



NSW GOVERNMENT  
**Department of Planning**

**Office of the Director General**

Our ref: Y09/62  
File: S08/01920

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

Dear Mr Kirkby

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

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

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

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

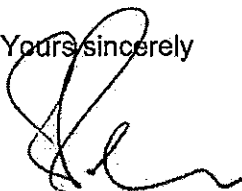
The Department has concern regarding isolation of 2 Kochia Lane in the eastern corner of Site 4. The design should ensure any future development on the site is not compromised by the exclusion of this site.

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

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

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

Yours sincerely

  
Sam Haddad  
Director General

15/11/09



NSW GOVERNMENT  
**Department of Planning**

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

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

ATTENTION: Mr Gordon Kirkby

Dear Mr Kirkby,

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

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

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

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

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

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

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

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





## Director-General's Requirements

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

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



- Options for building massing and articulation.

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

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

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

The EA shall consider:

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

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

The EA shall address the following matters:

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

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

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

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

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

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

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

#### **11 Contributions**

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



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



## Plans and Documents to accompany the Application

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



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



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

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

Yours sincerely



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