

Rezoning Review Briefing Report – RR-2024-9

345 Pacific Highway, Lindfield (98 dwellings and 3,285m² commercial floor space).

Element	Description	
Date of request	7 March 2024	
Department ref. no	RR-2024-9 (PP-2023-2371)	
LGA	Ku-ring-gai	
LEP to be amended	Ku-ring-gai Local Environmental Plan (LEP) 2015	
Address	345 Pacific Highway, Lindfield	
Reason for review	<input type="checkbox"/> Council notified the proponent it will not support the proposed amendment	<input checked="" type="checkbox"/> Council failed to indicate support for the proposal within 90/115 days, or failed to submit the proposal after indicating its support
Has council nominated PPA role	Council is yet to comment on whether it seeks to retain the PPA role.	
Consultation	<p>Prior to lodgement Ku-ring-gai Council undertook consultation with Transport for NSW (TfNSW). The consultation is outlined in the planning proposal (Attachment A). Comments included:</p> <ul style="list-style-type: none">- TfNSW is investigating improvements to the Pacific Highway, including a future land acquisition which will impact the subject site. This coincides with upgrades to the traffic control signals at the intersection of Pacific Highway, Balfour Street and Havilah Road.- A Traffic impact assessment report should form part of the planning proposal.- Improvement of pedestrian and place function in keeping with the draft local housing strategy should be integrated into the project.- Vehicular access to the development should be along Wolseley Street. <p>Additionally, a letter from TfNSW (Attachment A6) confirms the proposed traffic signal design at the intersection of Pacific Highway, Balfour Street and Havilah Road is compliant with the traffic signal guidelines/standards.</p>	

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Element	Description
Brief overview of the timeframe/progress of the planning proposal	<p>08 December 2021: Planning proposal meeting held with proponent and Ku-ring-gai Council.</p> <p>8 September 2023: Planning proposal submitted on the NSW Planning Portal.</p> <p>26 September 2023: Plan of Pacific Highway Road Widening provided to the proponent.</p> <p>27 October 2023: Planning proposal accepted by Council.</p> <p>20 December 2023: Meeting with proponent and Council regarding the bulk and scale. Council advised it would not be supporting the planning proposal unless amendments were undertaken.</p> <p>2 February 2024: Council sent a letter to the Proponent outlining required changes for planning proposal to be submitted for assessment.</p> <p>1 March 2024: Proponent responded to Council's letter and provided an updated Urban Design Report without changing the planning proposal.</p> <p>7 March 2024: Rezoning review request (RR-2024-9) was officially lodged with the Department of Planning, Housing, and Infrastructure (the Department) by the Proponent.</p> <p>24 April 2024: Council officers submitted a response to the rezoning review request.</p> <p>20 May 2024: Planning proposal was endorsed by the Ku-ring-gai Local Planning Panel subject to amendments, including a floor space ratio of 3.5:1 and a 38.5m maximum height of buildings.</p>
Department contact:	Kimberley Beencke – Senior Planning Officer, Planning Proposal Authority

Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Area	2,665m ²
Site Description	<p>The site at 345 Pacific Highway, Lindfield (Lot 1 DP 810773) is currently occupied by a two-storey commercial office building with basement parking.</p> <p>The site is located 12.5km north-west of the Sydney CBD and approximately 300m north of Lindfield Railway Station. The site is bound by the Pacific Highway to the south-west, Wolseley Road to the</p>

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Element	Description
	north-west, and Havilah Road to the south-east. The site adjoins a landscape corridor that acts as a setback to the T1 trainline.
Proposal summary	<p>The planning proposal seeks the following site-specific amendments to the Ku-ring-gai LEP 2015:</p> <ul style="list-style-type: none">• Increase the maximum Floor Space Ratio (FSR) from 1:1 to 4.5:1; and• Increase the maximum Height of Building (HOB) from 11.5m to 55m. <p>The objective of the proposed amendments is to enable a 10-15 storey mixed-used development with the following features:</p> <ul style="list-style-type: none">• Three-storey podium containing commercial and residential uses.• 12 storey residential tower above the podium.• Three levels of basement carparking. <p>The planning proposal seeks to retain the existing E1 – Local Centre zone.</p>
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none">• Greater Sydney Region Plan 2036• North District Plan 2036• Ku-ring-gai Local Strategic Planning Statement (LSPS) (March 2020)• Ku-ring-gai Local Housing Strategy (LHS) (December 2020)• Ku-ring-gai LEP 2015• State Environmental Planning Policies (SEPPS)<ul style="list-style-type: none">○ SEPP (Biodiversity and Conservation) 2021○ SEPP (Sustainable Buildings) 2022○ SEPP (Housing) 2021○ SEPP (Resilience and Hazards) 2021○ SEPP (Transport and Infrastructure) 2021• 9.1 Ministerial Directions<ul style="list-style-type: none">○ 1.1 Implementation of Regional Plans○ 3.2 Heritage Conservation○ 4.3 Planning for Bushfire Protection○ 4.4 Remediation of Contaminated Land○ 5.1 Integrating Land Use and Transport○ 6.1 Residential Zones○ 7.1 Employment Zones

