

29 January 2016

## Determination Report

**Determination of Section 75W Modification Application to the Project Approval for a Mixed Use Retail and Residential Development at 23-41 Lindfield Avenue and 7 & 11 Havilah Lane, Lindfield (MP08\_0244 MOD 3)**

### 1. BACKGROUND

#### 1.1 Application

Aqualand (the Proponent) has submitted an application under section 75W of the *Environmental and Planning Assessment Act 1979* (EP&A Act) seeking to modify the Project Approval for a Mixed Use Retail and Residential Development at 23-41 Lindfield Avenue and 7 & 11 Havilah Lane, Lindfield (MP08\_0244 MOD 3).

The modification application includes the incorporation of two additional properties, 39 and 41 Lindfield Avenue, into the development resulting in an increased building envelope, changed dwelling yield with nineteen new apartments (including five at ground floor level above the Havilah Lane street level), car parking provision, increased communal open space, and a reduction in retail/commercial floor area. The modification application also includes the fitout of the approved supermarket and amendments to setbacks, building heights, internal layouts and apartment mix.

The site is located within the Lindfield Town Centre, which falls within the Ku-ring-gai local government area. The site is located directly opposite Lindfield train station and is surrounded by a mix of both retail/commercial and residential uses.

A mixed use residential development has been recently approved at the adjoining property at 43-47 Lindfield Avenue being a seven storey mixed use development with ground floor retail and commercial uses, 33 residential apartments and basement parking.

### 2. PROPOSAL

#### MP08\_0244

On 27 January 2012, the Planning Assessment Commission (the Commission) approved a Major Project application (MP08\_0244) under Part 3A of the EP&A Act to demolish the existing buildings on site and for the construction of mixed use retail and residential development totalling 11,899m<sup>2</sup> in gross floor area (GFA), which included:

- two level podium with 4,231m<sup>2</sup> in retail GFA including 293m<sup>2</sup> as a medical centre;
- 91 apartments in two residential towers above the retail podium;
- three levels of basement parking for 196 vehicles; and
- 620m<sup>2</sup> of communal courtyard at podium level.

#### MP08\_0244 MOD 1

On 14 November 2013, the Commission approved MP08\_0244 Mod 1.

The modification included an increase of one storey in both towers; an increase in the floor space ratio (FSR) from 3.84:1 to 3.99:1; a reduction of retail GFA from 4,231m<sup>2</sup> to 2,379m<sup>2</sup>; an increase in the number of residential apartments by 21 (from 91 to 112 apartments); a reduction in car spaces from 196 to 184; an increase of the communal space from 620m<sup>2</sup> to 699.5m<sup>2</sup>; reconfiguration of the ground floor levels and reconfiguration of the basement car park and car park layout.

### MP08\_0244 MOD 2

On 29 June 2015, the Department of Planning and Environment (the Department) approved MP08\_0244 Mod 2.

The modification included the incorporation of 7 Havilah Lane into the development to achieve a building height of 7 storeys; an increase in excavation and basement parking; a change in dwelling mix and provision of 10 additional apartments (122 apartments); and an increase in overall GFA by 1,555m<sup>2</sup>.

### Current Proposal - MP08\_0244 MOD 3

MP08\_0244 MOD 3 has been referred to the Commission for determination. The modification includes the following:

- Incorporating 39 and 41 Lindfield Avenue into the development resulting in an increased building footprint and residential GFA by 1,866m<sup>2</sup> (total of 15,487m<sup>2</sup>);
- Changing the dwelling mix and the addition of 19 apartments (total 141 apartments);
- Reducing the retail/commercial floor area and provision of five apartments at the rear ground floor level addressing Havilah Lane;
- Reduction in setback to 9 Havilah Lane;
- Increasing the car parking spaces from 211 spaces to 241 spaces;
- Increasing the communal open space by 198m<sup>2</sup>;
- Revising the lower and upper ground floor level layout and finished floor levels;
- Fitting out and use of the supermarket; and
- Reducing the maximum building height by 800mm.

A summary of the changes between the existing approval (incorporating Modification 1 and 2) and the proposed Modification 3 is provided in **Table 1**.

