

GENERAL

It is understood that assessment of MP08_0244 MOD 2 is yet to be finalized and therefore the assessment of this MP08_0244 MOD 3 cannot be based on that previous proposal. It is also noted that the proponent's JBA report refers to that MOD 2 at several places. Council's assessment is based on MOD 3 as a stand alone and not contingent on MOD 2. Therefore, the comments provided below are independent and supersede those within MOD 2.

The purpose of MP08_0244 MOD 3 is to incorporate two additional sites, 39 and 41 Lindfield Avenue, into the development. This amalgamation is considered to be generally beneficial to the coordination of development on the block.

MOD 3 significantly improves the relationship of the major retail tenancy floor level to both the Lindfield Ave and Kochia Ln frontages. This appears to have been enabled by the extinguishment of a right-of-way related to 39-41 Lindfield Ave which had previously required a certain clearance height that had impacted floor levels.

The access to the major retail tenancy from the street frontages is now provided on-grade, and the previous undesirable stairs, switchback ramps, and travelators have all been removed. The Lindfield Ave entry is now more prominent than the Kochia Ln entry which corresponds with the street hierarchy. All minor retail tenancies are now accessed on-grade directly from the street frontage which maximises street frontage activity.

These amendments have also meant that the overall height of the proposal has decreased by 800mm, which brings the proposal closer into line with the maximum building height under KLEPLC2012, whilst the floor-to-floor of the retail level has increased by 700mm which is suitable for the major retail tenancy.

This suite of changes together are all considered to be positive. Other changes to the lower sections of the proposal include: the extension of the car park at the Lower Ground Floor Plan to occupy 39-41 Lindfield Ave; reallocation of parking spaces throughout the basement levels; adjustment of the travelator location; an additional minor retail tenancy to the frontage width of 39-41 Lindfield Ave; and details are now provided for the internal configuration of the major retail tenancy.

At the upper levels, 2 additional units have been added per floor which is commensurate with the increase in site area. Some minor changes have been made to the design of the units including: the northern setback to the Havilah Ln building has been decreased to zero in anticipation of the neighbouring development at 41 Lindfield Ave building to the boundary; the northern setback to the Lindfield Ave building is built to the boundary at the Level 1 and 2 boundary but setback further at the upper levels; the communal open space has been extended to the north with a playground added, but

the skylight to the retail component removed; and minor internal adjustments to apartment layouts. However several key issues outlined below are considered detrimental to the amenity of the proposed apartments and the proposal in general.

ADDITIONAL UNITS

5 new units (G01B-G05B) have been added to the Ground Floor Plan to face Havilah Ln, these were not present previously. This aspect raises a question of permissibility. Under KLEPLC2012, the B2 Local Centre zoning prohibits 'Residential flat buildings' (as a subset of 'Residential accommodation'), however 'Shop Top housing' is a permitted land use. The KLEPLC2012 definition of Shop Top housing is 'one or more dwellings located above ground floor retail premises or business premises.' G01B through G05B are neither directly, nor vertically, above retail or business premises and may not be considered Shop Top housing. Their placement above residential lobbies, residential service areas and residential carpark access negates the level as a shop top level. This placement converts the building into a residential flat building at this point. Residential flat buildings are not permissible in the B2 zoning. The placement of these units above driveways and loading dock areas does not qualify for shop top housing as those areas are only ancillary to commercial uses. If the proposal wishes to retain these 5 units, commercial/retail floors space should be located on the ground floor facing Havilah Ln, directly beneath the units.

Given that all development in the Lindfield Centre is be reliant on, or tied to, the KLEPLC2012 land use table, any future development will be expected to provide a level of retail/commercial floorspace above which residential units are placed. Since this proposal is required to have some regard to the local planning documents, this aspect creates issues of unacceptable inconsistency of approach to Havilah Lane.

Further to this, the 5 apartments provided on the commercial floor level are highly compromised in their amenity. They are single aspect with poor solar access (given the overshadowing from the adjacent development across the narrow Havilah Lane). In addition, they all have poor cross ventilation and basic minimal room sizes. Further to this, G05B shows a window opening to 2 Kochia Ln which will definitely be built out by that future development, and it appears to have a narrow opening to the wrap round verandah corridor; G03B has an internalized media/dining room with no windows; G02B has an inadequately sized living/dining area; G01B has an internalized media room. These are sub-standard elements offering a very basic and compromised amenity. These are elements that are out of character in the Ku-ring-gai area where a certain quality and amenity of residential provision is expected off any development. In addition, the access corridor that serves the units is again internalized with no daylight and offers a poor circulation space.

The 5 apartments will also have poor vertical separation from the significant commercial vehicular traffic which will service and use this development. The apartments do not have the benefit of the setbacks

required in residential flat buildings to create a buffer from service and other commercial vehicles. Also questionable is the vibration/smell/noise of commercial vehicles passing under the units through the driveway, and the impacts of the substations, known to emit EMFs, are inappropriate to the close proximity of living/bedroom areas above them.

A continuation of the retail floor provision from Lindfield Ave to the Havilah Lane façade, as was provided in MOD 1, should be reinstated to this MOD 3.

RELATIONSHIP OF PROPOSAL TO PROPERTY BOUNDARIES

Relationship of Proposal to 43-47 Lindfield Ave & 9 Havilah Ln

The proposal makes reference to the undetermined Ku-ring-gai Council DA0587/14 for 43-47 Lindfield Avenue & 9 Havilah Lane with regards to building setbacks (Section 75W Modification p16-18). It is noted that this proposal cannot be relied upon as it has not been approved and may not take the shape as currently shown in those documents. Nevertheless, the consideration of DA0587/14 exposes the issues of building separation which have been previously raised.

This proposal has habitable rooms setback 4.5m from the boundary along grid line 5 at the Level 1 Floor Plan, and balconies setback 2m from the boundary at Level 2 through Level 5. This setback does not meet the Department's RFDC Rule of Thumb (p28 via p59) of 6m for the first four levels above the podium and 9m for the fifth level (using the principle of sharing building separation equitably across a boundary). This inadequate setback has the potential to seriously impact on the visual and acoustic privacy and/ or impact on daylight and outlook of these units. In the case of DA0587/14 which is built to its southern boundary as a solid wall for eight storeys in height and also has blank walls located 2m-4m from the boundary along grid line 5, the bedrooms to units 101B, 201B, 301B, 401B and 501B will have their daylight and outlook impacted. Alternative permissible schemes for the neighbouring site could exacerbate this issue further. It is recommended that the minimum RFDC building separation distances be employed at the property boundary interface between the subject site and 43-47 Lindfield Avenue.

Site Isolation

The issue of the isolation of 2 Kochia Lane is still an issue. The proponent has stated that a fair and reasonable offer has been refused by the owners of 2 Kochia Lane; however they are encouraged to make a further approach and provide the landowners with information on the future restrictions under the KLEP (which the owners can confirm with Council). The Department is also requested to consider the implication of the isolation of the site and encourage the proponent to negotiate given the limited possibilities (parking, solar access etc) on 2 Kochia Ln under the KLEP and its corresponding DCP.