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Figure 1. Site (Source: GYDE, Planning Proposal, October 2023)

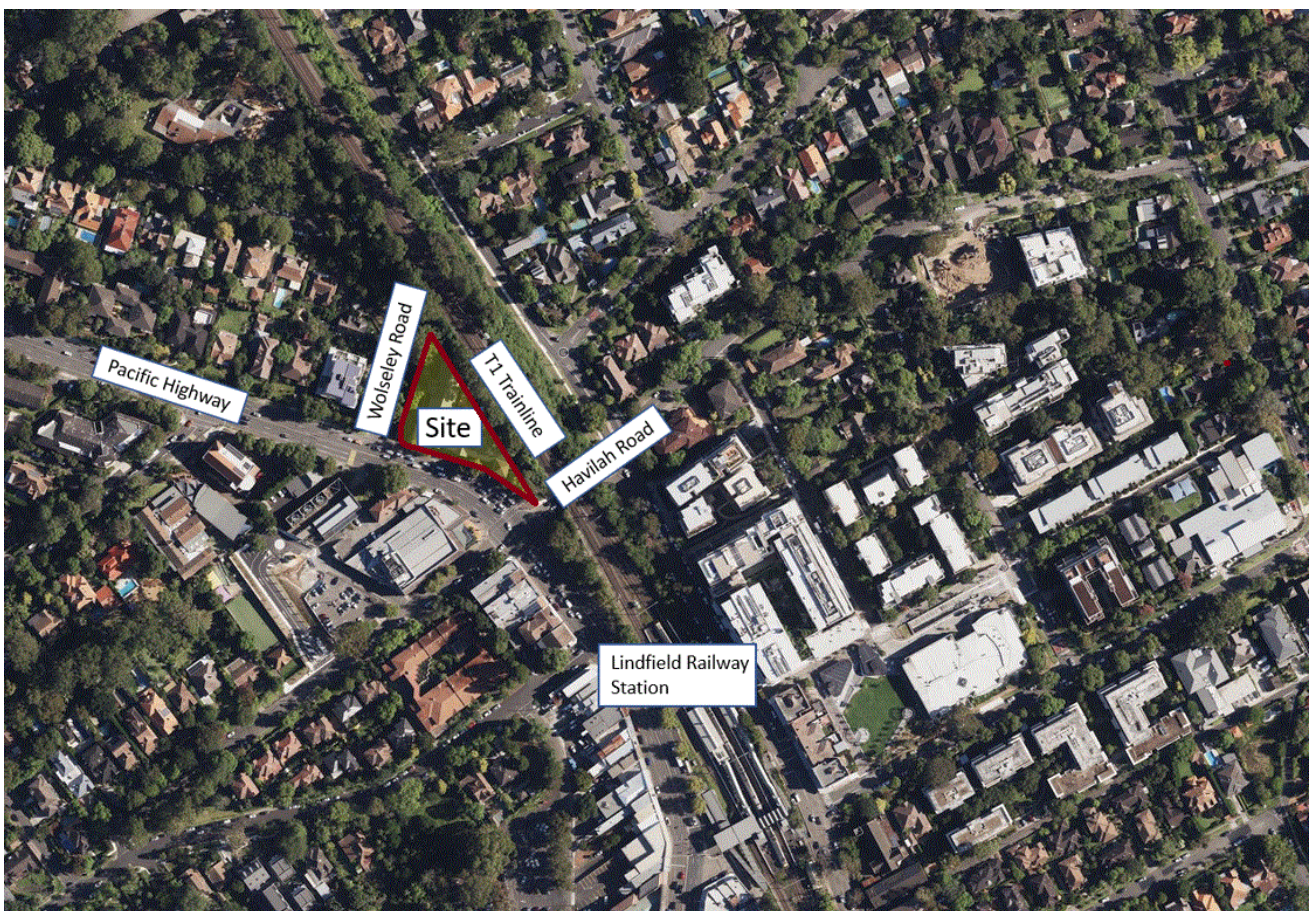


Figure 2. Location Plan (Source: GYDE, Planning Proposal, October 2023)

The planning proposal seeks to amend the Ku-ring-gai LEP 2015 per the changes below.

