



**EXTRAORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 19 DECEMBER 2006 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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NOTE: For Full Details, See Council's Website –
www.kmc.nsw.gov.au under the link to Business Papers

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

NOTE: Persons who address the Council should be aware that their address will be tape recorded.

DOCUMENTS CIRCULATED TO COUNCILLORS

GENERAL BUSINESS

- GB.1 Lindfield Centre Draft Local Environmental Plan & Draft Development Control Plan & Reclassification of Council Land - Final Report 1**

File: S04350

To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 3 as it applies to Lindfield and the Draft Ku-ring-gai Development Control Plan Town Centres (Lindfield) 2006, and the outcome of the Public Hearing into reclassification of Council owned land and other planning matters following the exhibition period.

Recommendation:

That the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 3 as it applies to Lindfield and the Draft Ku-ring-gai Development Control Plan Town Centres (Lindfield) 2006 as amended, be adopted by Council and forwarded to the Department and the Minister for Planning with the Section 68 submission with a request that the Plan be made.

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LINDFIELD CENTRE DRAFT LOCAL ENVIRONMENTAL PLAN AND DRAFT DEVELOPMENT CONTROL PLAN AND RECLASSIFICATION OF COUNCIL LAND - FINAL REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 3 as it applies to Lindfield and the Draft Ku-ring-gai Development Control Plan Town Centres (Lindfield) 2006, and the outcome of the Public Hearing into reclassification of Council owned land and other planning matters following the exhibition period.
BACKGROUND:	The Minister for Planning has directed Council under Section 55 of the Environmental Planning and Assessment Act to prepare plans for additional housing in and around its key commercial centre and to provide for additional retail and commercial demand to cater for the needs of the local population. Council on the 16 August 2006 resolved to exhibit Draft Plans.
COMMENTS:	Submissions have been received from State Agencies together with 79 public submissions. Key issues have been assessed and recommendations have been made for further amendments to the Draft LEP and Draft DCP. A public hearing was conducted into the reclassification of Council owned land. This report provides a recommendation on the future classification of these sites.
RECOMMENDATION:	That the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 3 as it applies to Lindfield and the Draft Ku-ring-gai Development Control Plan Town Centres (Lindfield) 2006 as amended, be adopted by Council and forwarded to the Department and the Minister for Planning with the Section 68 submission with a request that the Plan be made.

PURPOSE OF REPORT

To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 3 as it applies to Lindfield and the Draft Ku-ring-gai Development Control Plan Town Centres (Lindfield) 2006, and the outcome of the Public Hearing into reclassification of Council owned land and other planning matters following the exhibition period.

BACKGROUND

On 28 May 2004 the Minister for Planning, directed Council under Section 55 of the Environmental Planning & Assessment Act 1979 to prepare plans for additional housing in and around its key commercial centres including Lindfield and to provide for additional retail and commercial demand to cater for the needs of the local population (**Attachment 1a**).

Ku-ring-gai Council is also part of the Sydney North Sub-regional Plan under the NSW Metropolitan Strategy. Council considered a report on this matter on 27 June, 2006 and accordingly Council will provide 10,000 dwellings to the region over the next 25 year timeframe of the regional plan.

Lindfield, in conjunction with Roseville is the final group of the centres to have a new Draft Local Environmental Plan and Development Control Plan prepared - this is known as Amendment No 3. The new plans have been prepared under the Standard Instrument (Local Environmental Plans) Order 2006.

On 16 August 2006, Council considered a conditional Section 54(4) notification from the NSW Department of Planning (**Attachment 1b**), and resolved to exhibit Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006 Amendment No 3 and Draft Ku-ring-gai Town Centres Development Control Plan (Lindfield) 2006.

The Draft Local Environmental Plan (and Draft DCP and supporting documentation) has been referred to the relevant government authorities as required by Section 62 of the Environmental Planning and Assessment Act (EP&A Act) and has been placed on formal public exhibition in accordance with the Act.

The exhibition period commenced 30 October 2006 and concluded on 27 November 2006. A comprehensive consultation program was conducted throughout the project. An overview and analysis of consultation is dealt with in detail later in the report.

In addition a public hearing was conducted into the reclassification of Council owned land in Lindfield on 20 November 2006.

OVERVIEW OF DRAFT KU-RING-GAI LEP 2006 (TOWN CENTRES) AMENDMENT NO 3

Draft Ku-ring-gai LEP 2006 (Town Centres) Amendment No 3 seeks to amend Draft Ku-ring-gai LEP 2006 (Town Centres), which is the principle Draft LEP previously adopted to apply to the St Ives, Turramurra, Pymble and Gordon Centres. This amending Draft LEP will bring land in and around the Lindfield and Roseville centre under the principle Draft LEP and introduce appropriate

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zonings, development standards and additional provisions to implement the overall master plans that has been developed for these centres.

The Draft LEP Amendment No 3 only contains the new provisions to be added to the principal Draft LEP. All existing provisions in the Draft LEP will also apply. The Draft LEP Amendment No 3 includes amendments to the written LEP instrument and introduces new land application, zoning and development standard maps which cover land to which the Draft LEP is to apply.

The principal of Draft Ku-ring-gai LEP 2006 (Town Centres) has been prepared in accordance with the 'Standard Instrument (Local Environmental Plan) Order 2006 under Section 33A of the Environmental Planning and Assessment Act (EP&A Act). The Standard Instrument LEP mandates provisions that are to be included in all future LEPs and substantially governs the content and operation of the Draft Ku-ring-gai LEP 2006.

The Draft Ku-ring-gai LEP 2006 (Town Centres) consists of a **written instrument** and a series of **maps**. The written instrument contains the detailed planning provisions that will apply to land covered by the LEP. This includes provisions relating to aims, standard zone descriptions and zone objectives, permitted land uses and development standards, subdivision provisions and numerous miscellaneous provisions.

Zoning

The proposed new zones for Lindfield Centre are described below. The Land Zoning Map identifies which land each zone applies to.

- *Zone B2- Local Centre*

This zone is generally intended for centres that provide a range of residential, retail, business, entertainment and community functions that typically service a wider catchment than a neighbourhood centre. The majority of the commercial core of the Lindfield Centre falls within this zone. The Minister's targeted site 23 to 55A Lindfield Avenue and 2 Kochia Lane, Lindfield is to be rezoned B2 however, the Planning controls in SEPP 53 will remain in place for this site.

- *Zone R3- Medium Density Residential*

This zone is generally intended to provide housing choice by catering for a variety of medium density accommodation other than residential flat buildings, including townhouses and villas. It is also being used as an interface zone to provide a better transition from the 5 storey flat building development to surrounding single residential zones. This includes sites in Nelson Road, Havilah Road/Woodside Avenue, Beaconsfield Parade/Bent Street and in Wolseley and Treats Roads.

- *Zone R4- High Density Residential*

This zone is generally intended for land where primarily high density housing (such as residential flat buildings) is to be provided. This includes land that was formally zone Residential 2(d3) under LEP 194 or is currently zoned 2(d) or 2(e) under the KPSO. The Minister's targeted site in 9-25 Tryon, Lindfield is to be rezoned R4, however, the Planning controls in SEPP 53 will remain in place for this site. The zone also provides for additional uses that provide facilities or services to residents, including neighbourhood shops and child care centres.

