



KU-RING-GAI LOCAL PLANNING PANEL MEETING TO BE HELD ON MONDAY, 20 MAY 2024 BY ZOOM CONFERENCING

**This meeting will be live streamed – click on the link below at 12:30pm
On 20 May 2024 click on the below link to watch the live stream**

Please note only Items GB.1 and GB.2 form the public meeting. Item GB.3 will be advised by the KLPP following the Public Meeting and all results published on Council's website within 48 hours of the closing of the determination meeting.

<https://www.krg.nsw.gov.au/Council/Council-meetings/Ku-ring-gai-Local-Planning-Panel-KLPP-meetings/Ku-ring-gai-Local-Planning-Panel-meetings-live-stream>

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Ku-ring-gai Local Planning Panel Meetings and COVID-19

In line with social distancing requirements to limit the spread of the COVID-19 virus, Ku-ring-gai Local Planning Panel meetings may be held using conferencing technology (until further notice).

Meetings will be webcast and members of the public can watch and listen to meetings live via Ku-ring-gai Council's website. If you are an owner, applicant, architect or submitter to the Development Application you may register to speak. Please see our [Register to Speak page](#).

IMPORTANT

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AGENDA

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NOTE: For Full Details, See Council's Website –
www.krg.nsw.gov.au under the link to business papers

APOLOGIES

DECLARATIONS OF INTEREST

GENERAL BUSINESS

- GB.1 **92 Carrington Road, Wahroonga - Demolition of existing structures and construction of a dwelling, tennis court and associated landscaping** **4**

File: DA0235/23

Demolition of existing structures and construction of a dwelling, tennis court and associated landscaping

RECOMMENDATION

THAT the Ku-ring-gai Local Planning Panel, as the consent authority, being satisfied that the proposed development would be in the public interest, grant development consent to DA0235/23 for demolition of existing structures and construction of a dwelling, tennis court and associated landscaping at, 92 Carrington Road, Wahroonga, subject to conditions, as per the Development Assessment Report (**Attachment A1**). Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

- GB.2 **17 Lord Street, Roseville – Significant alterations and additions to existing dwelling house including new swimming pool, garage, landscaping and associated works.** **6**

File: EDA0039/23

17 Lord Street, Roseville – Significant alterations and additions to existing dwelling house including new swimming pool, garage, landscaping and associated works.

RECOMMENDATION

PURSUANT TO SECTION 4.16(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Ku-ring-gai Local Planning Panel, as the consent authority, being satisfied that the proposed development would be in the public interest, grant development consent to eDA0039/23 for significant alterations and additions to the existing dwelling, and a new swimming pool and associated works at 17 Lord Street, Roseville, subject to conditions, as per the Development Assessment Report (**Attachment A1**) Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

GB.3 **Planning Proposal 345 Pacific Highway, Lindfield**

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File: S14297

To refer the Planning Proposal for 345 Pacific Highway, Lindfield to the KLPP for advice as required by the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

Recommendation:

The Planning Proposal in its current form is not supported.

That the KLPP make a recommendation to Council that the Planning Proposal be amended to reduce the height and floor space ratio.

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	92 CARRINGTON ROAD, WAHROONGA - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A DWELLING, TENNIS COURT AND ASSOCIATED LANDSCAPING
ITEM/AGENDA NO:	GB.1

APPLICATION NO:	DA0235/23
ADDRESS:	92 Carrington Road, Wahroonga
WARD:	Wahroonga
DESCRIPTION OF PROPOSAL:	Demolition of existing structures and construction of a dwelling, tennis court and associated landscaping
APPLICANT:	Minto Planning Services Pty Ltd
OWNER:	M Li
DATE LODGED:	28 June 2023
SUBMISSIONS:	14
ASSESSMENT OFFICER:	Belinda Newell
RECOMMENDATION:	Approval

KLPP REFERRAL CRITERION:	Contentious development in respect of which 10 or more unique submissions, by way of objection, have been received.
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PURPOSE OF REPORT

To determine Development Application No DA0235/23 for demolition of existing structures and construction of a dwelling, tennis court and associated landscaping at 92 Carrington Road, Wahroonga.

RECOMMENDATION










THAT the Ku-ring-gai Local Planning Panel, as the consent authority, being satisfied that the proposed development would be in the public interest, grant development consent to DA0235/23 for demolition of existing structures and construction of a dwelling, tennis court and associated landscaping at, 92 Carrington Road, Wahroonga, subject to conditions, as per the Development Assessment Report (**Attachment A1**). Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

Belinda Newell
Executive Assessment Officer

Amy Ayling
Team Leader

Shaun Garland
Manager Development Assessment Services

Michael Miotic
Director Development & Regulation

Attachments:	A1 	Development Assessment Report	2024/145705
	A2 	Zoning Sketch	2024/126464
	A3 	Location Sketch	2024/126463
	A4 	Architectural Plans	2024/145713
	A5 	Landscape Plan	2024/145715
	A6 	Stormwater Plan	2024/145716
	A7 	Geotechnical Report	2024/145717
	A8 	External Finishes	2024/145719
	A9 	Statement of Environmental Effects	2023/208130

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	17 LORD STREET, ROSEVILLE – SIGNIFICANT ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING NEW SWIMMING POOL, GARAGE, LANDSCAPING AND ASSOCIATED WORKS.
ITEM/AGENDA NO:	GB.2

APPLICATION NO:	eDA0039/23
ADDRESS:	17 Lord Street, Roseville
WARD:	Roseville
DESCRIPTION OF PROPOSAL:	17 Lord Street, Roseville – Significant alterations and additions to existing dwelling house including new swimming pool, garage, landscaping and associated works.
APPLICANT:	In & Out Pty Ltd
OWNER:	X Li
DATE LODGED:	14 November 2023
SUBMISSIONS:	11
ASSESSMENT OFFICER:	Rachael Mofteh
RECOMMENDATION:	Approval

KLPP REFERRAL CRITERION:	Contentious development in respect of which 10 or more unique submissions, by way of objection, have been received.
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PURPOSE OF REPORT

To determine Development Application No eDA0039/23 for 17 Lord Street, Roseville for Significant alterations and additions to existing dwelling, including new swimming pool, garage, landscaping and associated works.

This application is reported to the Ku-ring-gai Local Planning Panel for determination in accordance with the Minister's section 9.1 Local Planning Panels Direction as it is contentious development in respect of which 10 or more unique submissions, by way of objection, have been received.

RECOMMENDATION

PURSUANT TO SECTION 4.16(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979



THAT the Ku-ring-gai Local Planning Panel, as the consent authority, being satisfied that the proposed development would be in the public interest, grant development consent to eDA0039/23 for significant alterations and additions to the existing dwelling, and a new swimming pool and associated works at 17 Lord Street, Roseville, subject to conditions, as per the Development Assessment Report (**Attachment A1**) Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

Rachel Moftah
Development Assessment Officer

Selwyn Segall
Team Leader - Development Assessment

Shaun Garland
Manager Development Assessment Services

Michael Miocic
Director Development & Regulation

Attachments:	A1 	Development Assessment Report	2024/010944
	A2 	Location Sketch	2024/089612
	A3 	Zoning Sketch	2024/089616
	A4 	Architectural Plans	2024/148910
	A5 	Landscapscape Plan	2024/148904
	A6 	Colours and Finishes Schedule	2024/148906
	A7 	Shadow Diagrams	2024/153079

PLANNING PROPOSAL 345 PACIFIC HIGHWAY, LINDFIELD

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To refer the Planning Proposal for 345 Pacific Highway, Lindfield to the KLPP for advice as required by the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

BACKGROUND:

A formal pre-lodgement meeting was held on 8 December 2021.

The Planning Proposal was submitted on 8 September 2023. The Planning Proposal was incomplete. Following the submission of revised documentation and payment of fees, the assessment of the Planning Proposal formally commenced on 17 November 2023.

A Rezoning Review was lodged with the Department of Planning, Housing and Infrastructure on 7 March 2024.

COMMENTS:

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

- Amend Height of Buildings development standard from 11.5m to 55m; and
- amend Floor Space Ratio development standard from 1:1 to 4.5:1.

The site is recognised as having strategic potential for greater density, however not to the extent proposed.

RECOMMENDATION:

(Refer to the full Recommendation at the end of this report)

The Planning Proposal in its current form is not supported.

That the KLPP make a recommendation to Council that the Planning Proposal be amended to reduce the height and floor space ratio.

