

08196
17 December 2008

The Director General
The Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Andrew Smith

Dear Andrew

**PART 3A REQUEST FOR MINISTER'S DECLARATION
23-41 LINDFIELD AVENUE, LINDFIELD**

We are writing on behalf of Coogee Bay Village Pty Ltd, the proponent for the proposed mixed use development at 23-37 Lindfield Avenue, Lindfield. The purpose of this letter is to seek the Minister's opinion that the development proposal is a development of the kind described in Schedule 2 (specified sites) of State Environmental Planning Policy (Major Projects) 2005 (the Major Projects SEPP) and therefore, is a 'major project' to be determined under Part 3A of the *Environmental Planning & Assessment Act, 1979* (the EP&A Act).

Should the Minister form the necessary opinion, we request that the Director General issue the requirements as to the level and scope of the necessary documentation and assessment for the preparation of an Environmental Assessment to accompany a Project Application for the proposed development.

To support the request for the Director General's requirements relating to the environmental assessment, this letter constitutes a Preliminary Assessment relating to the proposed mixed use development. The Preliminary Assessment provides detail on the site location and an outline of the project, and identifies the key likely environmental and planning issues associated with the proposal. It is based on preliminary plans prepared by PTI Architects and included at **Attachment A**.

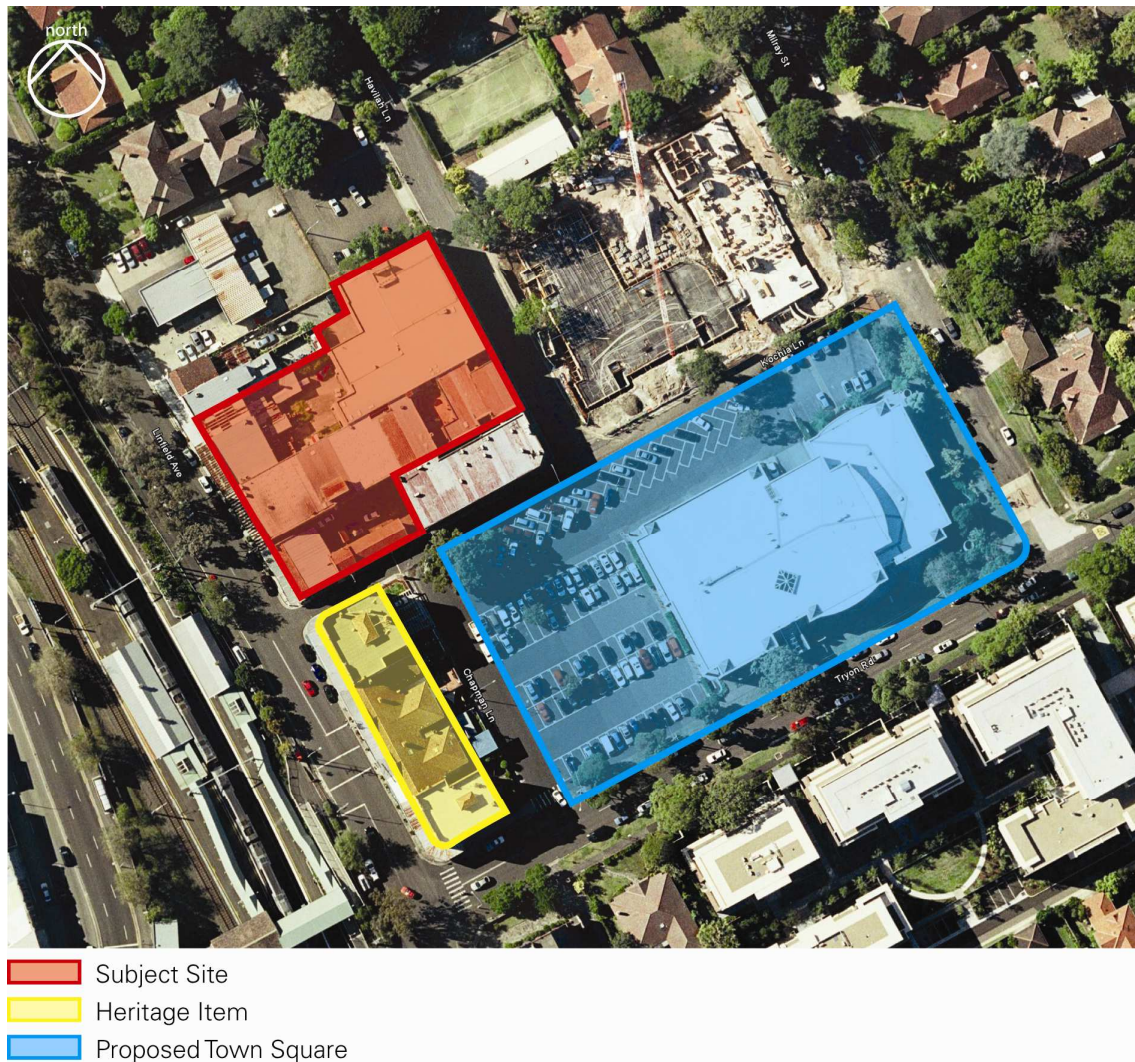
1.0 BACKGROUND

A meeting was held with the Department of Planning (the Department) on 6 November 2008, at which preliminary plans of the proposed development were presented to the Department. At the meeting, it was agreed with the Department's officers that the scheme be amended to include an improved retail entry at the corner of Kochia Lane and Lindfield Avenues, and a more activated street frontage.

Revised plans were presented to the Department at an on-site meeting on 4 December 2008. The Department indicated its support for the improvements made to the retail entry and requested that a change be made to the communal open space to elevate it to level three of the proposed development and to extend the proposed commercial area at level two. The preliminary plans at **Attachment A** (prepared by PTI Architects) reflect the Department's request to amend the location of the communal open space.

