active frontage to the public laneway are acknowledged we specifically note the following:</p> <ul style="list-style-type: none"> - The site levels and requirement for the car park entry preclude any additional ground level commercial tenancies fronting the laneway to Building D to the east. - A continuous active frontage consistent with the SJB Masterplan does not appropriately balance with the achievement of acceptable amenity outcomes for the residential component consistent with the ADG. - Business or office premises are not considered active uses. The viability of locating such uses away from the main local centre is also questioned. - In our opinion a café use cannot be considered ancillary to either a newsagency, chemist or mini supermarket as it would not be subservient to the dominant use. - The R4 – High Density Residential Zone is not considered to be conducive to non-residential uses. If café/other retail uses were considered requisite to the proposed redevelopment of the site, then it is our opinion that these specific uses should have been included in the additional permitted 	Yes

Clause	Proposal	Complies
	<p>uses for the site during the re-zoning process.</p> <ul style="list-style-type: none"> - Notwithstanding the above the proposed shareway has been located so that it doesn't preclude an active frontage being achieved on the neighbouring site to the north which is more appropriately zoned to provide a wider range of permissible commercial and retail land uses. - Due to the updated requirements including the need for appropriately sized indoor and outdoor spaces and safe drop off areas, a community use such as a child-care centre was not considered appropriate for this development. It is noted that a new child care facility will be developed as part of the Lindfield Village Hub. 	
j) to protect the character of low density residential areas, and the special aesthetic values of land in the Ku-ring-gai area.	The site is zoned R4 High Density Residential in an appropriate location close to Lindfield Train Station and does not impact on low density residential areas.	Yes
R4 – High Density Residential Zone Objectives:		
To provide for the housing needs of the community within a high-density residential environment	The proposal is for a high-density mixed-use residential development.	Yes
To provide a variety of housing types within a high-density residential environment	The proposal provides a variety of 1, 2 and 3-bedroom apartments. Adaptable apartments are also provided.	Yes
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	A tenancy space for a neighbourhood shop has been provided within the development to meet the day to day needs of residents.	Yes
To provide for high density residential housing close to public transport, services and employment opportunities.	The proposal provides a high-density residential use close to Lindfield Station and Lindfield Local Centre which provides services and employment opportunities	Yes
Permissibility		
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child	The proposed development of a residential flat building, neighbourhood shop and new road is permissible with consent.	Yes

Clause	Proposal	Complies
care facilities; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Shop top housing		
Schedule 1 – Additional Permitted Uses 30 Use of certain land at 259 and 265–271 Pacific Highway, Lindfield Business premises and office premises.	Neither business premises or office premises are proposed.	Yes
Clause 4.3 Height of Buildings 23.5m	<p>Overall the height of the proposal predominantly complies with the maximum height limit.</p> <p>However, the proposal does seek to vary the maximum height to ensure access can be provided to the communal roof areas.</p> <p>A maximum height of 26.8m is proposed which is 3.3m over the development standard.</p> <p>A request to vary the development standard will be made under clause .4.6 of the KLEP 2012 (refer Appendix D).</p>	No -
Clause 4.4 Floor Space Ratio 2:1	<p>Site Area: 5848.5 m² [Deposited Plan]</p> <p>Proposed GFA: 11,674m²</p> <p>Proposed FSR: 1.996:1</p>	Yes
Clause 4.6 Exceptions to Development Standards	A variation to clause 4.3 Height of Buildings under clause 4.6 of the KLEP is requested. The variation request is included at Appendix D	Yes
Clause 5.4 Controls Relating to Miscellaneous Permissible Uses (7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under	Neighbourhood shop: 56 sqm.	Yes

Clause	Proposal	Complies
this Plan, the retail floor area must not exceed 100 square metres		
Clause 6.1 Earthworks	Earthworks are proposed to prepare the site and to construct the proposed basement. Development Consent is therefore required.	Yes
Clause 6.2 Stormwater and water sensitive urban design	A Stormwater Management Plan (refer Appendix L) has been prepared which includes details regarding stormwater and WSUD and MUSIC modelling.	Yes
6.5 Site requirements for multi dwelling housing and residential flat buildings (2) Development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a lot unless the lot has an area of at least 1,200 square metres and at least 1 street frontage of not less than: (a) if the area of the lot is less than 1,800 square metres—24 metres, or (b) if the area of the land is 1,800 square metres or more—30 metres.	The combined site area is greater than 1800sqm and has a frontage of 68m to the Pacific Highway.	Yes

5.2.10. Ku-ring-gai Local Centres Development Control Plan 2016

The *Ku-ring-gai Local Centres Development Control Plan (DCP) 2016* is the applicable development control plan applying to the site and provides general performance measures against which an application is to be assessed. These measures predominantly relate to amenity, environmental performance, traffic and parking, and heritage, and have been addressed by all specialist consultants in the preparation of technical reports and assessments.

Chapter 14E.13 of the *Ku-ring-gai Local Centres Development Control Plan (DCP) 2016* contains specific development guidance for the Lindfield local centre (L6).

Table 5 provides an assessment of the proposal against the relevant sections of the KDCP 2016.