PURPOSE OF REPORT

To refer the Planning Proposal for 345 Pacific Highway, Lindfield to the KLPP for advice as required by the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

BACKGROUND

Site Description and Local Context

The site that is the subject of this Planning Proposal is 345 Pacific Highway Lindfield (Lot 1 DP810773). The site is triangular in shape, with a main frontage to the Pacific Highway (88m), Wolseley Road (65m) and the rail line (115m). The site has an area of 2665sqm. The site is located at the bend in the Pacific Highway, so is highly prominent when approaching from both the north and the south on the Pacific Highway.

The topography of the site falls to the north east.

The site currently contains a two storey commercial building which houses a dental practice, medical practice and offices. Vehicle access to the site is currently provided from Wolseley Road.

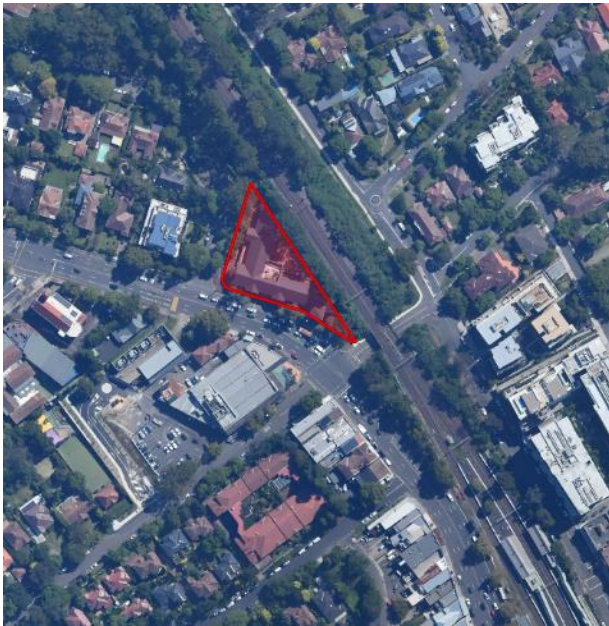
The adjacent Wolseley Road frontage includes a 4 storey residential development. There is a townhouse development at 8-10 Wolseley Road which is currently under construction adjacent to the site.

The adjacent Havilah Road frontage includes a landscaped corridor and railway underpass.

Opposite the site on the Pacific Highway on the corner of Balfour Street is a site currently under construction with a mixed-use development comprising a Coles supermarket and residential flat buildings, 5-6 storeys in height.

A street closure upgrade is proposed to facilitate a new pedestrian connection along Wolseley Road, connecting the nearby Ibbitson Park which has also been identified for upgrades to the Pacific Highway and beyond.

The site is zoned E1 Local Centre.



Subject site

Lindfield Local Centre is one of Ku-ring-gai's largest local centres, and like other local centres within Ku-ring-gai, the Pacific Highway and rail corridor bisect the Lindfield Local Centre creating two distinct halves – the Pacific Highway serving as the centre's main 'commercial street' which is characterised by fine grain, two storey, shop top, commercial premises, and Lindfield Avenue on the eastern side of the centre serving as the traditional 'main street' retail precinct providing a variety of local services including the new IGA supermarket and Harris Farm, cafes with apartments above.

While the Pacific Highway and rail corridor provide good public transport accessibility, they also significantly impact on the amenity and accessibility of the centre.

COMMENTS

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

- Amend the Height of Building development standard from 11.5m to 55m; and
- amend the Floor Space Ratio development standard from 1:1 to 4.5: 1.

These amendments would enable a 15 storey, mixed-use development outcome on the site. The reference scheme within the Urban Design Study shows an indicative built form comprising a 3 storey podium and tower form. The reference scheme includes a 2m setback to the Pacific Highway at the podium level, 4m setback to Wolseley Road and a 4m setback to the tower to the Pacific Highway. Vehicle access is shown from Wolseley Road (as existing). In the southern corner of the site a 320sqm pocket park is shown.



Excerpt from Urban Design Study – Indicative Built Form



Excerpt from Urban Design Study Indicative Site Plan

The purpose of the reference scheme is to provide an indicative built form which demonstrates the proposed increases to the height and floor space ratio can be readily accommodated on the site without resulting in any unreasonable impacts.

Chronology of Assessment

A formal pre-lodgement meeting was held with the proponent and Council staff on 8 December 2021 to discuss the proposal to amend the height and floor space ratio on the site. The pre-lodgement meeting report is included at **Attachment A1**.

The Planning Proposal was submitted on 8 September 2023. The Planning Proposal documentation was incomplete. Following the submission of revised documentation and payment of fees, the assessment of the Planning Proposal formally commenced on 17 November 2023.

Following a preliminary assessment Council meet with the proponents on 20 December 2023 to discuss concerns regarding the proposal, and requested an amended scheme be developed which

reduced the height and floor space ratio. Following the meeting, an amended Urban Design Study was submitted on 1 March 2024.

On 7 March 2024 a request for a Rezoning Review was lodged by the proponents with the NSW Department of Planning, Housing and Infrastructure.

A full chronology of assessment is included at **Attachment A2**.

Preliminary Assessment and Request for Amended Scheme

Following a site inspection and preliminary assessment, Council had concerns regarding the built form outcomes 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.

Council met with the proponents to discuss these concerns on 20 December 2023, and advised that the Planning Proposal in its current form would not be supported by Council staff. The proponent was given the option to either proceed with the assessment of the Planning Proposal or invited to submit amended documentation to address Councils concerns.

Council’s concerns were centred on the following issues:

- Built form enabled by the proposed height and floor space ratio resulting in
 - visual impacts; and
 - overshadowing impacts.
- Lack of documentation to enable a comprehensive assessment

The table below details the key issues raised and the requested amendments and additional information:

<p>Built Form – Bulk and Scale</p>	<p>Council advised the proponent that there is insufficient justification presented for the proposed bulk and scale, and the ‘landmark’ status alone is not enough to warrant the FSR and height.</p> <p>The proponent was advised that further design development and testing would be required to explore a range of optimised design responses that better considered the site-specific constraints and opportunities, and the broader visual impacts, including:</p> <ul style="list-style-type: none"> • Reducing overshadowing, particularly to Balfour Street development; • minimising the visual bulk and scale through reducing the height and floor space, as well as consideration of greater articulation and placement/orientation of the tower; and • greater setbacks to Pacific Highway, Wolseley Road and the railway line.
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	The proponent was also advised that the design response for site needs to achieve design excellence, given the site's landmark status.
Lack of documentation – General	Council advised that the level of documentation within the Urban Design Study was lacking and insufficient to enable a comprehensive assessment, particularly around solar access, overshadowing, sections and elevations, view analysis, public domain including street reserve, footpaths and landscaping.
Lack of documentation – Overshadowing	Request for further overshadowing analysis to understand how the proposal minimises overshadowing to Balfour Street which is proposed to be heavily impacted and the reduction in impact should be influenced by exploring a range of optimised design solutions which vary height and scale of tower form. Sun eye diagram and updated shadow analysis to show how optimised design can improve response.
Lack of documentation – Visual Impact Analysis	Request for more comprehensive visual impact assessment including photorealistic renders from six (6) key view corridors and Heritage Conservation Areas.
Lack of documentation – Interface Sections	Request for more comprehensive sections with detail the interface of the building with the surrounding streets, particularly noting the level change to Wolseley Road.
Public Domain	Request that the landscape response should be co-ordinated with the Wolseley Road closure (shared zoned and pedestrian priority access) to ensure full integration with the site.

In response to Council's request for an amended scheme and additional documentation, the proponent submitted a revised Urban Design Study. The revised Urban Design Study did not reduce the proposed height or floor space ratio or provide greater setbacks. Most of the additional and amended information requested by Council has not been provided.

The revised Urban Design Study included:

- Additional sections;
- sun eye diagram; and
- re-inserted a skyline analysis (4.8 Skyline Analysis Concept 2) which Council requested to be removed during the adequacy check due to being based on unadopted Council policy (draft unadopted version of the Housing Strategy).

Merit

A Planning Proposal is not a Development Application and does not consider the specific detailed matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A Planning Proposal only relates to an LEP amendment and cannot be tied to a specific development. The proposed amendments need to be acceptable as an outcome on the site regardless of the subsequent approval or refusal of any future Development Application.

A Planning Proposal must demonstrate the site specific and strategic merit of the proposed amendments.

The Planning Proposal and Appendices are included at **Attachment A3-A9**.

