



REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	26 June 2024
DATE OF DECISION	14 June 2024
PANEL MEMBERS	Peter Debnam (Chair), Stephen Murray, Anthony McNamara, Cedric Spencer and Kim Wheatley
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

RR-2024-9 – Ku-ring-gai LGA – PP-2023-2371

345 Pacific Highway, Lindfield (As described in Schedule 1).

Reason for Review:

- ☐ The council has notified the proponent that the request to prepare a planning proposal has not been supported.
- ☒ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and subject to changes site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has:
 - ☐ not demonstrated strategic merit
 - ☐ demonstrated strategic merit but not site specific merit

The decision was 4:1 in favour, with Councillor Kim Wheatley considering the proposal did not have site specific merit.

REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department of Planning, Housing and Infrastructure, and heard extensively from Ku-ring-gai Council and the proponent, Gyde and landowner, Bellpen Pty Ltd.

The Panel noted that building height and floor space ratio controls for the site have been documented in a number of planning instruments and policies as well as being identified by Council and the Ku-ring-gai Local Planning Panel. This includes:

- Ku-ring-gai Council's Local Housing Strategy, released in May 2020 identified height increases of '10-15 storeys' for the site.

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- The site falls under the State Environmental Planning Policy (Housing) Amendment (Transport Oriented Development) (TOD SEPP) 2024 where building height has been set at 22m for residential flat buildings to maintain design standards, and a maximum building of 24m for buildings containing shop top housing to accommodate commercial ceiling height. A maximum Floor Space Ratio of 2.5:1 has also been set.
- Ku-ring-gai Local Planning Panel recommended at its meeting of 20 May 2024, that the maximum Height of Building be 12 storeys (38.5m) and a Floor Space Ratio of 3.5:1.
- Ku-ring-gai Council at its briefing to the Panel confirmed it is recommending the maximum Height of Building be 12 storeys (38.5m) and a Floor Space Ratio of 3.5:1

The Panel also noted that Transport for NSW is investigating improvements to the Pacific Highway, including a future land acquisition which may impact the site. This coincides with upgrades to the traffic control signals at the intersection of Pacific Highway, Balfour Street and Havilah Road.

Strategic Merit

The Panel agreed that the Planning Proposal had Strategic Merit given that:

- The Planning Proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Greater Sydney Region Plan 2036, North District Plan 2036, and the Ku-ring-gai Local Strategic Planning Statement (LSPS) (March 2020);
- Delivering housing supply is a priority issue for Sydney for all levels of Government;
- The site is identified as a key landmark site in the Lindfield local centre structure plan. The development may potentially act as a catalyst for the broader revitalisation within the western side of the Lindfield local centre; and
- The Planning Proposal contributes to the 30-minute city vision due to its close proximity to the T1 North-West Rail Link and Lindfield train station.

Site Specific Merit

The majority of the Panel agreed that the Planning Proposal should be able to achieve Site Specific Merit subject to revisions addressing site constraints noting that:

- the site has no significant natural environmental constraints to preclude development;
- the site has the potential to provide housing diversity;
- the site is located within the Lindfield town centre providing direct access to goods and services and in close proximity to Lindfield Railway Station, multiple bus services and the arterial road system;
- 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; and
- infrastructure is available to support the development.

Panel Recommendations

The Panel majority recommends that prior to submitting the Planning Proposal for a Gateway determination, the Planning Proposal is to be revised to include the following:

- provide an updated urban design report to test a range of building heights from 12 storeys to 15 storeys and commensurate Floor Space Ratios, shadow diagrams, and details of Apartment Design Guide requirements in terms of the proposal and adjoining buildings, to ensure potential development is in character with the locality;
- a Design Excellence Clause, with no bonus provisions; and
- update the Planning Proposal in accordance with the above points and the LEP Making Guideline (August 2023) to reflect the Panel's decision.

The Panel majority also recommends that:

- a site specific development control plan be prepared and exhibited concurrently with the planning proposal and is to include setbacks, heritage and landscape requirements;

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- a Voluntary Planning Agreement, involving the proponent, might be required in funding the necessary infrastructure; and
- consultation is to be undertaken with Transport for NSW at exhibition stage to confirm road widening and intersections upgrade works.

The Panel will reconvene following the receipt of the revised Planning Proposal to assess and determine whether the Proposal has met the Panel's recommendations and has demonstrated site specific merit and is suitable for submitting to a Gateway determination.

Ku-ring-gai Council has been given the opportunity to accept the role of Planning Proposal Authority (PPA) for this Planning Proposal, however Council has declined the PPA role. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this Planning Proposal.



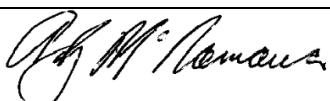


The Panel requires confirmation from the proponent, within two weeks from the date of this determination, that they agree to update the Planning Proposal consistent with the Panel's recommendations and pay the alternate PPA fee.