Without amalgamation the development potential of 2 Kochia Lane (485.70sqm) is highly limited and likely to remain in its current form. This is not considered a satisfactory outcome for the locality as the

outcome

- is not aligned with the Local Centres principals of homogenous and contiguous development;
- is not satisfactory in the Lindfield Village Green context as it will effectively result in a poor end elevation on both the proponent's site above 2 Kochia Lane with no openings facing the new village green.

Ideally elevations to the central Lindfield Green public square should present with openings and overlooking benefitting from that aspect. In the current situation this is difficult to achieve given the uncertainty of 2 Kochia Ln and its incorporation into the development site.

PRESENTATION OF END ELEVATIONS

Urban development such as on this site and the sites on neighbouring properties are usually constructed with blank party walls to adjoining properties to ensure development potential on the neighbouring lands is not compromised by the requirement for separation between building openings. It is again recommended that no windows be provided to adjacent properties as they have the right to build to their property line and any openings in this development would be rendered meaningless. Where windows are provided to adjacent property boundaries, this development proposal should provide all the required separation on its own land as if there is a party wall to its boundary. This development should accommodate all the separation requirements on its own site. There should be no expectation from the adjacent sites. The high possibility of the windows and open areas being closed in by a future adjacent development on the boundary should be a matter of clear disclosure to future purchasers of those affected units.

In particular, the presentation of the proposal to levels 4 and 5 of 2 Kochia Lane remains. The high sill windows provided to these elevations are not essential to the development as the rooms they serve all have alternative window openings. If 2 Kochia Lane is redeveloped and built to the boundary as an eight storey party wall (which it is permitted to do under KLEPLC2012 and KLCDCP2013), these windows will be built out and future owners will need to 'fill in' these windows at a later date. It is recommended that the high sill windows to the boundary of 2 Kochia Lane be removed. Thought should be given to the material treatment and appearance of this end wall for the short to medium term as this wall will be highly visible from the future Lindfield town square area.

COMMUNAL OPEN SPACE

The issue of communal open space remains of concern. The proposed communal open space is 22.6% (897.8m²/3,974m²) of the site. This does not meet the RFDC Rule of Thumb (p49) for communal open space to be at least 25-30% of the site. This is a shortfall of 2.4%-7.4% (95.7m²) of the site area. Expressed another way, this is a shortfall of 10.7% of the minimum communal open space. Given that the residential density of the proposal is high at 3.23:1 (Section 75W Modification p8), it is considered that the minimum communal open space should be provided. Greater density requires greater amenity.

It is recommended that additional communal open space be provided on the roof tops of the buildings.

SOLAR ACCESS

In response to the RFDC Rule of Thumb that a maximum of 10% apartments in a development should be single aspect and south (SW-SE) facing, the JBA and Cundall reports claim that there are no single aspect south (SW-SE) facing apartments in the development. In fact the 24 single aspect south-west facing apartments represent 17% of the apartments in the development. The table and diagrams in the Cundall report acknowledge that none of these apartments will receive solar access during the period nominated by the RFDC. As the design failure has not been acknowledged no justification for the poor standard of environmental performance has been provided.

The issue of solar access remains. The ESD Report (p20) and the Design Statement (p6) state that 72% of units achieve 2 hours solar access in midwinter between 9am and 3pm according to the RFDC Rule of Thumb. This is incorrect. The Section 75W Modification (p43) shows that the figure is only 51%. This does not meet the RFDC Rule of Thumb (p85) for the living rooms and private open spaces of 70% of apartments in a development to receive 2 hours sunlight between 9am and 3pm in mid-winter in dense urban areas. This is a shortfall of 27 units (19%). Further, the proposal does not meet the Draft ADG Acceptable Solution 4L-1 5 for a maximum of 15% of apartments in a building receiving no sunlight between 9am and 3pm in mid-winter. The diagrams in the ESD Report (p21) show that approximately 43 of 141 (30%) units do not receive any direct sunlight between 9am and 3pm in midwinter.

The design also does not maximise the northern aspect (4L-1 1), and does not minimise the number of single orientation apartments facing west and south (4L-1 3) with 30 of 141 (21%) apartments meeting this description. No design changes have been incorporated to address this issue. The poor solar access performance of the proposal is considered to be significant and is of continuing concern and is without justification. It is recommended that alternative designs be explored that maximise solar access. It is considered that a superior result is readily achievable within the same building envelope.

NATURAL CROSS VENTILATION

The proposal fails to achieve the 60% natural ventilation standard in the RFDC. The justification is that the 56 single aspect apartments have a bedroom adjacent to a balcony and that the windows are oversized. Cross ventilation is due to differences in air pressure and is not achieved through oversized windows or open plan single aspect apartments. The RFDC is a performance based code and contains guidance on alternative methods for achieving natural ventilation for single aspect apartments. These methods have been applied to the proposed development on the adjacent site at 43 Lindfield Avenue. The application documentation does not explain why these methods have not been applied to the subject development.

The Section 75W Modification (p43) states that the percentage of naturally cross ventilated units is 55%. This is a shortfall of 7 units (5%). Analysis shows that this figure might be as low as 51% which is a shortfall of 12 units (9%). The arguments that the units are partially naturally cross ventilated through bedrooms and that habitable rooms have fresh air (Section 75W Modification p43) are not accepted. All habitable rooms without exception must have adequate fresh air to meet the BCA/NCC minimum standards. The RFDC looks to provide a higher level of amenity to at least 60% of units through the provision of naturally cross ventilated apartments. This level of amenity is not met. It is recommended that alternative designs be explored to improve natural cross ventilation. It is considered that generous building indentations, or ventilation chimneys to sub-penthouse floors would improve this aspect.

KITCHEN DEPTH

The issue of kitchen depth remains. The Design Statement (p6) states that 11 units exceed 8m to the rear of the kitchen by approximately 600mm. However, analysis of the plans shows that 34 units exceed 8m to the rear of the kitchen (G01B, G03B, 102A, 104A, 108A, 103B, 105B, 108B, 202A, 204A, 208A, 203B, 205B, 208B, 302A, 304A, 308A, 303B, 305B, 308B, 402A, 404A, 408A, 403B, 404B, 407B, 502A, 504A, 508A, 602A, 604A, 608A, 704A, 708A), some by up to 1.5m (9.5m, 119%).

This does not meet the RFDC Rule of Thumb (p69) that the back of all kitchens should be no more than 8 metres from a

window. No design changes have been incorporated to address this issue. The justification that the additional depth is better in the apartments than in the common corridor (Design Statement p6) is not accepted. An alternative view is that the buildings are simply too deep in these locations. This aspect is a poor amenity outcome that affects the quality of daylight and natural ventilation in these apartments for future residents. It is recommended that the apartment layouts be revised to address this issue.