The following is an assessment of the relevant merits of the Planning Proposal based on the revised Urban Design Study submitted on 1 March 2024.

Site Specific Assessment

Height of Buildings and Floor Space Ratio

The Planning Proposal seeks uplift in height from 11.5m to 55m and an uplift in floor space ratio from 1:1 to 4.5: 1. The proponent was requested to minimise the visual bulk and scale of the resulting built form by reducing the height and floor space ratio proposed, however chose not to do so.

The table below shows a comparison of existing maximum building height and floor space ratio within Ku-ring-gai's Local Centres.

Centre	Maximum Building Height	Maximum Floor Space Ratio
Gordon	39.5m (10 storeys)	3.5:1
Turrumurra	17.5m (5 storeys)	2.5:1
Lindfield	36.5m (9 storeys)	3:1
St Ives	17.5m (5 storeys)	1.6:1
Planning Proposal 345 Pacific Highway Lindfield	55m (15 storeys)	4.5:1

The height and floor space ratio proposed by the Planning Proposal for 345 Pacific Highway, Lindfield would be the tallest and densest on any site within all of Ku-ring-gai's Local Centres. The proposal would exceed the height and floor space permitted with Gordon (Ku-ring-gai's major centre) by 5 storeys.

Within the immediate Lindfield Local Centre context of the site, existing developments include the Lindfield Village Hub site with a maximum height of 34.5m (9 storeys) and FSR of 2.31:1, Aqualand development with a height of 26.5m (7 storeys) and FSR of 3:1, and the Balfour development with a height of 20.5m (6 storeys) and FSR of 2.5:1.

The Planning Proposal has not established a justification for the height and floor space ratio based on a contextual understanding of the site or Lindfield Local Centre. The proposed height of 55m (15 storeys) and FSR of 4.5:1 is excessive in comparison to the heights currently permitted in the Lindfield Local Centre, and currently permitted in the wider local centres in Ku-ring-gai and would result in an overdevelopment of the site.

While the site is identified as a 'Key Landmark Site' within the Lindfield Local Centre Structure Plan in the Ku-ring-gai Local Strategic Planning Statement, the proposed height of 55m and floor space ratio of 4.5:1 cannot be justified by 'landmark' status of the site alone. A 'landmark building' is not just about the height of a building or being the highest building in the centre, but rather a building that demonstrates design excellence, which is something that the current proposal has failed to demonstrate with the reference scheme and the level of detail provided in the Urban Design Study. Refer to comments under **Strategic Merit – Local Strategic Planning Statement** below for more detailed assessment.

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Given the site's location at the bend in the Pacific Highway, it is highly prominent when approached from both the north and the south on the Pacific Highway. The proposed height and floor space ratio will result in a built form that will have significant visual impacts to the wider Lindfield Local Centre, including views and vistas from the Wolseley Road Heritage Conservation Area.

The indicative skyline analysis of the reference scheme and the Lindfield Village Hub contained in the Urban Design Study provides valuable insights, but it only takes a birds-eye view into account. It fails to consider the visual impact of the proposal from key view corridors, such as along the Pacific Highway traveling towards Hornsby (north) or Chatswood (south), as well as from Balfour Street and Havilah Road.

SKYLINE ANALYSIS CONCEPT 1

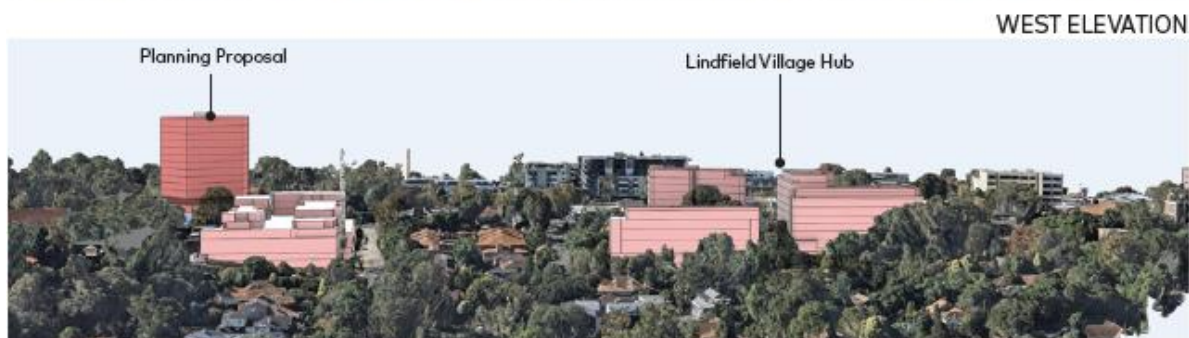
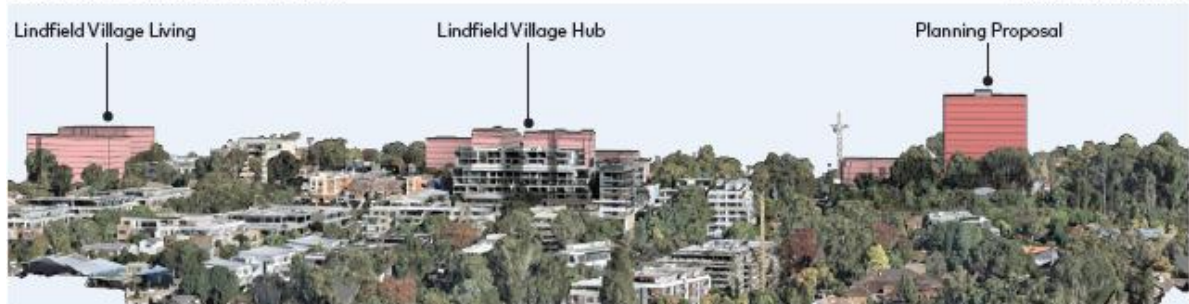


Image Skyline Analysis Concept 1 reference scheme from Urban Design Study

The skyline analysis also identifies sites within Council's 10-15 storey investigation areas which provides a misleading representation of the reference scheme in the context of existing development such as Lindfield Village. This is not a realistic representation of the existing situation.

SKYLINE ANALYSIS CONCEPT 2

EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION

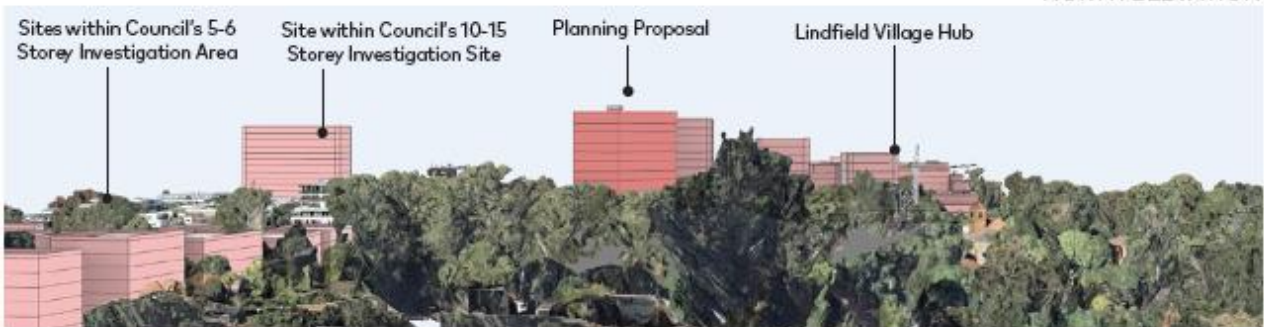


Image Skyline Analysis Concept 2 reference scheme from Urban Design Study

To understand the visual impact of the proposal the proponent was requested to provide a photo-realistic render of the reference scheme superimposed on site photographs from key viewpoints. This type of comprehensive visual analysis is expected for proposal of this scale. These studies were not provided to Council.

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The proposed height and floor space ratio would result in a built form that has significant visual impacts to the wider Lindfield Local Centre, as well as views and vistas from the Wolseley Road Heritage Conservation Area. The 15 storey tower component will be highly visible and a dominant visual element which protrudes above the tree canopy and interrupts district views. Key locations which significant visual impact would occur are:

- Pacific Highway looking north-west;
- Pacific Highway looking south-east;
- Lindfield Avenue looking north-west;
- Woodside Avenue (Heritage Conservation Area) looking south-west; and
- Havilah Road looking south-west.