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8 December 2006**Principal development standards**

The standard instrument includes development standards for minimum subdivision lot sizes, height of buildings, and floor space ratio as optional clauses. All of the optional development standards are contained within the Draft LEP. Development standard clauses in the Draft LEP include:

- Clause 19 - Minimum subdivision lot size
- Clause 21 - Height of buildings
- Clause 22 - Floor space ratio

These standards may or may not apply to the whole zone, depending on how the map is drawn. Under the Standard Instrument, Council has the ability to identify different standards for different sites in the one zone.

Schedules

The Draft LEP contains five schedules as follows:

Schedule 1 – Additional permitted uses (clause 14)

Schedule 1 contains a table which identifies additional permitted uses that are permissible on particular parcels of land that would not otherwise be permitted on that land. There are no proposed sites for additional permitted uses in Lindfield.

Schedules 2 & 3 – Exempt and Complying Development (clause 16 and 17)

Clauses 16 and 17 of the Standard Instrument requires that all exempt and complying development provisions be listed in schedules under the Draft LEP. This differs from the existing situation where Councils can make DCPs containing exempt and complying development provisions.

Schedule 4 - Classification and reclassification of public land. (clause 27)

Schedule 5 of the Draft LEP includes a list of the Council owned land that is to be considered for reclassification from 'community land' to 'operational land' as part of the LEP making process. Matters relating to the reclassification of public land in the Lindfield centre are discussed later in this report.

Schedule 5 – Environmental Heritage (clause 35)

Schedule 5 lists sites to be included as heritage items under the Draft LEP. In the case of Lindfield there are 7 items being considered for heritage listing. These include items currently listed under the KPSO as well as a number of new items.

Dictionary

The Dictionary defines the terms used in the written instrument. The dictionary comes from the standard LEP template which applies a standard set of definitions state wide. Council is not able to alter the standard definitions or directly add its own definitions to the Dictionary.

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This map shows which land will be rezoned by the Draft Ku-ring-gai LEP 2006 (Town Centres) Amendment No 3. The planning controls on all other land will remain unchanged and the Ku-ring-gai Planning Scheme Ordinance (KPSO) will continue to apply.

ii) Land Zoning Map

This map shows the new zones that will apply to the land covered by Draft Ku-ring-gai LEP 2006 (Town Centres) Amendment No 3. The zones, zone objectives and permitted land uses in the zones are described in Part 2 of the Draft LEP written instrument.

iii) Minimum Lot Size Map

The minimum lot size map identifies the minimum size of any new lot that will be created through either subdivision or amalgamation of lots. The minimum lot size requirements only apply to the R3- Residential medium density zone and the R4- Residential High density zone and reflect the existing requirements under LEP 194.

iv) Building Height Map

This map shows the maximum height of buildings permitted on any parcel of land. The heights range from 3 up to 7 storeys, which is reflected in the building envelope controls contained within the Draft DCP.

v) Floor Space Ratio Map

This map shows the maximum floor space ratio (FSR) that can be developed on each parcel of land. FSR is the gross floor area of a building as a ratio to the total site area. The FSR controls also specify minimum and maximum amounts of retail and business floor space that can be developed on sites where these uses are permitted. The FSR standards have been derived from the detailed building envelopes developed in the Draft DCP, ensuring consistency between the two plans.

COMMENTS

In line with Council's resolution the draft Local Environmental Plan and Development Control Plan have been exhibited (**Attachment 4 and 5**).

Submissions have been received from the relevant state agencies and 79 submissions have been received from the public in response to the exhibition (a list of persons who made a submission is included in the consultation section).

In addition a public hearing was conducted into the reclassification of Council owned land and a public hearing was conducted. This report provides a recommendation on the future classification of these sites.

Key issues raised from the submissions have been considered and assessed with additional planning, urban design, traffic and parking, environmental and economic analysis, and where

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appropriate, recommendations have been made for further amendments to the Draft LEP and Draft DCP.

This section of the report contains the following analysis of submissions received and the proposed changes to the draft plans:

- Section 62 notifications from State Agencies
- Matters of Policy
- Matters of Process
- Matters related to specific precincts and properties
- Matters related to the Draft LEP
- Matters related to the DCP

SECTION 62 CONSULTATION KEY SUBMISSIONS AND RESPONSES

The Plans have been referred to the relevant State Agencies as required under Section 62 of the EP&A Act (**Attachment 2**).

1. NSW Roads and Traffic Authority

The RTA have been notified and provided a copy of the Lindfield centre information. A meeting was held on 24 October 2006 between Council staff, Council's traffic consultant and senior representatives from the NSW RTA. They have indicated verbally that they no major issues with the proposed plans, however this will need to be confirmed. Council officers have followed up with the RTA regarding the matter of their response. When a reply from the RTA is received it will be circulated with a response from Council should it be received prior to Council considering the report.

2. Sydney Water

Water and Water Infrastructure

As rezoning can intensify water usage in a given area any proposed development that results from rezoning may impact upon Sydney Water System and Infrastructure.

Amplifications will be required throughout the Lindfield precincts;

- *All existing 100mm water mains will be required to be amplified to 150mm mains.*
- *All existing 150mm sewer mains will be required to be amplified to 225mm mains.*
- *A Section 73 Compliance Certificate will be required (from Sydney Water) for all future developments within these precincts. This certificate will confirm that the developer has met Sydney Water's detailed requirements.*
- *The developer will be responsible for funding any adjustments to Sydney Water infrastructure resulting from development.*

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- *Water conservation standards are encouraged, adoption of ecological sustainable development (ESD) principles is encouraged.*
- *Sydney Water recommends that Council incorporates a water efficiency objective into its LEP to promote and encourage water conservation.*
- *Sydney Water recommends that Council includes a mandatory requirement in the DCP that water saving devices such as AAA- related water efficient shower heads, water tap outlets, front loading washing machine and toilet cisterns are installed in new developments, renovations of existing structures and changes of use.*

Council response

Noted that the NSW Government's building sustainability index (BASIX) applies to residential development under the Lindfield plan. The Draft DCP provides guidance for non residential development and the public domain plan will also provide the opportunity for Council to demonstrate and apply Water Sensitive Urban Design principles.

At the development application stage, a Section 73 Certificate is required to demonstrate the developer has met Sydney Water requirements.

3. Energy Australia

- Energy Australia thanks Council for acceding to its request of 6 July for the Council to apply the Special Purposes SP2- Infrastructure (Electricity Supply) Zone to the site of its Lindfield Zone Substation.
- They have no further submissions to make in relation to the Draft LEP at the present time.

Council response

Noted

4. Department of Housing

The Department of Housing notes Ku-ring-gai is the least affordable market in the Sydney metropolitan area and outlines methods to incorporate and promote affordable housing eg planning mechanisms such as density bonuses, development incentive concession. Such mechanisms can be implemented through planning instruments or planning agreement. Affordable housing can be achieved through more housing stock including private rental accommodation.

Council response:

The Ku-ring-gai RDS Stage 1 and the town centres LEP will provide a wider range of housing stock and increase the opportunity for the supply of smaller and potentially more affordable accommodation in the private rental market.