Table 2. Current and proposed controls

Control	Current	Proposed
Zone	E1 – Local Centre	E1 – Local Centre
Maximum height of the building	11.5m	55.5m
Floor space ratio	1:1	4.5:1
Number of dwellings	N/A	98

The planning proposal contains an explanation of provisions that explains how the objectives of the proposal will be achieved.

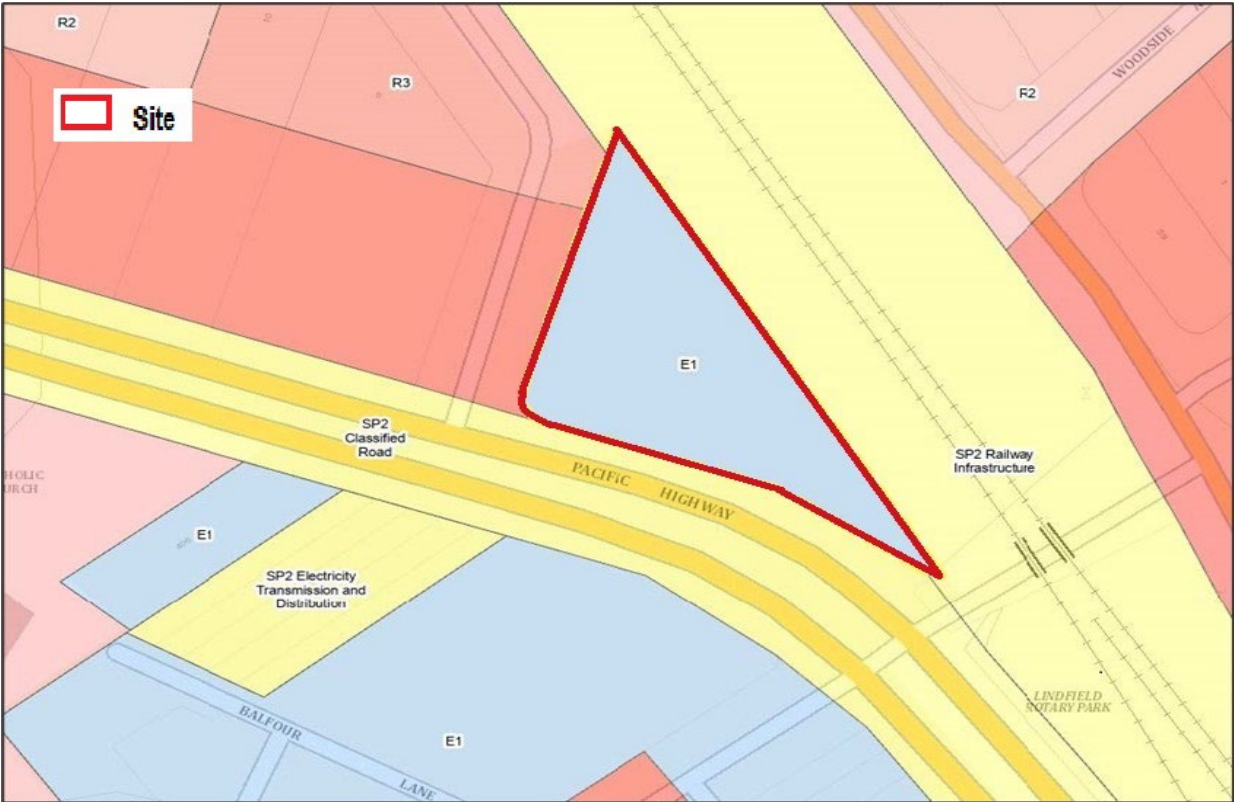


Figure 3. Current zoning (source: GYDE, Planning Proposal, October 2024)