2.0 SUBJECT SITE

The subject site is an approximately 3155m² site located some 50m northeast of Lindfield Station. It has a frontage of some 60m to Lindfield Avenue in the south-west, and secondary frontages to Kochia and Havilah Lanes to the south-east and north-east respectively. The proposed development site includes Nos 23 to 37 Lindfield Avenue and has a legal property description of Lot A in DP 418801, Lot 11 in DP 713206, Lots 101, 102 and 103 in DP 1067930 and Lot 3 in DP 713505. The adjoining three-storey property at the corner of Havilah and Kochia Lanes (2 Kochia Lane) is currently excluded from the development proposal. A location plan is provided at **Figure 1** and photographs of the site and surrounds are provided at **Figures 2 and 3**.



The site currently accommodates ground floor retail premises with commercial premises above. Surrounding the site is a mix of land uses including residential, commercial and retail. A local heritage item is located south-east of the site (on the other side of Kochia Lane) at 1 to 21 Lindfield Avenue (see **Figure 1 and 2**). The development of a five-storey residential flat building has recently been completed to the north-east of the site on the other side of Havilah Lane. To the south-east of the site (on the other side of Kochia Lane) is an above-ground Council carpark. There is a Council carpark adjoining the north-western boundary of the site.

The site forms part of a precinct targeted for multi unit housing development under Schedule 4 of *State Environmental Planning Policy No 53—Metropolitan Residential Development* (SEPP 53). It is also the subject of proposed new zoning, floor space and height controls under the *Draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008* (Draft Town Centre LEP). As part of its vision for the Lindfield town centre, Council proposes to redevelop the Kochia Lane Council carpark as a town square with below ground carparking and public open space. Preliminary sketches for the Lindfield town square formed part of the officer's report to the Ku-ring-gai Planning Panel on 5 November 2008.



