



NSW GOVERNMENT  
**Department of Planning**

**Office of the Director General**

Our ref: Y09/62  
File: S08/01920

Coogee Bay Village Pty Ltd  
c/- JBA Urban Planning  
Level 7, 77 Berry Street  
**NORTH SYDNEY NSW 2076**

Dear Mr Kirkby

**Major Project Request – Mixed use development (MP08\_0244)**

**Lot A in DP 418891, Lot 11 in DP 713206, Lots 101, 102 and 103 in DP 1067930 and Lot 3 in DP 713505 – 23, 23A, 27 – 37 Lindfield Avenue and 11 Havilah Lane, Lindfield.**

Thank you for your letter dated 17 December 2008, requesting confirmation that your proposal is a Major Project to which Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act) applies.

I have formed the opinion that your proposal is development of a kind described in Schedule 2, Clause 15 of the Major Project SEPP and is a Project to which Part 3A of the Act applies.

The Department has concern regarding isolation of 2 Kochia Lane in the eastern corner of Site 4. The design should ensure any future development on the site is not compromised by the exclusion of this site.

Careful consideration should also be given to the visual relationship between the existing residential development to the north-east (rear lane) and the heritage listed building to the south, along Lindfield Avenue. Particular care should also be given to the treatment of the loading dock area. The design of the private communal open space should ensure optimum levels of solar access are provided in accordance with the provisions of SEPP 65.

These issues will need to be addressed in your environmental assessment. We will continue to work together with regards the issue of DGR's and with the Ku-ring-gai Panel.

Should you have any further enquiries about this matter, I have arranged for Michael Woodland, Director, Urban Assessments to assist you. Michael may be contacted at the Department's Bridge Street Office on telephone number (02) 9228 6150.

Yours sincerely

Sam Haddad  
**Director General**

15/11/09



NSW GOVERNMENT  
**Department of Planning**

Contact: Catherine Otto  
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JBA Urban Consultants  
Level 7, 77 Berry Street  
NORTH SYDNEY NSW 2060

Ref: MP 08\_0244  
File: S08/01920-1

ATTENTION: Mr Gordon Kirkby

Dear Mr Kirkby,

**Director General's Requirements for construction of a mixed use commercial, retail and residential development – Site 4/Lindfield Avenue & Havilah Lane, Lindfield - MP08\_0244**

Thankyou for your request for Director-General's environmental assessment requirements (DGRs) for the above project.

The DGRs were prepared from the information provided within your application and in consultation with relevant Government agencies, including Council.

Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGR's. If the Director-General considers that the Environmental Assessment does not adequately address the DGR's, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days. Please contact the Department at least two weeks before you propose to submit the Environmental Assessment to determine the fees applicable to the application.

Please also find attached with this letter, copies of submissions from other agencies addressing their key issues for the proposal. Please note that these responses have been provided to you for information only and do not form part of the DGRs for the Environmental Assessment.

While the provision of key issues and assessment requirements means you are now able to commence preparation of your Environmental Assessment, I would like to take this opportunity to identify a particular issue that is required to be addressed relating to the failure to amalgamate the subject land with No. 2 Kochia Lane.



## Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	MP 08_0244
Project	Project Application for mixed use development (including commercial, retail and residential) on the site.
Location	Nos. 23, 23A, 27 - 37 Lindfield Avenue and 11 Havilah Lane, Lindfield (Lot A in DP 418801, Lot 11 in DP 713206, Lots 101, 102 and 103 in DP 1067930 and Lot 3 in DP 713505).
Proponent	JBA Planning Consultants on behalf of Coogee Bay Village Pty Ltd
Date issued	19 February 2009
Expiry date	Two (2) years from date of issue
Key issues	<p>The Environmental Assessment (EA) must address the following key issues:</p> <ol style="list-style-type: none"><li><b>1. Relevant EPI's policies and Guidelines to be Addressed</b> Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including:<ul style="list-style-type: none"><li>• Objects of the EP&amp;A Act</li><li>• SEPP 53, SEPP 55, SEPP 65, SEPP (Infrastructure) 2007, SEPP (BASIX) 2004</li><li>• Ku-ring-gai Planning Scheme Ordinance (KPSO)</li><li>• Ku-ring-gai Council's Draft Town Centres LEP and Draft Town Centres DCP</li><li>• Ku-ring-gai Sites Report (Development Controls and Design Guidelines)</li><li>• Draft North Subregional Strategy</li><li>• Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.</li></ul></li><li><b>2. Architectural, Building and Urban Design Impacts</b> The EA shall address the visual impact of the development in the context of adjoining development, in particular the impact on the adjoining heritage item (1-21 Lindfield Avenue).  The EA shall also address design quality with specific consideration of the presentation of the building to the street, impact on surrounding sites and on the desired future character of the area, use of colours, materials/finishes and landscaping which are complimentary to the locality, safety by design and public domain.  The EA shall address the failure to amalgamate the subject land with No. 2 Kochia Lane. In this regard, the EA shall provide details of steps taken to incorporate that site, either through purchase or joint venture, or, to demonstrate that this site can be redeveloped as a viable stand-alone development in the future.</li><li><b>3. Built Form</b> The EA shall address the height, bulk and scale of the proposed development within the context of the surrounding development and mitigate any potential impacts relating to loss of sunlight, privacy at neighbouring properties and the public domain.  The EA shall provide the following documents:<ul style="list-style-type: none"><li>• Comparable height study to demonstrate how the proposed height relates to the height of the existing development surrounding the subject site; and</li></ul></li></ol>

- Options for building massing and articulation.

#### **4. Environmental and Residential Amenity**

The EA shall address acoustic and visual privacy issues, both internally on site and external to the site, and shall demonstrate a high level of environmental and residential amenity.