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If Council intends to provide for affordable housing a comprehensive policy needs to be prepared this would include consideration of appropriate levels of accommodation, relevant standards, funding mechanisms, density bonuses, concessions and incentives and appropriate longer term management for affordable housing. This would most appropriately be considered during the preparation of the Ku-ring-gai Comprehensive LEP.

The issue of affordable housing and an accompanying policy matters can be addressed at the Ku-ring-gai Comprehensive LEP stage. A current resolution of Council (Minute number EMC10 dated 8 November 2006) requires:

“that the matter of affordable housing be forwarded to the Policy Committee for consideration”.

5. NSW Rural Fire Service

There is no land within the subject area that is identified as bush fire prone on the Ku-ring-gai Bush Fire Prone Land Map. Based on the above the RFS raises no concerns or special considerations in relation to bushfire matters for the LEP and DCP.

Council response:

Noted

6. Rail Corporation Comments Lindfield/Roseville LEP

Zoning table for SP2 should include public administration buildings, car parks and bus interchanges as permitted within the zone (preferably without consent if ancillary to other public utility undertakings such as railway stations).

Council response:

The proposed works described in the submission are considered to be 'public utility undertakings' or are considered ancillary uses which are permissible with consent within the SP2 zone. It is not desirable to have such uses as exempt development due to the potential extent of off site impacts that need to be considered prior to any consent.

- Draft DCP (2.2.8) proposes upgrades to the rail crossings at Balfour Street to Lindfield Avenue and at the station concourse. Any modification of bridges needs to take expansion of train line (quadruple) into account, and leave room for such a development. RailCorp's Rail Corridor Management Group must approve all designs for these proposed structures.

Council response

The controls within this section are identified as strategies within the Development Control Plan. As proposals develop Council will be in close consultation with RailCorp to ensure their requirements are fully taken into account when preparing the design and feasibility studies for any new proposed works.

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- *RailCorp is concerned that existing car parking ratios in the Ku-ring-gai LGA may be excessive considering the high levels of public transport use.*
- *RailCorp believes there should be no net loss of commuter car parking spaces in the Roseville Town Centres as a result of the proposed LEP and DCPs, and therefore encourages Council to consider the replacement of any lost commuter car parking facilities.*

Council response:

- Noted
- See previous comments concerning commuter parking.

Future Rail Works-

- *RailCorp are in the process of developing proposals for future rail facilities to meet existing and future rail demand. Some of these proposals may impact on developments adjoining the rail corridor.*
- *Council is advised that the proposed development adjacent to the railway corridor is likely to be affected by the proposed North Shore Line quadruplication with regard, but not limited to, rail noise, vibration and visual impacts. RailCorp recommends setbacks or easements should be implemented to accommodate such future rail works.*
- *Council is requested to attach an advisory note on any approval that alerts the Applicant and future occupiers to this proposal. The Applicant is also encouraged to contact RailCorp for further information regarding this proposal.*

Council response:

Noted, this matter can be addressed through the development application process and by Section 149 Certificates.

Noise and vibration

- *RailCorp is concerned that residents and businesses will encounter rail-related noise and vibration from the adjacent rail corridor. Rail noise and vibration can seriously affect residential amenity and comfort, and jeopardise the structural safety of buildings, and should be addressed early in the development process. RailCorp have published documents related directly to these issues the document relevant to Council is 'Interim Guidelines for Councils' they are available at: www.railcorp.info/about_railcorp/environmental_guidelines*
- *In drafting the DCP, Council is encouraged to adopt the recommendations given in Part C-Draft Planning Instruments of the 'Interim Guidelines for Councils'.*

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Noted. The Draft DCP Part 5.7.2 Acoustic Privacy- makes reference to these guidelines.

Stray Currents and Electrolysis from Rail Operations

- *Stray currents as a result of rail operations may impact on the structure of nearby developments. Electric currents on overhead wiring pass through the train's motor and return to the power substation via the rail tracks. Occasionally, these currents may stray from the tracks and into the ground. Depending on the type and condition of the ground, these may be passed to the nearest conductive material (concrete reinforcement, piling, conduits, pipe work and earthing rods) accelerating corrosion of metals and leading to concrete cancer.*
- *Council should consider this possible impact, and require developers to engage an expert consultant when designing buildings. It is requested that Council impose a clause requiring Electrolysis Risk reports and mitigation measures on developments adjacent to the railway corridor.*

Council response:

Noted. These are matters to be considered at the development application stage.

Geotechnical and Structural Stability and Integrity

- *RailCorp needs to be assured that future development adjacent to the rail corridor have no adverse effects on the geotechnical and structural stability and integrity of RailCorp's facilities.*
- *It is requested that Council impose setbacks from the railway corridor for such developments. Alternatively, any adjoining development must submit geotechnical reports to RailCorp indicating what affect, if any, that their proposed development will have on the stability of the embankments, including a list of mitigation measures.*

Council response:

Noted. These are matters to be considered at the development application stage.

Building Set Backs and Design

- *The placement of buildings and structures in relation to RailCorp's facilities should enable continued access for maintenance for RailCorp's facilities.*
- *To ensure the safety of passenger rail services, balconies and windows in the proposed development, must be designed to prevent objects being thrown onto RailCorp's facilities. Alien objects can damage overhead power lines, cause injury to others and initiate derailment.*

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- *In order to maintain the safety of the occupants of the new development, all balcony and window design should meet the relevant BCA standards, and the RailCorp Electrical Standards. These standards will provide appropriate separation of the building and its occupants from the electrified infrastructure.*
- *Balconies overlooking the RailCorp's facilities should not be serviced with outside taps, and rainwater should be piped down the face of the building overlooking the RailCorp's facilities.*

Council response:

Noted. These are matters to be considered at the development application stage.

Drainage-

- *RailCorp wishes to advise that run-off or stormwater discharge from any development onto the Rail Corridor is unacceptable, both during and after construction and installation. Any run-off or water arising from development activities needs to be properly disposed of and must not be allowed to enter onto the rail corridor.*
- *RailCorp looks to Council to ensure that stormwater is not diverted onto the rail corridor as the result of development.*

Council response:

Noted. This is a matter to be considered at the development application stage.

Fencing, Graffiti, Screening and Landscaping

- *With adjacent developments it is important to carefully consider the options for reducing trespassing, graffiti and vandalism at the design stage, thereby reducing long-term costs and improving the aesthetic appearance of the RailCorp's facilities and the surrounding development. Should enhancements be desired, RailCorp must be contacted to ensure adequate safety measures are taken whilst work is carried out.*

Council response:

Noted

Accessibility

- *Large scale developments need to provide safe and convenient access to railway stations for pedestrians. If existing development lacks safe and convenient access to Roseville and Roseville stations, Council needs to ensure that upon completion adequate pedestrian links are established. Council may consider the imposition of developer contributions for the provision of such access.*

Council response:

Noted – can be considered in the relevant Section 94 plans and contributions strategy.

