

27 January 2012

**Proposed Mixed Use Development
at Lindfield Ave and Havilah Lane, Lindfield (MP08_0244)**

PROJECT APPLICATION

The application sought approval to demolish the existing buildings and redevelop the site for a mixed use development including 102 residential apartments, 2988m² for retail use and 2 level basement car park for 150 vehicles and associated landscaping and service infrastructure.

Following public exhibition, the proposal was modified via the preferred project report. The key components of the modification project for approval include:

- 2 podium level of retail development total 4231m² GFA including a medical centre of 293m²;
- 91 residential apartments in 2 towers (Eastern 6 storey and Western 4 storey high) above the podium;
- 3 levels of basement parking for 196 vehicles, 62 bicycle parking spaces and loading dock at Havilah Lane;
- 620m² of communal open space at podium level between the two towers; and
- FSR at 3.84:1 (1.37:1 retail/medical and 2.47:1 residential).

DELEGATION TO THE COMMISSION

The project was referred to the Commission for determination under the terms of the Ministerial delegation dated 14 September 2011.

The Commission consists of Ms Gabrielle Kibble AO (chair) and Mr Richard Thorp. Both are familiar with the area. Ms Kibble visited the site on 18 January 2012 and Mr Thorp visited the site on 23 January 2012.

DEPARTMENT'S ASSESSMENT REPORT

On 16 January 2012, the Commission received the Director-General's Environmental Assessment Report including recommended conditions of approval. The report provided an assessment of the following key issues:

- Built form and compatibility to surrounding locality;
- Site amalgamation;
- Impact on the future Lindfield Town Square;
- Residential amenity including solar access, building separation, private open space, communal open space, deep soil zones and soil depths, building depth and acoustic privacy; and
- Car parking and traffic generation.

The report also considered section 94 contributions, access impact on adjoining properties; use of Havilah Lane for services, configuration and access to the loading dock by articulated vehicles and overshadowing on railway station and bicycle parking.

The Department's Assessment Report provides a comprehensive discussion of these issues and proposes measures to deal with them. These measures are reflected in the recommended conditions of approval.

The Department's report concluded that the proposed development in terms of building height and bulk is generally compatible with the general character of the surrounding locality. The proponent has made reasonable attempts to amalgamate No 2 Kochia Lane as part of the development proposal without success. The assessment concluded that the proposed development, if approved, will not unreasonably impact on the ability to redevelop No 2 Kochia Lane in future. Appropriate parking has been provided for the proposed development and the proposal is not consider having any substantial impact on the existing road network.

The public benefits of the project include:

- assisting in meeting the housing targets set out in the *Metropolitan Plan for Sydney 2036* and the *Draft North Subregional Strategy*;
- providing a broader mix of housing types and increasing the housing stock in a highly accessible location;
- renewing and consolidating the Lindfield Town Centre as well as improving retail servicing via an increase in retail floor space and the provision of a medical centre to meet the population growth in the locality; and
- increasing employment opportunity.

MEETING WITH KU-RING-GAI COUNCIL AND PROPONENT

On 23 January 2012, the Commission met with staff members of Ku-ring-gai Council and the proponent separately to discuss the Department's recommendation.

The meeting with Ku-ring-gai Council staff focused on Council's key concerns, namely the amalgamation/integration of No. 2 Kochia Lane; building design, bulk, height & setbacks; parking; strategic planning of the Lindfield Town Centre and widening of Kochia Lane.

The discussion with the proponent focused on the amalgamation of No. 2 Kochia Lane, the Department's recommended set backs from the western boundary and the parking requirements.

COMMISSION'S COMMENTS

The Commission notes the site has been identified as a strategic site in the Lindfield Town Centre. Council confirmed that the proposed mixed use development is the type of development envisaged for the site and the proposed retail spaces will assist in renewing, consolidating and expanding the existing retail facilities to service the increasing population in the area.

Although Council raised concern about the bulk and height of the proposed residential towers, it acknowledged that the proposed building height is within the generally acceptable range of 7 to 9 storeys in a town centre. The proposed development is the first of such development that is to be development in a Ku-ring-gai town centre and will set a precedent for similar development in other town centres.

Council noted the Department's recommended set backs at Levels 5, 6 and 7 along the western boundary and advised that the proposed setback addressed the issue raised in Council's submission.

In terms of parking, the site is easily accessible by public transport, particularly its close proximity to Lindfield railway station. The Commission notes the recommended number of parking spaces for retail use is significantly less than Ku-ring-gai Council's DCP requirements. Council advised that the parking control is under review. Given the highly accessible location of the site and the retail facilities are to service the increased local population, the Commission accepts the Department's recommended parking provision for retail use is reasonable.

As to the issue of amalgamation/integration of No. 2 Kochia Lane, the Commission agrees that it is desirable and would result in a much better development outcome if No. 2 Kochia Lane forms part of the proposed development. It notes that the proponent and its predecessor have negotiated with the owners of the property over a long period of time without success. The Department's assessment concluded that the current proposal, if approved, would not prevent a reasonable development on No.2 Kochia Lane. In the circumstances, the Commission agrees with the Department's conclusion and recommendation.

The Commission also notes Council's concern that the exclusion of No. 2 Kochia Lane in the current proposal may jeopardise its plan to widen Kochia Lane. The Commission believes options are available for Council to deal with the setback requirement if a development application is lodged for No. 2 Kochia Lane in future.

At the meeting with the Commission the proponent requested some minor amendments to the Department's recommended conditions of consent. These include:

- Reallocation of the parking spaces to provide 91 spaces for the apartments, 15 spaces for visitors, 16 for retail employee and 74 for retail public;
- To include a dispute resolution measures for recommended conditions C3 and C4 concerning the right of way and drainage easement benefiting 39 & 41 Lindfield Avenue; and
- To clarify the section 94 contribution of \$1,960,642.19 is an estimate by Ku-ring-gai Council.

The Commission considers the request to reallocate the parking spaces is reasonable as the provision of 91 residential parking spaces (average 1 space per apartment) is only a minor departure from the Council's DCP requirement. The small reduction in the recommended parking spaces for visitors and future employees is acceptable having regard to the highly accessible location and availability of short term parking in the vicinity of the site.

The Department advised the Commission that the request to include a dispute resolution for the right of way and drainage easement conditions has been discussed at length during the assessment process. It is of the view that any issue arising from relocation of the services should be resolved between the proponent and the owners of 39 and 41 Lindfield Avenue. The Commission agrees.

The minor clarification of s94 contribution is accepted and recommended conditions amended accordingly.

COMMISSION'S DETERMINATION

The Commission has carefully considered the Department's Assessment Report, including agency and public submissions, the recommended conditions of approval and associated documents; and the discussion with Ku-ring-gai Council and the proponent.

The Commission agrees with the Department's recommendation that the proposal should be approved subject to the Department's recommended conditions as amended by the Commission (see Appendix 1).



Gabrielle Kibble AO
Commission Chair



Richard Thorp
Commission Member

Appendix 1

Instrument of Project Approval