Table 5 – Development Control Plan Compliance Table

Control	Control	Assessment	Compliance
<i>Ku-ring-gai Development Control Plan 2012 – Part 7A Residential Flat Buildings</i>			
Section 7A.3	Side and Rear Setbacks	<p>Basements do not encroach into side and rear setbacks.</p> <p>Ground floor terraces have been setback 4m and articulated with planters.</p>	Yes
Section 7A.4	Building Separation	<p>Appropriate building separation has been provided in accordance with the ADG. As shown within the Architectural Plans, areas for deep soil landscaping have been allowed in the north west portion of the central courtyard outside of the basement areas (152m²)</p>	Yes
Section 7B.1	Car Parking Design	<p>The proposal is consistent with these controls, consolidating basement parking under building footprints where possible.</p> <p>Pedestrian access to building will be via stairs and accessible walkways / lifts.</p>	Yes
Section 7B.1	Parking Rates <ul style="list-style-type: none"> • 0.6 spaces per 1 bedroom unit; • 1 spaces per 2 bedroom unit; • 1.4 spaces per 3 bedroom unit • 1 space per 6 units (visitor parking) 	<p>The proposal provides sufficient parking to meet the minimum requirements.</p> <ul style="list-style-type: none"> • 121 residential spaces; • 22 visitor spaces; and • 4 retail parking spaces. • 2 car share spaces • 1 car wash bay./ additional visitor space 	Yes

Control	Control	Assessment	Compliance
	Retail parking per Part 22R.1 – Car Parking Rates of <i>Ku-ring-gai Local Centres DCP</i> : <ul style="list-style-type: none"> • Shops – 1 space per 17 sqm. 	Total – 150 spaces	
Section 7B.2	Bicycle Parking Rates <ul style="list-style-type: none"> • 1 bicycle space per 5 units for residents; and • 1 bicycle space per 10 units for visitors 	The proposal exceeds the minimum requirements. <ul style="list-style-type: none"> • 34 residential spaces; and • 16 visitor bike racks Total - 50	Yes
Section 7C.2	Communal Open Space	Areas are directly accessible, from common circulation areas Buildings A and B access the communal areas via a pathway adjacent to the pool deck A secondary communal open space is provided on the roof of Building C and D. The BCA and Access Report at Appendix M confirms that equitable access can be provided to all communal open space areas.	Yes
Section 7C.3	Ground Floor Apartments	The ground floor apartments are appropriately setback from the rail line and will be treated with mechanical 'outside air' fans as required.	Yes
Section 7C.4	Apartment Mix and Accessibility	The BCA Consultant and Architect have confirmed that the Liveable Housing Guidelines can be achieved. Details of Platinum apartments are shown within Plan A-802-001-A within the Architectural Documentation.	Yes
Section 7C.5	Building Entries	Clear entries will be provided from Tryon Place and the Pacific Highway. Mailboxes will be located at entries. Wayfinding signage details to be provided at CC stage.	Yes

Control	Control	Assessment	Compliance
Section 7C.6	Building form and facades	<p>The CPTED report at Appendix Y confirms that the proposal reduces opportunities for entrapment.</p> <p>Habitable windows and balconies face communal areas and public domain maximising surveillance.</p> <p>No snorkel windows have been proposed.</p> <p>Lengths exceed 36m however facades have been articulated to respond. Development appears as separate bays and/or wings</p>	Yes
Section 13	Tree and Vegetation Protection	The submitted Arboricultural Impact Report at Appendix G has assessed the proposed tree removal and has made recommendations for the protection of trees to be retained on site.	Yes
<i>Ku-ring-gai Development Control Plan 2016 – Lindfield Local Centre (Part 14E.13)</i>			
Control 1	Planned Future Character	<p>A new road is provided albeit in a slightly different location to the DCP/Masterplan.</p> <p>The orientation of the proposed residential development is both toward the new road and internally to the site and differs slightly to DCP/Masterplan for the site.</p> <p>A child care facility has not been provided.</p>	Alternate design solution provided
Control 2	Public Domain and Pedestrian Access	<p>The proposal is consistent with these controls by providing:</p> <ul style="list-style-type: none"> • A terraced central garden with private open space; and • Pedestrian access via Pacific Highway and extension of Tryon Place. 	Yes
Control 2	Proposed Community Infrastructure	Proposal is to extend Tryon Place and embellish footpaths along Pacific Highway (Refer Landscape Plans at Appendix H).	Yes – Condition

Control	Control	Assessment	Compliance
		<p>No VPA is proposed. Council has obtained legal advice from Minter Ellison presenting a number of different options to tie delivery of the new road to the future developer.</p> <p>This advice confirms that a condition can be imposed which requires the delivery of the New Street at a particular point in time (eg prior to issue of a construction or occupation certificate) and as the consent runs with the land will bind successors in title.</p>	
Control 4	Setbacks	<p>Proposal meets the 6-10m setback requirements to the Pacific Highway and Northern boundary.</p> <p>ADG setbacks apply to the southern boundary and are generally achieved at all levels (refer to section 5.2.5 for discussion).</p> <p>The eastern setback to the rail line varies between 4-6m.</p>	<p>Yes to the Pacific Hwy and Nthn Bdry.</p> <p>Alternate solution provided to eastern boundary.</p>
Control 5	Built Form	<p>Whilst not designed in accordance with Figure 14E 13-6 and the specific controls within this section, the proposed alternate layout achieves a more efficient built form which is still able to meet the objectives of this control as discussed below.</p>	<p>Alternate design solution provided.</p>
Control 6	Road	<p>The proposed shareway/through site link is consistent with this control providing adequate carriageway/footpath wide and areas for landscaping.</p> <p>No on street parking is proposed which is consistent with the requirements of the ADG.</p> <p>Sufficient residential and visitor parking is proposed within the basement per the requirements of the RMS Guide to Traffic</p>	<p>Yes</p>