General access to the RailCorp's Facilities

- *The on-going ability to access the rail corridor for maintenance and emergency situations is critical to the safety, integrity and operation of the NSW rail network. Council needs to ensure that access to the corridor can continue to be easily achieved as a result of development.*

Council response:

Noted this is a matter to be considered at the development application stage

8. Other State Agency submissions

Section 62 consultation responses were also received from the following organisations that raised no objection or did not request specific amendments to the Draft LEP:

- Hornsby Council,
- Energy Australia
- Warringah Council

Note: The NSW Heritage Office were consulted as part of the Section 62 process but at the time of the preparation of the report no formal response had been received, however comments may be provided prior to this matter going to Council.

Matters raised by the Department of Planning***Section 54 (4) Authorisation to exhibit Department of Planning***

The Department of Planning issued a delegation to exhibit the draft plans under Section 54(4) under the Environmental Planning and Assessment Act 1979 (see **Attachment 1b**). The conditional Section 65(2) Certificate was considered by Council on 16 August 2006 and the required amendments were made as part of the exhibition.

Following the exhibition there are further clarifications required for the following matters:

Section 117 Directions

The Department of Planning have also advised that the new Section 117 Directions that require Council to make a request to the Director General justifying any inconsistencies with Directions No 3 - Business Zones and No 21 - Residential Zones.

"In both cases the Council needs to justify the inconsistency" having regard to the provisions of Section 5 of the EP&A Act", and argue that "the rezoning is in accordance with the relevant Regional Strategy (in this case the Metropolitan Strategy) prepared by the Department."

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The Department have advised that only the Director General can make this decision as no delegations have been prepared.

It is considered that the Draft LEP complies with Direction No 21 - Residential Zones, as it provides for either maintained or increased residential densities in all zones. A revised yield table for Lindfield to demonstrate this will be submitted to the Director General as part of the Section 68 report and provide details on how increased dwelling yields in Lindfield will contribute to Ku-ring-gai's housing provision under the Metropolitan Strategy.

Direction No 3 – Business Zones includes the requirements that a Draft LEP shall not:

- (a) *alter the location of existing zonings, or*
- (b) *alter the area of existing zonings, or*
- (c) *create, remove or alter provisions applying to land zoned for Business that will result in a reduction of potential floor space area.*

The Draft LEP is complies with Direction No 3. as there is no reduction in the land zoned for business purposes and the maximum FSR permissible for business or retail uses is at least maintained on every site and in a number of cases increased. The only exception to this is the Energy Australia sub station site at 402 Pacific Highway, which is being rezoned from 3(a) to SP2 – infrastructure on the request of the agency.

The future capacity of retail and business floor space is considered appropriate for the identified future role of the Lindfield centre within Ku-ring-gai consistent with Council's adopted retail strategy and its role as a 'village' under the Metropolitan Strategy. This will included an increase of retail floor space from the existing 15,200sqm (NLA) to approximately 24,280sqm an increase in business floor space from the existing 19,317sqm (GFA) to an estimated future 22,919sqm GFA.

This very minor identified non compliance with the 117 Direction No 3 in the Draft LEP as it applies to the Lindfield Centre is considered justifiable.

Amendments to the LEP Resulting from Revised Ku-ring-gai LEP 2006 (Town Centres).

As a result of the amendments being made to the principal Ku-ring-gai LEP 2006 (Town Centres), there are amendments that are required to be made to the exhibited Draft LEP Amendment No 3 These amendments include:

- Amending the Height of buildings map to identify maximum height of buildings in metres rather than storeys.
- Amending the Subdivision map to make it consistent with the amended subdivision provisions

Additional Matter - Heritage Item

An error in relation to an existing heritage item has been identified when Council considered the Turramurra Centre Draft LEP & DCP for No 1359 Pacific Highway. This property is currently

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zoned 2(d) and is scheduled as a heritage item under the KPSO. The property has been converted to several apartments, and residential flat development at the rear of the heritage item. A strata plan also applies to the site

Under the Turramurra Centre DLEP and DDCP the site has been rezoned R4 Residential High Density with development standards equivalent to the LEP 194 standards. Within the DCP there are no site specific controls as this Precinct has already been developed with residential flat buildings, and is therefore not likely to be redeveloped.

In the maps and heritage schedule for the LEP the site has not been identified as heritage item, it is therefore recommend that heritage status be retained and brought over into the new Draft Ku-ring-gai LEP 2006. This amendment can be made via minor amendment to the Local Environmental Plan in early 2007.

It is therefore recommended that:

- 1359 Pacific Highway, Turramurra be included as a heritage item under Schedule 5 Environmental Heritage within the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres).
- The Department of Planning be advised of Council's decision to prepare a Draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act 1979 and the DLEP be prepared and exhibited in accordance with the EPA & Act and Regulations.
- A report be brought back to Council following public exhibition for consideration and finalising of the Draft Local Environmental Plan.

Details of revised yields

The proposed amendments to the Draft LEP following the considerations of submissions will result in minor changes to the potential dwelling, retail and commercial yields under the LEP.

A copy of the updated yield table for the Lindfield centre is included as **Attachment 10** of this report. The yield table shows potential yields for the Lindfield centre under full development of the plan, including dwelling yields from LEP 194 and LEP 200.

COMMUNITY CONSULTATION

The issues raised in the submissions were comprehensively summarised and given detailed consideration by relevant Council staff and consultants where appropriate. The submissions are included as **Attachment 2**. A summary table of the submissions, commentary and analysis of the submissions and recommendations is included as **Attachment 3**. Following are the key issues raised in the submissions:

1. MATTERS OF POLICY

The following is a summary of issues raised in submissions that relate to broader policy-related issues. Due to the broad nature of submissions in this category few changes to the Draft LEP and Draft DCP are recommended as a result of the review.

a. Traffic and Access

Some general concern was expressed in the submissions about the ability of the centre's roads to sustain the additional demands generated by proposed development. Particular reference was made to the Pacific Highway. While the proposed level of development will generate additional traffic, this increase has been modelled and can be accommodated. The highway and railway line are local barriers for residents, but access will be maintained and pedestrian access will be strengthened. Improvements on the Pacific Highway are proposed, but this road is ultimately an RTA responsibility.

One request indicated the need for traffic lights at Strickland Ave/Pacific Highway intersection to relieve pressure on Balfour/Pacific/Lindfield Avenue intersection. Signalising the Pacific Highway at Strickland Avenue was modelled, but rejected because of delays.

Submissions expressed the concern for improved access under the rail line at Havilah Street. Ideally, two additional lanes would provide easier egress onto and across the Highway to Balfour Street. The cost however is prohibitive, and modelling indicates that the proposed traffic generation can be accommodated.

Balfour Street was noted as congested from the Coles supermarket site, and concerns raised about the impact of Coles' site expansion on traffic from new car parking there. On-street parking restrictions will assist traffic flow at the intersection with the Highway. Modelling indicates that the proposed traffic generation can be accommodated. The realigned Balfour Lane will cater for the proposed Coles site expansion.

Bent Lane from Balfour Street would be duplicated by another lane running parallel to it. This would address concerns about the need to provide an additional traffic link between Bent and Balfour Streets. Widening of the lane to accommodate footpaths would be achieved by dedication, when the adjacent properties are redeveloped. Traffic flow in this lane was also a concern - changes to the lane will be integrated so that access is not denied to residents.