INTERNALISED ROOMS

The issue of internalised rooms remains. Media rooms in units G03B, 102A, 101B, 102B, 202A, 201B, 202B, 302A, 301B, 302B, 402A, 401B, 403B, 502A, 501B, 602A and 702A are highly internalised and greater than 8m from a window. It is recommended that apartment layouts be revised to address this issue and that these rooms be verified for compliance with the borrowed light and air provisions of the BCA/NCC.

INTERNALISED COMMON CIRCULATION

The issue of internalised common circulation remains. 117 of 141 (83%) of units are serviced by corridors that are not provided with natural light or ventilation. Mechanical ventilation and artificial lighting will be required for these spaces which will require ongoing running and maintenance costs for the residents of the building in perpetuity. It is recommended that each residential lobby be provided with a window.

VISITABILITY

The issue of visitability of apartments remains. Addressing this issue is important given the growing ageing population and the likelihood of many purchasers within Ku-ring-gai being or having a demograph that would benefit from inclusion of visitability standards.

The Access Report states, 'Visitable housing is an important part of maintaining a connected community in which peoples are able to go to see family members and friends at home. Groups who benefit from visitable housing include families with strollers or prams for young children, older and frail aged people and persons with disability'. In a reflection of the importance of visitable housing the Local Centres DCP requires at least 70% of apartments in a development to be visitable. In the subject development a mere 27.7% of apartments are visitable. The failure to achieve 70% visitable apartments within the development is an unjustifiably poor outcome, contrary to the Design Quality Principles of SEPP 65 and inconsistent with the public interest. All apartment developments in Ku-ring-gai have been subject to the 70% visitable housing requirement since the commencement of DCP 55 in December 2004, compliance with the requirement is readily achievable through minor design changes or a condition of consent.

The Section 75W Modification (p49) states that 39 of 141 (28%) of units are visitable. KLCDP2013 would require 99 of 141 (70%) to be visitable. It is considered that only very minor changes are required to provide visitability, this being to ensure a dimension of 1250mm clear in front of the toilet pan in one bathroom per apartment. It is considered that this is relatively easy to accommodate and should be incorporated to the betterment of the project. It is recommended that visitability be accommodated within the apartments.

ADAPTABLE APARTMENTS

The 'Adaptation Detail Plans' Drawing No. 6001 shows that the accessible bathroom in the 2B type B adaptable apartments do not have an AS 1428.1 compliant shower recess at pre adaptation stage. Under the provisions of AS 4299:1995 a Class C adaptable apartment (the standard required by the Local Centres DCP) must have a bathroom which incorporates all the required features identified in Appendix A of the Standard, this includes a shower recess that complies with AS 1428.1. The Access Report acknowledges that the Local Centres DCP requires Class C housing however the project has been assessed against the lesser requirements for Class B housing.

In addition, the adaptable apartments (Architectural drawings, 6001G) do not meet the requirements of AS4299. The 1B type does not provide a 1540mm clearance in the bedroom (as the 2B type does). The 2B type does not provide a 1540mm clearance to the laundry (as the 1B type does) and does not indicate the adaptability of the second bedroom (which is more likely to be used as such given the ensuite in the main bedroom cannot be adapted and so will not be used by a disabled person). Further

to this, the units still do not locate the bathroom suites at the location that will be required for the adaptable unit. Locating the toilet, basin, shower in the same location in both the pre-adaptation and the post-adaptation units will result in units that will not require expensive plumbing adjustment in the future. This is likely to prevent the unit being converted in the future due to costs in the vicinity of \$15-20K per bathroom. Part of adaptability is to make the process of the refit simple and inexpensive. It is recommended that the apartment layouts be revised to address this issue. Requiring purchases of adaptable apartment who require an accessible bathroom to carry out major construction work is inconsistent with the objectives of the Adaptable Housing standards. The bathroom design should be amended to comply with the requirements of AS 4299:1995, this can be achieved through a condition of consent.

SIGNAGE DETAILS

The modification includes the fitout of the supermarket. A conceptual signage plan with signage zones has been provided however it is unclear whether the signage details are to be the subject of a separate application or whether these are to be determined by the developer at construction stage. It is noted that the Director General's Assessment Report for MP08_0244 MOD 1 stated that the assessment of signage would be subject of separate applications to Council.

References to KPSO and DCP 28 on the signage plan Drawing No. 6500 should be deleted as the site is subject to the Ku-ring-gai LEP (Local Centres) and the Local Centres DCP.

ESD PRINCIPLES TO SUPERMARKET

The application does not address ESD features for the supermarket. The ESD report considers fabric and glazing of retail area only, there is no consideration of water efficiency, energy generation, heating/cooling and lighting. The requirements in Part 3.1 'Green Buildings' of the Local Centres DCP have not been addressed. Failure to consider the requirements in the Local Centres DCP will lead to a substandard ESD outcome.

To encourage recycling and reuse, a plan of management should include prevention of the dumping of trolleys in nearby streets (such as a trolley capture system), should be implemented.

BASIX

The revision of condition F14 seeks to change the condition relating to BASIX certificates so that BASIX requirements are only required to be satisfied prior to the issue of the final occupation certificate. Wording of the condition in this manner would allow the occupation of non-BASIX compliant apartments as an interim occupation certificate could be issued for an apartment that is not BASIX compliant. This would be inconsistent with the objectives of the BASIX SEPP and clause 154B of the Environmental Planning and Assessment Regulation 2000 which states that an occupation certificate (whether interim or final) cannot be issued unless the BASIX commitments has been satisfied. Non-BASIX compliant

apartments may have incorrect appliances, plumbing fixtures, lighting fixtures etc. and rectifying these issues after occupation would be difficult and inconvenient to the occupants.

INCREASE IN CONSTRUCTION HOURS

The proposed extension of construction work hours to 6pm weekdays and 3pm Saturdays is inconsistent with the hours permitted in Ku-ring-gai and the State Exempt and Complying Development Code. The justification for the variation to the hours is weak and the impacts have not been considered. The site is in close proximity (<20m) to existing apartments in Lindfield Avenue, Havilah Lane and Milray Street and residents of these apartments will be subject to a significant increase in construction noise as a result of the proposed modification.

WATER AND WASTE MANAGEMENT

The latest version of the water management plans by Insync is satisfactory and **Condition A2** may be amended to reference those plans and the report.

The Waste Management Plan (WMP) by Mack Group has been amended so that residential waste is uncompacted, and the WMP is referred to in the commitments. This is satisfactory.

The following comments are made in regard to the requested amendments to the conditions and to the revised commitments:

Condition C3 may be deleted

Condition C15 may be deleted.

No objection to the modification of **Condition D5**.

No objection to the modification of **Condition D30**.

Condition D3 should be amended to delete the reference to access to 39 and 41 Lindfield Ave.

Conditions D6 and D7 should be amended to include reference to the Douglas Partners report.

Condition D13 refers to the GHD drawing which has been removed from Condition A2. Either the drawing should be included in **Condition A2** or a new Sediment and Erosion Control Plan should be submitted.