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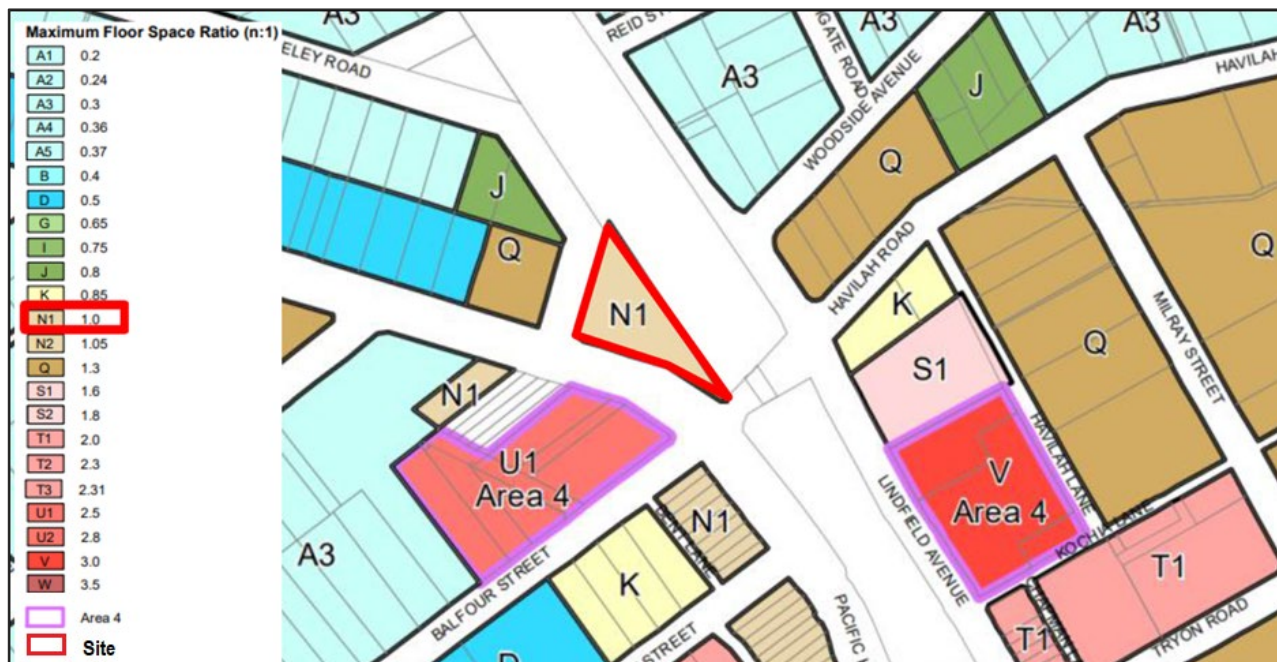


Figure 4. Existing FSR Map (source: GYDE, Planning Proposal, October 2024)