Submissions noted that traffic in Beaconsfield Parade would be parked out during the morning with difficult driveway access for residents. From a traffic viewpoint, Beaconsfield Parade is not a significant road link in Lindfield and it is expected to continue to operate safely.

East side pedestrian lights were suggested to be repositioned together with traffic lights for Tryon Rd/Lindfield Ave intersection – this is proposed in the draft plans.

Tunnelling access from the highway to the southern end of Wolseley Road was suggested; this is expensive and is not warranted, as surface road access to Precinct P would be provided. The

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proposed new road in that precinct and its link with Wolseley Road was also questioned. This is to be reviewed to ensure safety at the design stage.

The centre is noted as fragmented by the highway and railway. A pedestrian bridge has been suggested. Two signalised pedestrian crossings are provided, and improvements in the pedestrian traffic links to the railway station are intended in the plans.

The need for a pedestrian bridge across the highway, to more safely link east and west of this busy road, should be monitored as development and increased needs proceed.

No changes recommended

b. Parking

Concerns were expressed about the removal of on-street parking and its impact on main street businesses. Existing parking capacity is intended to be maintained, and new developments would provide for their additional use. On-street parking is a notable minority of the existing parking provided.

Some concern was indicated about loss of free parking on-street to be replaced by underground parking stations; underground parking is intended to maintain existing parking numbers. Some disruption to parking is anticipated during the redevelopment to provide additional parking. Development of rail corridor airspace was also proposed for commuter and shopper parking, however this is not economically viable.

Submissions noted that an indication that there would be no loss of parking is not sufficient, considering the increase in development proposed by the plans. Parking rates will provide for future needs, while taking into account the proximity of public transport and sustainability issues.

Submissions also suggested a resident parking scheme, to allow residents priority use of space around the centre, and Coles, where commuter and school related parking were especially noted. Council does not propose a resident parking scheme. As noted above, additional parking will be provided to address demand, upon redevelopment of the Coles and similar town centre sites.

Under existing resolutions a Parking Management Plan is required to be prepared prior to the gazettal of the LEP amendment for Lindfield.

No changes recommended.

c. Lack of infrastructure/services

Submissions have indicated that Council should not acquiesce to any NSW Government directive for additional centre development without the NSW Government first addressing chronic underinvestment in rail and road infrastructure to support it. Council is under the NSW Planning Minister's directive to provide for additional growth in this area. Council has sought approval from the various NSW infrastructure and related agencies, who have provided general support for the proposals. These service issues are discussed further in the main body of the report.

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Other submissions suggested poor planning, with limited coordination between State Government and Council. Council has already consulted with road, rail, power, water and other agencies and has obtained general support for the dimensions of the plans proposed. In terms of well planned outcomes, the provision of increased growth near the existing railway station increases the effective use of public transport, while the increased array of services planned within Lindfield will improve local amenity. Community facilities provided by Council are also being considered.

It was also submitted that plans had no consideration for additional schooling, childcare etc – that are already stretched. Private services are expected to be provided by businesses, if the demand exists.

Council will continue to seek support from the State Government for infrastructure investment in the area.

Recommendation:

Council seeks support for infrastructure investment by the State Government in Ku-ring-gai.

d. Social Problems

Issues raised in the submissions included increased stress, youth boredom and increased crime as a result of density and likely traffic increases and lack of green space.

There is no evidence that density increases result in such impacts. Traffic modelling has resulted in a number of changes which will minimise traffic impacts. Upgrades are proposed to existing public open space, the provision of new public spaces and opportunities for improvements to community facilities, which will provide a high quality urban environment for residents of all ages.

No specific further changes proposed although site specific analysis will include additional recommendations.

e. Character and amenity

Key issues raised relate to the loss of village character and atmosphere, the need for consideration of aesthetic quality in development design, solar access and the need to provide a link between the eastern and western sides of the commercial centre.

The character and atmosphere of the Centre will change however Council is acting under a direction from the State Government and has prepared the plans to balance the competing objectives of existing character and future character. Design quality and solar access are addressed through a range of controls in the Draft DCP.

Provision in the plans for arcades, pedestrian friendly areas, changes to crossings and the opportunity to widen the concourse across the railway has strengthened the pedestrian linkage between the eastern and western sections of the centre. Future considerations can be given to pedestrian bridges across the highway.

No changes recommended

f. Heritage

Key matters raised in the submissions include the loss of the heritage character of the locality marked by the quaint lanes and federation architecture close to the centre and the provision for 5 storeys adjacent to the heritage site at 31 Tryon Road. Heritage listing of 16 Beaconsfield Parade is also sought.

While many of the concerns are valid, Council is acting under a direction from the State Government and has prepared the plans to balance the competing objectives of existing character and future character. Existing heritage items will be retained, and the lanes retained and revitalised. Consideration of the heritage value of sites such as 16 Beaconsfield Parade, which lie outside the area of application, will be considered at the Comprehensive LEP stage.

31 Tryon Road adjoins the state heritage listed church. The sites in the 31 Tryon Road precinct are currently zoned 2(d3) and will be brought into the new zoning in line with the Minister's direction. There is an opportunity in the redevelopment process to require sympathetic development adjoining 31 Tryon Road, subject to it not hindering the development potential.

Recommendation:

- *That the DCP section 2.2.11 Heritage make additional reference to the potential adaptive re use of No 31 Tryon Road and that development in the vicinity of this site should be in a sympathetic manner.*

g. Sustainability

Issues raised in the submissions are the potential flooding of the access to 18 Beaconsfield Parade and seeking stronger stormwater quantity and quality measures than those required under BASIX, especially given the current drought.

The Draft DCP requires on site detention and retention systems and water quality protection devices for large developments. If the required measures are in place, downstream flooding will not be exacerbated. BASIX is set by the State Government and overrides local planning controls for water and energy efficiency. Council's controls cannot be more onerous than the BASIX requirements. However, Council has several significant sites it can use as demonstration sites using higher efficiency standards and Council's proposed controls not only comply with BASIX but also identify measures to deal with stormwater management and represent a significant improvement with regards to sustainability over the current situation within the centre. A further review of controls has commenced, as reported to Council on 8 November 2006 when adopting the St Ives Centre LEP and DCP.

This review is not sufficiently progressed to report to Council. Further input will be sought from Technical Services, Open Space and Development Assessment staff with a view to future amendments to the DCP.

No changes recommended until further review of water management controls are completed.

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Submissions raised concerns that the proposal exceeds State Government requirements for high density housing and retail/commercial development. Concern was expressed that this results in the sacrifice of quality streetscapes, heritage character and general amenity, and that the capture of escape expenditure is not feasible, given the proximity of large centres such as Chatswood. Some submissions considered present commercial facilities adequate or oversupplied and that any redevelopment should address the fragmentation of the centre. 5 storey development of the western side of the highway was particularly criticised as overdevelopment due to its impact on the ambience and safety of the area.

The plan is consistent with the Ku-ring-gai Retail Study and the Minister's Direction. It is noted that increased population will drive the need for increased commercial development, and the co-location of increased residential and commercial development will reduce escape expenditure for daily needs. The larger centres will continue to serve the broader commercial requirements of residents.

Improved pedestrian linkage between the eastern and western sides has been strengthened in the plans as explained above.