No objection to the deletion of **Condition D22**.

Condition E31 should not be deleted as it requires the written approval of Council to discharge of pumped water to the stormwater system whereas **Condition E41** does not.

No objection to the deletion of **Conditions E39** and **E40**.

No objection to the amendment of **Conditions F3, F6, F11, F12 and F13**.

No objection to the deletion of **Condition F18**.

Deletion of **Condition F20** is not supported, as this condition refers to on site detention whereas **Condition F11** refers to the rainwater retention and re-use.

No objection to the deletion of **Condition F22**.

Conditions F23 and F24 should not be deleted, rather **Condition F3** should be deleted and **Condition F23** updated to refer to the Ku-ring-gai Local Centres Development Control Plan.

No objection to the amendment of **Conditions F25 and F27**.

Commitments:

Erosion and Sediment Control – the commitment has been reduced in scope and the GHD drawing has been removed from **Condition A2**. The required treatment of collected stormwater prior to discharge to the public drainage system may not be achieved unless **Condition D13** is amended.

Construction management third dot point – the applicant proposes to close Kochia Lane temporarily. The commitment should be reworded accordingly (as no vehicular access will be available along that frontage).

Construction management – the commitments in regard to re-use of demolition materials have been considerably reduced in scope.

CAR PARKING AND ACCESS

The following table outlines the car parking required for the proposal under the Ku-ring-gai Local Centres DCP (2013), and compares these requirements to the quantity of car parking proposed.

Land Use	Ku-ring-gai Local Centres DCP (2013) Parking Requirement	Proposed Parking
Retail/shops , including restaurants and cafes (Supermarket and Specialty Retail) 2,720sqm GFA	1 space/26m ² - 1 space/33m ² GFA = 83-105	76
Residential: 4 x Studio 64 x 1 bedroom 66 x 2 bedroom 7 x 3+ bedrooms (141 total)	0 (min) - 0.5 (max) = 0 – 2.0 0.6 (min) - 1 (max) = 38.4 - 64.0 1 (min) - 1.25 (max) = 66.0 – 82.5 2 per unit = 14 Total res. parking = 119 - 163	155
Residential: Visitor	1 space/6 units = 24	24
Total parking required	226 - 292	255

Car Parking

From the table above, the total parking provision that would be required under the Ku-ring-gai Local Centres DCP (2013) for this proposal would be 226-292 spaces. The parking ranges in the Ku-ring-gai Local Centres DCP are intended to encourage the use of public transport and local services, to support local services, and to reduce car use. Judgement is to be used such that sites located in very close proximity to regular public transport and core shops/services/facilities could provide parking closer to the lower end of the range, which the proposal could be considered.

As an additional comparison of the retail component, the RTA Guide to Traffic Generating Developments suggests parking for shopping centres be provided in accordance with the following rates:

$$\begin{aligned}
 &(24 \times \text{Slow Trade GLFA}) + (40 \times \text{Fast Trade GLFA}) + (42 \times \text{Supermarket GLFA}) + (45 \times \text{Specialty Shops/Secondary Retail}) + (9 \times \text{Office/ Medical}) \text{ (per 1,000sqm GLFA)} \\
 &= [(42 \times 1,667\text{sqm})/1000] + [(45 \times 661\text{sqm})/1000] \\
 &= 100 \text{ spaces}
 \end{aligned}$$

These rates take into account a degree of “multi-purpose parking” which occurs when a number of retail/commercial uses are clustered, and suggests that the proposed retail provision of 76 spaces would be inadequate. The lowest provision in the Local Centres DCP for the retail component of mixed use development (i.e. 83 spaces) should be provided as a minimum.

Based on the RTA rate for high density residential flat buildings in metropolitan sub-regional centres, the parking requirement for the residential component would be 139 car parking spaces. Therefore the total parking provision required under the RTA Guide to Traffic Generating Developments would be 239 spaces.

Reliance should not be placed on the Council public car park off Tryon Road assist with the site's parking needs, as this site is the subject of a proposal by Council to create a village square by undergrounding the existing at-grade car park. This Lindfield Village Green proposal is expected to incorporate reduced public parking (approximately 100 underground spaces, down from the current 138 at-grade spaces), on the basis that new developments (including this proposal) would be providing for their own parking needs on site.

In summary, the amount of retail parking should be increased to a minimum of 83 spaces, while the amount of residential parking is at the higher end and could be reduced given close proximity to transport and services.

Access points

The proposal shows 3 vehicular access points on Havilah Lane.

One of these is the access point to the residential basement car parking, which provides access to 193 spaces for residents, as well as staff for the retail component. The Local Centres DCP requires an access point width of 6m – 9m. At 7m wide, the proposed access point complies with the width requirements of the Local Centres DCP.

The adjacent access point provides access to the retail car parking. These are proposed to be 6.0m wide (plus median for a boom gate), and these access points would service 62 car parking spaces. A 3.7m - 6m wide single access point would be adequate for this number of car spaces, therefore the proposed retail access point complies with the Local Centres DCP.

The northernmost access point is dedicated to service vehicles, to cater for vehicles up to 11m long (large rigid trucks). Although not dimensioned on the plans, the access point appears to be approximately 6.5m wide. Combined with the 11m (diameter) truck turntable and the supplied swept paths, the access point width appears to be adequate. There is concern, though, that logistics operations for supermarkets are such that large rigid trucks or articulated vehicles (semi-trailers) are

typically employed for the distribution of groceries. If this occurs, this may result in trucks wanting to unload in the street, or not being able to unload at all. Also, the future one-way vehicle access along Chapman Lane and Kochia Lane (as part of the proposed Lindfield Village Green site) is being designed to accommodate 11m large rigid trucks. Therefore, a commitment is needed that vehicles larger than 11m long large rigid trucks will not be needed to service the site.

Separately, the various access points comply with the dimensional requirements of the Local Centres DCP. However, the Local Centres DCP also requires that all developments provide a shared vehicle entry / exit point for different uses (e.g. retail, commercial and residential). Any proposal seeking to provide separate vehicle entry / exit points on large developments must justify this variation by demonstrating the combined effect does not dominate the building facade or streetscape. Also, service vehicle access is to be combined with parking access, although separate access may be required in major retail/commercial developments.

This site is not considered to be of a scale to be considered a major retail commercial development, and the separate vehicle entry / exit points are such that conflict with pedestrians on Havilah Lane is increased.

Car parking layout and design

Lower Ground Floor

The Vehicle Management Plan suggests that time limits will apply to parking in the lower ground level. There is still very little detail on the operation of the proposed boom gates.

Basement 1

At grid reference F2, there is still concern that there is insufficient manoeuvring space at the intersection of the ramp and aisle. The applicant should demonstrate compliance with Clause 2.5.2 (c).

Basement 2

At grid reference F2, there is still concern that there is insufficient manoeuvring space at the intersection of the ramp and aisle. The applicant should demonstrate compliance with Clause 2.5.2 (c).