Control	Control	Assessment	Compliance
		<p>Generating development and the KDCP 2016.</p> <p>Generous landscape zones are provided either side of the new shareway.</p> <p>Refer Landscape Plan (Appendix H).</p>	
Control 7	Building entries, car parking and service access	<p>The proposal is consistent with these controls, providing vehicular access to the site and car park via the southern extension to Tryon Place at the lowest part of the site.</p> <p>Residential and commercial lobbies are accessed via entries to the communal open space from the new shareway.</p> <p>An additional 'main entry' is provided from the Pacific Highway.</p>	Yes
Part 15 – Land Contamination			
Section 15.1	Land Contamination	The submitted DSI at Appendix U confirms that the site can be made suitable for the proposed land use subject to further testing and remediation (if required).	Yes
20 Development Near Road or Rail Noise			
Section 20.1	Development near road or rail noise	The submitted Acoustic Report at Appendix J details how the proposal has been designed to minimise the impact of noise through planning, construction and materials in accordance with the relevant acoustic standards in relation to noise transmission from traffic and Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008' (DNRCBR 2008).	Yes
Part 21 – General Site Design			
Section 21.1	Earthworks and Slope	The submitted Geotechnical Report at Appendix S and Structural	Yes

Control	Control	Assessment	Compliance
		Report at Appendix W provides details of excavation method, shoring and structural capacity.	
Section 21.2	Landscape Design	The submitted landscape plans at Appendix H have been designed in accordance with section 21.2 of the KDCP 2016.	Yes
Part 22 – General Access and Parking			
Section 22.1	Equitable Access	The submitted BCA / Access Report at Appendix M details how access to and within the development meets the requirements of the Disability Discrimination Act 1992 (DDA).	Yes
Part 23 – General Building Design			
Section 23.3	Sustainability of Building Materials	As detailed in the SEPP 65 design statement (Appendix I) the proposal will utilise recycled building materials, use of low energy fittings, reliance on natural and cross ventilation, passive solar design and low toxicity materials.	Yes
Section 23.4	Materials and Finishes	The material palette which incorporates an array of complimentary materials and have been selected for their longevity and robustness as well their textural tactile components.	Yes
Section 23.5	Roof terraces and Podiums	As detailed in the Architectural Plans at Appendix E and Landscape Plans at Appendix H the roof terrace has been designed according to these controls and with the requisite services for access, adequate depths for landscaping with resilient and drought tolerant plant materials	Yes
Section 23.6	Building Services	All building services will be concealed within the building envelope and consistent with the requirements of the KDCP 2016. Various services reports have been prepared and are included within the appendices and	Yes

Control	Control	Assessment	Compliance
		include, electrical, hydraulic, mechanical and external lighting.	
Section 23.7	Waste Management	A Waste Management Plan has been prepared in accordance with the requirements of this DCP and Council Guidelines and has been included at Appendix Z	Yes
Section 23.10	Construction, demolition and disposal	A preliminary Construction Management Plan (CMP) has been provided at Appendix AA . The CMP provides preliminary details on how disturbance during construction and demolition will be minimised. This plan will be updated prior to the issue of a Construction Certificate.	Yes
Section 24	Water Management	The Civil Engineers have confirmed that the submitted Stormwater Management Plans provided at Appendix L have been prepared according to DCP requirements	Yes

Lindfield Local Centre (Part 14E) L6 - Planned Future Character

The KDCP 2016 provides controls for the planned future character for Precinct L6 159-271 Pacific Highway (Lindfield Library). The controls require that the development be designed in accordance with *Figure 14-E.13-1* and the Lindfield Library Precinct Masterplan at Part 14R.3. Further, the controls require:

- i) *a new road connecting Pacific Highway and Tryon Place will improve access to the station for 'kiss & ride' trips, and increase the permeability of the site for pedestrians and cyclists. The new connection also presents opportunities for the activation of Tryon Place.*
- ii) *orientation of residential development towards the new road and towards internal spaces to avoid major noise sources.*
- iii) *provision of child care facility within the site at the junction of Tryon Place and the through site link to reflect the community use*

A comparison between the proposed site layout and the Masterplan Layout is provided in **Figure 11** below.

Figure 11 – Site Layout Comparison.



Picture 3 – Figure 14E.13-2 Lindfield Library Precinct
Source: SJB



Picture 4 – Proposed Layout.
Source: Fox Johnston

The variation to the DCP / Precinct Masterplan results in a more appropriate layout that responds more appropriately to the surrounding context for these reasons:

- The proposed orientation still ensures that the new road will be provided in approximately the same location as the KDCP 2016/ Precinct Masterplan,
- The revised layout still orientates residential development towards the new road and towards internal spaces to avoid major noise sources,
- The proposed layout considers both the existing and future built form in particular the adjacent site to the north which has a maximum building height of 20.3m,
- The public domain around the shareway will provide a visual continuation of the central courtyard and provide an open landscape that will create an active outlook to any future development on the site to the North (283 Pacific Highway),
- The revised layout allows for communal open space areas and apartments greater solar access consistent with the ADG, and
- The provision of a child care centre within the site at the junction of Tryon Place and the through site link conflicts with the access provisions of the DCP which requires the vehicle access to be located at the lowest point of the site (i.e. at the same junctions). Council have resolved to provide a new child care centre in a more appropriate location within the Lindfield Village Hub development.