The built form resulting from the proposed height and floor space ratio will also result in significant unacceptable environmental impacts in the form of overshadowing to adjoining properties and the wider public domain. Refer to comments under **Overshadowing** below for more detailed assessment.

In summary, the proposed height and floor space ratio cannot be supported. There is a lack of contextual justification for the proposed height and floor space ratio and the resulting built form will result in unreasonable impacts on the site, neighbouring properties, the public domain and the wider Lindfield Local Centre, including:

- Excessive height and density representing an overdevelopment of the site;
- significant visual impacts to the wider Lindfield Centre; and
- significant overshadowing impacts to Balfour development, 374-360 Pacific Highway, Lindfield Rotary Park.

In-fill Affordable Housing Bonus Height and Floor Space Ratio

The Planning Proposal notes the intention to provide affordable housing. Future development on the subject site will be able to utilise the in-fill affordable housing provisions which include a FSR bonus of up to 30% and a height of buildings bonus of up to 30% for residential development projects which include at least 10% gross floor area as affordable housing.

The potential for an additional 30% height and 30% floor space needs to be taken into consideration, noting that at 55m (15 storeys) and 4.5:1 the built form is already considered excessive and an overdevelopment of the site.

Overshadowing

The proponent was requested to provide further overshadowing analysis and advised that varying the height and scale of the tower should be explored to minimise overshadowing. Updated overshadowing analysis provided in the March 2024 Urban Design Study shows no change in height or scale to the tower form. No design testing has been undertaken to explore variations in bulk and scale, apartment configuration or setbacks.

The reference scheme within the Urban Design Study results in four units on each level of the north-eastern façade (12 units in total) of the Balfour development will be heavily impacted, receiving only 1.5 to 2 hrs of solar access in the morning and approximately 30mins in the afternoon. This is not a minor impact as suggested within the Urban Design Study.

Additional to the overshadowing impacts of 12 units associated with the Balfour development, there are various overshadowing impacts to key areas of private communal open space and public domain including the communal open space and new public entry plaza/ forecourt associated with the Balfour development, and existing shop top housing located at 374-360 Pacific Highway as follows:

Balfour Street development (376-386 Pacific Highway)

- Communal open space – The podium communal open space associated with the Balfour development receives winter sun from 9am for approximately 4 hours to 12pm. Majority of this winter sun is in the morning from 9am – 12pm for approximately 3 hours. Development resulting from the Planning Proposal would overshadow the communal open space impacting the available morning winter sun from 9am – 12pm, limiting the overall remaining winter sun to 1 hour from 11am to 12pm which is unacceptable. Overshadowing to the communal open space would also impact lower-level units.
- Public entry plaza/ forecourt – Development resulting from the Planning Proposal would overshadow the public entry plaza of the Balfour Ave development from 11am to approximately 2:30pm for 3.5 hours, limiting access to winter sun. Overshadowing to the public entry plaza should be limited as much as possible. Development resulting from this Planning Proposal has a significant impact and does not mitigate overshadowing impacts to the public entry plaza.

374 – 360 Pacific Highway

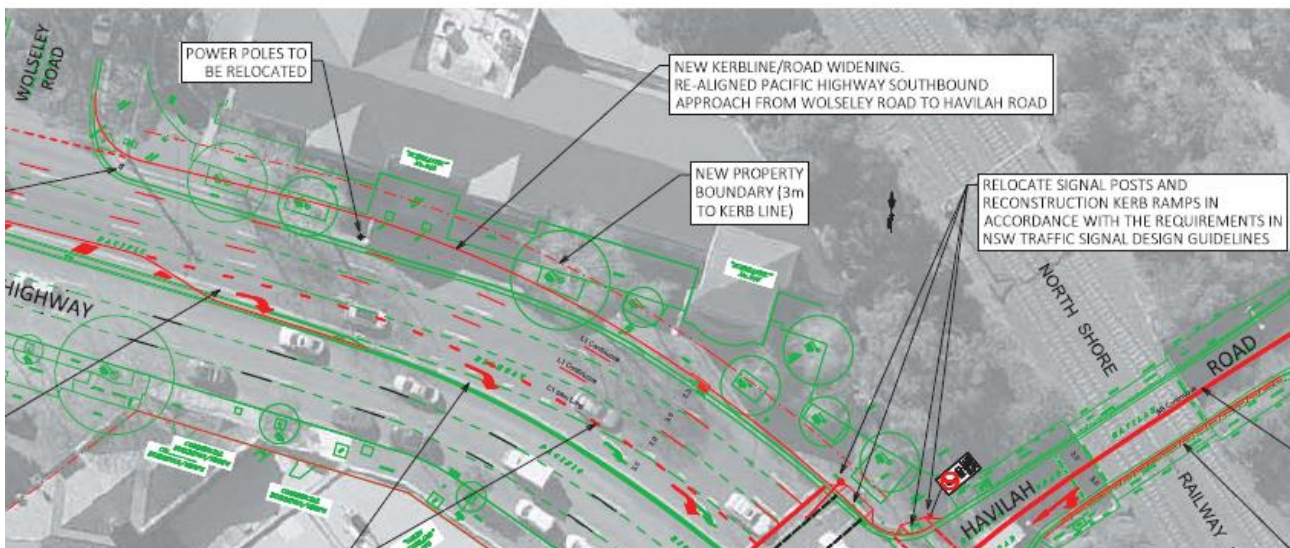
- A number of existing shop top housing tenancies are impacted by overshadowing. The overshadowing of these tenancies is significant and unacceptable given the distance from the subject site. Overshadowing occurs for approximately 1.5h from 1pm – 2:30pm also causing significant overshadowing of the entire intersection of the Pacific Highway, Balfour Street and Havilah Road.

Lindfield Rotary Park

- A small wedge of existing public open space is impacted for approximately 2 hours from 1pm – 3pm.

Pacific Highway Road Widening

The site has been identified as being subject to future road widening along the Pacific Highway frontage of the site as part of the TfNSW approved Traffic Signal Modifications at the Intersection of Pacific Highway and Balfour Street / Havilah Road. The widening is required to accommodate a future extension to the right hand turn bay into Balfour Street. The approved road widening would require a 3m setback (to the new property boundary), and additional 2m setback would then be required for the provision of pedestrian access and landscaping.



Excerpt of Approved Traffic Signal Modification Pacific Highway / Balfour Street / Havilah Road – Road Widening along 345 Pacific Highway

Council's Pre-Planning Proposal Meeting Minutes from December 2021 outlined that " *The following design principles should be taken into consideration to derive a built form that responds to the broad context, achieves public benefit and improved public amenity:...An indicative 5m setback at the ground level along Pacific Highway, which includes 3m for road widening to accommodate future extension of the right turn bay into Balfour Street and 2m for the provision of mature trees to promote better integration of the area with surrounding streetscape and landscaping.* "

Additionally, TfNSW advice to the proponent from September 2023 notes ' *TfNSW is aware that Ku-ring-gai Council is currently developing a design to upgrade the Traffic Control signals at the Pacific Highway / Balfour Street / Havilah Road intersection. The improvements are proposed in accordance with the Councils DCP and Lindfield Public Domain Plan (Havilah Road). The investigations completed to date indicate that an area of the frontage of the subject land is likely to be required to accommodate Council's proposal. TfNSW is working with Ku-ring-gai Council on the development of the proposal. It is recommended that the proponent continue to consult with Council and TfNSW to understand the potential impact on the subject site, and to determine an appropriate mechanism in the future planning proposal which could support these infrastructure improvements* '

The Planning Proposal does not provide any consideration of the approved road widening along the Pacific Highway frontage to enable the extension of the right hand turn bay into Balfour Street. Council requested the proponent revise the proposal to include setbacks to achieve the road widening as part of the pre-lodgement adequacy check in September 2023 and again as part of the request for an amended scheme in December 2023. The proponent has declined to update the proposal to take into consideration the road widening. Instead Appendix 2 has been added to the end of the Urban Design Study which outlines the impact of the road widening on the reference scheme.

There seems to be a misunderstanding in the Planning Proposal and Urban Design Study regarding the status of the road widening, and the mechanism through which it would be delivered. Appendix 2 of the Urban Design Study makes reference to ' *Council's draft concept* '

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plan/draft design when in fact the road widening has been approved by TfNSW as part of the approved Traffic Signal Modification for the Intersection of Pacific Highway and Balfour Street / Havilah Road.