Should the proponent fail to revise the Planning Proposal or pay the PPA fee by the designated date, then the Panel will no longer proceed with the Planning Proposal and the making of a local environmental plan amendment.

REASONS FOR THE DISSENTING DECISION

Panel Member, Councillor Kim Wheatley, does not consider that the Planning Proposal has site specific merit. Cr Wheatley considers the Planning Proposal should not be subject of a request for Gateway approval for reasons that the Planning Proposal lacks:

1. adequate documentation, including a fully developed Urban Design Report, and particularly regarding the built form outcome that would be enabled by the proposed amendments to the height and floor space ratio development standards, specifically the bulk and scale and the associated visual and overshadowing impacts;
2. an analysis of the visual impact of the proposal;
3. an analysis of overshadowing impacts;
4. a letter of offer for a Planning Agreement for provision for a 5-metre setback along part of the Pacific Highway frontage to allow future road widening;
5. analysis of traffic impacts, particularly traffic egress from the site;
6. provision for retention of a 7m setback to Wolseley Road; and
7. proposal for a development control plan to ensure a high level of design quality is achieved.

.PANEL MEMBERS	
 Peter Debnam (Chair)	 Stephen Murray
 Anthony McNamara	 Cedric Spencer
 Kim Wheatley	

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SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2024-9 – Ku-ring-gai LGA – PP-2023-2371 – 345 Pacific Highway, Lindfield
2	LEP TO BE AMENDED	Ku-ring-gai Local Environmental Plan (LEP) 2015
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> increase the maximum height of building from 11.5m to 55m; and increase the floor space ratio from 1:1 to 4.5:1.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Department of Planning, Housing and Infrastructure, Rezoning Review Briefing Report, 6 June 2024 Slide presentations from DPHI, 13 June 2024; Ku-ring-gai Council, 13 June 2024 and Gyde, 13 June 2024
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> Site inspections: <ul style="list-style-type: none"> were either held individually at the Panel members' discretion or not held as sufficient background information was provided to all Panel members. Stephen Murray – 13 June 2024 Briefing with Department of Planning, Housing and Infrastructure (DPHI): 9:30am – 9:52am, 14 June 2024 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Stephen Murray, Anthony McNamara, Cedric Spencer and Kim Wheatley DPHI staff in attendance: Sarah Waterworth, Doug Cunningham, Kimberley Beencke, Lisa Kennedy & Taylah Fenning Key issues discussed: <ul style="list-style-type: none"> Site & summary of proposal Council officer report to Council recommending HOB of 38m and FSR 3.5:1 Proposed Transport Orientated Development (TOD) controls – HOB 24m FSR 2.5:1 Status of proposed road works – road widening & roundabout; advice from Transport for NSW; acquisition/Voluntary Planning Agreement Briefing with Ku-ring-gai Council: 10:15am – 11:05am, 14 June 2024 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Stephen Murray, Anthony McNamara, Cedric Spencer and Kim Wheatley DPHI staff in attendance: Sarah Waterworth, Doug Cunningham, Kimberley Beencke, Lisa Kennedy & Taylah Fenning Council representatives in attendance: Sam Ngai, Craige Wyse, Bill Royal, Jared Phillips, Joseph Piccoli, Alexandra Plumb and Antony Fabbro Key issues discussed:

		<ul style="list-style-type: none"> • Site specific issues – urban design & traffic for a landmark/key site • Bulk & scale – require design excellence; visual impacts; overshadowing; setbacks from Pacific Highway & Wolseley Road • Traffic – upgrade of intersection; road widening; approval from Transport for NSW; on-site car parking • Council officers recommending HOB of 38m and FSR 3.5:1 • Local Housing Strategy <ul style="list-style-type: none"> • Briefing with Gyde (Proponent) and Landowner (Bellpen Pty Ltd): 11:06am – 11:51am, 14 June 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Stephen Murray, Anthony McNamara, Cedric Spencer and Kim Wheatley ○ DPHI staff in attendance: Sarah Waterworth, Doug Cunningham, Kimberley Beencke, Lisa Kennedy & Taylah Fenning ○ Proponent and landowner representatives in attendance: Belinda Barrie, Duncan Corrigan, Justin White & Martin Hillier ○ Key issues discussed: <ul style="list-style-type: none"> • Strategic issues – Local Housing Strategy • Site specific issues – visual impact; overshadowing; height • Traffic – Pacific Highway & Wolseley Road setbacks & frontages; advice from Transport for NSW; carparking & DCP requirements • Proposed Transport Orientated Development (TOD) controls – HOB 24m FSR 2.5:1 • Panel Discussion: 11:51am – 12:13pm, 14 June 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Stephen Murray, Anthony McNamara, Cedric Spencer and Kim Wheatley ○ DPHI staff in attendance: Sarah Waterworth, Doug Cunningham, Kimberley Beencke, Lisa Kennedy & Taylah Fenning
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