Figure 2 – View of site from the south with the heritage item in the foreground



Figure 3 – Kochia Lane Council carpark (proposed public square)

3.0 THE PROJECT

Sketches for the project have been prepared by PTI Architects and are included at **Appendix A**. The proposal involves the development of a six to eight storey mixed use development above basement carparking. The sloping nature of the site supports the development of south-western wing

(Building B) and a north-eastern wing (Building A) with a central communal open space at level three.

Two levels of residential car parking are proposed. Basement 1 will extend across the length of the site, with an additional residential carpark (Basement 2) located below in the north-eastern portion of the site. In total, 131 car spaces are proposed in the residential car park some of which may be allocated to retail and commercial tenancy owners. Storage will also be provided in the residential carpark. A retail carpark is proposed at the lower-ground which will accommodate some 79 car spaces. Vehicle access to the carparks will be provided from Havilah Lane in the northern corner of the site. A double-volume loading dock will be provided at the Havilah Lane frontage which will be screened by a moveable façade.

Building B will accommodate an active retail entry including a retail forecourt and colonnade on Lindfield Avenue. A food court is proposed at this level. A ground floor setback of 2.5m is proposed along Kochia Lane consistent with the intent of the SEPP 53 design scheme which envisages a pedestrian-orientated environment along Kochia Lane.

Retail space is proposed at the ground floor and level one. Commercial floor space is proposed in the north-western section of the floor plate at level two with a terrace fronting Havilah Lane. Residential units are proposed in the southern eastern section at this level, and will be set back from the Kochia Lane and Lindfield Avenue street frontages.

Building B will consist of five levels of residential floor space above level two and Building A will accommodate two residential levels above level two. A central communal open space area will, be provided at level three. All residential floors will be set back from the street boundaries.

In summary the proposed mixed use development will accommodate the following:

- Approximately 2,700sqm of retail floor space plus a food court;
- 1,660sqm of commercial floor space;
- 79 residential units including:
 - 42 one-bedroom units;
 - 26 two-bedroom units; and
 - 11 three-bedroom units.

Pedestrian access will be available from all street frontages.

4.0 THE MAJOR PROJECTS SEPP

Clause 6 of the Major Projects SEPP provides that development that in the opinion of the Minister is development of a kind referred to in Schedule 2 (Specified sites) is declared to be a project to which Part 3A of the EP&A Act applies.

Item 15 in Schedule 2 of the Major Projects SEPP, entitled 'Housing in Ku-ring-gai', identifies development for the purpose of multi unit housing on sites within the Ku-ring-gai area listed in Schedule 4 of SEPP 53. The proposed development includes multi unit housing (within the meaning of SEPP 53) and is identified as a site to which Schedule 4 of SEPP 53 applies.

It is therefore requested that the Minister advise her opinion that the proposed development is of a type listed in Schedule 2 of the SEPP and is therefore a Major Project to which Part 3A of the EP&A Act applies

5.0 SEPP 53 – METROPOLITAN RESIDENTIAL DEVELOPMENT

The development site forms part of 'Site 4', identified as a targeted multi unit housing site under Schedule 4 of SEPP 53. Clause 8 of the Schedule states that development for the purposes of multi unit housing on Site 4 may also include development for retail and commercial purposes, thereby permitting the proposed mixed use development on the site.

Part 4 of SEPP 53 requires that the targeted sites for multi unit housing be developed in accordance with the development standards set out in Schedule 4, despite the provisions of any other environmental planning instrument applying to the sites. The *Ku-ring-gai Sites Reports* (referenced in Schedule 4 as part of the document entitled *Development Controls and Design Guidelines—Six SEPP 53 Sites in Ku-ring-gai* dated January 2003) set out the development controls for the targeted sites.