#### **5. Public Domain**

The EA shall consider:

- Potential improvements to the public domain including local streets, footpaths;
- Interface of proposed development and public domain (particularly along the Kochia Lane and Lindfield Avenue frontages), with particular regard to providing and maintaining active street frontages and vitality to the public domain;
- Relationship to and impact on existing public domain; and
- Provision of linkages with and between other public domain spaces including access rights and "safer by design" (CPTED) issues, as detailed in a separate CPTED assessment.

#### **6 Car parking / Traffic Impacts (Construction and Operational)**

The EA shall address the following matters:

- Provide a Transport & Accessibility Impact Study prepared in accordance with the RTA's *Guide to Traffic Generating Developments*, considering traffic generation, any required road / intersection upgrades, access, loading dock(s), car parking arrangements, measures to promote public transport usage and pedestrian and bicycle linkages. The Key intersections to be examined / modelled include:
  - Pacific Highway/ Havilah Road and Balfour Street; and
  - Lindfield Avenue and Tryon Road.
- Provide details of the proposed access; and
- Provide an assessment of the implications of the development for non-car travel modes (including public transport, walking and cycling); the potential for implementing a location specific travel plan; and the provision of facilities to increase the non-car mode share for travel to and from the site.
- Identify measures to mitigate potential impacts for pedestrians and cyclists during the construction stage of the project.

#### **7 Ecologically Sustainable Development (ESD)**

The EA shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water and energy usage, waste minimisation and recycling strategies.

#### **9 Noise, Lighting and Vibration Impacts**

Demonstrate that the proposal will be designed, constructed, operated and maintained so that there is no unacceptable level of noise impacts (specifically from any loading dock services facing Havilah Lane) on the amenity of the adjoining residential properties. The EA should also demonstrate appropriate measures to protect the acoustic privacy of residents from the noise and vibration of trains from the adjoining railway line, and shall include an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's Interim Guidelines for *Development near Rail Corridors and Busy Roads*.

#### **10 Drainage and Flooding**

The EA shall address drainage/flooding issues associated with the development/site, including stormwater, the potential effects of climate change, sea level rise and an increase in rainfall intensity, drainage infrastructure and incorporation of Water Sensitive Urban Design measures.

#### **11 Contributions**

The EA shall address provision of public benefit, services and infrastructure having regard to the Council's Section 94 Contribution Plan and/or details of any Voluntary Planning Agreement.

	<p><b>12 Contamination</b> The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55. This should include a Preliminary Contamination Investigation (Stage 1) in accordance with the requirements of the <i>NSW EPA Guidelines for Consultant Reports on Contaminated Sites</i>.</p> <p><b>14 Consultation</b> Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i>.</p>
	<p><b>15 Heritage</b> The EA shall provide a Heritage Impact Assessment detailing and evaluating any impacts that the development would have on the adjoining heritage listed buildings at 1-21 Lindfield Avenue.</p> <p><b>16 Utilities</b> In consultation with relevant agencies, address the existing capacity and requirements of the development for the provision of utilities including any staging of infrastructure works.</p> <p><b>17 Construction Impacts/Site Access</b> The EA shall address measures to ameliorate potential impacts arising from the construction of the proposed development in a Construction Management Plan, in particular outline measures to ensure minimal disruption to the Lindfield Town Centre.</p> <p><b>18 Geotechnical &amp; Hydrological Requirements</b> The EA shall provide a Geotechnical Report addressing the proposed excavation of the site. Matters to be addressed should include excavation methods and support (particularly to Council roads and infrastructure and the adjoining properties and structures), likely vibrations and any requirements for vibration monitoring (particularly in relation to the neighbouring heritage item at 1-21 Lindfield Avenue), and any recommendations for a dilapidation survey. The report shall also assess the potential of any development to intersect groundwater flows and the measures proposed to mitigate the impact of the development.</p> <p><b>19 Staging</b> The EA must include details regarding the staging of the proposed development (if proposed).</p>
Deemed refusal period	60 days

## Plans and Documents to accompany the Application

<u>General</u>	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. A thorough site analysis including site plans, aerial photographs and a description of the existing and surrounding environment;</li> <li>3. A thorough description of the proposed development;</li> <li>4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed;</li> <li>5. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project;</li> <li>6. A Transport and Accessibility Impact Study prepared in accordance with the RTA's <i>Guide to Traffic Generating Developments</i>.</li> <li>7. The plans and documents outlined below;</li> <li>8. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;</li> <li>9. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Projects SEPP; and</li> <li>10. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.</li> </ol>
<u>Plans and Documents</u>	<p>The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;</p> <ol style="list-style-type: none"> <li>1. An <b>existing site survey plan</b> drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> <li>• the location of the land, boundary measurements, area (sqm) and north point;</li> <li>• the existing levels of the land in relation to buildings and roads;</li> <li>• location and height of existing structures on the site;</li> <li>• location of adjoining rail boundary and infrastructure;</li> <li>• location and height of adjacent buildings and private open space; and</li> <li>• all levels to be to Australian Height Datum.</li> </ul> </li> <li>2. A <b>Site Analysis Plan</b> must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc).</li> <li>3. A <b>locality/context plan</b> drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> <li>• significant local features such as parks, community facilities, open space and heritage items;</li> <li>• the location and uses of existing buildings, shopping and employment areas;</li> <li>• traffic and road patterns, pedestrian routes and public transport nodes; and</li> <li>• including photographs of existing buildings and streetscapes, and any significant views and vistas.</li> </ul> </li> <li>4. <b>Architectural drawings</b> at an appropriate scale illustrating: <ul style="list-style-type: none"> <li>• the location proposed building envelopes and/or structures on the land in relation to the boundaries of the land and any development on adjoining land;</li> <li>• the height (AHD) of the proposed development in relation to the land;</li> <li>• the level of the lowest floor, the level of any unbuilt area and the level of the ground;</li> <li>• any changes that will be made to the level of the land by excavation, filling or otherwise.</li> </ul> </li> <li>5. <b>Other plans and documents</b> (to be required where relevant):</li> </ol>