Bicycle Parking

Land Use	Ku-ring-gai Local Centres DCP (2013) parking requirement	Proposed Parking
Retail/shops , including restaurants and cafes	1 secure bicycle locker per 600sqm GFA for staff = 5	6
(Supermarket and Specialty Retail) 2,721 sqm GFA	1 bicycle parking space (in the form of a bicycle rail) per 2,500sqm GFA for visitors = 1	34
Residential:		
122 units	1 space/5 units (within residential car park) = 25	36
Residential:		
Visitor	1 space/10 units (within visitor car park) = 13	
Total parking required	44	76

The quantity of bicycle parking spaces shown on the plan would satisfy the requirements of the Ku-ring-gai Local Centres DCP. However, bicycle parking for residents and employees should be located in secure areas, and should be fully enclosed individual lockers, to encourage their use.

Clearly, shoppers and visitors bicycle parking should be located in visible and convenient spaces. Ideally, this would be bicycle rails or racks located in the public areas at ground floor level, and not in basement areas. AS2890.3 and relevant Austroads guidelines provide guidance on the configuration and location of effective bicycle parking. Note that bicycle rails should allow wheels and frame to be locked – “toast rack” style parking hold only one wheel, and would not be acceptable.

The suggested racks in the footpath area of the Lindfield Avenue frontage would be subject to Council approval. The awning over this footpath area should extend to at least the property boundary.

Lockers are indicated in the staff dining room for the major retail use, and the applicant should ensure that these are adequate to contain cyclist gear such as helmet, backpack and change of clothes, as well as other staff needs.

However, as with the previous application, concerns still remain regarding the lack of other bicycle end of trip facilities (showers/change rooms etc) for the major retail use ,as well as lack of bicycle end of trip facilities (showers/change rooms/lockers etc) for the remainder of the retail component.

Traffic Generation and Wider Traffic/Transport Context

The peak hour traffic generation of the site is anticipated to be slightly higher than the current site, due to lower floor areas dedicated to retail and commercial uses. It is estimated that the increase in traffic generation in the am peak would be approximately 1 trip, with an increase of approximately 13 trips

during the pm peak. This is not a significant increase in traffic, with effectively no change during the morning peak hour and 1 additional trip every 4 minutes during the evening peak hour.

During the planning of the Lindfield town centre (which culminated in the gazettal of the Ku-ring-gai LEP (Town Centres) 2010), Council undertook an area-wide traffic study of the Lindfield town centre. This study examined the existing traffic situation, and considered the cumulative traffic generating impacts of redevelopment under the LEP. It also considered various traffic flow and intersection improvement options around the Lindfield town centre.

The 3 signalised intersections on Pacific Highway in Lindfield were found to be operating at capacity in the am and pm peak, with the intersection of Pacific Highway and Balfour Street/Havilah Road being the critical intersection. In particular, the Havilah Road leg of this intersection was identified as being a major constraint, due to the relatively low and narrow railway bridge and the close proximity to Lindfield Avenue. As a consequence, Havilah Road and Balfour Street experience significant delays, particularly during the pm peak.

While a number of opportunities were considered, the close proximity of Pacific Highway and the North Shore railway line combined with limited east-west crossing opportunities presented a major barrier to providing major access improvements.

The result of the traffic modelling indicated that traffic generation of the Lindfield town centre redevelopment would further deteriorate the performance of the 3 signalised intersections on Pacific Highway in Lindfield. Although limited opportunities became evident during the study (due to the constraints mentioned above), the following traffic improvement measures in the vicinity of the site were recommended:

1. New traffic signals at intersection Lindfield Avenue and Tryon Road (and removal of existing pedestrian operated signals in Lindfield Avenue);
2. New traffic signals at intersection of Pacific Highway and Strickland Avenue;
3. Introduce one way conditions (eastbound) in Havilah Road, between Pacific Highway and Lindfield Avenue.
4. Minor capacity improvements at intersection of Pacific Highway and Balfour Street/Havilah Road (lengthen right turn bay from Pacific Highway into Havilah Road, and extend parking restrictions in Balfour Street;
5. Pedestrian link between Lindfield Avenue and Havilah Lane.

These works have been costed and scheduled in the Ku-ring-gai Contributions Plan (2010).

Further planning work being undertaken by Ku-ring-gai Council in Lindfield in 2013/2014 relates to the Lindfield Community Hub and Lindfield Village Green projects. This includes a nanosimulation network model of the transport network in Lindfield, which indicates that 1, 2 and 3 above are necessary, with 3 and 4 to be modified slightly. It is considered that as a result of this development, new traffic signals could be installed at intersection Lindfield Avenue and Tryon Road, to manage traffic flows.

An assessment of the transport, parking and access arrangements for the proposed Lindfield Village Green project recommended (amongst other things) the following:

1. The new basement car park should provide for a double access to Tryon Road and Havilah Lane;
2. Kochia Lane can be closed to all vehicle traffic (but access should be maintained for bicycles) between Lindfield Avenue and Chapman Lane;
3. Two kiss and ride spaces should be allocated on Lindfield Avenue immediately east of Kochia Lane during the weekday AM peak period;
4. Kochia Lane should remain closed at Milray Street;
5. Chapman Lane should be one-way (restricted to private access and loading vehicles) with entry from Tryon Road;
6. Consideration should be given to restricting all vehicle access to Chapman Lane at busy times of the week such as lunchtimes on weekdays and on weekend mornings and lunchtimes to improve pedestrian amenity;
7. Havilah Lane should be widened to cater for two-way access for all vehicles to and from Havilah Road;
8. Kochia Lane and Chapman Lane should be converted to shared zones and the streetscape character of these roads adjusted to suit this intent.

These recommendations have been incorporated as part of the project brief/scope by the three urban design firms engaged to prepare concept plans for the Lindfield Village Green

While there may not be any short term implications to this proposal resulting from 2, 5, 6, 7 and 8, there may be longer term implications, particularly with heavy vehicle access.

The traffic report prepared for the application notes that a management plan prepared by the prospective occupant of the supermarket space indicates that a maximum of 19 deliveries are expected on Mondays, decreasing progressively throughout the week to 3 deliveries on Sundays. Deliveries for the other retail uses (specialty shops) are in addition to this. There is the potential for conflict between pedestrians/cyclists and heavy vehicles in the Lindfield Village Green area given the number and extent of deliveries expected at the site. It would therefore be opportune for deliveries (at least by larger vehicles) to be restricted to outside pedestrian peak times, to minimise the potential for conflict and improve pedestrian/cyclist access and amenity.