Appendix 2 makes reference to the road widening requiring significant acquisition of the subject property, and that TfNSW has advised that land acquisition has not been considered. No land acquisition of the site is proposed through SP2 Infrastructure zoning. Instead, the mechanism to facilitate the widening of the Pacific Highway along the frontage of the subject site would be through future redevelopment of the site with setbacks and FSR transfer, whereby the full FSR potential of the site is utilised, then the setback area required for the road widening is subdivided and dedicated to the relevant road authority.

Traffic and Transport

The Planning Proposal has the following favourable transport aspects:

- Residents in the Statistical Area of the site use public transport more for their journeys to work than the Lindfield suburb as a whole.
- Based on the work destinations of current residents in nearby surrounding Statistical Areas, nearby Strategic Centres (with the exception of Hornsby) are expected to be key work destinations for future residents of the site.
- The site is located within 350m of Lindfield station, which provides access to the Sydney Trains and Sydney Metro network. There is currently sufficient capacity in rail services to accommodate additional passenger demand resulting from the Planning Proposal.
- The site is well-positioned to take advantage of the imminent opening of the Chatswood to Sydenham component of Sydney Metro, and future conversion to rapid bus line of the existing express bus service from Chatswood to Dee Why.
- There is a good selection of retail, health/medical, educational, leisure/recreational and community/cultural facilities within a 10 minute walk of the site.
- Due to the modest number of additional vehicle trips expected to be generated from the site, the proposal is not expected to have significant additional impact on the operation of the nearby intersections of Pacific Highway/Balfour Street/Havilah Road and Pacific Highway/Highfield Road.

The following transport constraints were found with respect to the Planning Proposal:

- The local cycling network in the area is largely underdeveloped, limiting local and regional cycling connectivity.
- The site has the capacity to provide the quantum of car parking required in the DCP. However, despite the good public transport accessibility of the site and close proximity to a variety of amenities and services, parking is proposed to be provided at the higher range in the DCP. There is the opportunity to restrain parking provision so as not to undermine the strategic travel advantages that the site provides, as well as to improve affordability.

Heritage

The subject site is located within the vicinity of the Wolseley Road Heritage Conservation Area and within the vicinity of heritage item 'Commercial building – Churchers Restaurant' (opposite side of Pacific Highway).



Image showing heritage affectation in the vicinity (blue star showing site)

With regards to impacts on views, the site is clearly segregated from the heritage item opposite by the Pacific Highway and there is unlikely to be any impacts on this item. There are likely to be some views between the subject site and the Wolseley Road Heritage Conservation Area. The proposed built form enabled by the Planning Proposal on the subject site may form part of the setting of the conservation area and if proposed at the suggested height, is likely to result in adverse heritage impacts.

It is likely that the proposal in its current form will be visible as a backdrop to the Wolseley Road Heritage Conservation Area and it is recommended that the overall scale and height should be reduced in attempt to lessen its visual dominance. Combined with a reduction in height, it is highly recommended that the proponent engage (or continue to engage) the expertise of an architect and take a holistic approach to the site to achieve a quality outcome which has minimal heritage impacts. The proponent should prioritise landscaping and vegetation within the design.

A very prescriptive development control plan should be developed for the site with the assistance of a heritage consultant, to ensure that the relationship of the development to the adjoining heritage assets is managed well and a high level of design quality is achieved.

Public Domain

The integration of the built form on this site with the street (Pacific Highway and Wolseley Road) is important. There is an opportunity for this proposal to provide an improved response which is driven by site specific requirements. The proponent was requested to provide further detailed sections to demonstrate how the built form can integrate with the Pacific Highway and Wolseley Road, as well as consider improved setbacks particularly to the Pacific Highway and Wolseley

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Road and take into consideration the future Pacific Highway road widening. The detailed relationship of the reference scheme to the street is not clear from the detail provided, and the proposal does not take into account the widening of the Pacific Highway in this location to include a new left hand turn lane onto Havilah Road. More appropriate setbacks need to be factored into the reference scheme in order to improve interface with the public domain.

A small pocket park has been identified on the corner of the Pacific Highway and Havilah Road. Given the Pacific Highway is a noisy, major arterial road and Havilah Road a busy vehicular connection through to Lindfield Shopping Village and Village Green it may not be a desirable or appropriate response. The *Ku-ring-gai Public Domain Plan* provides a concept plan for the *Havilah Road (Pacific Highway to Lindfield Avenue)* one-way eastbound lane and concrete shared cycle/ pedestrian path to the northern side of the street. A consideration for this public space should be the integration with the future shared path as a high-quality landscaped area with through site pedestrian link extension, good way-finding and interpretive elements.

The proponent was requested to consider that the landscape response is coordinated with the Wolseley Road closure (shared zone and pedestrian priority access) to ensure full integration of the Wolseley Road interface with the proposed Wolseley Road Shared Zone and connection to Ibbitson Park. The Landscape scheme refers to the Wolseley Road closure however its connection is not detailed and unclear.

Future Development Amenity

The level of detail provide is not sufficient to conduct a review against the Apartment Design Guide (ADG). The level 2 floor plate (residential within the podium) is without justification. The residential amenity is likely to be poor, providing limited opportunities for cross-ventilation and inadequate solar access to most of the apartments. Furthermore, the geometry required to meet the design requirements of the ADG restricts the articulation and configuration of the podium, location of the lift core and location of the residential tower component above.

To address these concerns, it is recommended that the design response better considers site-specific constraints and opportunities, as well as the broader visual impacts that the proposal may have. Further detail is also required to understand the internal layouts of 1, 2 and 3 bedroom apartments.

Strategic Merit Assessment***Greater Sydney Region Plan – A Metropolis of Three Cities***

Lindfield is located within the Eastern Harbour City and identified as a Local Centre. The Eastern Harbour City is identified as a mature mix of well-established communities ranging from traditional suburban to Australia's most highly urban neighbourhoods.

The Planning Proposal is generally consistent with a number of objectives of the *Greater Sydney Region Plan – A Metropolis of Three Cities* (GSRP) including:

- Objective 4 – Infrastructure is optimised
- Objective 7 – Communities are healthy, resilient and socially connected
- Objective 10 – Greater housing supply
- Objective 11 – Housing supply is more diverse and affordable

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- Objective 14 – Integrated land use and transport creates walkable and 30 minute cities

The Planning Proposal efficiently uses land by co-locating residential and commercial uses on a site that has direct public transport access services, thereby maximising existing infrastructure assets. The Planning Proposal would allow for a mix of uses close to the Lindfield Local Centre, and public transport which improves the opportunity for people to walk and cycle to schools, local shops and services. The site is strategically located and meets the requirements for integrating land use and transport and supporting the idea of 30min cities.

The Planning Proposal would allow for housing supply, housing diversity and affordable housing. The additional housing would provide for the needs of the community at different stages of life and cater for diverse household types. It means as people age they can move into smaller homes and stay in their neighbourhood maintaining social connections, and young adults leaving home can stay close to their families and communities.

However, the Planning Proposal is inconsistent with the following objectives of the *Greater Sydney Region Plan – A Metropolis of Three Cities*:

- Objective 12 – Great places that bring people together
- Objective 13 - Environmental heritage is identified, conserved and enhanced
- Objective 22 - Investment and business activity in centres

The GSRP emphasises the need for places to be well-designed and enhance the local character. *‘Improving liveability involves the creation and renewal of great places, neighbourhoods and centres. This requires place-based planning and design excellence that builds on local characteristics’* (p.48). Objective 12 – Great places that bring people together, highlights that a design led place based planning approach should be utilised in order to provide a well-designed built environment and a fine grain urban form that is walkable and human scale. The site is recognised as having strategic potential for greater density and given its landmark status the site should be achieving design excellence. However, the proposed building height and floor space ratio as demonstrated by the reference scheme in the Urban Design Study will result in a built form that has significant visual impacts to the wider Lindfield centre as well as overshadowing impacts to adjoining sites. The Planning Proposal will not enhance the local character, and will not achieve design excellence, a well-designed built environment or high amenity development.

The GSRP also requires heritage to be conserved and enhanced. *‘Sympathetic built form controls ...are important ...to manage the conservation of heritage significance. Respectfully combining history and heritage with modern design achieves an urban environment that demonstrates shared values and contributes to a sense of place and identity’* (p.77). The proposed height and scale of the built form enabled by the Planning Proposal will be visible as a backdrop to the Wolseley Road Heritage Conservation Area and due to its visual dominance will likely result in adverse heritage impacts.