	<ul style="list-style-type: none"> <li>• <b>Landscape concept plan</b> - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site.</li> <li>• <b>Shadow diagrams</b> showing solar access to the site and adjacent properties including open space areas (where appropriate) at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and Sep 21) at 9.00 am, 12.00 midday and 3.00 pm.</li> <li>• <b>Staging Plan</b> – illustrate how the development will be staged for implementation.</li> <li>• <b>Photomontages</b> – detailing the proposal in the context of adjacent buildings and streetscapes.</li> <li>• <b>Stormwater Concept Plan</b> – illustrating the concept for stormwater management;</li> <li>• <b>Erosion and Sediment Control Plan</b> – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site.</li> <li>• <b>Heritage Impact Statement</b> – prepared in accordance with the NSW Manual and illustrating the impact of the proposed development on the adjoining heritage item at 1-21 Lindfield Avenue.</li> <li>• <b>Access Report</b> – to be prepared demonstrating compliance with the various Discrimination and Disability regulations for the building and open space areas, as well as access to the surrounding public spaces.</li> <li>• <b>Traffic and Transport Study</b> - addressing the RTA Guide to Traffic Generating Developments</li> <li>• <b>Contamination Report</b> – Preliminary Contamination Investigation (Stage 1) in accordance with the NSW EPA Guidelines for Consultant Reports on Contaminated Sites.</li> <li>• <b>Geotechnical Report</b> – to be prepared in relation to the proposed excavation and structural integrity of surrounding properties.</li> <li>• <b>Acoustic Report</b> – to be prepared demonstrating that the proposed development will be built to provide appropriate noise and vibration attenuation for the proposed residential properties and also the servicing of the site with regards to the neighbouring residential properties.</li> <li>• <b>Construction Management Plan</b> – to address impacts arising from the construction of the proposed development on the surrounding land uses.</li> <li>• <b>Waste Management Plan</b> – to be prepared to address both the construction and operational use of the proposed development.</li> </ul>
<p><u>Documents to be submitted</u></p>	<ul style="list-style-type: none"> <li>• 1 copy of the EA, plans and documentation for the <b>Test of Adequacy (TOA)</b>;</li> <li>• 12 hard copies of the EA (<b>once the EA has been determined adequate</b>);</li> <li>• 12 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and</li> <li>• 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size.</li> </ul>

In this regard, you are asked to provide details of steps taken to incorporate that land, either through purchase or joint venture, or, to demonstrate that this site can be redeveloped as a viable stand - alone development in the future.

If you have any enquiries about these requirements, please contact Ms Catherine Otto on 02 9228 6263 or via e-mail at [catherine.otto@planning.nsw.gov.au](mailto:catherine.otto@planning.nsw.gov.au).

Yours sincerely



Jason Perica  
Executive Director 19/2/09  
(as delegate for the Director General)

## Major project proposal

### 23, 23a, 27-37 Lindfield Ave, 11 Havilah lane, Lindfield

MP 08\_0244

#### *Key Issues and Assessment Requirements*

Key issues and assessment requirements that Ku-ring-gai Council considers should be included in the Director-General's Environmental Assessment requirements for the major project proposal for the 23, 23a, 27-37 Lindfield Ave, 11 Havilah lane, Lindfield include the following:

#### **The Process**

It is important that the process for the consideration of the proposal should be made clear to all parties at all stages of the process.

Details are required of an appropriate and justified level of consultation with at least the following:

- Railcorp
- RTA
- Ku-ring-gai Council
- Utility and infrastructure providers
- The public

#### **Planning Context**

1. The site is currently identified under schedule 4 of SEPP 53. The Ku-ring-gai Sites Report referred to in Schedule 4 provides for detailed master plan which establishes clear planning objectives and provisions for the site, prepared independent of Council. These objectives and provisions respond to the physical constraints of the site and its broader context and should remain the basis on which the proposal should be assessed.
2. Any proposed variations to the planning provisions contained in Schedule 4 of SEPP 53 should only be justified and considered within the scope of variation permitted under clause 9 of Schedule 4.
3. In addition, the site has been included in Draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008, which has been developed by the Ku-ring-gai Planning Panel (KPP) appointed by the Minister of Planning. The KPP would also be the consent authority for a development at the scale envisaged by the proposal.
4. The draft LEP places the site in the broader planning context of the Lindfield Town Centres, in turn responding to the Metropolitan Strategy and the Draft Sydney North Subregional Plan. The draft LEP retains the potential development density and height for the site facilitated by SEPP 53. Any variation in this height and density is not considered warranted.