The *Site Report* for 'Site 4' identifies a range of development densities, height limits and setback controls, and establishes an urban design scheme for the whole of Site 4. The proposed development occupies the south-easternmost portion of Site 4 and will be developed generally in accordance with *Site Report* design guidelines. These guidelines identify the following development controls for the site:

- The provision of a central open space area above the retail/commercial level
- A higher-density development zone fronting Lindfield Avenue with the following development parameters:
 - a maximum seven storey height limit
 - zero front setback for the first five storeys
 - 2.5m setback for storeys above
- A transitional development zone fronting Havilah Lane, with the following development parameters:
 - a five storey height limit
 - zero setback for the first four storeys
 - 2.5m for the topmost storey.
- A setback of 4.5 metres to Kochia Lane for the first five storeys increasing to 9.5 metres for floors above. The ground floor setback will allow for the widening of Kochia Lane as envisaged in the design scheme for Site 4
- Potential to connect to the proposed town square on the south eastern side of Kochia Lane.

The Department has previously indicated that exact compliance with the SEPP 53 design scheme is not expected as the Scheme relied on the amalgamation of the entire Site 4 development area. However, consistency with the vision and intent of the SEPP 53 guidelines is achieved by the proposal.

In particular, the proposal will be consistent with the following relevant Site 4 'Design Principles':

- Situate higher-density development along Lindfield Avenue to reinforce the local town centre
- Locate the site's primary address along Lindfield Avenue
- Include retail uses at the ground floor with residential and mixed-uses above
- Provide street-edge, awning-based development in the town centre
- Carefully relate development to existing heritage building to the south
- Introduce a new public street between Lindfield Avenue and Havilah Lane (Note: the proposal will not affect the introduction of this new public street)
- Use transitional scale development to link higher-density development with adjacent buildings.
- Consolidate open space in the middle of the block to form a useful landscape space for residents

The general consistency of the proposal with the design principle for Site 4 is demonstrated in the preliminary design plans at **Attachment A**. Any departures from the Site 4 design scheme are proposed in response to the current ownership of the Site 4 allotments, and to enable compliance

with *State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings* (SEPP 65) and the *Residential Flat Design Code* (RFDC)

6.0 RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

In addition to the Major Projects SEPP and SEPP 53, the following relevant SEPPs may apply:

SEPP 55 - Remediation of Land

The site has historically been used for retail, commercial and residential uses and is unlikely to be contaminated. If necessary, a preliminary site investigation report can be provided with the Environmental Assessment for the Project Application.

SEPP 65 and the RFDC

The development has been designed to achieve compliance with the SEPP 65 design principles and RFDC Rules-of-Thumb. A design statement will be submitted with the Environmental Assessment to accompany the Project Application. The provision of residential units across two separate residential towers around a central open space will ensure appropriate sunlight access and cross ventilation is achieved for most residential units. The mix of units and unit sizes are generally consistent with the RFDC.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate will be submitted for the residential component of the development to demonstrate compliance with the water and energy saving targets specified in the SEPP.

7.0 LOCAL PLANNING CONTEXT

The site is currently zoned 3(a) Retail Services under the *Ku-ring-gai Planning Scheme Ordinance*. It is located within an area earmarked for medium to high density mixed use development under the Draft Town Centre LEP under which it is proposed to be zoned B2 – Local Centre. A maximum height limit of 20.5m and six storeys, and a maximum floor space ratio (FSR) of 2.5:1 is proposed for the subject site. Part of the proposed town square on Kochia Lane and Tryon Avenue is proposed to be zoned RE1 Public Recreation. The Town Centre Development Control Plan (DCP) is currently being re-drafted to be consistent with the Draft Town Centre LEP. The draft controls will be considered in preparing the Project Application. However, SEPP 53 and the Major Projects SEPP will prevail over these draft local planning policies.

Other relevant Council DCPs that may be relevant to the proposal include:

- DCP 43 - Car Parking Code
- DCP 38 - Residential Design Manual
- DCP 48 - Medium density development
- DCP 47 - Water Management
- DCP 31 - Access

The provisions of these DCPs will be taken into account in preparing the Environmental Assessment for the Project Application.