Centres vary in size and role depending on their activity mix, scale and location. The importance of a centres hierarchy is emphasised within the GSRP *‘The management of local centres is best considered at the local level. Developing a hierarchy within the classification of local centres should be informed by place-based strategic planning processes at a Council level including an assessment of how, broadly, the proposed hierarchy influences decision-making for commercial, retail and other uses’* (p.121)

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It is considered that the Planning Proposal is inconsistent with the centre hierarchy set out in the Ku-ring-gai Retail and Commercial Centres Strategy, which nominates Gordon as the Major Centre, with St Ives, Lindfield and Turramurra as lower order Primary Local Centres. The proposed 55m height of buildings would result in this site being the tallest within Ku-ring-gai, exceeding the maximum buildings heights permitted in Gordon, the major centre.

North District Plan

Lindfield is identified as a Local Centre and the role is a focal point of neighbourhoods and provide essential access to day-to-day goods and services close to where people live.

The Planning Proposal is generally consistent with a number of planning priorities of the *North District Plan*, including:

- Planning Priority N1 – Planning for a city supported by infrastructure
- Planning Priority N4 – Fostering healthy, creative, culturally rich and socially connected communities
- Planning Priority N5 – Providing housing supply, choice and affordability, with access to job, services and public transport
- Planning Priority N12 – Delivering integrated land use and transport planning and a 30minute city

The site the subject of the Planning Proposal is strategically located within the Lindfield Local Centre with access to public transport as well as shops, services and community facilities. The proposal will allow for the co-location of a mixed-use development providing retail, commercial and residential provides efficient use of land and enhances the vibrancy of the centre. This proposal also supports the North District Plan strategy to focus growth in areas close to public transport, enabling a 30 minute city. The Planning Proposal will provide for additional housing supply, choice and affordability within the Lindfield Local Centre.

However, the Planning Proposal is inconsistent with the following objectives of the North District Plan:

- Planning Priority N6 – Creating and renewing great places and local centre, and respecting the Districts heritage
- Planning Priority N20 – Delivering high quality open space

The North District Plan emphasises the need for place-based outcomes which deliver high quality outcomes that are integrated with the surrounding precinct and public domain *“To deliver high quality, community specific and place-based outcomes, planning for the District should integrate site specific planning proposals with precinct wide place and public domain outcomes through place-based planning.”* (p.45)

The Planning Proposal seeks to introduce height and floor space ratio controls which the resulting built form as demonstrated by the reference scheme in the Urban Design Study are of a scale that is inconsistent with the site’s capacity and the role of Lindfield Local Centre within the hierarchy of centres within Ku-ring-gai. The proposal will result in a built form that has significant visual impacts to the Wolseley Road Heritage Conservation Area and the wider Lindfield centre as well as overshadowing impacts to adjoining sites. In this regard the Planning Proposal will not enhance

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the local character and will not result in a high quality built environment or high amenity development.

The reference scheme in the Urban Design Study includes the addition of a small pocket park at the corner of Pacific Highway and Havilah Road, which is not a desirable response given the Pacific Highway is a noisy major arterial road and Havilah Road a busy vehicular connection. In this regard the Planning Proposal is inconsistent with the Planning Priority N20 to deliver high quality open space.

Ku-ring-gai Local Strategic Planning Statement

The Planning Proposal is consistent with the following Local Planning Priorities within the Ku-ring-gai Local Strategic Planning Statement (LSPS):

- K3. Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community
- K4. Providing a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place
- K5. Providing affordable housing that retains and strengthens the local residential and business community
- K6. Revitalising and growing a network of centres that offer unique character and lifestyle of local residents
- K21. Prioritising new development and housing in locations that enable 30 minute access to key strategic centres
- K.25 Providing for the retail and commercial needs of the local community within Ku-ring-gai's centres

The Planning Proposal will result in the provision of housing close to transport, services and facilities, and support the 30 minute city concept. The proposal will also provide for diverse and affordable housing, and retain the retail and commercial floorspace on the site. The proposal would enable the redevelopment of the site, supporting the revitalisation of the Lindfield Local Centre.

The Planning Proposal is inconsistent with the following Local Planning Priorities:

- K7. Facilitating mixed-use development within the centres that achieve urban design excellence
- K.12 Managing change and growth in a way that conserves and enhances Ku-ring-gai's unique visual and landscape character
- K.13 Identifying and conserving Ku-ring-gai's environmental heritage

The proposed height and floor space ratio and the resulting built form as demonstrated by the reference scheme in the Urban Design Study will result in a built form that has significant visual impact to the adjoining Wolseley Road HCA and the wider Lindfield Local Centre and overshadowing impacts to surrounding sites. As a result the Planning Proposal will not achieve urban design excellence and will adversely impact on Ku-ring-gai's heritage and Ku-ring-gai's visual character.

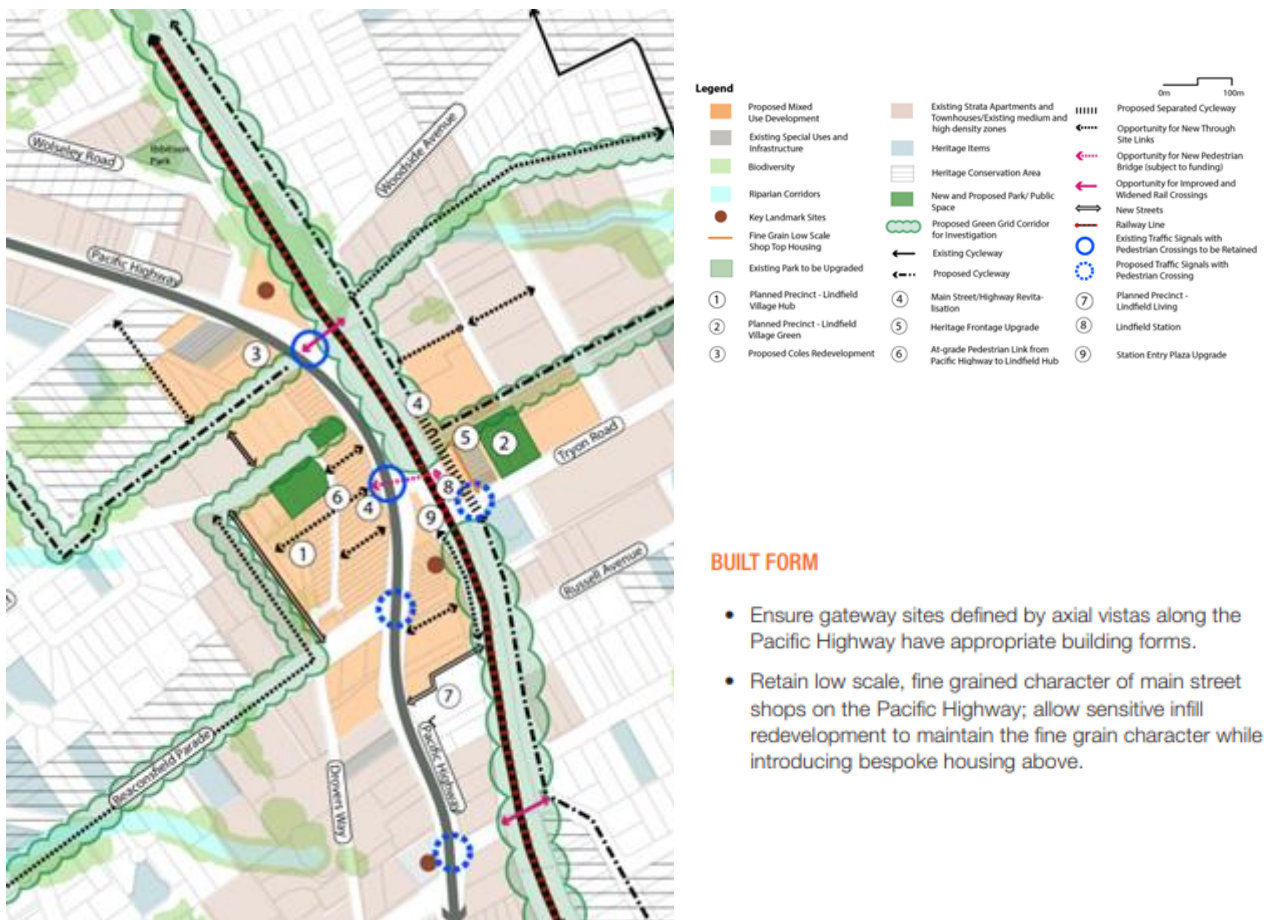
The LSPS contains a specific Local Planning Priority for the Lindfield Local Centre, K.11 Promoting Lindfield as a thriving and diverse centre, which aims to support the growth and revitalisation of

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Lindfield. To support the Local Planning Priority, the LSPS also provides statements relating to the character of the centre, detracting elements, future opportunities for improvements, principles to guide future planning and a Structure Plan.