Conclusions:

A series of transport improvements are proposed in the Lindfield local centre to accommodate future traffic demands. However, the following issues remain outstanding:

1. The amount of retail parking should be increased to a minimum of 83 spaces;
2. Separately, the various access points comply with the dimensional requirements of the Local Centres DCP. However, the Local Centres DCP also requires that all developments provide a shared vehicle entry / exit point for different uses (e.g. retail, commercial and residential). Any proposal seeking to provide separate vehicle entry / exit points on large developments must justify this variation by demonstrating the combined effect does not dominate the building facade or streetscape;
3. More clarification is required on how the boom gates are intended to operate;
4. At grid reference F2 on Basement Level 1, there is concern that there is insufficient manoeuvring space at the intersection of the ramp and aisle;
5. Similarly, At grid reference F2 on Basement Level 2, there is concern that there is insufficient manoeuvring space at the intersection of the ramp and aisle;
6. Bicycle parking for residents and employees should be located in secure areas, and should be fully enclosed individual lockers, to encourage their use.
7. Shoppers and visitors bicycle parking should be located in clear, visible and convenient spaces, via bicycle rails or racks located in the public areas at ground floor level, and not in basement areas. AS2890.3 and relevant Austroads guidelines provide guidance on the configuration and location of effective bicycle parking;
8. Concerns still remain regarding the lack of other bicycle end of trip facilities (showers/change rooms etc) for the major retail use, as well as lack of bicycle end of trip facilities (showers/change rooms/lockers etc) for the remainder of the retail component.
9. Bicycle rails should allow wheels and frame to be locked – “toast rack” style parking holding only one wheel would not be acceptable.
10. A commitment is needed that vehicles larger than 11m long medium rigid trucks will not be needed to service the site;
11. Heavy vehicle access times to the loading dock should not conflict with peak pedestrian times.

DEVELOPMENT CONTRIBUTIONS

Following is commentary for MOD 3 (incorporating the undetermined Modification 2 where applicable) for 23 - 41 Lindfield Avenue, 7 and Lot 11 Havilah Lane Lindfield.

Procedures for Modifications that have a consequential impact on development contributions

Ku-ring-gai Contributions Plan 2010 is clear on the treatment of modifications to development consents involving contributions as follows:

1.37.1 Where the Original Contribution has not been paid

If the development contributions levied on the original consent have not yet been paid, the contributions are recalculated in their entirety including any credit for any existing development that applied at the date of the original consent. The revised consent condition will replace the original condition.

1.37.2 Where the Original Contribution has been paid

If the development contributions levied on the original consent have been paid, the procedure is different because it is not reasonable to apply inflation to that part of the contribution which has been paid. Given that payment generally occurs at the release of the Construction Certificate, it is also likely that the development will be under construction.

In these circumstances, the development for which contributions have been paid is considered to be the existing development. This approved development will be credited as the existing development for the purposes of the recalculation. The proposed amended application in its entirety is, therefore, the proposed development for the purpose of calculating the contributions.

In this way, only the nett additional contribution, if any, is charged at the current CPI/HPI. In this circumstance an additional condition will be inserted alongside the original condition which remains in the consent because the additional contribution does not supersede or obviate the obligation to pay the original contribution.

Note: No refunds will be provided in the event there are no nett additional contributions required as all contributions received are committed to Council's rolling works programme in such a manner as will address temporal nexus and Council is entitled to certainty in cash-flow.

The developers for the subject site sought and were provided with the current inflated rate of contributions due and payable for the **Original Consent + Modification One** on 18 March 2015 (up to the December Quarter CPI/HPI as March quarter figures had not been issued; in fact the March Quarter figures for the Established House Price Index (utilised to inflate the land acquisition component of the

contributions) have been delayed by the ABS to June with the effect that the December Quarter figures remain current).

However, as of Friday 15 May 2015, that contribution had not yet been paid.

COMMENTARY FOR THE UNDETERMINED MOD 2 (REITERATED CONTRIBUTIONS)

Development Contributions Condition C5: As previously advised, any modification which alters the retail or commercial floorspace and/or the unit numbers or mix, requires a consequential modification of the development contributions due and payable to ensure the actual proposed development pays its fair proportional contribution to the nett additional demand created by the development.

It is noted that Aqualand supports the involvement of Council staff in this recalculation.

Under Ku-ring-gai Contributions Plan 2010, the treatment of a development contributions condition that requires modification varies according to whether the contribution that was the subject of the earlier consent has been paid (pages 59-60).

The reason for this difference in methodology is to ensure that any part of the contribution which has been paid is not subject to inflation and that any credit arising from a contribution which has been paid is given in today's dollars.

Where a contribution has not been paid, then the contribution is recalculated in full and the new condition replaces the former condition. Where a contribution has been paid for a development either built, under construction or paid in anticipation of construction commencing, then the approved development (for which a contribution has been paid), becomes the existing credited development for the purpose of determining the nett additional amount arising from that modification on its own. This does not replace the original condition since it does not override the statutory record of the demand arising from the development in its original form and duly paid.

In the case of the current Aqualand consent (including modification 1), the applicant has sought the updated figures to the current (December) Quarter 2014 and these appear in the first calculation overleaf. The proposed development relates to the development approved by the active consent and condition C5 and the existing development relates to the existing buildings on the site which are to be demolished as a result of this proposal. While this payment is expected to be made soon, it has not yet been made.

The second page overleaf includes the calculation of the contribution payable for the whole proposed development to the current December 2014 Quarter if condition C5 is to be replaced in its totality. It includes the total proposed development under Modification 2 together with the credit arising from the existing development on the site that is to be demolished.

The third page overleaf, is the calculation for the nett additional contributions arising from Modification 2 alone assuming that the contribution for the main development (including modification one) has been paid. In this context, the development for which contributions have been paid (once they have been paid) becomes the existing development for the purposes of determining the nett additional demand paid. In this context, the development for which contributions have been paid (once they have been paid) becomes the existing development for the purposes of determining the nett additional demand that applies as a direct result of that modification only. In this case, such a condition does not replace the original condition because it does not change the contribution that was leviable on that development and duly paid. An additional condition needs to be inserted as condition C5A to include the nett additional amount arising from the modification alone.

It should be noted that it is not possible to partially pay a contribution condition. If condition C5 is replaced in its totality, then that amount (plus any applicable inflation) will be due and payable prior to the release of the first Construction certificate for any development under this consent. In this context it is emphasised that all development contributions are due and payable in accordance with the timing set down in the Contributions Plan. Ku-ring-gai does not permit individual developers to simply request deferred payment to the Occupation Certificate and is of the view that this would constitute a form of pecuniary benefit to one developer over others.

The fact that Modifications 2 and 3 have not been united – and the fact that it remains unclear whether they will be determined together or separately – continues to add complexity to the calculation of applicable development contributions related to this development. Given there appear to be a number of consequential modifications to proposed Modification 2 to accommodate proposed Modification 3, it is difficult to understand why they have not been united. In fact it is clear that Modification 3, if approved, will supersede Modification 2 as it is not possible to implement both. As such, it is unlikely Modification 2, if Modification 3 is approved, will ever proceed to Construction Certificate thus triggering payment of the development contributions previously provided.