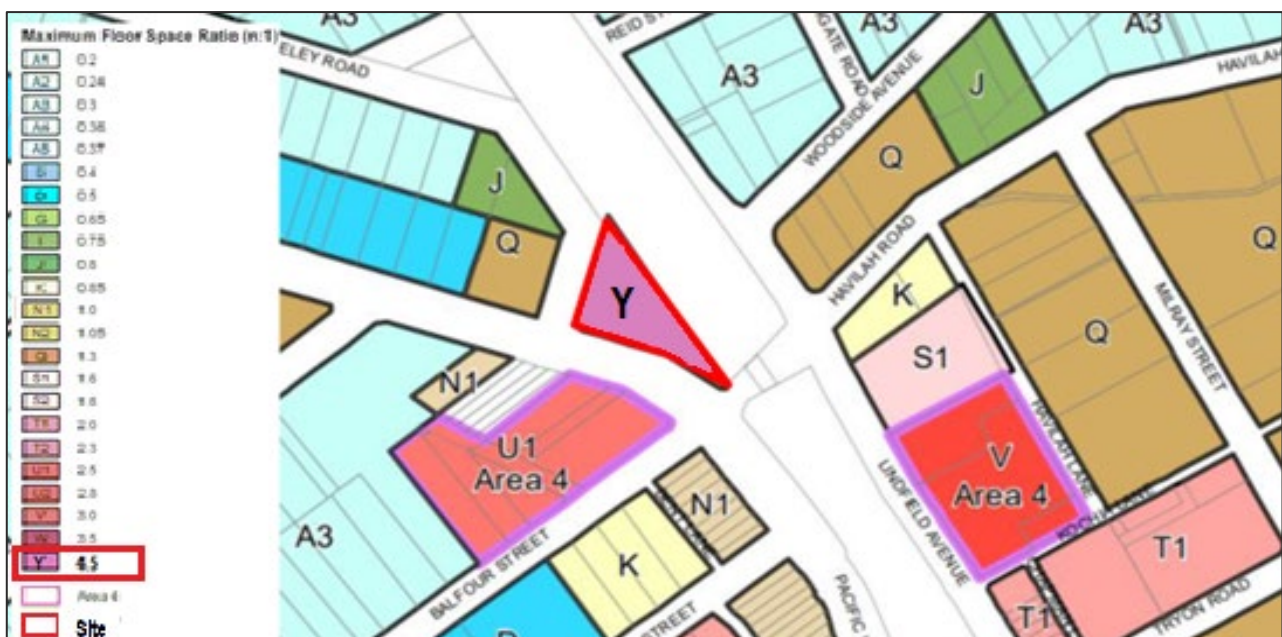


Figure 5. Proposed FSR Map (source: GYDE, Planning Proposal, October 2024)

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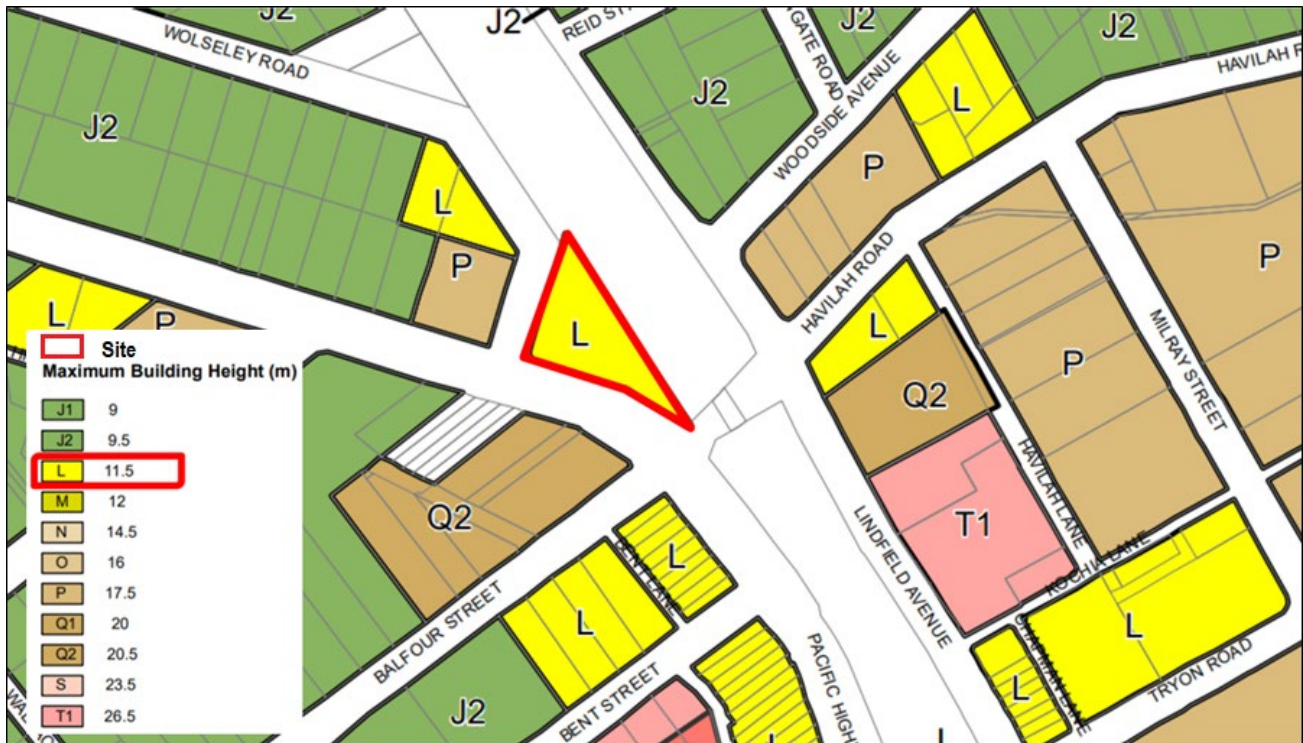


Figure 6. Existing HOB Map (source: GYDE, Planning Proposal, October 2024)