#### **General Planning**

The proposal must demonstrate that the development clearly addresses:

1. The objectives and provisions of the *draft Ku-ring-gai LEP (Town Centres) 2008*.
  - a. The objectives and provisions of 'State Environmental Planning Policy No. 53-Metropolitan Residential Development – Schedule 4 and the controls in the *Ku-ring-gai Sites Report (Development Controls and Design Guidelines)*.
  - b. The objectives of the *Ku-ring-gai Planning Scheme Ordinance* and the land-use zones and lot sizes that apply to the land and surrounding land.
2. Consistency with:
  - a. The requirements of SEPP 55 – Remediation of Land
  - b. The requirements of SEPP 65 – Design Quality of Residential Flat Development, if relevant.
  - c. Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005
  - d. SEPP Infrastructure
  - e. Department of Planning – Development near Rail Corridors and Busy Roads – Interim Guideline
  - f. The relevant strategies and objectives of the Metropolitan Strategy Draft North Subregional Strategy
  - g. The principles of Ecologically Sustainable Development
3. The proposal must also demonstrate that the development addresses applicable plans and documents:
  - a. Development Control Plan 43 - Car Parking
  - b. Development Control Plan 47 - Water Management
  - c. Development Control Plan 31 – Access
  - d. DCP 14 – Development in Business Zones.
  - e. Development Control Plan 40 - Construction and Demolition Waste Management
  - f. RTA Guide to Traffic Generating Developments
  - g. The Ku-ring-gai Sites Report referred to in Schedule 4 of SEPP 53 - ( i.e. *Development controls and design guidelines—six SEPP 53 sites in Ku-ring-gai—Schedule* dated January 2003)

## **Documentation**

It is noted that the lack of any detailed plans, the sketchy nature of the project description and the very short timeframe make the provision of a detailed response difficult. Sufficient detail must be provided to enable accurate assessment of the proposal. This should include the following information.

Further details of issues to be addressed in these various studies and reports are outlined below. All plans are to be at an appropriate scale:

- Site analysis;
- Site plan;
- Floor plans;

- Elevations and sections to show heights above natural ground level;
- Shadow diagrams (horizontal and elevational diagrams);
- View lines to and from neighbouring sites;
- Statement from the architect in regard to compliance with SEPP 65;
- Traffic and Transport report; (*refer below for contents issues to be addressed*)
- Acoustic report;
- Access report;
- BASIX Certificate;
- Heritage Impact Assessment; (*refer below for contents issues to be addressed*)
- Preliminary Contamination Investigation (Stage 1) Report; (*refer below for contents issues to be addressed*)
- A geotechnical report;
- Detailed stormwater plans; (*refer below for contents issues to be addressed*)
- Construction and Delivery Management Plan, including consideration of impacts of site access, heavy vehicle routes and construction employee parking and significant vegetation on the opposite side of Havilah Lane;
- Demonstration that the proposal can comply with the fire safety requirements of the BCA;
- A summary of measures to address ESD;
- A description of any public benefits from the proposal.

***All plans should be consistent with each other.***

## **Key Issues**

The following are key issues or additional detail that it is recommended should be included in addition to those issues and requirements included in the draft Director General's requirements:

## **Planning**

The proposal must address the relevant strategies and objectives of the Metropolitan Strategy and the Draft Sydney North Subregional Plan.

1. The proposal must demonstrate that it is not setting a precedent that would undermine the objectives for the planning of the Lindfield centre.
2. Demonstrate heights and densities for the site consistent with those contained in the draft Town Centres LEP for the site and within its vicinity. This draft LEP is the first stage and core of Council's Principal LEP and establishes centres hierarchy, dwelling yield and employment targets and other key planning outcomes for Ku-ring-gai under the Metropolitan Strategy.

3. Demonstrate the provision of housing choice and affordability by:
  - Providing for a mix of unit sizes and type;
  - Appropriate levels of accessibility and adaptability. DCP 55 should be used as a guide in this regard.

### Isolated sites

The development of these sites, without amalgamation as envisaged in SEPP 53, will result in the isolation of 2 Kochia Lane, and compromise the ability of sites to the north-west to develop in accordance with SEPP 53 or the Draft Ku-ring-gai LEP (Town Centres).

1. The applicant's statement acknowledges that 2 Kochia Lane would not be developable in accordance with SEPP 53 without amalgamation with other sites. As the draft LEP has been written to be consistent with SEPP 53, it would similarly prevent development in accordance with the LEP. The proposal must demonstrate that independent development of 2 Kochia Lane can achieve of the desired outcomes sought under SEPP 53 and the LEP for this important site, including:
  - (a) Reasonable retail and residential yields;
  - (b) The provision of increased setbacks to Kochia Lane and Havilah Lane to provide pedestrian amenity (and potentially the widening of Kochia Lane);
  - (c) Adequate basement parking. Note that Council's ability to provide public parking to offset reduced parking on the site has been limited by the recent cap on Developer Contributions.
  
2. The proposal must demonstrate that independent development in accordance with SEPP 53 and the LEP is achievable for the remainder of the SEPP 53 site to the north-west. In particular it must be demonstrated that the following are achievable:
  - (a) A reasonable retail and residential yield;
  - (b) Adequate parking on site;
  - (c) The widening of Havilah Lane;
  - (d) The provision of the public road;
 given the isolation of 39-41 Lindfield Avenue and the more limited scale of the remaining site.
  
3. The economic viability of the development of these sites in accordance with SEPP 53 and the LEP must be addressed.
  
4. If amalgamation cannot be achieved, it must be demonstrated that all reasonable attempts have been made to ensure that the sites cannot be developed together and it is recommended consideration be given the planning principles established in the Land and Environment Court in *Melissa Grech v Auburn Council* [2004] NSWLEC 40, *Cornerstone Property Group Pty Ltd v Warringah Council* [2004] NSWLEC 189 and *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251. Details of any negotiations between parties should be provided with the application and should include details of offers made to the owner of No. 2 Kochia Lane and demonstration that these offers are reasonable.

### Character, Heritage, Amenity and Urban Design

1. The proposal must address how the development responds to the following:
  - a) the character and amenity of the surrounding area:
    - i. The residential zone on the opposite side of Havilah Lane;
    - ii. The site of the proposed town square. Note that the town square is incorrectly indicated on the site plan at page 2 of the applicant's statement. The proposed square is only the size of the main carpark. This is particularly misleading in terms of potential of the project to result in significant overshadowing of the public space. Shadow diagrams are required;
    - iii. Lindfield Ave as the main street in this part of the centre.