**Table 1: Key proposed modifications**

	Approved	Modification	Difference
Site area	3,482m <sup>2</sup>	3,974m <sup>2</sup>	+ 492m <sup>2</sup>
GFA	Residential: 10,871m <sup>2</sup> Commercial/Retail: 2,750m <sup>2</sup> Total: 13,621m <sup>2</sup>	Residential: 12,767m <sup>2</sup> Commercial/Retail: 2,729m <sup>2</sup> Total: 15,487m <sup>2</sup>	+ 1,896m <sup>2</sup> - 21 m <sup>2</sup> Total: +1896 m <sup>2</sup>
FSR	Residential: 3.12:1 Commercial/Retail 0.79:1 Overall: 3.91:1	Residential: 3.22:1 Commercial/Retail: 0.68:1 Overall: 3.90:1	Residential: +0.10 Commercial/Retail: -0.11 Overall: -0.01
Maximum Building Height	Eastern tower: 27.6m Western Tower: 29.3m	Eastern Tower: 26.8m Western Tower 28.5	-0.8m -0.8m
Residential	4 x studios (3%) 56 x 1 bedroom (46%) 55 x 2 bedroom (45%) 7 x 3 bedroom (6%) Overall: 122 apartments	4 x studios (3%) 53 x 1 bedroom (38%) 77 x 2 bedroom (55%) 7 x 3 bedroom (5%) Overall: 141 apartments	+ 19 apartments
Car parking	Residential: 122 Residential visitor: 27 Retail public: 48 Retail employee: 13 Overall: 211 spaces	Residential: 141 Residential visitor: 24 Retail public: 62 Retail employee: 14 Overall: 241 spaces	Residential: + 19 spaces Residential visitor: – 3 spaces Retail public: +14 spaces Retail employee: +1 space Overall: +30 spaces
Communal Open Space	699.5m <sup>2</sup> (20.1% site area)	898m <sup>2</sup> (22.6% site area)	+2.5% site area (198.5 m <sup>2</sup> )

Other changes include increase in the basement excavation area, reconfiguration of the lower ground floor, ground floor and apartment layouts in the eastern and western towers; changes to the

western tower size and form addressing Lindfield Avenue; and some changes to the materials and finishes to the western tower.

## **2.1 Public exhibition and response to submissions**

The project was exhibited by the Department from 23 April 2015 until 29 May 2015. Thirteen submissions were received including ten public submissions and three submissions from public authorities, including Ku-ring-gai Council (Council) who objected to the proposal. Further submissions were received from Council and the Roads and Maritime Services commenting on the Proponent's Response to Submissions Report (RtS).

The key issues raised in public submissions were the reduction in retail GFA, inadequate car parking provision, traffic impacts and amenity impacts. Whilst Council did not generally support the modification it did note that some positive improvements were evident including the proposed reduction in overall building height.

## **3. DELEGATION TO THE COMMISSION**

The proposal has been referred to the Commission for determination under the Ministerial delegation dated 14 September 2011, as Council objects to the development. The matter was received by the Commission on 12 November 2015.

Ms Lynelle Briggs AO, Chair of the Commission, appointed Ms Annabelle Pegrum AM (chair) and Mr Stephen O'Connor to determine the application.

## **4. MEETINGS AND SITE VISITS**

Commission members visited the site and surrounding area on 30 November 2015.

Subsequently the Commission received a briefing from the Department; met with Council officers and then met with the Proponent on 30 November 2015.

Records of all meetings are provided in **Appendix A** of this Report.

## **5. DEPARTMENT'S ENVIRONMENTAL ASSESSMENT REPORT**

The Department's Environmental Assessment Report identified the following key issues:

- Density;
- Land use mix;
- Built form;
- Relationship to adjoining properties;
- Residential amenity; and
- Car parking.

The Department concluded that the proposal's inclusion of 39 and 41 Lindfield Avenue into the Project Approval allows for an improved holistic development of the town centre site consistent with the desired character of the area; that the proposed land use mix and amount of retail GFA is consistent with the objectives of Ku-ring-gai Local Environment Plan (KLEP 2012) and the Ku-ring-gai Development Control Plan (KDCP 2013); and that the development as a whole presents as shop top housing development and is consistent with the objectives of the B2 Local Centre zone. The Department is of the view that the *'modified proposal remains generally consistent with the overall intent and terms of approval and is acceptable'*.