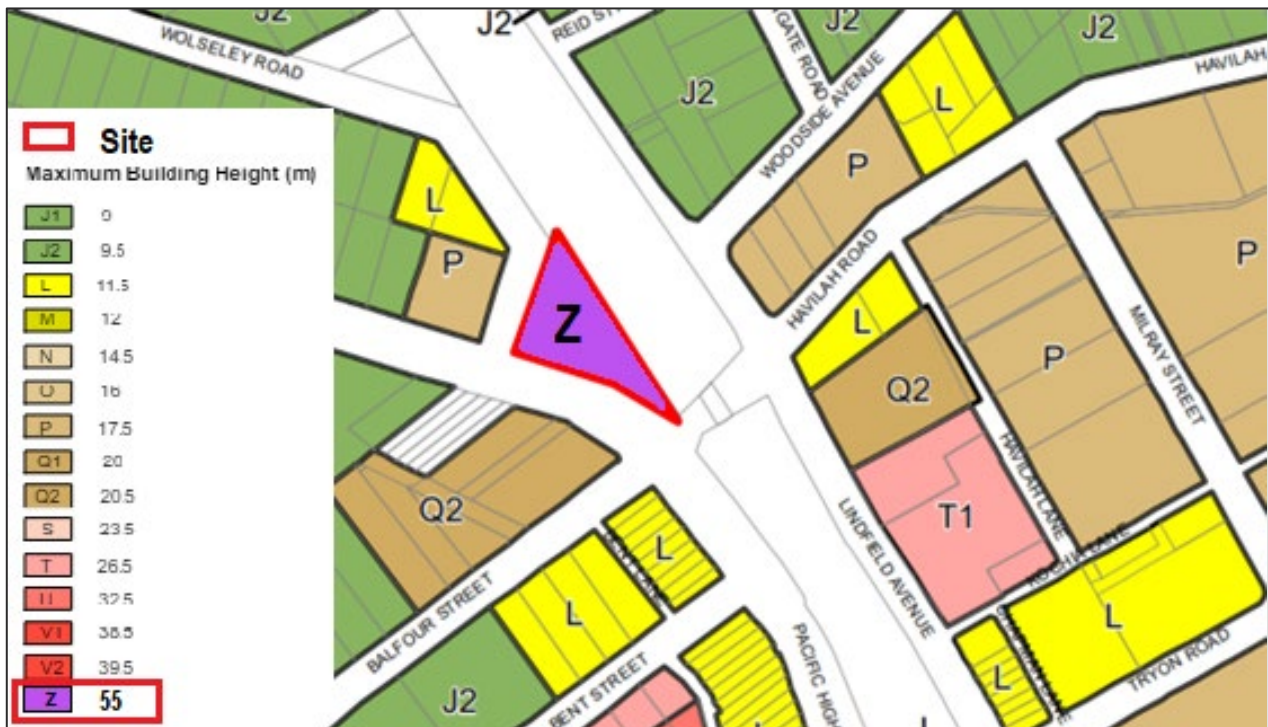


Figure 7. Proposed HOB Map (source: GYDE, Planning Proposal, October 2024)



Figure 8. Existing Biodiversity Map (source: GYDE, Planning Proposal, October 2024)