In addition to the above the revised layout remains consistent with the objectives of the Planned Future Character Controls for these reasons:

- The proposed development remains aligned with the Lindfield Library Precinct Masterplan including the provision of the through site link, diversity of housing choice, acknowledgement/interpretation of the site history, provision of a neighbourhood shop fronting the shareway, improves access to the station and local centre and provision of high levels of internal and external amenity,
- The proposed neighbourhood shop will complement the uses within the Lindfield Local Centre. Access to the local centre and Lindfield Station will be improved through the provision of the new shareway/through site link. The extension of Tryon Place and location of the shareway will allow further activation should the site to the north be developed in the future,
- The proposed shareway/through site link allows for increased permeability for pedestrians and cyclists and improved vehicular access and circulation to the site and the precinct,
- The proposed layout ensures a high-quality urban amenity is maintained to both the apartments and central communal open space through appropriate massing and building depths,

- The proposed development has been sited and includes specific treatments to minimise the noise impacts generated by the Pacific Highway and the North Shore rail line whilst still meeting the requirements for natural ventilation under the ADG,
- As per the recommendations of the Heritage Report (**Appendix BB**) the proposed development includes a plaque which specifically acknowledges the cultural heritage of the site to be placed on the wall of the Neighbourhood Shop fronting the proposed shareway/through site link, and
- The proposed development provides housing choice and diversity through the provision of a balanced mix of 1, 2 and 3 bed apartments.

Setbacks (rear)

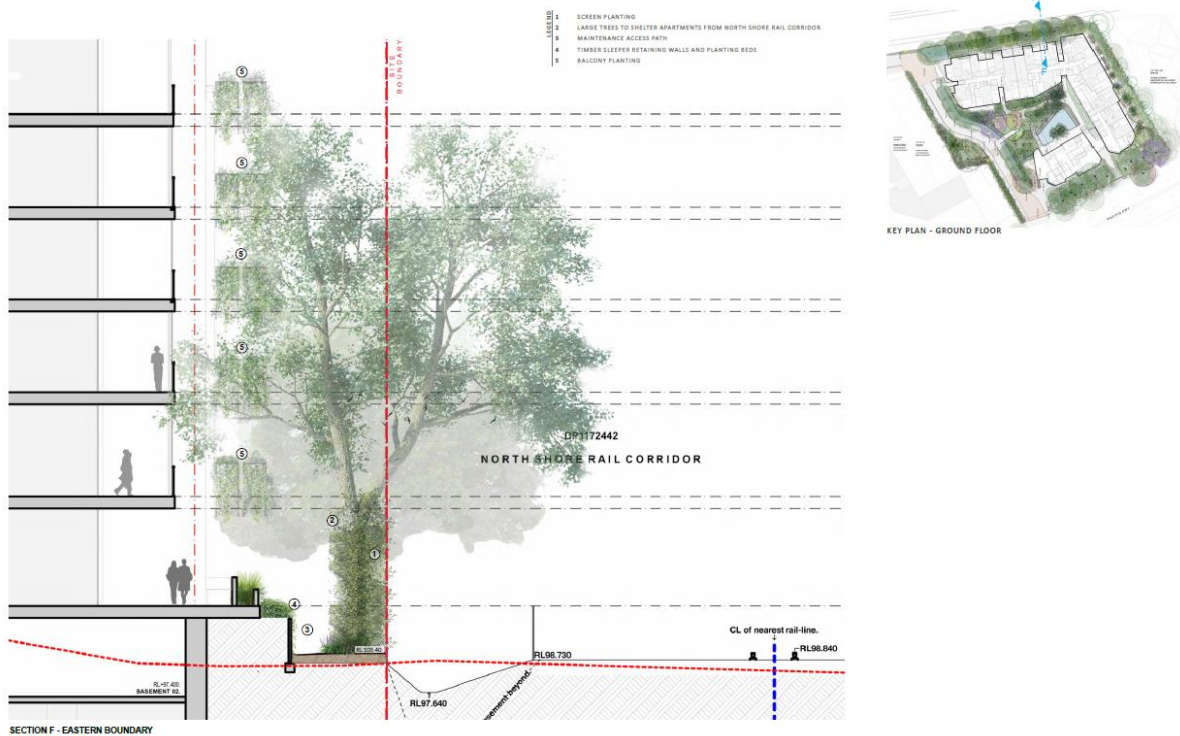
The KDCP 2016 provides controls for Setbacks. The controls require that the development be designed in accordance with *Figure 14-E.13-5* and the Lindfield Library Precinct Masterplan at Part 14R.3. Further, the controls require:

- i) *A minimum 6.0m setback to the Pacific Highway, increasing to a 10m setback at the southern boundary in response to the surrounding residential pattern*
- ii) *A minimum 6m setback along the southern and eastern boundary for deep soil landscaping,*
- iii) *A minimum 13m setback from the northern site boundary to the built form is to be provided to allow for a new public road.*