Precinct F, to the west of the highway is already zoned 2(d3) under LEP 194, and Council is not permitted to downzone sites. Safety and security have been taken into account in the design phase and will be further considered at the development application stage. Precinct F will be further discussed later in the report.

No changes recommended

i. Other issues

Issues raised in the submissions include limited housing choice, viability of building envelopes, the need to retain a library, for maximum developer contributions, and a concern that 7 storeys in Lindfield will set a precedent for other sites.

Support was expressed for the location of major development close to the centres, for the aesthetics of the Mirvac development on Tryon Road as an example for future development, the proposed retention of canopy trees and the undergrounding of electricity wiring.

The inclusion of a significant increase in shop top housing is a direct result of the Minister's Direction. Council will be able review the need for zones for villas and townhouses to increase housing choice as part of the Comprehensive LEP planning should it determine to do so. A contributions strategy for Section 94 contributions and planning agreements under the Act, will be prepared. This will include the consideration of the potential expansion and location of the library.

Maximum height limits are mandated in the LEP and are specific to each site and any individual height limit is therefore not considered to be a precursor to greater heights in the future.

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- *Continue preparation of a developer contributions strategy including Section 94 funds and planning agreements.*

2. MATTERS OF PROCESS

Concerns expressed in the submissions included:

Recognition that it was important to view a scale model of the town centre. Council had a virtual model, accessible to the public during displays, on a large plasma screen throughout the November exhibition period. It received a large number of favourable comments at the displays that it was effective and informative. It should also be noted that the 3D model can continue to be developed to test new ideas and represent actual proposals within the Centre.

Mention was made that the range of shopping and housing proposed was a “one size fits all”, and does not reflect the locality. Council’s plans for the centre draw on extensive community surveys and engagement throughout 2006 which are reflected in the range of housing choice, commercial space and parking and good use of off-highway areas. The Minister’s direction itself somewhat limits opportunities within this plan to satisfy a broader range of housing choice. The full range of housing choice will need to be assessed against the entire Comprehensive LEP.

Support was expressed for the need for change and improvements to Lindfield Centre. However, submissions also indicated that Lindfield is absorbing more than its fair share of multi-unit dwellings compared to our other town centres’ plans. It is notable that Lindfield planning includes some 750 new dwellings, which is comparable to St Ives and Turramurra proposals. By contrast Gordon, as the largest centre in Ku-ring-gai, has some 1600 new dwellings proposed in its plans.

Concerns indicated the planning process has failed to achieve engagement with the community, and that the 30 day exhibition time is inadequate. Council’s planning staff have worked closely with the community throughout 2006, receiving extensive survey input (February), further feedback via a Lindfield character workshop with residents and businesses (May), a preliminary planning exhibition (August) and recent formal exhibition, displays and information sessions (October/November). This engagement has produced good outcomes for the community, while meeting NSW Government requirements.

It was outlined in submissions that little effective communication with the local Chamber of Commerce had occurred. An initial meeting was held on 6 March 2006 with interested Chamber members, at the outset of planning consultations; business members then participated with residents in the Lindfield Centre Planning Workshop on 1 May, whilst interested businesses have been kept informed by email of subsequent planning steps.

The level of community engagement has been broad, open and inclusive (as indicated in **Attachment 6**).

No changes to the plans are recommended.

3. MATTERS RELATED TO THE DRAFT LOCAL ENVIRONMENT PLAN

Public submissions raised a number of matters relating to the provisions of the Draft LEP. These related to how the Draft LEP applied to particular sites as well as more general issues. Details of Draft LEP related issues in respect to specific sites are discussed later in this report. A full consideration of all issues relating to the Draft LEP raised in submissions is included in **Attachment 3**. Issues of note and areas where amendments to the Draft LEP are proposed are discussed below.

Submissions objected to height limits above 3 or 5 storeys, perceived as dominating and overshadowing the surrounding residential (including low density residential) areas. Heights are appropriate to the scale of the centre as required under the Metropolitan Strategy and the Minister's Direction, and are consistent with the sites already re-zoned under LEP 194. The Minister's targeted site is subject to the provisions of SEPP 53 which can only be changed by the State Government. Where proposed heights exceed 5 storeys, the recommendation is based on economic feasibility assessments. These sites do not adjoin low density zones.

Concerns were also raised that the building envelope controls will prevent the achievement of the maximum FSRs, that the minimum frontage should be raised to 30m for R4 zones, and that the small terrace sites along the highway require an FSR of 3:1 for economic viability.

Building envelopes have been developed through detailed urban design work taking into consideration a range of urban design and amenity considerations consistent with the SEPP 65 and Residential Flat Design Code, while still maintaining an appropriate economic feasibility for development. The FSRs for the B2 zones have been tested by Council's economic feasibility consultant and have been deemed to be feasible.

Previous amendments have been made to the Draft LEP to ensure consistency of subdivision standards in LEP 194, including minimum street frontage.

Recommendation:

Reconfirm amendments previously been made the Draft LEP to ensure consistency of subdivision standards in LEP 194.

4. MATTERS RELATED TO KEY PRECINCTS & PROPERTIES

Key Precincts and sites

The following discussion addresses the issues raised within the public submissions regarding Key Sites within the precincts of the Draft DCP. The discussion below focuses on where the submissions request amendments to the draft LEP and DCP. A comprehensive analysis is undertaken where the issues raised in submissions are complex or may result in significant changes. This applies to Precincts A, C E, F, and P.

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Part of Lindfield's core area to the east which is generally bounded by Lindfield Avenue, Tryon Road, Kochia Lane and Milray Street. It includes heritage listed shops fronting Lindfield Avenue, Council car park and a 2-storey commercial development (12-18 Tryon Road).

Existing situation

The precinct is currently zoned Business-Commercial Services 3(b)-(B2) under the KPSO with a maximum FSR of 1:1 and a 2 storey (of 8 metres) height limit allowing retail and commercial uses.

The Draft Town Centre LEP proposes to rezone the precinct to B2- Local Centre allowing a mix of uses including retail, commercial, shop-top housing, community facilities and open space. The planning controls for 12-18 Tryon Road allow a maximum FSR of 2.6:1 and building height of 7 storeys fronting the proposed Town Square and 5 storeys to all other street frontages. The heritage listed shops at 1-21 Lindfield Avenue are proposed to have a FSR of 1.5:1 and building height of 2 storeys.

The residential yield is approximately 37 dwellings over the existing commercial development at 12-18 Tryon Road. Additional commercial space of 2,200sqm (GFA) and approximately 1,500sqm (GFA) of community space is also proposed on the existing commercial development site.

Summary of submissions

Two submissions were received for 12-18 Tryon Road development. One submission was received from Chris Young Planning on behalf of the owners of 12-18 Tryon Road (see Submission No 69). Another brief submission from the general public indicates that 12-18 Tryon Road development should include a senior citizens centre with a variety of activities, or an indoor pool (see the summary table in **Attachment 3** for responses).

In summary, the submission from land owners seeks the following amendments to the Draft LEP and DCP:

- Increase building height to at least 6 storeys along Milray Street frontage;
- Increase FSR from 2.6:1 to at least 3.1:1 (exclusive of community FSR of 0.25:1);
- Remove the community component within 12-18 Tryon Road redevelopment as proposed in the Draft DCP.