## 6. COMMISSION'S CONSIDERATION

Having carefully considered the information available to it, including issues raised by Council, the Commission identified the following issues for further consideration:

- Amenity;
- Definition of Shop Top Housing;
- Retail Offering;
- Noise;
- Apartment Layout; and
- Other Issues.

### 6.1 Amenity

Council has raised a number of concerns relating to the amenity of the development as a whole, including solar access and ventilation.

#### Solar Access

The Residential Flat Design Code (RFDC) and the Apartment Design Guide (ADG) recommend that a minimum of 70% of apartments receive at least two hours of sunlight during the winter solstice to **both** living areas and private open space. It is noted that the existing Project Approval does not achieve the recommended 70% for minimum solar access during the winter solstice months. However, the Project Approval does provide two hours of sunlight during winter solstice to the living area **and/or** private open space for 72% of apartments.

The Commission requested further information from both the Department and the Proponent regarding the assessment of solar access for the proposed additional 19 apartments. The Commission requested that the solar access assessment be based on two hours of sunlight during winter solstice for **both** the living area and private open space.

The Proponent informed the Commission that 49.2% of the apartments in Modification 2 would have achieved the minimum solar access during the winter solstice months, and only 46.8% would achieve the minimum solar access in Modification 3. As a result, the Commission requested that the Proponent investigate and propose design options to improve solar access.

In response to the Commission's request, the Proponent provided amended plans including the addition of seven skylights and advised that *'the amendments improve overall solar access compliance from Mod 2 taking the figures from 49.2% to 51.8%'* (including the effects of the development adjacent on 43-47 Lindfield Avenue). The amendment to the plans improved the solar access afforded to seven apartments that were not able to achieve the minimum solar access during the winter solstice months. While the RFDC and ADG guidelines are silent on the use of skylights in satisfying solar access requirements, the Commission considers the skylights would improve the amenity for future residents.

The Commission is satisfied that the Proponent has provided an improved amenity outcome for the development through the inclusion of seven skylights which has resulted in increased solar access for seven apartments.

#### Natural Cross Ventilation

The Residential Flat Design Code (RFDC) and the Apartment Design Guide (ADG) recommend that 60% of apartments receive natural cross ventilation. The proposed modification reduces the overall percentage of apartments that would receive natural cross ventilation from 60% to 55%.

Of the 19 new additional apartments 15 would achieve natural cross ventilation. However, as a result of the modification six existing approved apartments would now not achieve natural cross ventilation.

The Department was of the view that the ceiling heights in the ‘majority of apartments’ would have generous floor to ceiling heights of 3.1 metres with main living areas opening on to balconies and windows. Council was able to demonstrate that ceiling heights were generally at 2.7 metres.

On balance, the Commission is satisfied that overall the amenity afforded to the additional 19 apartments and the six modified apartments in the form of solar access and main living areas opening onto balconies and windows would provide sufficient amenity for the proposed additional and proposed amended apartments.

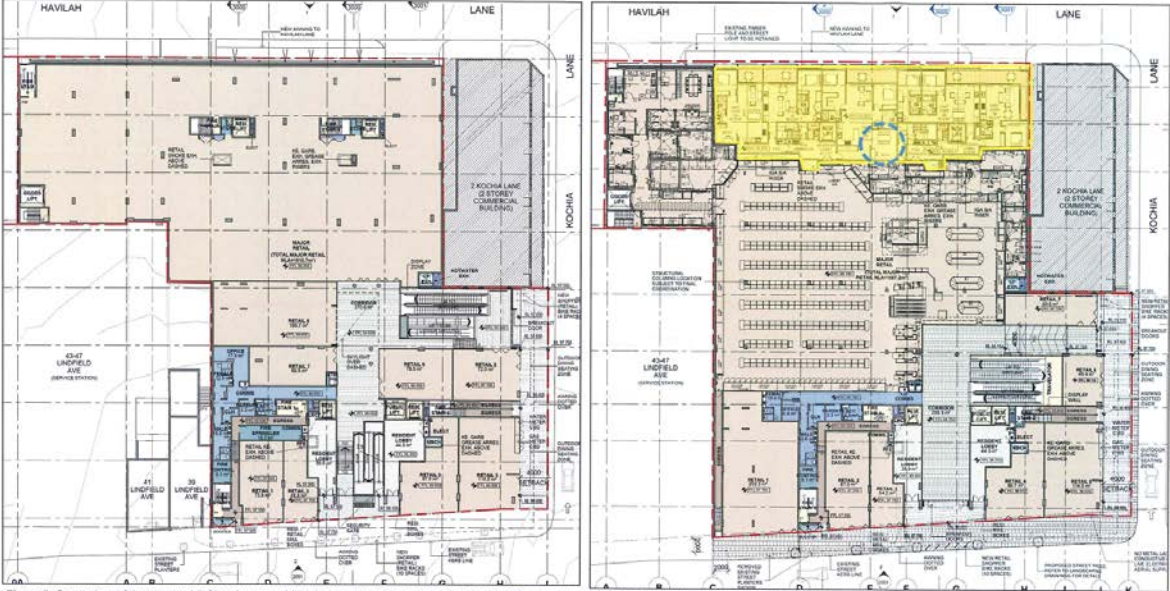
In addition, the Commission notes as part of this modification the provision of communal open space for residents of the development has been increased by 198.5m<sup>2</sup>. This is an increase of approximately 30% representing 2.5% of the site area.