The Structure Plan for Lindfield Local Centre identifies the site as (one of three sites) a Key Landmark Site, and requires that *‘.gateway sites defined by axial vistas along the Pacific Highway have appropriate building forms’*. The site is highly prominent on both the north and south approach due to its location on the bend of the Pacific Highway.



Excerpts - LSPS Lindfield Local Centre Structure Plan

The Planning Proposal and Urban Design Study incorrectly use the justification of the site being identified for a landmark building for the proposed building height.

‘.impact of the proposed 15 storey tower on local views is apparent but appropriate for a site with a “Landmark Building” designation, as the visibility of tower-heights above and around mass-transit is considered an appropriate skyline accent.’ (p.5, Urban Design Study)

The site being identified for a Landmark Building does not equate to a built form that is out of scale with the local centre and results in substantial visual impacts. The Ku-ring-gai Development Control Plan defines a Landmark Building as:

a building of high quality and unique architectural style designed to be highly responsive to a specific site and its features, and utilises architectural elements to be easily seen and recognised as a point of reference and navigating tool for pedestrians, cyclists and vehicles

A Landmark Building is not just about the height of a building or making it the tallest building in the centre, but rather a building which demonstrates design excellence which is something that the current proposal has failed to demonstrate. Given the sites prominent location this means that the proposal will have significant visual impacts on the Lindfield Local Centre.

Ku-ring-gai Housing Strategy and Housing Strategy Letter of Approval Conditions

The Planning Proposal and Urban Design Study references the *Draft Housing Strategy 2020* in order to justify the proposed 55m (15 storey) height.

The Draft Local Housing Strategy that was exhibited by Council in 2020 has no status. It was not adopted by Council and therefore not Council policy and should not be referenced in the Planning Proposal as part of the strategic context within which the Planning Proposal is to be assessed or used as guidance. The only version of the Housing Strategy that should be considered in the preparation and assessment of the Planning Proposal is the version adopted by Council and approved by the Department of Planning on 16 July 2021.

Council's adopted Housing Strategy was approved by the Department of Planning on 16 July 2021 and proposes to provide additional housing through existing residual capacity, supplemented by seniors housing and alternative dwellings (such as secondary dwellings). The adopted and approved Housing Strategy does not identify any land for development uplift.

The adopted Housing Strategy needs to be considered in conjunction with the conditions contained within the Department of Planning's Letter of Approval. Condition 2 states:

2. *Consistent with Priority K3 of the Ku-ring-gai Local Strategic Planning Statement (LSPS), Council is to commence a masterplan, or accommodate proponent-led planning proposal(s) with good planning outcomes, for Gordon, Lindfield and/or Turramurra local centres. Planning proposal(s) for these centres are to be submitted to the Department for Gateway Determination by December 2022. Where this work is not pursued by Council the Department welcomes good place-based approaches by landowner/developers*

In accordance with Council's adopted position on the Housing Strategy, no further masterplanning for the Lindfield Local Centre has progressed. While the Planning Proposal is consistent with Condition 2 in that it is a proponent-led Planning Proposal where the work has not been pursued by Council, it is not consistent with the key requirements which are for 'good planning outcomes' and 'good place-based approaches'.

Section 9.1 Ministerial Directions and State Environmental Planning Policies (SEPPs)

The Planning Proposal is generally consistent with the State Environmental Planning Policies.

The Planning Proposal is inconsistent with or insufficient information has been provided for a number of Section 9.1 Ministerial Directions:

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- 1.4 Site Specific Provisions - 1.4(1)(c) states that *a planning proposal must allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental plan being amended*. The Planning Proposal is seeking a site specific amendment to the height and floor space ratio applying to the site and insufficient justification has been provided as to why the inconsistency with this direction is justified.
- 3.2 Heritage Conservation - the proposed height and scale of the built form enabled by the Planning Proposal will be visible as a backdrop to the Wolseley Road Heritage Conservation Area and due to its visual dominance will likely result in adverse heritage impacts.
- 4.1 Flooding - the northern corner of the site is identified on the Overland Flow Flood Planning Area Map and the Planning Proposal does not provide any assessment as to the potential impacts.

Planning Agreement – Letter of Offer

The Planning Proposal is accompanied by a Letter of Offer to enter into a Voluntary Planning Agreement (**Attachment A9**). The Letter of Offer associated with the Planning Proposal was not amended or supplemented from the original version dated 8 September 2023 and shows no evidence that any of the comments made as part of the adequacy check have been addressed.

Ibbitson Park

There has been no case made concerning nexus or connection by way of impact mitigation of the change in planning controls arising from the Planning Proposal (that will give rise to future development) as they may relate to Ibbitson Park. It is not appropriate that there should be any public perception created or implied that additional floorspace can effectively be bought by way of unrelated works.

References in the Letter of Offer are made to the embellishment of Ibbitson Park including upgrades to planting, park furniture and the existing playground with the timing (whether works or a monetary contribution) being payable at the Occupation Certificate. Ku-ring-gai Council is currently at the design stage for Ibbitson Park, with an intention to proceed to delivery commencing around 2025. It is very unlikely that any future development arising from this Planning Proposal would be at Occupation Certificate stage at this time and it would not be appropriate to potentially delay delivery by Council of works that are already in the design stage to an uncertain point at some unspecified time in the future. Council has no control over the timing of future development, or even whether the site will be on-sold for delivery to another developer, and cannot be reasonably expected to hold back proposed upgrades iterated in the 2010 contributions plan in the face of such uncertainty. The issue of double-dipping also arises given that works to Ibbitson Park are a line item in the 2010 Contributions Plan (s7.11) among many others, and this development would be expected to contribute to works in and around Lindfield in the same manner as any other developer at the Development Application stage. It is recommended that references to Ibbitson Park be deleted.

Wolseley Road

While works to Wolseley Road are not explicitly iterated in the current s7.11 contributions plan and could be considered a material public benefit, the need for the work should still be directly related to the proposal. It must be clear for what planning purposes this work is being offered.

Pacific Highway Footpath Works

Some baseline streetscape works are listed in the current s7.11 (formerly s94) plan applying to the site. As such, there is the potential for offsets against s7.11 contributions. Noting that agreements concerning the design and delivery will need to be made with the future developer to be delivered by them concurrent with the future development, it would be more appropriate to consider the question of offsets (up to the inflated value in the contribution plan) as part of a works-in-kind agreement associated with the Development Application which would also cover the detailed design and logistics of delivery. The current Planning Agreement may make provision for higher quality works than iterated in the baseline contributions plan (which do not have the potential for offset) to bind a future developer if the planning purpose in making the offer is clearly established.

Proposed Widening of Havilah Road

A small point of protrusion into the road reserve of Havilah Road (not Street) is proposed to be dedicated to the relevant road authority. Council has engaged a specialist to undertake searches to determine the ownership of the land on which this section of Havilah Road (that passes under the railway line) rests, as the historical records in Council's possession are not clear. This section of Havilah Road is owned by a State Government entity, Transport Asset Holding Entity of NSW, and therefore the agreement to dedicate the land will need to be made with State Government. Accordingly, this matter will not be pursued through this planning agreement.

Affordable Housing

The PA proposes 5% of the total residential floorspace resulting from a future development to be affordable housing for a time-limited period of 15 years and managed by a registered Community Housing Provider. Council is not in a position to make decisions on behalf of an unidentified CHP, and notes that any CHP may reasonably have specific requirements for any affordable housing for its future management that must be taken into account at design stage. If this proposed Planning Agreement is to include provisions for future affordable housing, the CHP needs to be a party to the agreement. This is essential to avoid the possibility that no CHP may be willing to take on housing delivered without their input. Council reiterates that, in principle, affordable housing should be provided for the life of the building or it ceases to be a public benefit.

Relationship to infrastructure contributions related to a future development application

The Letter of Offer does stipulate that sections 7.11, 7.12 and 7.24 of the Act are not to be excluded by the Agreement. As such, any contributions made under the Planning Agreement will not be taken into account for the purposes of calculation of contributions under sections 7.11, 7.12 and 7.24 of the Act. It should also be noted that the delivery of the dedication land to the road reserve of Havilah Road will also not be considered in determining the future developer's development contributions under sections 7.11, 7.12 and 7.24 of the Act.