As shown in the submitted plans at **Appendix E** The proposal provides a varied setback to the eastern boundary with the rail corridor between 3m and 4m. Whilst less than 6m the proposed setback to the rail corridor is consistent with the objectives of the DCP for the following reasons:

- As shown in **Figure 12** and the submitted landscape plans in **Appendix H** the proposed setback is sufficient in size to ensure adequate tree planting that maintains the landscaped, leafy outlook of Lindfield and provide an appropriate buffer between the development and the rail corridor,
- The setbacks along the Pacific Highway and the new shareway ensure that the proposed landscaping will provide a pleasant pedestrian experience within the local centre,
- The proposed basement has been appropriately setback 6m from eastern boundary with ensures that adequate deep soil areas can be provided which encourages appropriate mature tree growth,
- All terraces are setback 4m from the eastern boundary consistent with Part 7 of the KDCP2016, and
- The proposed setbacks to the Pacific Highway respect the existing residential pattern to the south and commercial character to the north.

Figure 12 – Landscape Plans – Deep Soil Planting – Eastern Setback



Source: 360

Figure 13 – Proposed Planting Zone – Eastern Boundary

PLANTING ZONE 3 - Eastern Boundary



Source: 360

Built Form

The KDCP 2016 provides specific controls for built form, specifically KDCP stipulates the following in relation to Built Form.

5. Building are to be located and designed in accordance with Figure 14E.13-6 and the Lindfield Library Precinct Masterplan (259-271 Pacific Highway, Lindfield) at Part 14R.3, including the following:

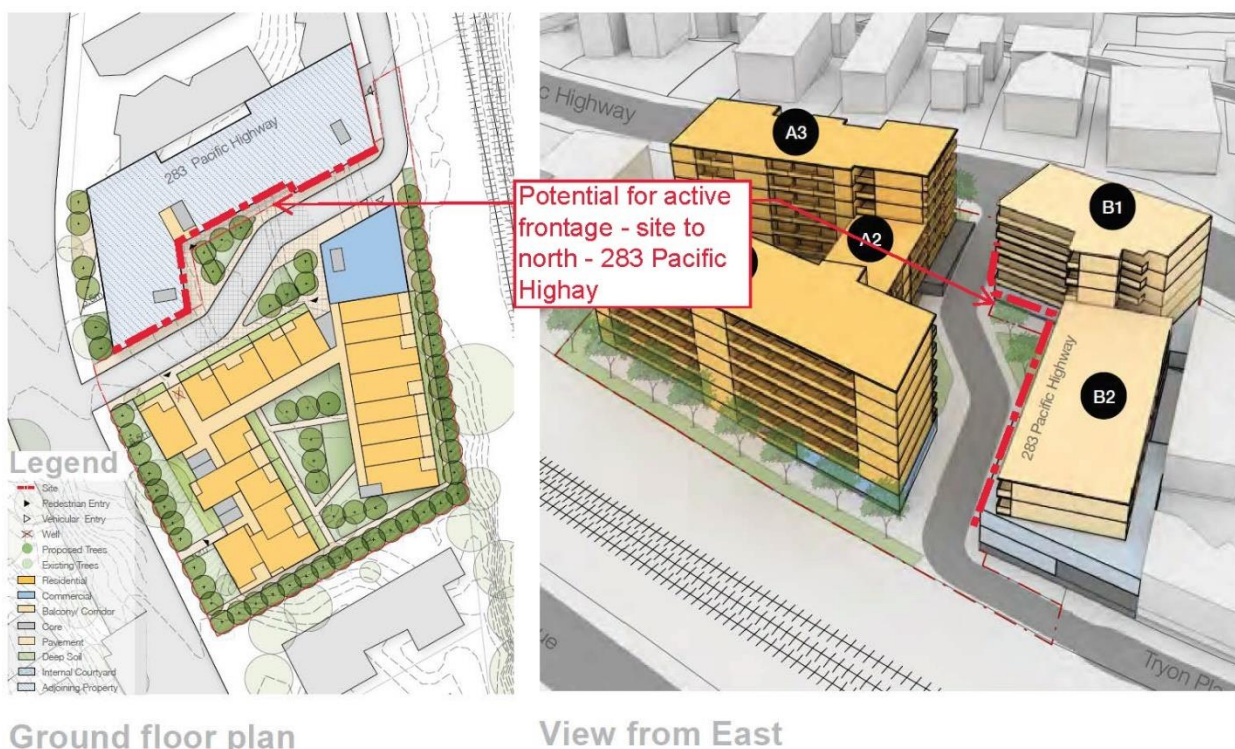
- i) provide supporting active frontages to the new road;*
- ii) private and communal open space is to be split into two key areas:*
 - central communal space;*
 - deep soil areas, at the boundaries of the site;*
- iii) ground floor commercial is to be located at the northern edge of the site, immediately to the south of the road.*
- iv) integration with the town centre's character at the northern extent of the Pacific Highway frontage;*
- v) maximum 22.0m building depth to Pacific Highway frontage to allow for double-loaded corridors and apartments that orientate to all frontages;*
- vi) 15.0m to 18.0m building depth to rear of site to allow for single aspect apartment layouts, typically oriented to maximise residential amenity.*

The DA proposes some variances to the proposed built form within KDCP/Precinct Masterplan. These variances relate mainly to the provision of a continuous active frontage along the new road and proposed building depths.