### 6.2 Definition of Shop Top Housing

The proposed modification includes the insertion of five additional apartments to the ground floor plan area addressing Havilah Lane. These apartments are proposed to replace previously approved retail space. The site slopes considerably to the rear of the site, which means the proposed additional five apartments would be located on the first floor facing Havilah Lane.

Council objects to the removal of the rear retail space and replacement with the five additional apartments noting that in their view, such development does not constitute ‘shop top housing’ because it is not technically above retail/commercial space. Based on that position the removal of the retail space would mean all apartments above this section of the eastern tower, including the five additional apartments, could no longer be strictly classified as ‘shop top housing’. **Figure 1** below demonstrates the differences between the previously approved and proposed ground floor layout.

Figure 1: Approved and proposed ground floor layout (source: DP&E SEAR)



Under the KLEP, ‘shop top housing’ is a permissible use for this site, however ‘residential flat building’ is a prohibited use. As a result of the proposed ground floor plan modifications, elements of the development could now be classified as ‘residential flat building’ due purely to the fact that no retail/ commercial floor space would be located directly below the apartments within that section of the eastern tower.

Council provided commentary within their submission on the legality of the approval of a development that now includes, in their opinion, a prohibited use under the KLEP. The Department subsequently sought their own legal advice that concluded that a prohibited use is able to be approved given that pursuant to Section 75W of the EP&A Act *'the Minister is not subject to any requirements in an LEP in determining a modification request under section 75W'*. The Commission sought and obtained confirmation from the Department that the proposal did fall within the scope of section 75W. As such the Commission is satisfied that the proposed modification is a permissible modification, notwithstanding the provisions of the KLEP in relation to 'shop top housing'.

The Department notes that it *'is satisfied that the development as a whole is a shop top housing development'* and is of the view that the additional apartments in this location contribute to the streetscape of Havilah Lane and *'provide activation through casual surveillance'* and provides additional housing choice to the area. The Department also notes that the modification adds retail/commercial space with a larger supermarket than currently existing and approved.

On balance, the Commission accepts Council's assessment that sections of the eastern tower would now be classified as 'residential flat building' under the KLEP. However, it is the Commission's assessment that the overall development would still be considered as a mixed use development, which aligns with broader Council policy for this area. Furthermore, the area that has been removed to accommodate the additional five apartments is the least useable floor space for retail being located at the rear of the site fronting onto a laneway at the first floor level. The Commission is also of the view that the addition of these five residential apartments provides a better urban outcome and will contribute to the streetscape character by reducing the non-active uses addressing Havilah Lane. Therefore the Commission is satisfied that the removal of this retail floor space fronting the laneway is acceptable as the modification can still be approved notwithstanding that it is no longer strictly defined as "shop top housing", the overall development will still maintain its mixed use character and the design outcomes for Havilah Lane are favourable.

### **6.3 Retail**

The proposed modification includes the absorption of two existing shop/ apartments (39 and 41 Lindfield Avenue) within the overall development site. Although the site area was increased by 492m<sup>2</sup>, the retail offering for the site was reduced by 21m<sup>2</sup>.

Council is concerned that with each modification application, the amount of retail space is being reduced within the development. Council would prefer to see a maximisation of retail space at this site particularly as it is strategically located adjacent to Council's proposed future town square.