Key Issues raised in the submission from land owners:

- Plans for 12-18 Tryon Rd are not economically viable, unless Council is prepared to fund a large part of the construction costs for a library on the site and for car parking. Many aspects remain unresolved as to responsibilities, timing, process and outcome. Owners oppose the imposition of community facilities and public car parking into their site. The proposed 7

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storeys can be accommodated while retaining the building and existing tenancies, and would be lower than the Ministers proposed building.

- The 7 storeys is supported subject to feasibility studies on behalf of the owners. A 6 storey transition zone is sought to Milray St frontage, which would step down to 5 storey development across the road and 30m away, providing a gateway to the Lindfield Town Centre. The 6 storey transition in Precinct B should apply here too.
- 6 storeys should be retained adjacent to the mixed use/commercial areas, to delineate these from residential areas. Draft DCP plans should build in more flexibility to allow fine tuning.
- If community facilities are to be incorporated, an FSR of at least 3.1:1, exclusive of community facilities is sought, to provide similar economic development potential as other sites nearby (eg. Precinct B). Community facilities should not be required.
- The community land offered back to support the proposed FSR is dependent on reclassification that may be delayed for consideration, resulting in fundamental unknowns on the site. An economic feasibility study has concluded that an FSR of greater than 2.6:1 is required for feasibility, even based on 66 units of the Body Corporate proposal, rather than Council's plans for 37 units.
- Suggest that further discussions be held, and a resolution be delayed in the same way as for Turramurra Town Centre.

Additional concerns:

- 3rd floor library, with additional lift requirements not ideal;
- 2 levels of parking will be inadequate;
- Size of residential component fails to adequately increase housing choice as required by Minister's direction;
- Insufficient potential to facilitate "shop top housing" as required by Minister;
- Insufficient economic incentive to redevelop, will also frustrate the revitalisation of the centre.

Analysis and Discussion

12-18 Tryon Road can be developed separately or could be extended to include a portion of Council owned land as part of a joint venture. The Draft DCP proposal is for a joint venture to house a new library on 12-18 Tryon Road on an extended site to include part of Council's land in Kochia Lane. In return Council is in a position to negotiate with the site owners to provide for private car parking on Council's land. The site owners currently intend to retain the existing commercial building on the site and build additional levels above.

Council staff and external consultants have undertaken an analysis of the amendments sought in the submission. The issues raised in the submission are addressed as follows:

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It is acknowledged that the existing development required a spatial dedication to the public domain, including car parking in Kochia Lane and the baby health centre. This principle should be encouraged and maintained.

12-18 Tryon Road provides an ideal address for community facilities, such as a library, which is within the area currently targeted for significant increased density with easy, level access from Tryon Road and the railway station. This location addresses the proposed Tryon Road Town Square and provides the owners with increased development potential on their site.

To achieve a positive outcome for both parties, Council will be in position to negotiate the provision of required car parking spaces for development of 12-18 Tryon Road on Council's land in return for the owners of 12-18 Tryon Road providing for new community facilities including a library. This is an optimal outcome as both the Council (community) and site owners would benefit.

Feasibility studies would need to be completed to determine the value of these items to the respective parties and further negotiation to proceed.

b) Building Envelope

The principles of the proposed building envelope for 12-18 Tryon Road in the Draft DCP are to:

- address the Tryon Road Town Square as the gateway to the commercial centre of the Lindfield Centre;
- recognise that the site's principal addresses are residential streets – Tryon Road and Milray Street;
- recognise the building type as mixed-use.

Height

Within the Ku-ring-gai town centres, the maximum height of buildings adopted for the town centres is 5 storeys. This is considered to be appropriate for the proposed density and intended size of the each of the Ku-ring-gai retail centres within the context of the Sydney Metropolitan Strategy.

Any deviations from this have occurred for at least one of the following reasons:

1. the centre is a major retail centre - Gordon;
2. planning control of the site rests with State government, thus removing height controls from Council (eg. Minister's sites);
3. the degree of public domain dedication on a site may permit a variation to height in lieu of a significant dedication.

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In developing the building envelopes, 12–18 Tryon Road fitted the third criteria where consideration to a variation of height was appropriate through provision of a significant public domain dedication – a new library.

As such, the Draft DCP acknowledged the following points in consideration of the proposed building envelope:

- a community facility is desirable on the site;
- the site is a prime commercial site;
- the site will address a new public space (Tryon Road Town Square) as the “eastern gateway to the Lindfield Centre”;
- the site itself acts as a transition between the Minister’s site bounded by Lindfield Avenue, Kochia Lane and Havilah Lane where additional height has been imposed by State Government. The imposed height is above the adopted 5 storey height of Lindfield and the other town centres;
- maximising potential for the site with limitations due to the building owners wishing to retain the existing building.

As a result of these considerations, the envelope of the Draft DCP permits a variation of an additional 2 storeys to that part of the building that will:

- contain the community facility;
- address the public space;
- address the State Government controlled Minister’s site; and
- provide a gateway to the new public space.

It is considered that such a gateway is located at the Tryon Road Town Square – the community hub and centre of the retail core. As such, increased massing is to address the public space and not the corner of Tryon Road and Milray Street which is a predominantly residential area.

The submission requests a minimum of 6 storeys along Milray Street and this height increase is not supported as it will not provide a desired transition from the 7 storey Minister’s site to the surrounding 5 storey residential developments in Tryon Road and Milray Street.

The submission refers to the Minister’s site being 7 storeys and having no requirement for provision of community benefit as a basis for claiming increased FSR and height on 12-18 Tryon Road and as justification to exclude their provision of a community – library.

This is not accepted as an argument for the following reasons:

- There is some justification for increased height along Lindfield Avenue and its junction with Kochia Lane as it is in the main retail core area;

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- The Minister's site proposal incorporates public domain benefits by providing a new street between Lindfield Avenue and Havilah Road. This will improve the permeability of the area and provide a transition between commercial and residential areas;
- Most importantly, it is beyond Council's control to require any additional community benefits other than Section 94 contributions on the Minister's site as it remains in State Government control.

Should the site owners decide not to proceed with inclusion of a library, height would be reduced accordingly across the site consistent with all other commercial sites that require no dedication to Council.

Setbacks

The site loses approximately 10% of developable site area due to existing set-backs assuming the existing building is retained.

While the site possesses a commercial zoning, there are justified setbacks currently along two of the four site boundaries.

Build-to-boundary is permitted along those boundaries that are adjacent to Council car park and Kochia Lane. Both of these boundaries address other commercial sites or, in the case of Kochia Lane, is considered as a service lane connecting the commercial use and helps to provide a buffer to the residential development to the north (2-8 Milray Street).

Setbacks exist along those boundaries adjacent to residential streets – Milray Street and Tryon Road. These setbacks recognise the commercial use and location of the site within the edge of the retail core by permitting a greatly reduced setback compared to sites holding a purely residential zoning.

However, a variation could be considered, should an alternative scheme be prepared. This variation could occur in the vicinity of the south western corner of the site and assumes provision of a new library on the site. Any reduction to setbacks would require the scheme to demonstrate increased amenity to the public domain such as wider footpaths incorporating significant landscaping.