Despite these variances the proposed built form is considered a more appropriate outcome for these reasons:

- The proposed retail tenancy is of a sufficient size to support a neighbourhood shop on the northern corner of Building A adjacent to the Pacific Highway. This tenancy will provide some activation to the new laneway and ensures appropriate integration with the town centre's character at the northern extent of the Pacific Highway frontage.
- The location of the new shareway/pedestrian link does not preclude future active uses being provided on the site to the north as also shown in the SJB Masterplan at **Figure 14**. This site is more appropriately zoned B2 – Local Centre and allows for a greater variety of commercial uses than those permissible within the R4 High Density Residential zone.

Figure 14 – Potential Active Frontage – Site to North



Source: SJB Precinct Masterplan

- A U-shaped building which is open to the north increases amenity and solar access to apartments and ground level communal open space.
- The proposed building depth allows for double loaded corridors and better amenity and response to the existing context. The proposed building depths better to respond to the site context and provide a higher level of internal amenity to apartments this includes:
 - 18m deep building facing the highway with single aspect apartments to the courtyard and/or dual aspect apartments, and
 - 21m deep building along the rail corridor with double loaded corridor to provide greater acoustic amenity to single aspect apartments fronting the internal courtyard.
- The proposed north facing central courtyard which intersects with and complements the Tryon Place road extension and ensures increased amenity & sunlight to both the communal areas and apartments.

The proposed built form is consistent with the objectives of the built form controls for these reasons:

- The proposed built form minimises overshadowing of parks and public, private and communal open space,
- The proposal meets the requirements of BASIX and is a high-quality energy efficient design which meets the requirements of SEPP 65 and the ADG including solar access and cross ventilation. As detailed within the SEPP 65 Design Statement at **Appendix I** the proposal has an Integrated Green Approach to the design and incorporates the following sustainable principles:
 - *“use of reclaimed, recycled and recyclable building materials*
 - *use of low energy fittings and fixtures*
 - *reliance on natural and cross ventilation (maximising indoor air circulation)*
 - *use of sun shading structures to control light as required*
 - *passive solar energy for heating*

- *use of specific materials with low toxicity passive design measures through native landscaping.”*
 - *PV cells located on roof (40KW).*
- The proposal provides well-articulated and modulated facades which provide visual interest whilst promoting key outlook and solar orientation for all apartments. The highly articulated façade provides a visual depth through the use of patterning and shading and is enhanced by the permeability of the apartments, balconies and deep recesses for light and air.
- The material palette incorporates an array of complimentary and varied materials which will help identify entry spaces and lobbies - creating a cohesive dialogue between buildings and providing depth and definition in the façade.
- The siting of the buildings maximises district views through the predominantly west and east orientation.
- As detailed within the Acoustic Report at **Appendix J** and the submitted plans at **Appendix E** the proposal includes attenuation measures to ensure that the proposal is able to meet the relevant internal noise requirements within the ISEPP and the natural ventilation requirements of the ADG. These measures include a combination of mechanical outside air fans and winter gardens with 30% fixed openings.

5.3. IMPACTS TO THE NATURAL AND BUILT ENVIRONMENT

The impacts on the built environment have been assessed against the relevant strategic and statutory planning policies. The proposed development which includes additional building height has been designed to be consistent with the surrounding built environment

As demonstrated within this SEE, accompanying clause 4.6 Variation Request (**Appendix D**) and Architectural Plans (**Appendix E**) the built form impacts of the proposed development are considered acceptable for the following reasons.

- The built form massing proposed by the amended design makes a positive contribution to the desired future character of Lindfield Local Centre. Consideration of the proposal in its context demonstrates the proposed massing, including the additional height, is in keeping with the controls and objectives for the Lindfield Local Centre within the KLEP 2012 and KDCP 2016, meets the requirements of the ADG and, additionally, contributes to public benefit outcomes for the overall precinct through the provision of the new shareway/through site link.
- The proposed variation to the building height has been justified within the accompanying clause 4.6 variation request. The clause 4.6 demonstrates:
 - Exceptional circumstances where flexibility in the application of a numerical development standard is warranted,
 - That proposed design which includes a substantial area for communal open space at the rooftop will result in a superior development that warrants variance from the height of building development standards,
 - The amended design responds to site specific topographical constraints and features, improves urban design and strategic outcomes and provides a better outcome for the community and future residents of the site,
 - That compliance with the development standard is both unreasonable and unnecessary in the circumstances of the case, and
 - That there are sufficient environmental planning grounds to justify the proposed variation.
- A detailed design study has been undertaken to test the DCP/Precinct Masterplan through a number of varied layouts which included the submitted design. The design study demonstrated that the proposed building envelope results in a significantly improved built form outcome with the overall massing broken down by stepping of heights and vertical articulation.
- The proposed design achieves greater design excellence and improves the amenity and built form relationship surrounding development. Adjoining properties benefit from the shared amenity attained by the building separation at the lower levels (which is greater than ADG minimums).