It is important to note that the development now offers a supermarket that is approximately 500m<sup>2</sup> larger than the previously existing supermarket located at the site. In addition the development now offers seven separate smaller retail tenancies. Consequently, the Commission is satisfied that the proposed minor decrease in retail floor area is acceptable as the overall retail offering has been significantly improved and will be diverse in nature.

### **6.4 Noise**

The fitout of the large retail space as a supermarket forms part of the proposed modification application. Council raised concerns regarding the impact of deliveries on the residents within the subject building in particular the residents of the proposed five additional apartments on Havilah Lane.

The Commission has had regard to comments raised by Council referring to the Proponent's Acoustic Assessment which states '*operating hours for the loading docks, deliveries, garbage removals, etc not to be conducted during night time hours*'. The Commission notes that under the *NSW Industrial Noise Policy*, night time is classified as being 10pm to 7am. As such the Commission has amended the condition for the loading dock to restrict deliveries to 7am to 6pm in line with the recommendations of the Proponent's Acoustic Assessment.

The Commission is satisfied that any noise generated from the loading dock would be appropriately managed through the adoption of the amended conditions and by the measures the Proponent outlined for the management of the loading dock within the Acoustic Assessment and the Supermarket's Plan of Management.

## **6.5 Apartment Layout**

Internal layout changes are proposed as part of this modification application. Council has raised a number of concerns including that proposed changes to the kitchen layout from a gallery to a u-shape design that has resulted in an increase of five kitchens being located further than [as recommended in the RFDC and ADG] 8m from a window. The Commission has considered the layout changes and notes that they are minor and that all kitchens remain within open plan living areas. As such the Commission is satisfied that the modifications to internal layout are acceptable.

Council is also concerned that proposed internalised media rooms could be utilised as bedrooms or similar in the future. The Commission notes internalised media areas have been approved previously and that only five additional areas are proposed in this modification. The Commission is satisfied with the minor increase in the number of internalised media areas and notes that they have not been approved as bedrooms and therefore cannot lawfully be used as such.

## **6.6 Other Issues**

### North Western Elevation

The Commission had regard to the proposed changes to elevations in particular to the North Western elevation as viewed from Havilah Lane which included change to windows and exterior finished. The Commission is satisfied that the proposed changes are logical and take into account the adjoining redevelopment.

### Parking

Council has requested that additional parking be provided for retail customers as the proposed parking is below the requirement under the KLEP. The Commission notes that the Roads and Maritime Services (RMS) raised no issue with the provision of parking within their submissions to the Department. The Commission is satisfied with the number of parking spaces provided by the Proponent, particularly given the site's location directly opposite the Lindfield train station.

Council has also requested that the number of bicycle parking spaces required be clearly stated within the condition relating to bicycle provision. The Commission agrees and has specified the number of bicycle parking spaces required for the development in the appropriate conditions.

### End of Trip Facilities

Council requested that end of trip facilities be provided on site to encourage employees of the retail tenancies to cycle to work. The Proponent argues that it is unlikely for the smaller tenancies to have 'owners' and employees that would need such facilities. The Commission agrees with Council that the overall development would benefit from the addition of a shared facility for retail tenancies to encourage this form of transport. As such the Commission has included a condition requiring the provision of end of trip facilities, as specified in Council's Development Control Plan, to ensure equity for the smaller retail tenancies with the Supermarket which the Proponent has advised will have end of trip facilities.

### Widening of Havilah Lane

The Commission understands that Council has plans to undertake widening of Havilah Lane and that Council anticipates that development may be intensified in future adjoining this laneway. Council raised concern that any intensification of use of this laneway resulting from future redevelopment would negatively impact on the apartments within the site. However, the Commission notes that the area immediately opposite the site has already been developed recently and that the most likely intensification of use on this laneway would occur at the western end of the laneway which intersects with Havilah Road. As such the Commission is satisfied that any works to widen Havilah Lane would not adversely affect the future residents of this development.

### Section 94

Council submitted commentary on the consequential impact on Section 94 contributions of the proposed modification. The Commission requested that Council provide further clarification on its position regarding Section 94 contributions.

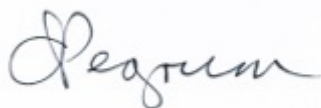
Council has confirmed the Section 94 contributions required for the modified development. The figures provided by Council have incorporated the latest indexation to the Consumer Price Index (CPI). This information has been reflected in the conditions.