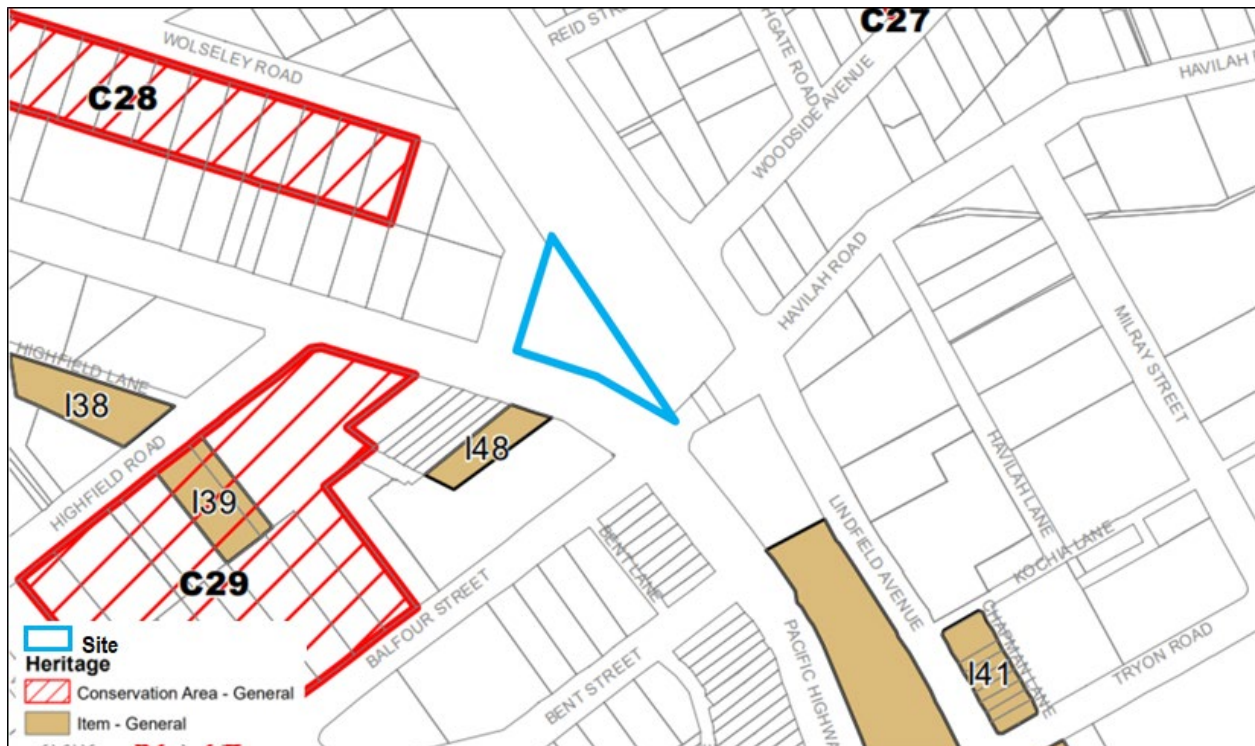


Figure 9. Existing Heritage Map (source: GYDE, Planning Proposal, October 2024)

Key Issues

Issue no. 1 – Strategic Merit

Council view

Council officers have not finalised their assessment of the Planning Proposal, and therefore are not in any position to comment on the merits on the proposal.

Proponent view

The proposal demonstrates strategic merit by aligning with the following strategies:

- Greater Sydney Regional Plan – the proposal is consistent. The site has access to ‘city-shaping infrastructure’ such as the T1 North-West Rail Link and Lindfield train station, helping to realise a 30-minute city. The proposal also contributes to housing and productivity.
- North District Plan – the proposal is consistent. Lindfield is identified as a local centre in the District Plan. The proposal will reinforce the role of Lindfield as a local centre through the renewal of the site.
- Local Strategic Planning Statement – the proposal is consistent. The site is identified as a “key landmark site” in the Lindfield local centre structure plan. This development may potentially act as a catalyst for the broader revitalisation within the western side of the Lindfield local centre.
- Local Housing Study – the proposal is consistent. The proposal seeks to increase the supply of diverse housing. The site fits the criteria for an ideal housing location, outlined in the Study given its close proximity to public transport.

Issue no. 2 – Site Specific Merit

Council view

Council officers have not finalised their assessment of the Planning Proposal, and therefore are not in any position to comment on the merits on the proposal.

Proponent view

- The site is extremely well located within an existing town centre, adjacent to Lindfield Railway Station, multiple bus services and the arterial road system. There is sufficient infrastructure available to accommodate the proposed development.
- The site is identified as a “key landmark site” in Council’s endorsed LSPS.
- The site is not subject to significant environmental constraints or hazards, such as bushfire or flooding.
- The proposal has carefully considered neighbouring land uses, including the surrounding existing and future commercial and residential uses. The site is an ‘island’ site, the development of which will not detrimentally impact the local area, given the proposed uses already largely occur in the local area. No adverse shadowing impacts to the surrounding locality to the south of the site will occur, and privacy impacts have been managed through the proposed built form.

Issue no. 3 – Bulk and Scale

Council view

Council officers have not finalised their assessment of the Planning Proposal, and therefore are not in any position to comment on the merits on the proposal.

Proponent view

- The residential ‘tower’ component of the development provides an appropriate bulk and scale for this location while ensuring that amenity impacts on surrounding properties are mitigated and managed.
- The proposal maximises housing near social infrastructure and mass transport.
- Ku-ring-gai Council’s Draft Local Housing Strategy (LHS), released in May 2020 identified height increases of ‘10-15 storeys’ for 345 Pacific Highway. The Urban Design Report demonstrates a range of heights at the site to confirm the place-based appropriateness of the recommended building form.
- The LHS identified the site as being intended for a “Landmark Building” and allotted the tallest height range of 10-15 storeys. The proponent states the site is located on a prominent corner, created by the bend of the Pacific Highway. A taller building will highlight the location of the train station directly adjacent the site and form the northern gateway into the Lindfield local centre.
- The proportions of the building, height to width ratio, improve as the height increases as it creates a more slender tower.
- The shadow analysis demonstrates that from 9am-3pm on June 21 a slender 15 storey tower will form fast moving shadows. ‘Very few units’ in the neighbouring building to the south are likely to receive less than 2 hours of solar access, which is the requirement under the Apartment Design Guideline.