- iv. The heritage items at 1-21 Lindfield Avenue. A Heritage Impact Assessment must be prepared to address the impact of the proposal on these heritage items. In responding to the streetscape character and maintaining the integrity of the heritage item the proposal should consider the use of vertically proportioned openings, multi pane windows and face brick with rendered vertical features. It is considered a varied roof line which is stepped incorporating parapets and pitched roofs will respond to the established character of the streetscape and design elements. The proposed awnings should replicate the established awning treatment in the streetscape.
  - b) Design for crime prevention through environmental design.
  - c) Energy and water efficiency. Demonstration that the development will meet the highest standards of energy and water efficiency is required. In this regard innovations, such as co-generation should be explored.
  - d) The amenity required by users of the site:
    - i. The setbacks (4.5m) required to Kochia Lane in SEPP 53 should be retained. This area is expected to be highly active, and could provide opportunities for outdoor dining, overlooking the town square. A minimum setback from the building line of 21 Lindfield Ave to the building line of the proposed development should be 12m, to allow for pedestrian access on both sides of Kochia lane, including a generous footpath adjacent to the development. Note that Council is currently preparing a Public Domain Plan, which will outline its requirements for the broader landscape context for the treatment and renewal of Council's footpath and road verge which will be important for a redevelopment of this scale.
    - ii. A minimum setback of 15m from the front boundary on the eastern side of Havilah Lane to the building line of the proposed development is required to allow pedestrian access along Havilah Lane. This would result in a setback of approximately 3m to the new building line.
    - iii. The proposal must demonstrate the inclusion of active frontages along the full length of the development along Lindfield Ave and Kochia Lane. Access to the retail areas along Lindfield Avenue should be at street level. This would also allow a continuation of the colonnade.
2. The impact on the bulk, height and scale of the development on surrounding sites and on the desired character of the locality. It is noted that the elevations appear to show 8 storeys at Lindfield Ave, and that the height appears to be well in excess of the maximum set under the draft LEP or SEPP 53.
  3. Amenity considerations must include, but are not limited to: solar access, access to daylight, private and public open space, visual and acoustic privacy, views, safety, site legibility, sense of place. SEPP 65 should be addressed in this regard.
  4. The site is close to the railway line. Accordingly, measures to protect the acoustic privacy of residents from the noise and vibration of trains should be outlined in the Acoustic Report.
  5. The assessment must include a photographic assessment which clearly demonstrates the potential visual amenity and heritage impacts of the proposal and an assessment of the effectiveness and reliability of the measures and any residual impacts after the implementation of such measures.

## Land Contamination

Council's database identifies 27-31 Lindfield Ave/11 Havilah Lane (one of the shops may have been a dry cleaner at some stage?) and 43 Lindfield Ave (adjacent to the site) as contaminated sites. The proposal must demonstrate that the site can be safely developed for its proposed use. A Preliminary Contamination Investigation (Stage 1) in accordance with the requirements of the NSW EPA *Guidelines for Consultant Reports on Contaminated Sites* and with Section 2.2 of Council's *Contaminated Land Policy*, and the required information submitted with the proposal.

## Access and Transport

The proposal must be accompanied by a *Traffic and Transport Study* carried out by a consulting civil/traffic engineer. The report shall generally address the requirements specified in section 2.3 of the RTA "Guide to Traffic Generating Developments",

and consider fully the impact of the proposal on the surrounding road network based generally on the following criteria:

1. The proposal in the context of the surrounding road network.
2. The impact of the traffic generated by the development, assigned to the local road network. A comparison of the performance of the receiving road network and all affected intersection(s) under the existing and post-developed conditions, including traffic generation in relation to the intersection of Lindfield Avenue and Tryon Road, and the traffic signals at the intersection of Pacific Highway with Havilah Road/Balfour Lane. Traffic counts must be done during school term and include the periods 2.30pm to 4.00pm as well as normal peak hours and Saturday mornings. The identification of existing traffic restrictions and capacity constraints in the local road network which affect the flow of traffic in surrounding roads, and how these are affected by the proposal.
3. Existing traffic flows in the surrounding road network and local accident history. Traffic counts/research undertaken as necessary.
4. Required on-site parking provision (residential/retail/business/service vehicle) compared what is required by DCP 43 and Council's proposed mixed use parking rates in the draft Ku-ring-gai Town Centres DCP. Consider the impact to surrounding on-street parking and off-street car parks, particularly if provision is below the above rates. Parking provision for alternative modes of transport (bicycle, motorcycle and car share vehicles) to be included.
5. Consideration to be given to cumulative impacts associated with the draft Ku-ring-gai Town Centres LEP (2008), and consider the draft Traffic Improvement Concept Plan for the Lindfield Town Centre.
6. Consideration of appropriate long term heavy vehicle routes into and out of the site, and associated delivery management plan to minimise impacts of long term heavy vehicle movements to the surrounding road network, residents and pedestrians.
7. Safety of pedestrians around and through the site, accessibility to public transport and adequacy of footpath widths to cater for pedestrian amenity and safety.
8. Any recommendations for additional traffic treatment devices/signals to improve post-developed intersection performance, road network performance and pedestrian/bicycle accessibility, with a particular focus in the intersection of Lindfield Avenue/Tryon Road, and the intersection of Pacific Highway with Havilah Road/Balfour Lane.
9. Pedestrian and vehicular access (including bicycles, emergency and delivery vehicles) to local roads and permeability within the site.
10. Accessibility for people with a disability;
11. A qualified and experienced civil/traffic engineer must assist in the design of the vehicle access and accommodation arrangements, including car park layout, dimensions, grades, manoeuvring, headroom including waste and service vehicle headroom requirements.