## **7. COMMISSION'S DETERMINATION**

The Commission has carefully considered all the information available to it including the Secretary's Assessment Report, submissions to the Department of Planning and Environment, information provided at and subsequent to meetings with the Proponent, the Department and Council and from its visit to the site. The Commission has had regard to all relevant issues related to the addition of 19 apartments and other minor changes to the Project Approval proposed in this modification to the development.

The Commission has determined that the proposed modification is appropriate for the site and that it is consistent with the existing Project Approval. The proposed modification allows for the inclusion of 39 and 41 Lindfield Avenue within the Project Approval, which provides for a more holistic redevelopment of this site. The modification reduces overall building height, allows for the continuation of both the residential and ground floor retail uses of the site fronting Lindfield Avenue, enhances the streetscape character of Havilah Lane and results in a better relationship to the adjoining redevelopment.

The Commission has therefore approved the proposed modification with the additional skylights and subject to conditions, including the reduction of delivery hours and the hours of operation of the loading dock, indexation of Section 94 Contributions and the provision of end of trip facilities for the retail tenancies.



Ms Annabelle Pegrum AM  
**Commission Member (Chair)**



Mr Stephen O'Connor  
**Commission Member**

**Appendix A  
Summary of Meetings**

<b>Meeting with the Ku-ring-gai Council</b>		
<b>Meeting note taken by Johanna Lee</b>	<b>Date:</b> 30 November 2015	<b>Time:</b> 3:00pm
<b>Project: MOD 3 - Mixed Use Retail and Residential at 23-41 Lindfield Avenue and 7 &amp; 11 Havilah lane, Lindfield</b>		
<b>Meeting place:</b> PAC offices		
<b>Attendees:</b> PAC Members: Annabelle Pegrum, Stephen O'Connor PAC Secretariat: Johanna Lee Ku-ring-gai Council: Rathna Rana (Senior Planner); Joseph Piccoli (Transport Engineer); Michael Zanardo (Consultant Architect) and Nancy-Leigh Norris (Student Planner)		
<b>The purpose of the meeting</b> overview of outstanding concerns held by Council		
Council outlined the following concerns:		
<u>Retail</u>		
<ul style="list-style-type: none"> <li>• The site is the only real opportunity for retail within this area.</li> <li>• The Ku-ring-gai Local Environment Plan (KLEP) only provides an upper maximum on the retail floor space to be provided. The use of shop top housing controls is the way the Council ensures retail floor space is provided within new developments.</li> <li>• Through modifications there has been a negative creep in retail floor space.</li> <li>• There has been a 420m<sup>2</sup> loss of retail floor space as a result of the addition of the five apartments at the rear ground floor level. The rear tower is no longer classified as shop top housing.</li> <li>• Residential apartments are being built under the guise of shop top housing and are not all above retail.</li> </ul>		
<u>Amenity</u>		
<ul style="list-style-type: none"> <li>• Council are looking at widening Havilah Lane in the future to make it two –way along its length.</li> <li>• No noise study was undertaken on the rear lane use other than for the loading dock.</li> <li>• Large exceedance on apartment depths, in particular the additional five apartments at the rear of the ground floor level reduces amenity and does not accord with the RFDC and the ADG.</li> <li>• Floor to ceiling heights are not generous (3.1 metres) as stated in the Department's assessment, they are standard heights (2.7 metres).</li> <li>• Floor layouts could be flipped to increase the number of living areas facing south.</li> <li>• There is a large shortfall in the number of apartments receiving appropriate solar access.</li> <li>• Internalised media rooms could be used for bedrooms (or similar) and have less than good amenity.</li> <li>• Large delivery vehicles would be tall enough to come close to the five new apartments on Havilah Lane.</li> <li>• Overall amenity is poor for the additional five apartments at the rear of the ground floor level.</li> </ul>		
<u>Section 94</u>		
<ul style="list-style-type: none"> <li>• Clarification on the consequential impact of the modification is still required.</li> </ul>		
<u>Bicycle</u>		
<ul style="list-style-type: none"> <li>• End of trip facilities are not adequate. .</li> </ul>		
<b>Documents:</b> Council presented documents outlining compliance with SEPP 65; retail/commercial synopsis and diagrams.		
<b>Outcomes/Agreed Actions:</b> Council to provide clarification on Section 94 contributions		
<b>Meeting closed at 4:00pm</b>		