Issue no. 4 – Traffic

Council view

Council officers have not finalised their assessment of the Planning Proposal, and therefore are not in any position to comment on the merits on the proposal.

Proponent view

- The traffic report anticipates that the development will generate an additional vehicle movement into the road network every 2-3 minutes during the peak periods.
- Traffic modelling determined that vehicles would be able to safely egress to the Pacific Highway due to the gaps provided in the southbound traffic by way of the signal operation of the preceding intersection at Highfield Road.
- The increase to the traffic generation onto the Pacific Highway is considered negligible and will not have a perceived impact on the Pacific Highway or the surrounding road network.
- Consultation with Transport for NSW and Council found that the site could be impacted by road widening along the Pacific Highway. The planning proposal stipulates that the road widening is uncertain and therefore has not been integrated into the indicative design. The planning proposal notes that the building envelope could be modified should the road widening progress. However, it is noted that dedication of this road forms part of the letter of offer to enter into a planning agreement.

Other issues

Ku-ring-gai Council consideration of the planning proposal

On 20 May the planning proposal was considered at a meeting of the Ku-ring-gai Local Planning Panel (**Attachment C1**). The Panel recommended that:

- further detailed testing be undertaken to demonstrate whether Councils recommended amendment to a maximum height of building of 38.5m (12 storeys) and maximum floor space ratio of 3.5:1, is a satisfactory outcome for this site given locational and physical constraints or whether lower height and floor space ratio controls are more appropriate;
- A site-specific development control plan should be prepared;
- the planning proposal package be updated to include a fully developed urban design report, a detailed investigation of the potential siting and development yield, an analysis of the visual impacts, analysis of overshadowing impacts, and a letter of offer to enter into a planning agreement dedicating land along the Pacific Highway frontage;
- the Planning Proposal should be supported by a more detailed investigation of potential siting and development yield in relation to the site's proximity to the rail corridor and Pacific Highway; and
- all of these updates and further studies be undertaken prior to the proposal being lodged for a gateway assessment with the Department.

State Environmental Planning Policy (Housing) Amendment (Transport Oriented Development) (TOD SEPP) 2024

The site is located within 400m of the Lindfield Train station. The station is one of the 18 locations where the amended planning controls apply within 400 m commencing 13 May 2024. Under the TOD SEPP, the following controls will apply:

- Permissibility – Allowing residential flat buildings in residential zones and local centre zones, along with shop top housing in local centre and commercial zones.
- Building height – A 22 m height for residential flat buildings to maintain design standards, and a maximum building of 24 m for buildings containing shop top housing to accommodate commercial ceiling height.
- Floor Space Ratio – A maximum Floor Space Ratio of 2.5:1 has been set.
- Lot size and width – Introduction of a minimum lot width of 21 m and no minimum lot size.
- Street frontages – The inclusion of a clause which applies to local centre zones to consider of active street frontages of buildings at the ground floor.
- Affordable housing – A 2% mandatory affordable housing contribution, delivered onsite and in perpetuity for developments with a minimum Gross Floor Area of 2000 m².

Attachments

Attachment A – Planning proposal (October 2023)

Attachment A1 – Urban Design Report (October 2023)

Attachment A2 – Statement of Heritage Impact (October 2023)

Attachment A3 – Preliminary Site Investigation (June 2023)

Attachment A4 – Traffic and Transport Study (October 2023)

Attachment A5 – Landscape Concept Plan (August 2023)

Attachment A6 – TfNSW Endorsement - modifications to traffic signals

Attachment A7 – Letter of Offer for Planning Agreement

Attachment B1 – Rezoning review application form

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Attachment B2 – Rezoning review application cover letter

Attachment C – Council letter

A handwritten signature in black ink, appearing to read "DC", written over a horizontal line.

6/06/2024

Douglas Cunningham

Manager, Planning Proposal Authority

A handwritten signature in black ink, appearing to read "LMcMahon", written over a horizontal line.

6/6/24

Louise McMahon

Director, Planning Proposal Authority

Assessment officer

Kimberley Beencke

Senior Planner, Planning Proposal Authority

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