Specifically, for mixed-use sites within 400m of a rail station and within a commercial centre, the following parking rates are proposed in the draft Ku-ring-gai Town Centres DCP:

Land Use	Parking Space Requirement
Office and business, including professional suites	1 space/33m <sup>2</sup> GFA (max) 1 space/45m <sup>2</sup> GFA (min) "Green" parking to be 5% of total parking provision
Retail/shops, including restaurants and cafes	1 space/26m <sup>2</sup> GFA (max) 1 space/33m <sup>2</sup> GFA (min)

Residential:	
Studio	0.5 (max)
1 bedroom	1 (max)
2 bedroom	1 (max)
3 bedroom	1.25 (max)
visitor	1 space/6 units

Note that **gross floor area** should be used for this calculation, not net as shown on the plans. Based on the supplied floor areas, the following minimum number of parking spaces would be required:

Residential	76 (includes 11 visitor spaces)
Commercial	40 (includes one courier space)
Retail	82
<b>Total</b>	<b>198</b>

However, it is likely that the parking numbers for the residential and commercial components will be higher, since the floor areas mentioned in JBA's submission appear to be net areas and not gross areas. Also, as surrounding car parks and on-street parking spaces in Lindfield are heavily used during business and shopping peak periods, they should not be relied on to accommodate any eventual on-site shortfall.

Design of the basement car park is to be in accordance with AS2890.1:2004 Off street car parking, AS2890.2:2002 Off street commercial vehicle facilities and DCP 40 for waste collection vehicle requirements. Dimensions of parking spaces are to be in accordance with the appropriate user class (Table 1.1 of AS2890.1). Disabled parking is to be provided at a rate of 1-2%.

Loading bay – it appears that there would be a conflict between service vehicles and passenger cars using the entry/exit. DCP 43 requires the service vehicle to enter and leave in a forward direction. Section 4.3 of DCP 43 recommends that loading docks be designed for an articulated vehicle (length 17 metres) where the development includes a supermarket.

Spaces must be provided for at least one courier and for bicycle parking.

The traffic engineer's report is to address the proposed driveway entry/ exit location(s) with regard to the one way movement in Havilah Lane.

Two entry/exit driveways are shown on the concept plans, relatively close to one another – just one would be preferable, to minimise conflict with pedestrians and traffic in Havilah Lane, or a greater separation may be recommended by the traffic engineer.

Pedestrian sight distance is to be clearly indicated at the site entry/ exit(s) as per DCP 43 and AS2890.1.

## Works in public road

Paving, street furniture etc proposed in the road reserve should be to the satisfaction of Council's Principal Landscape Architect, or in accordance with Council's Public Domain Manual if adopted.

Plans should indicate how the difference between public and private property on Kochia Lane will be delineated or whether a public right of way is proposed.

## Geotechnical issues

Two to three levels of basement parking are proposed, adjacent to the site boundary. An investigation comprising at least 3 boreholes to below basement level is to be carried out and the investigation report submitted with the proposal. Matters to be addressed must include excavation methods and support, (especially support to Council's roads, but also to adjoining properties and structures), likely vibrations and any need for vibration monitoring (note heritage property nearby) and recommendations for dilapidation survey.

It is understood that the perimeter basement support is only indicated schematically, however a realistic dimension must be shown on the plans because the dimensions of the carpark may be affected.

## Water management

1. An *Integrated Water Cycle Management Plan* must be submitted that demonstrates the means and adequacy of managing stormwater within the site in accordance with DCP 47. Details of measures addressing water conservation on the site should be included in line with best practice and with BASIX. Water sensitive urban design principles are to be incorporated wherever possible.
2. The proposal must be accompanied by a concept stormwater management plan prepared by a consulting civil/hydraulic engineer showing water management measures in accordance with Council's DCP 47 Water Management. It is important that space be allocated for these measures at an early stage as some can be large, such as a detention tank, which could possibly be located under the driveway, but may affect the headroom below.
3. Site is Location A, development a mix of Type 5 and type 6.
4. The residential component of the development will require a BASIX Certificate which may contain commitments for rainwater retention and re-use. The commercial and retail component will require 1000 litres of retention per 100 square metres of floor space, plumbed to toilets.
5. The entire development will require an on site detention system, volume and permissible site discharge to be calculated in accordance with DCP 47.
6. Permanent post-construction water quality measures will also be required as per DCP 47 Chapter 8, and are to be indicated on the stormwater plans, together with the information listed in Section 8.3.1.
7. A pump-out system will be required for driveway runoff and subsoil drainage.
8. It is expected that discharge will be to Council's kerb inlet pit in Havilah Lane.

## Waste management

Waste provision is to be in accordance with DCP 40, particularly Section 3.1.3, 3.1.4 and Appendix C.2.

A Waste Management Plan **specific to the proposed development** must be submitted with the proposal as per the pro forma given in DCP 40. The plans are to include the details listed in Chapter 3 of DCP 40. It is expected that internal collection of waste from both residential and office/ retail will be required. Sufficient space must be provided for waste storage and separation, and access for the relevant waste collection vehicles must be demonstrated including headroom and manoeuvring. Garbage collection vehicles must be able enter the site, collect the garbage, then turn and leave the site in a forwards direction with a maximum three point turn.

Particularly, the applicant is to refer to Appendix C.2 of DCP 40. It is strongly recommended that the applicant liaise with Council's Manager, Waste Services, during the preparation of the plans.

## Burdens

The sites are subject to a number of burdens. Some of these benefit other properties, eg the drainage easement and right of way over 11 Havilah Lane benefit 41 Lindfield Avenue. Where modification or extinguishment is proposed or necessary eg because of basement excavation, the proposal must be accompanied by the written approval of the benefited party to the proposed modification or extinguishment.