COMMENTARY FOR THE CURRENT AND LATEST UNDETERMINED MOD 3

Status of Contributions assessed to date

The assessment of the development contributions due and payable has been made on the following basis:

Original plus MOD 1 (approved)

The existing consent including Modification One proposes 2,019sqm of Retail GLFA plus 4 x studio/bedsits, 53 x 1 bedroom units, 53 x 2 bedroom units and 2 x 3 bedroom units (total 112 units). The calculation includes a credit for the demolition of 1,735sqm of Retail GLFA and 1,238sqm of Business GFA.

Proposed MOD 2 (pending)

This proposal brought the total development to 2,324.10sqm of GLFA plus 4 x studio/bedsits, 56 x 1 bedroom units, 55 x 2 bedroom units and 7 x 3 bedroom units (total 122 units).

This proposal incorporated no additional credited floorspace because it involved only the inclusion of a (part) former car park and no demolition of floorspace was involved.

Three calculations were provided including:

1. The current inflated rate of the previously approved Original + Modification 1
2. The development as a whole in the event that previously approved contributions remained unpaid as at the date of consent;
3. The development as a whole in the event that the previously approved contributions have been paid as at the date of consent which also represents the nett additional development comprised by Modification 2 with due credit for the approved development for which contributions will have been paid (if they have been paid by the consent date).

4.

Proposed MOD 3 (current)

This proposal brings the total proposed development to 2,318.3sqm GLFA (obtained by adding the given NLFA in the plans because the EAR only states the Gross Floor Area) plus 4 x studio/bedsits, 64 x 1 bedroom units, 66 x 2 bedroom units and 7 x 3 bedroom units (total 141 units).

It should be noted that it is the responsibility of the assessing officer at the Department of Planning to verify that any studies capable of being used as bedrooms have been counted as bedrooms and that the unit mix has been correctly represented in accordance with the Contributions Plan.

Given that the relevant consent condition C5 persistently refers to the *calculation* of contributions as an 'estimate' at the apparent request of the applicant, this terminology will be interpreted to provide adequate leeway for correct application of the Contributions Plan at time of payment (or later) in the event the unit mix at final Construction Certificate stage includes studies that should have been classed as bedrooms for the purposes of the contributions and any other corrections that may be required including any alterations to the retail areas as well as the residential areas.

The following definitions are noted in Part D: Dictionary and References commencing on page 193 of *Ku-ring-gai Contributions Plan 2010*:

- "bedroom" means, for the purposes of this Contributions Plan any room which is, in the opinion of Council, by its physical design, capable of being used as a bedroom. Separately accessible rooms designated a bedroom, study, studio, den, attic, home office or the like, including in some circumstances partially enclosed spaces or mezzanine levels, may be classified as bedrooms for the purposes of this plan.
- "bedsit" or "studio" means a dwelling without a separately accessible bedroom up to a maximum of 110m² in area. Dwellings larger than 110m² without fixed internal walls will be deemed to be two bedroom dwellings for the purposes of this Contributions Plan.
- "study" means, if capable of being used as a separate habitable room, a bedroom. For example, this means that a unit described as a one bedroom plus study is a two bedroom dwelling for the purposes of this Contributions Plan unless the study is, by virtue of its design, incapable of being used as a bedroom.

The present MOD 3 to include 39-41 Lindfield Avenue does involve the demolition of floorspace that should constitute a credit however documentation on the amount and use of the floorspace involved and the number of bedrooms in any shop-top housing that exists on the site appears to be absent from the Environmental Assessment Report dated April 2015. References to the additional site area gained and references to the 'demolition of the existing structures on the site' are noted but no detail has been

located. There is a reference to 'residential premises above' which presumably relates to 39-41 Lindfield Avenue, but no further information. The main hard copy documentation includes surveys of the existing structures but contain only RLs and the reference to one and two storey is provided without any given areas. It is noted that the onus being on the applicant to supply all relevant data to enable a credit to be calculated is documented in the CP as follows:

Section 1.17 of *Ku-ring-gai Contributions Plan 2010* is entitled **Determining the Nett Increase in Demand** and outlines the circumstances in which a credit will be given for existing development.

This includes the following statement on page 42:

In all cases, the onus is on the applicant to supply accurate and complete data and documentary evidence, to enable a credit to be calculated in accordance with this Contributions Plan.

If the information has been supplied, it is not readily findable. In the event it can be identified, revised calculations incorporating that credit will be promptly provided. If it has not been provided, then, in the absence of documentation that enables the calculation of a credit, a credit for the floorspace existing on 39-41 Lindfield Avenue Lindfield cannot be calculated and so cannot be granted. It should be specifically noted that it is nett *lettable* area for retail and gross floor area for business that is required. In respect of the proposed development, that information is included in the plans (though not in the EAR).

Three spreadsheet captures are provided for Modification 3 (which will, if approved, supersede Modification 2) including:

1. Reiteration of the current inflated rate of the previously approved Original + Modification 1 to the December Quarter 2014
2. For the development as a whole in the event that previously approved contributions remain unpaid as at the date of consent;
3. For the development as a whole in the event that previously approved contributions for the Original DA and Modification 1 have been paid as at the date of consent.

It should be noted that no calculation is provided for the difference between Modifications 2 and 3. This is because Modification 2 and 3 cannot both be implemented due to the revised layout (especially of the retail level) arising from the incorporation of two more additional properties (one additional property being incorporated for Modification 2). Contributions are due and payable at release of the Construction Certificate. In the event that Modification 3 (incorporating 39-41 Lindfield Avenue) is approved, the as yet unapproved, and therefore concurrent, Modification 2 will never proceed to Construction Certificate and those contributions will never be paid; this is an unrealistic scenario. The additional complexity involved is the reduction in nett lettable retail area between Modifications 2 and 3. Negative contributions must be manually zeroed because no negative contributions are chargeable. If the Contributions for Modification 2 were paid, there would be no refund for reducing the retail area in

Modification 3 in view of the immediate commitment of all such contributions towards the concurrent Lindfield Village Green infrastructure delivery project.

Summary of data on the following pages

In the case of the current consent (including modification 1), the applicant has sought the updated figures to the current (December) Quarter 2014 and these appear in the first calculation overleaf. The proposed development relates to the development approved by the active consent and condition C5 and the existing development relates to the existing buildings on the site which are to be demolished as a result of this proposal. While this payment is expected to be made soon, it has not yet been made.

The second page overleaf includes the calculation of the contribution payable for the whole proposed development to the current December 2014 Quarter if condition C5 is to be replaced in its totality. It includes the total proposed development as Modification 3 together with the credit arising from the existing development on the site that is to be demolished for which details have been supplied by the applicant.

The third page overleaf, is the calculation for the nett additional contributions arising from the final and current modification (3) assuming that the contribution for the main development (including Modification 1) has been paid. In this context, the development for which contributions have been paid (once they have been paid) becomes the existing development for the purposes of determining the nett additional demand that applies as a direct result of that modification only. In this case, such a condition does not replace the original condition because it does not change the contribution that was leviable on that development and duly paid. An additional condition needs to be inserted as condition C5A to include the nett additional amount arising from the modification alone.