8.0 KEY ISSUES

The key issues associated with the proposed development are:

Impact on adjoining properties

No 2 Kochia Lane is not proposed to be developed as part of the subject development proposal. Development of No 2 Kochia Lane in accordance with the SEPP 53 design guidelines would not, in

any case, be possible without amalgamation with other sites. However, its development as a single site may still be possible. A blank wall (with no setback) is proposed along the north-western boundary to allow sites to the north-west be developed, generally in accordance with SEPP 53 at a later date.

Impact on heritage items

The significance of the heritage item to the south-east will be considered in the design of an appropriate materials and colour palette for the development. The height and design of the proposal at the corner of Kochia lane and Lindfield Avenue will emphasise this corner element and establish an appropriate relationship to the adjoining heritage item at the entrance to the proposed town square.

Streetscape and public domain

In response to the Department's request, the proposal was redesigned to provide an improved pedestrian environment at the corner of Kochia Lane and Lindfield Avenue. A pedestrian colonnade will be provided to Lindfield Avenue and a setback, consistent with the design principles in SEPP 53, will be accommodated along Kochia Lane.

Integration with desired future character for locality

The development proposal will accommodate an appropriate relationship to the proposed town square on the other side of Kochia Lane. However, Council has developed only preliminary sketches for the town square design, and it is expected that more detail will be provided in the re-drafted Town Centre DCP.

Internal amenity

The proposal's compliance with SEPP 65 and the RFDC will ensure that an appropriate internal amenity is maintained within the residential component of the development. Skylights are proposed to accommodate appropriate daylight access to the retail component.

Pedestrian access and circulations

Pedestrian access is provided from all street boundaries on the site. An access report will be submitted with the Environmental Assessment to demonstrate that appropriate disability access can be accommodated within the development.

Traffic, transport and parking

Council's Car Parking Code provides the following minimum car parking rates for high density residential development (residential development over four or more levels with an FSR of greater than 1:1):

- 1 bedroom unit: 1 space per unit
- 2 bedroom unit: 1 space per unit
- 3 bedroom unit: 1.5 spaces per unit
- Visitor parking: 1 space per 4

A minimum of 105 residential car spaces are required. However, the Car Parking Code notes that this is a minimum requirement. The provision of 131 residential car spaces is therefore appropriate.

The Car parking Code applies a rate of 1 space per 33sqm of gross floor area (GFA) for commercial development, and 1 space per 26sqm of GFA for retail development within 400m of a train station. Approximately 154 spaces in total would be required for the commercial and retail component of the development in accordance with the Code. At this stage, 79 spaces are proposed in the retail carpark. However, it is likely that a number of residential spaces will be allocated to the retail and commercial tenants within the development.

Notably, the proposal will not result in a substantial increase in retail/commercial floor space on the site (approximately 4000sqm of retail/commercial floor space is currently provided on the site), and there are existing Council carparks to the north-west and south-east of the site.

A traffic and parking report will be submitted with the proposal to demonstrate that appropriate vehicle access and car parking can be provided to the site. The traffic report will consider the integration of the proposal with the surrounding road network.

9.0 CONCLUSION

The information contained in this Preliminary Assessment has been prepared to assist the Minister in forming her opinion that the proposal is a type of project to which Part 3A of the EP&A Act applies, and to assist Director General in determining the level and scope of any requirements for an Environmental Assessment to accompany the lodgement of a Project Application for the above proposal. It is requested that the Minister provide her opinion and the Director General issue the Environmental Assessment requirements for the proposal.

Should you have any queries about this matter, please do not hesitate to contact me on 94094912 or gkirkby@jbaplanning.com.au.

Yours faithfully

A handwritten signature in blue ink, reading "Gordon Kirkby". The signature is fluid and cursive, with the first name "Gordon" and the last name "Kirkby" clearly distinguishable.

Gordon Kirkby
Partner

ATTACHMENT A