The sewer main servicing 39 and 41 Lindfield Avenue seems to be located within 11 Havilah Lane. Sydney Water should be consulted regarding the required works, and their written advice submitted with the proposal.

## Indicative Construction Management Plan

An indicative Construction Traffic Management Plan is required with the proposal, showing construction vehicle access, heavy vehicle routes for all approach and departure directions, locations for construction employee parking, details of any works in the public road and anticipated obstructions to pedestrians and traffic in the surrounding roads or Council's carpark. Details of staging of the development and methods of ensuring adequate safety, amenity and access for continuing uses are required.

The proposal must include details of measures to ameliorate potential impacts arising from the construction of the development, including erosion and sedimentation, management of vehicular and pedestrian traffic during construction, waste management, storage of materials on the site, and measures to address dust and noise and to protect significant trees on the eastern side of Havilah Lane .

## SEPP Infrastructure

The development involves more than 2 metres of excavation within 25 metres of the rail corridor. Therefore Railcorp must be notified of the development in accordance with SEPP Infrastructure. Design should be in accordance with the Department of Planning publication *Interim Guidelines for development near rail corridors and busy roads*.

## Infrastructure

- Direct areas of public infrastructure which may require upgrade as a result of increase in use both during and after development are to be identified.
- Indicative underground service locations are to be indicated, including water, sewer, power, gas (if available) and phone.
- Direct impacts of development on public property (including roads, footpaths, drainage infrastructure and the like) are to be identified and measures outlined to ensure impacts are avoided/ameliorated.

## Development Contributions

The proposal should be subject to development contributions under the relevant contribution plan/s in place at the time the Project Application is made. The relevant plans currently applying to the site are the Ku-ring-gai Contributions Plan 2004-2009 (Amendment Two) and the Town Centres Development Contributions Plan 2008.

Based on the information provided in the proponent's submission, it is estimated that the proposal would be subject to a total contribution in the order of \$2,177,634.82 under these current plans. This figure is based on the following assumptions.

79 residential units comprising:

• 42 x 1 bedroom units;	=	42 x \$21,015.01	=	\$882,630.42
• 26 x 2 bedroom units;	=	26 x \$29,627.34	=	\$770,310.84
• 11 x 3 bedroom units;	=	11 x \$35,483.96	=	\$390,323.56
• 2,700 sqm of retail floor space plus a food court - Assume 2000sqm net increase = 20 x \$5745.00	=		=	\$114,900.00
• 1,660 sqm of commercial floor space. - Assume 1000sqm net increase = 10 x \$1947.00	=		=	\$ 19,470.00
<b>Total</b>				<b>= \$2,177,634.82</b>

It is noted that these contributions exceed the \$20,000 per unit stipulated in the recent Section 94E Direction. However, Ku-ring-gai Council intends to seek approval to impose contributions over the maximum amount specified in the Direction.

It should be noted that both of these existing Contributions Plans are in the process of review and are to be consolidated into a single new Contributions Plan prior to the new Draft LEP for Ku-ring-gai's six town centres coming into force. It is foreshadowed that the draft consolidated contributions plan will also exceed \$20,000 per dwelling limit, and Council will also be seeking approval to impose the high contributions under the new plan. The target date for exhibition of the consolidated Contributions Plan is April 2009.

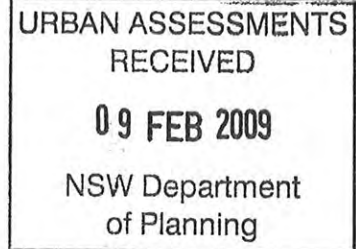


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Mr Michael Woodland  
Director  
Urban Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

06 FEB 2008

Attention: Catherine Otto

Dear Mr Woodland,

**DIRECTOR GENERAL'S REQUIREMENTS – MIXED USE DEVELOPMENT  
AT 23-41 LINDFIELD AVENUE, LINDFIELD (MP 08\_0244)**

I refer to your letter dated 27 January 2009 seeking comment on the Director General's Requirements for the proposed mixed use development at the above mentioned site. The Ministry appreciates this opportunity to provide input to the DGRs for this application.

The Ministry has reviewed the preliminary assessment for the proposal and notes the proximity of the subject site to public transport and town centre/employment opportunities. As this has the potential to be a transit-oriented development, the Ministry would prefer limited parking and good pedestrian/cycle connections for the subject site.

The Ministry requests that, in lieu of a traffic and parking report, the DGR require the preparation of a Transport and Accessibility Report to ensure a broader consideration of transport issues. It is further requested that the following matters are included in the Director General's Requirements:

1. Include the Integrating Land Use and Transport (ILUT) Policy package in the list of relevant policies and guidelines to be addressed by the proposal;
2. Demonstrate a minimalist approach to car parking provision based on the accessibility of the site to public transport. The Ministry is keen to reduce the provision of on-site parking as an effective measure to encourage greater mode shift to public transport together with increased walking and cycling. Accordingly, the proposal discussed in the preliminary report to increase car

parking beyond the minimum requirement is not supported.

3. Demonstrate the means by which the pedestrian and cycle movement between the site and neighbouring town centre and rail station are to be addressed. It is noted that a new easy access upgrade at Lindfield station is currently under construction.
4. Identify explicit measures and strategies that will optimise the opportunity provided by the site's proximity to public transport. This may include the requirement for the provision of facilities for the secure storage of bikes;
5. Identify measures to mitigate potential impacts for pedestrians and cyclists during the construction of the project; and
6. Explicitly mention the Ministry of Transport as an agency for further consultation.