- The accompanying SEPP 65 Design Verification Statement prepared by Fox Johnston confirms that the proposed design achieves the ten principles set out in SEPP 65 and that the proposed building has been designed regarding the Apartment Design Guide (refer to **Appendix I**).
- The proposed reference design demonstrates a high level of amenity for common lobbies, corridors and apartments including:
 - Solar Access – 70%,
 - Natural Cross Ventilation – 63.4%,
 - Natural ventilation to all apartments,
 - 3.1m floor to floor heights.
- The proposed site layout allows for north facing communal open space and deep soil areas which have a high solar amenity exceed ADG and DCP requirements including;
 - 1572 sqm of communal open space (26.8% of the site)
 - 1,201 sqm of deep soil landscaping (22% of the site)
- Shadow analysis has determined that whilst the proposal will result in 3/16 apartments in the neighbouring building to the south receiving less than 2 hrs sunlight. This impact is acceptable based on the level of impact anticipated by the KDCP/Precinct Masterplan.
- The revised layout facilitates the proposed shareway/through site link in a similar location to the KDCP/Precinct Masterplan. Whilst the layout does not allow for a continuous active frontage, the location of the shareway does not preclude the achievement of an active frontage on the site to the north which is considered more suitable as it is zoned B2 with a wider range of permissible commercial/retail uses.
- The TIA (**Appendix F**) has reviewed the proposed development and has concluded that:
 - The proposed parking areas, loading facilities and access are consistent with Australian Standards,
 - The rate of car parking and bicycle provision is consistent with the requirements of the KDCP 2016,
 - The new intersection between Tryon Place and the Pacific Highway should be; 'entry only' to meet required stopping distances with an entry width of 7.4m,
 - The proposed shareway is feasible based on requirements of the RMS shared zone guidelines however should commence 20m from the Pacific Highway and that the proposed pavement treatments are to be consistent with these guidelines, and
 - The future levels of additional traffic are also expected to have a negligible impact on the safety and operation of the surrounding road network.
- The Arboricultural Impact Report (**Appendix G**) has noted that the proposal will necessitate the removal of 45 trees and has also provided specific recommendations for the protection of trees to be retained on the site.
- The Civil Plans and Stormwater Management Plan (**Appendix L**) provide details on how stormwater including the collection and discharge of water will be managed during construction and operational phases of the development.
- The BASIX certificate at **Appendix V** outlines how the amended proposal can achieve the relevant sustainability commitments as required by BASIX.
- Despite not being identified as a heritage item, the Heritage Impact Statement (**Appendix BB**) provides specific recommendations for heritage interpretation on the site.
- An Acoustic Report (**Appendix J**) has assessed noise intrusion from traffic and nearby rail and the specific treatments required to ensure all apartments meet the relevant acoustic standards whilst also being naturally ventilated. Specific recommendations have been made to ensure acceptable noise levels are maintained within the development and to surrounding residential receivers.

- A Waste Management Plan (**Appendix Z**) (WMP) has been prepared by SLR and provides recommendations for the management of waste expected to be generated from demolition, construction and ongoing operation of the development. The WMP has been prepared according to Council's waste management guidelines to estimate the types and quantities of waste associated with the development, as well as in proposed provisions for managing and servicing this waste.
- A Preliminary Construction Management Plan (CMP) has been provided at **Appendix AA**. This plan provides preliminary details of the measures which will be implemented during the construction phase to ensure that there is no adverse amenity impacts to surrounding properties in terms of dust, soil erosion, air and noise. A more detailed CMP will be provided prior to issues of a Construction Certificate.

5.4. SOCIAL IMPACTS IN THE LOCALITY

The redevelopment of the site will have positive social impacts in the locality as it will provide additional housing and employment near a major public transport route which provides direct connections to major employment centres and other nearby services and facilities.

The proposed development has been assessed according to the Safer by Design principles within the CPTED Report at **Appendix Y**. The CPTED provides recommendations to be included within the detailed design. The CPTED report concludes that the main recommendation is to address the issues that may arise from the extension of Tryon Place and put in place management processes that improve the existing condition. Other specific recommendations within this report include:

- the provision of clear delineation of different users and spaces,
- access control to key entries,
- clear signage,
- provision of low maintenance landscaping,
- high quality lighting,
- maximisation of sightlines into Tryon Place, the communal open space and entries to the development and;
- Provision of anti-graffiti coatings

In addition to the above, the proposed development will contribute the following positive community/social impacts to the Lindfield Local Centre:

- The development will assist in meeting its significant, long-standing and continually-growing demand for transit-oriented housing in Sydney,
- Achieving the maximum allowable FSR will ensure a wider range of housing options in close proximity to public transport and employment opportunities and allow for the provision of additional community facilities within the proposed Lindfield Village Hub development,
- Contributes positively to the diversity of housing mix and commercial uses in the locality,
- The development can achieve a high level of amenity, environmental sustainability of housing on the site, particularly through improved energy and water efficiency, and
- The proposal will provide a development that will be able to provide additional platinum apartments provided housing in accordance with KDCP requirements as illustrated within the Architectural Plans at **Appendix E**.