Costs Agreement

A costs agreement will be the first step in commencing the negotiation process for a planning agreement. Reasonable costs is a standard statement however it is not reasonably possible to foresee the costs and, as such, a hard cap should not be included; especially at such a relatively small amount for a Planning Agreement that is rendered complex by the inclusion of affordable housing and the likely coordination of a Community Housing Provider as a party to the agreement.

No Fetter

It must be clearly understood that no part of the planning agreement associated with the Planning Proposal can fetter the future assessment of any future development application.

Progression of Planning Agreement

To progress the matter, Council will need to appoint an external legal team with experience in affordable housing delivery. A costs agreement will need to be assessed, negotiated and entered into. A revised Letter of Offer will need to be provided addressing the issues raised in this report with legal input.

Amendments required to Planning Proposal

The Planning Proposal in its current form is not supportable. The site is recognised as having strategic potential for greater density, however not to the extent proposed.

As part of the review of this planning proposal Council undertook detailed site investigations and building envelope testing.

Council also engaged consultants, Atlas Economics P/L, to prepare Development Feasibility Advice. The objective of the Study is to determine whether the density (FSR) proposed by the landowner is reasonable, and what represents the minimum density needed for feasible development to occur. Refer to **Confidential Attachment A10**.

The Study finds a minimum FSR range of 3.4:1 to 3.6:1 is needed to displace the existing use and facilitate a feasible development. This finding assumes the provision of ground floor non-residential uses to activate its building frontages is nominal (5% of GFA or approximately FSR 0.25:1).

Based on analysis Council considers that a proposal with an FSR 3.5:1 and a building height of approximately 12 storeys may be supported.

The Planning Proposal and Urban Design Study should also be amended to take into consideration the Pacific Highway road widening along the frontage of the site to enable the future extension of the right hand turn bay into Balfour Street. The 7m setback to Wolseley Road should be retained to accommodate an appropriate landscaped buffer and connection to Ibbitson Park and provide a sympathetic interface with the Wolseley Road Heritage Conservation Area.

A Table of Assessment is included at **Attachment A11** which details all of the required amendments to be made to the Planning Proposal if Council is to support it being submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination and proceed to public exhibition.

Site-Specific DCP

In order to provide more certainty that high level design quality is achieved on the site under the amendments proposed within the Planning Proposal, it is recommended that a site-specific

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Development Control Plan (DCP) be prepared and exhibited concurrently with the Planning Proposal, should it receive a Gateway Determination.

The site-specific DCP should include controls and objectives to ensure appropriate consideration of key issues such as:

- Setbacks;
- building interface to public domain;
- relationship to adjoining Wolseley Road Heritage Conservation Area;
- design excellence;
- Pacific Highway road widening;
- integration with Wolseley Road Closure and Ibbitson Park; and
- appropriate response and use of the corner of the site at Pacific Highway and Havilah Road.

INTEGRATED PLANNING AND REPORTING

Theme 3: Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	P2.1.1 Land use strategies, plans and processes are in place to protect existing character and effectively manage the impact of new development	P2.1.1.2 Continue to review the effectiveness of existing strategies, local environmental plans, development control plans and processes across all programs

GOVERNANCE MATTERS

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

Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires Council to refer all Planning Proposals prepared after 1 June 2018 to the Local Planning Panel for advice, before the Planning Proposal is forwarded to the Minister for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

As Council failed to make a decision within 90 days (from the commencement of the review of the application), on 7 March 2024 the proponent requested the Department of Planning, Housing and Infrastructure for a Rezoning Review. The Rezoning Review will be carried out by the Sydney North Planning Panel (SNPP), who will make a recommendation as to whether the proposal should proceed to Gateway Determination.

RISK MANAGEMENT

This is a privately-initiated Planning Proposal. Council needs to determine its position on the matter as to whether the Planning Proposal is supported in order to provide comments to the SNPP as part of the Rezoning Review.

FINANCIAL CONSIDERATIONS

The Planning Proposal was subject to the relevant application fee under Council's 2023/2024 Schedule of Fees and Charges. The cost of the review and assessment of the Planning Proposal is covered by this fee.

SOCIAL CONSIDERATIONS

The amendments to the height of buildings and floor space ratio sought by the Planning Proposal would enable the delivery of approximately 95 dwellings on the subject site to meet the existing and future requirements of a growing and changing community.

ENVIRONMENTAL CONSIDERATIONS

A Preliminary Site Investigation (contamination) Report was submitted with the Planning Proposal and concludes that contaminated soils may be present on site, including asbestos, heavy metals and organochlorine pesticides. A Detailed Site Investigation, a Construction Environmental Management Plan and Remediation Action Plan is required to be undertaken prior to any development on the site. The Preliminary Site Investigation concludes that the site can be made suitable for future development enabled by the Planning Proposal.

The northern corner of the site is identified within the Middle Harbour Southern Catchments Flood Study and on the Overland Flow Flood Planning Area Map. This may potentially impact on basement entry/exit and ground floor levels. It is recommended that the Planning Proposal be amended to address the site being identified as flood affected.

COMMUNITY CONSULTATION

In the event that the Planning Proposal is issued a Gateway Determination by the Department of Planning, Housing and Infrastructure the Planning Proposal would be placed on statutory public exhibition in accordance with the requirements of the Gateway Determination, and Council's Community Participation Plan.

INTERNAL CONSULTATION

The assessment of the Planning Proposal has included internal consultation with Council staff with expertise in planning, heritage, traffic and transport and has informed the recommendations of this Report. External Urban Design advice was provided on the assessment of the Planning Proposal from Unique Urban.

SUMMARY

A Planning Proposal has been submitted for 345 Pacific Highway, Lindfield seeking to:

- Amend Height of Buildings development standard from 11.5m to 55m; and
- amend Floor Space Ratio development standard from 1:1 to 4.5:1

Council's preliminary assessment found issue with the lack documentation, and concern with 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. The proponent was given the option to amend the proposal in order to reduce the height and floor space but chose not to do so.

The Planning Proposal in its current form is not supportable. The site is recognised as having strategic potential for greater density, however not to the extent proposed.

It is recommended that the Planning Proposal be amended as follows:

- Maximum height of buildings 38.5m (12 storeys); and
- floor Space Ratio 3.5 :1

This should be supported by the inclusion of:

- a high-quality documentation package including a fully developed urban design report;
- an analysis of the visual impact of the proposal,
- an analysis of overshadowing impacts of the proposal on Balfour Avenue development;
- 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; and
- Retain 7m setback to Wolseley Road.

A development control plan should be developed for the site to ensure a high level of design quality is achieved.

RECOMMENDATION:

That that Ku-ring-gai Local Planning Panel advise Council that:

- A. The Planning Proposal be amended in accordance with the recommendations in this report and Table of Assessment (**Attachment A11**)
- B. That the amended Planning Proposal be submitted for a Gateway Determination.
- C. A site-specific Development Control Plan be prepared for the site and exhibited concurrently with the Planning Proposal, should it receive a Gateway Determination

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Andrew Watson
 Director Strategy & Environment

Attachments:	A1 	Pre-Planning Proposal Meeting Minutes December 2021- 345 Pacific Highway Lindfield		2022/019295
	A2 	Chronology of Assessment - 345 Pacific Highway, Lindfield		2024/079323
	A3 	Planning Proposal - 345 Pacific Highway Lindfield	Excluded	2024/108417
	A4 	Updated Urban Design Report 345 Pacific Highway Lindfield	Excluded	2024/108421
	A5 	Heritage Impact Statement - 345 Pacific Highway Lindfield	Excluded	2024/108423
	A6 	Contamination Report - 345 Pacific Highway Lindfield	Excluded	2024/108428
	A7 	Traffic Impact Assessment - 345 Pacific Highway Lindfield	Excluded	2024/108431
	A8 	Concept Landscape Plan - 345 Pacific Highway Lindfield	Excluded	2024/108437
	A9 	Planning Agreement Letter of Offer - 345 Pacific Highway Lindfield	Excluded	2024/108441
	A10	Atlas Economics Development Feasibility Advice -345 Pacific Highway Lindfield		<i>Confidential</i>
	A11 	Table of Assessment - 345 Pacific Highway Lindfield		2024/080922