If you would like to discuss this further, please contact Jose Sevilla Jr on 9268 2833 or email [jose.sevilla@transport.nsw.gov.au](mailto:jose.sevilla@transport.nsw.gov.au).

Yours sincerely,



Brendan Bruce  
**Director, Transport Planning**

TP09/00646



# RailCorp

**RailCorp Property**  
PO Box K349  
Haymarket NSW 1238  
Tel: (02) 8922 1987  
Email: jim.tsirimiagos@railcorp.nsw.gov.au

10 March 2009

Mr Sam Haddad  
Director-General  
Department of Planning  
GPO Box  
Sydney NSW 2001

**ATTENTION: Catherine Otto**

Dear Mr Haddad,

**DIRECTOR GENERAL'S REQUIREMENTS  
23, 23a, 27-37 LINDFIELD AVENUE & 11 HAVILAH LANE LINDFIELD  
REQUEST FOR KEY ISSUES AND ASSESSMENT REQUIREMENTS**

I refer to your Department's request for RailCorp's key issues and assessment requirements for the above proposal.

RailCorp has identified a number of issues that need to be addressed by or submitted with the Environmental Assessment for this proposal.

### **Noise and Vibration**

- *The proponent is to prepare and submit an acoustic assessment with the Environmental Assessment.*

### **Geotechnical Assessment**

- *The proposed development is within 25m of the rail corridor (as defined by the Infrastructure SEPP). RailCorp normally requires the preparation of a geotechnical report and methodology, however, as the proposed development is located across the road, this may not be required. The proponent is therefore required to liaise with RailCorp's Rail Corridor Management Group (contact Richard Grant 8922 4257).*



## Carparking and Station Impact

- *The proponent should consider a reduction in private car usage by limiting the provision of carparking spaces.*
- *The proposed development needs to ensure that adequate pedestrian links are established, especially to the nearby Lindfield train station.*
- *Given the size of the proposed development the proponent is to liaise with RailCorp's Network Development section (contact Nerida Morgan 8202 2317) regarding the need to upgrade the nearby Lindfield station to cater for any the likely increased patronage as a result of this development.*

Thank you for providing RailCorp the opportunity to comment and please contact me if you have any further enquires. Please forward to RailCorp a copy of the Director-General's Environmental Assessment Requirements once finalised.

Yours sincerely,

Jim Tsirimiagos  
Manager, Land Use & Planning  
RailCorp Property

Your Reference:  
Our Reference:  
Contact:  
Telephone

MP 08\_0244  
CAC 09M177  
Ravi Ravendra (IC)  
8849 2540



The Director  
Urban Assessments  
Department of Planning  
GPO Box 39  
Sydney NSW 2001

**Attention:** Catherine Otto

**MIXED USE DEVELOPMENT AT LINDFIELD AVENUE AND HAVILAH LANE,  
LINDFIELD – CONCEPT PLAN AND STATE SIGNIFICANT SITE LISTING –  
DIRECTOR GENERAL’S REQUIREMENTS.**

Dear Sir / Madam,

I refer to your letter of 27 January 2009 (Ref: MP 08\_0244) requesting the Roads and Traffic Authority (RTA) to provide details of key issues and assessment requirements regarding the abovementioned development for inclusion in the Director General’s Environmental Assessment (EA) requirements.

The RTA would like the following issues to be included in the transport and traffic impact assessment of the proposed development:

1. It is noted that the Metropolitan Strategy has designated Hornsby as a Major Centre and a major focal point for regional transport connections and jobs growth. It is important that the development of the mixed use development takes into consideration, and contributes to the achievement of, transport objectives contained in this and other high-level NSW Government strategies.

These strategies include the NSW State Plan, Urban Transport Statement and draft North Subregional Strategy. These policies share the aims of increasing the use of walking, cycling and public transport; appropriately co-locating new urban development with existing and improved transport services; and improving the efficiency of the road network.

By addressing both the supply of transport services and measures to manage demand for car use, the EA report should demonstrate how users of the mixed use development, will be able to make travel choices that support the achievement of relevant State Plan targets.

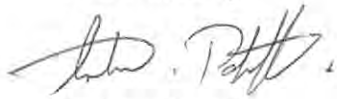
2. Daily and peak traffic movements likely to be generated by the proposed development including the impact on nearby intersections and the need / associated funding for upgrading or road improvement works (if required).

The key intersections to be examined / modelled include:

- Pacific Highway / Havilah Road / Balfour Street.
  - Lindfield Avenue / Tryon Road.
3. Details of the proposed accesses and the parking provisions associated with the proposed development including compliance with the requirements of the relevant Australian Standards (ie: turn paths, sight distance requirements, aisle widths, etc).
  4. Proposed number of car parking spaces and compliance with the appropriate parking codes.
  5. Details of service vehicle movements (including vehicle type and likely arrival and departure times).
  6. The EA report is to take into consideration the proposed traffic changes made for the Lindfield Town Centre as part of the draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008.
  7. The RTA requires the EA report to assess the implications of the proposed development for non-car travel modes (including public transport use, walking and cycling); the potential for implementing a location-specific sustainable travel plan (eg 'Travelsmart' or other travel behaviour change initiative); and the provision of facilities to increase the non-car mode share for travel to and from the site. This will entail an assessment of the accessibility of the development site by public transport.
  8. The RTA will require in due course the provision of a traffic management plan for all demolition / construction activities, detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures.

Further enquiries on this matter can be directed to the nominated Land Use & Transport Planner, Ravi Ravendra on phone 8849 2540 or facsimile 8849 2918.

Yours sincerely



Andrew Popoff  
A / Senior Land Use Planner  
Transport Planning, Sydney Region

4 March 2009