It is emphasised that Modification 3 supersedes Modification 2 and, as it is not possible to implement both. The final modified consent documentation for Modification 3 should not contain reference to contributions arising from the superseded Modification 2 previously submitted.

It should also be noted that it is not possible to partially pay a contribution condition. If condition C5 is replaced in its totality, then that amount (plus any applicable inflation) will be due and payable prior to the release of the first Construction certificate for any development under this consent. In this context it is emphasised that all development contributions are due and payable in accordance with the timing set down in the Contributions Plan. Ku-ring-gai does not permit individual developers to simply request deferred payment to the Occupation Certificate and is of the view that this would constitute a form of pecuniary benefit to one developer over others.

Contributions currently due and payable for Original + Modification 1 prior to CC (reiterated)

Clear

Ku-ring-gai Contributions Plan 2010

Section 94 Contributions Calculator

DA Number: DA Ok

REV or MOD Number: REV MOD

CPI&HPI Index Quarter:

Select Development Area:

Property Address:

Suburb Street Number

Date: 21-May-15

[Save DA & Contribution Data](#)

	Proposed (Total) Development	Existing (Credited) Development
Dwelling Houses:		
2 bedrooms (or less)		
3 bedrooms (or more)		
Units, Townhouses, Villas		
Studios/Bedsits	4	
1 bedroom	53	
2 bedrooms	53	
3+ bedrooms	2	
Seniors Living		
Other Residential		
New lot subdivision		
Non private dwelling		
Retail: Square metres of GLFA	2019	1735
Business: Square metres of GFA		1238

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Section 94 Development Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$1,131,016.45
Local recreational and cultural, Local social facilities	\$201,828.01
Local Roads, Local Bus Facilities & Local Drainage Facilities (New Roads and Road Modifications)	\$167,057.96
Local roads, Local bus facilities & Local drainage facilities (Townscape, Transport & Pedestrian facilities)	\$792,411.98
TOTAL CONTRIBUTIONS	\$2,292,314.40

The contribution shall be paid to Council prior to the issue of any Construction Certificate, Linen Plan, Certificate of Subdivision or Occupation Certificate whichever comes first in accordance with Ku-ring-gai Contributions Plan 2010.

The contributions specified above are as at the December 2014 quarter and are subject to indexation and will continue to be indexed to reflect changes in the consumer price index and housing price index until they are paid in accordance with Ku-ring-gai Contributions Plan 2010. Prior to payment, please contact Council directly to verify the current payable contributions.

[Ku-ring-gai Contributions Plan 2010 may be viewed at www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au) and at the Council Chambers.

Reason: To ensure the provision, extension or augmentation of the Key Community Infrastructure identified in Ku-ring-gai Contributions Plan 2010 that will, or is likely to be, required as a consequence of the development.

Contributions for the Development as a whole as proposed by Modification 3

Ku-ring-gai Contributions Plan 2010 Section 94 Contributions Calculator

DA Number:

REV or MOD Number: ☐ REV ☐ MOD

CPI&HPI Index Quarter:

Select Development Area:

Property Address:

Suburb Street Number

Date: 21-May-15

	Proposed (Total) Development	Existing (Credited) Development
Dwelling Houses:		
2 bedrooms (or less)		
3 bedrooms (or more)		
Units, Townhouses, Villas		
Studios/Bedsits	4	
1 bedroom	64	
2 bedrooms	66	
3+ bedrooms	7	
Seniors Living		
Other Residential		
New lot subdivision		
Non private dwelling		
Retail: Square metres of GLFA	2318.3	1735
Business: Square metres of GFA		1238

☐ Show Amounts at Index in Original Approval

Section 94 Development Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$1,450,970.46
Local recreational and cultural, Local social facilities	\$258,923.26
Local Roads, Local Bus Facilities & Local Drainage Facilities (New Roads and Road Modifications)	\$286,939.98
Local roads, Local bus facilities & Local drainage facilities (Townscape, Transport & Pedestrian facilities)	\$1,016,577.94
TOTAL CONTRIBUTIONS	\$3,013,411.64

The contribution shall be paid to Council prior to the issue of any Construction Certificate, Linen Plan, Certificate of Subdivision or Occupation Certificate whichever comes first in accordance with Ku-ring-gai Contributions Plan 2010.

The contributions specified above are as at the December 2014 quarter and are subject to indexation and will continue to be indexed to reflect changes in the consumer price index and housing price index until they are paid in accordance with Ku-ring-gai Contributions Plan 2010. Prior to payment, please contact Council directly to verify the current payable contributions.

[Ku-ring-gai Contributions Plan 2010 may be viewed at www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au) and at the Council Chambers.

Reason: To ensure the provision, extension or augmentation of the Key Community Infrastructure identified in Ku-ring-gai Contributions Plan 2010 that will, or is likely to be, required as a consequence of the development.

Contributions for the nett additional development proposed by the present modification in total assuming Modification 1 + Original is paid prior to approval of the current Modification

Clear

Ku-ring-gai Contributions Plan 2010

Section 94 Contributions Calculator

DA Number: DA Ok

REV or MOD Number: REV MOD

CPI&HPI Index Quarter:

Select Development Area:

Property Address:

Suburb Street Number

Date: 21-May-15

[Save DA & Contribution Data](#)

	Proposed (Total) Development	Existing (Credited) Development
Dwelling Houses:		
2 bedrooms (or less)		
3 bedrooms (or more)		
Units, Townhouses, Villas		
Studios/Bedsits	4	4
1 bedroom	64	53
2 bedrooms	66	53
3+ bedrooms	7	2
Seniors Living		
Other Residential		
New lot subdivision		
Non private dwelling		
Retail: Square metres of GLFA	2318.3	2019
Business: Square metres of GFA		

☐ Show Amounts at Index in Original Approval

[Copy to DA Determination Letter](#)

Section 94 Development Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$319,954.01
Local recreational and cultural, Local social facilities	\$57,095.25
Local Roads, Local Bus Facilities & Local Drainage Facilities (New Roads and Road Modifications)	\$119,882.03
Local roads, Local bus facilities & Local drainage facilities (Townscape, Transport & Pedestrian facilities)	\$224,165.96
TOTAL CONTRIBUTIONS	\$721,097.25

The contribution shall be paid to Council prior to the issue of any Construction Certificate, Linen Plan, Certificate of Subdivision or Occupation Certificate whichever comes first in accordance with Ku-ring-gai Contributions Plan 2010.

The contributions specified above are as at the December 2014 quarter and are subject to indexation and will continue to be indexed to reflect changes in the consumer price index and housing price index until they are paid in accordance with Ku-ring-gai Contributions Plan 2010. Prior to payment, please contact Council directly to verify the current payable contributions.

[Ku-ring-gai Contributions Plan 2010 may be viewed at www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au) and at the Council Chambers.

Reason: To ensure the provision, extension or augmentation of the Key Community Infrastructure identified in Ku-ring-gai Contributions Plan 2010 that will, or is likely to be, required as a consequence of the development.

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