<b>Briefing by the Department of Planning &amp; Environment</b>		
<b>Meeting note taken by</b> Johanna Lee	<b>Date:</b> 30 November 2015	<b>Time:</b> 4:10pm
<b>Project: MOD 3 - Mixed Use Retail and Residential at 23-41 Lindfield Avenue and 7 &amp; 11 Havilah lane, Lindfield</b>		
<b>Meeting place:</b> PAC offices		
<b>Attendees:</b> PAC Members: Annabelle Pegrum, Stephen O'Connor PAC Secretariat: Johanna Lee Department of Planning & Environment (Key Sites): Amy Watson (Team Leader) and Ben Lusher (Director)		
<b>The purpose of the meeting</b> overview of the Project and Department response to Council concerns		
The Department made the following observations: <ul style="list-style-type: none"> <li>• A number of issues raised by Council have been addressed in previous modifications.</li> <li>• Council and the Department have agreed that there are some good urban outcomes arising from the redesign.</li> <li>• Strategically the modification still provides an overall good retail offer and a better supermarket.</li> <li>• Development as a whole has not changed from shop top housing.</li> <li>• The use of 'and/or' for the Department's solar access assessment rather than 'and' started in the modification 1 application. The Department was asked by the Commission to provide a solar access assessment of the additional apartments that applies the 'and' provision.</li> <li>• End of trip facilities have not been previously provided.</li> <li>• Noise conditions for rear servicing were based on the previously operating IGA.</li> </ul>		
<b>Documents:</b> Additional Legal Advice		
<b>Outcomes/Agreed Actions:</b> Additional detail on apartment ceiling heights and solar access assessment to be provided by the Department.		
<b>Meeting closed at</b> 4:40pm		

<b>Meeting with the Proponent</b>		
<b>Meeting note taken by</b> Johanna Lee	<b>Date:</b> 30 November 2015	<b>Time:</b> 4:45pm
<b>Project: MOD 3 - Mixed Use Retail and Residential at 23-41 Lindfield Avenue and 7 &amp; 11 Havilah lane, Lindfield</b>		
<b>Meeting place:</b> PAC offices		
<b>Attendees:</b> PAC Members: Annabelle Pegrum, Stephen O'Connor PAC Secretariat: Johanna Lee Proponent: Greg Woodhams (Aqualand); Tony Pizzolato (Aqualand); Nick Tobin (Aqualand); Stephen Gouge (JBA); Demetrius Condos (Crone)		
<b>The purpose of the meeting</b> address outstanding concerns		
The Proponent advised that: <ul style="list-style-type: none"> <li>• The site has got bigger with the acquisition of 39 and 41 Lindfield Avenue and the retail that had originally been provided on those sites had been allowed for in the reconciliation of total retail floor space for this modification.</li> <li>• The IGA that had previously been on the site was approximately 800m<sup>2</sup> whilst the proposed new IGA would be 1300m<sup>2</sup> offering a much better outcome for the area.</li> <li>• Finished ceiling heights in all apartments would be 2.7m not 3.1 metres.</li> <li>• Solar access for the additional 19 apartments was compliant but would be checked and further information provided accordingly.</li> <li>• All bedrooms in the development have opening windows.</li> <li>• Mechanical ventilation has been added above the awning below first level of apartments. There would be no mechanical plant below the proposed five apartments on Havilah Lane and any ducting was for air intake only.</li> <li>• Section 94 contributions have been the subject of liaison with Council.</li> <li>• End of trip facilities have not been provided for smaller retail tenancies. Do not believe they are necessary as IGA will be the primary employer and will provide their own facilities.</li> <li>• The public domain landscape for the development has improved, there will now be trees on Lindfield Avenue rather than shrubs.</li> <li>• The noise assessment was undertaken for the loading dock. A turn table would be used to reduce reverse beep and a separate slab would reduce noise transfer.</li> </ul>		
<b>Documents:</b> Nil		
<b>Outcomes/Agreed Actions:</b> Further details regarding solar access assessment of the additional 19 apartments to be provided.		
<b>Meeting closed at</b> 5:30pm		