5.5. ECONOMIC IMPACTS IN THE LOCALITY

The proposed development is likely to contribute to a range of economic benefits in the Lindfield Town Centre and Ku-ring-gai LGA through the following measures:

- A new retail space for a neighbourhood shop will provide an activated edge and provide an additional service that will benefit the residents and other members of the local community making use of the proposed through site link. The new retail tenancy and through site link will contribute to a vibrant public domain and will offer some activity on this prominent corner.
- Efficient use of land resources, existing transport and other infrastructure and existing services;
- Employment of tradespeople and other construction-related professionals;
- On-going consumption from new/additional households within the adjacent Lindfield Local Centre; and
- Cost savings associated with improved energy and water efficiency.

5.6. SUITABILITY OF THE SITE

The site is suitable for the proposed development for the following reasons:

- Lindfield Village Living is part of the Activate Lindfield Initiative which proposes significant changes to the Lindfield Local Centre to transition it from a low scale local centre more compact and modernised local centre with higher density residential development, new business, high quality public spaces and excellent public transport linkages.
- The site has excellent access to rail transport and a wide range of retail, entertainment and community services, and employment opportunities. Increased housing density in close proximity to frequent transport services at Lindfield Station supports the Sydney Region Plan principle of a 30min city as re-emphasised by the North District Plan.
- The site is suitably zoned to accommodate a high-density mixed-use development. The proposed development is broadly consistent with the objectives of the relevant planning controls. The proposed design including additional building height aids in the delivery of a compact, high density, town centre core by facilitating the allowable FSR on the site and as such achievement of the highest and best use for the site;
- Achieving the allowable floor space is crucial to supporting the significant investment in public transport infrastructure by the NSW State Government as it allows for more people to live in proximity to a major transport route;

5.7. THE PUBLIC INTEREST

The amended design is in the public interest as it will provide discernible public benefits including:

- An enhanced public domain will be provided along the new shareway
- 1,565 sqm of well landscaped north facing communal open space available for use by residents at the rear of the site and on rooftop;
- Contribution to creation of a contiguous landscape feel to the site which offers wider public benefits:
 - Increased residential amenity through generous separation distances between buildings,
 - Deep sunlight penetration through the middle of the day
 - Delivery of generous visual amenity through overlooking of green spaces
- Outlook of future building to the north onto this extensive landscaped public domain and communal open space.
- Deep soil area for the planting of street trees along all boundaries and along the new shareway frontage which provide wind and shade protection,

- Acceptable shadow impacts to surrounding land and a high level of solar access to central communal open space area,
- Building separation which exceeds the minimum distances required by the ADG to the residential building to the south at the first 3 levels,
- Enabling a detailed design that is capable of consistency with the ADG and KDCP 2016, and
- The proposed design maximises the residential yield within the FSR of 2:1. In achieving this some variations are required to the building height, site layout, number of commercial uses fronting the laneway and setbacks to southern and eastern boundaries.

These variations are justified on the basis that the site is owned by Ku-ring-gai Council and will be sold following approval to fund the provision of community facilities elsewhere in Lindfield as well as other public domain upgrades. As such achieving the maximum floor space and provision of the planned shareway/through site link between the Pacific Highway and Tryon Place is in the public interest.

6. CONCLUSION

The purpose of this SEE is to confirm key planning parameters for the redevelopment of the Lindfield Village Living site and to identify potential impacts having regard to the matters for consideration contained in Section 4.15(1) of the EP&A Act.

This project represents a unique strategic opportunity to promote the redevelopment of a major mixed-use residential development Lindfield Town Centre. This accords with the State, Regional and Local strategic initiatives to provide a high-quality architecturally designed development and ultimately contribute to the provision of housing and employment opportunities in a centrally located site close to public transport.

As part of the extensive pre-lodgement process undertaken by the project team a wide range of feedback from senior planning officers at Council has been considered in the submitted design.

In summary, the project has the following key public benefits and should be supported for the following reasons:

- Lindfield Village Living is a key project identified in Ku-ring-gai Council's 'Activate Lindfield' initiative and part of the broader 'Activate Ku-ring-gai' initiative which focuses on the urban renewal of Ku-ring-gai's major centres.
- The project will provide much needed housing opportunities which support the initiatives of the *Sydney Region Plan and Northern District Plan* including achievement of the 30-minute city.
- The proposal responds positively to the strategic and statutory planning framework which relates to the site. The project is consistent with the aims and objectives of a range of State, Regional and Metropolitan planning initiatives, and satisfies the local objectives and key development standards of KLEP 2012 and KDCP 2016.
- While a minor variation to the maximum building height standard of KLEP 2016 is proposed, this is considered reasonable on the basis that the proposal provides a more resolved and better urban outcome which includes an expansive area of communal open space than would result from strict compliance with the underlying development standard.
- The proposal provides a range of public benefits, including the provision of a generous and active public domain and new shareway/through site link as envisaged by the KDCP 2016 and Precinct Masterplan.
- Based on preliminary feedback from Council Officers, the proposal has provided specific attention to building separation and sensitive interfaces with surrounding properties and the rail corridor as well as providing some active uses fronting the new shareway/through site link. The proposal is broadly consistent with the guidance in the ADG which creates a high degree of privacy and solar amenity to these surrounding properties.
- The supporting technical studies which accompany this amended DA establish that the environmental impacts of the proposed concept are generally positive, and where appropriate and will not give rise to any unreasonable impacts.

In summary, the proposal will provide a very positive response to the site and surrounding development and should be supported by the Sydney North Planning Panel.

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