Alternative Schemes

There is scope to review the massing with an alternative scheme (see below). Such a review assumes provision of the library within a new scheme and would be subject to testing.

Alternative schemes could be considered providing the following criteria can be met:

- Tryon Road Town Square is to have street frontages to Tryon Road, Chapman Lane and Kochia Lane (ie no built form on the Tryon Road Town Square);
- A new, above ground library forms part of the scheme;
- The presence of the library is visible from the eastern approach along Tryon Road;

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- The library addresses the Tryon Road Town Square for at least 50% of the Tryon Road Town Square frontage;
- A height of 7 storeys is permissible along the Tryon Road Town Square frontage, 5 storeys over the remainder of the site;
- Massing on any alternative envelopes needs to have defined stepping of 2 storeys rather than single storey stepping;
- Any variation to setbacks needs to demonstrate increased amenity to the public domain and no negative impact to adjacent residential development.
- Building envelopes need to demonstrate that SEPP 65 to Residential Flat Design Code can be achieved.
- Building envelopes need to demonstrate energy efficiency by demonstrating how demands for air-conditioning and artificial lighting are to be minimised.
- Streetscapes should present consistent height to the street frontage on both sides of Milray Street and Tryon Road (5 storeys).
- Negotiations should be undertaken between Council and the site owners to achieve a new library in return for provision of car parking on Council's land.

c) Economic Feasibility

The submission states that an FSR of 2.6:1 is permitted on 12-18 Tryon Road (including Council's land component) and that this FSR is not economically viable.

The proposed FSR of 2.6:1 under the Draft LEP recognises the site as a commercial site, compared to R4 residential sites which permit a maximum FSR of 1.3:1. The FSR on mixed use sites within the Lindfield Centre ranges from approximately 1.3:1 to around 3.0:1. Variations occur because of issues such as urban context, size, ownership and lot patterns, public domain dedications, physical limitations that may affect a site etc. However, the proposed FSR for 12-18 Tryon Road is on the higher end of the range of FSR proposed for mixed use sites.

The proposal seeks to incorporate Council owned land in Kochia Lane plus locate required parking on Tryon Road car park site without returning a net public benefit in the form of a library or other community space. Council's initial economic feasibility testing of the Draft LEP and Draft DCP controls indicates that the scheme is feasible, with the Council owned land being used to offset the provision of the Library space within the redevelopment of the site.

The submission was referred to Council's Economic Feasibility consultant to review the issues raised. A copy of the consultant's advice is included as **Attachment 8b**.

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The consultant identifies that there are still a number of unresolved issues regarding overall costs, financing and funding strategies for the library on the site. However, the consultant does reconfirm that the 2.6:1 FSR on the site is viable.

As a result it is recommended that the FSR on the site remain unchanged and that financing and funding strategies for the library be further investigated as part of the Section 94 strategy for the Lindfield Centre.

It is not accepted that increased FSR be provided on the site where:

- it is the choice of the site owners to retain the existing structure which inherently places limitations to achieving a higher FSR and difficulties in achieving required car parking;
- such an increase affects the bulk of the proposed building envelope. It is assumed that any review of height above 5 storeys is subject to provision of community facilities (new library) on the site.

d) Planning / Land Use

Zoning

The zoning is not intended to “*compensate for the reduction of building across the centre section of the site*” as stated in the submission. The site’s zoning and the proposed envelope recognises that a mixed-use building type is appropriate to the site rather than a fully commercial type and is consistent with the Minister’s Directive to increase shop-top housing types.

It may be that the ratio of commercial to residential can be varied within the heights indicated in the Draft DCP. The zoning permits mixed-use development. All other commercial sites permit an increase to 5 storeys to accommodate either residential or additional commercial plus residential development.

Therefore, it is not accepted that the site should be permitted more height purely on the basis of it holding a commercial zoning.

e) Car Parking

Significant car parking is required to achieve development potential on the site. Additional basements would need to be constructed under the existing building on the site to achieve the required car parking.

Feasibility studies would need to be undertaken to determine the viability of proposed development on the site that:

- can provide the required additional car parking while retaining the existing building; or
- demolish and redevelop a new purpose built mixed-use development using the Draft DCP envelope for height.

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12-18 Tryon Road is a prime location for mixed-use development. It is quite unique in Lindfield in that the site is consolidated, has street frontages on 3 sides, and will enjoy the benefits of its fourth frontage addressing a substantial new Town Square.

There are alternative schemes that could be considered, but it is considered that the most efficient redevelopment of the site would require demolition of the existing building and fully redeveloping the site. This would be the only acceptable option to increasing FSR while retaining the height and massing of the Draft DCP building envelopes.

It is a decision for the site owners to retain the existing building on the site and is not Council's responsibility to grant additional floor space nor height to accommodate this limitation. Therefore, it is recommended that there be no change to the Draft LEP and DCP.

Precinct C*Existing situation*

Precinct C is bounded by Pacific Highway, Bent Street, Woodford Lane, Beaconsfield Parade and extends as far as Council's car park. The precinct is currently zoned a mix of uses including Retail 3(a)-(A2) , Special Purposes – Car Parking, and a small parcel of Residential 2(d3).

The Draft Town Centre LEP proposes to rezone the area B2 – Local Centre allowing a mix of uses including residential, retail and business premises.

One major submission was received from St Hilliers and Future Space on behalf of the owners of volume 12125 Folio 123 incorporating Lot D in DP 384016 and part lot 12 in DP 4388 at 318-322 Pacific Highway, Lindfield.

The Site

Block C is divided into two holdings with the submission referring to the privately-owned portion. The remainder is Council owned including Woodford Lane and Woodford Lane car park.

The Draft DCP proposes a maximum height increase to 5 storeys over the precinct. The St Hilliers submission requests a significant increase to the buildings height to a maximum of 12 storeys. The alternative proposal presents many urban design issues which are detailed as follows.

a) Public Interest / Benefit

Pacific Highway

The alternative proposal generally seeks no change to the Pacific Highway street frontage other than setting back the residential tower type further to the west.

Woodford Lane (and new street on Council's land)

The Draft DCP proposes an activation of Woodford Lane to provide a retail address to the western side of the lots contained in the St Hilliers submission.

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The St Hilliers proposal seeks to build over Council's land (Woodford Lane) to render Woodford Lane as private access to basement car parking on their site. Woodford Lane would become an underground private service street.

While we recognise the immediate benefits to the St Hilliers representatives, private benefit is at the expense of public benefit. This is counter to the objectives of the DDCP.

To achieve the St Hilliers intention for essentially private use of Woodford Lane, the submission also proposes 2-way access via the new through-block connection being proposed (in the DDCP as one-way) to link Beaconsfield Parade with Bent Street through Council's land.

St Hillier's proposal for building over Woodford Lane is not supported for the following reasons:

- Loss of active frontage to Woodford Lane;
- Loss of a public asset;
- Creation of an underground private access by using a public road;
- Loss of any sort of pedestrian amenity or realistic access along Woodford Lane;
- Loss of an at-grade, continuous pedestrian connection between Bent St and Beaconsfield Parade;
- Creation of an overly large block that is counter to the objectives of the Urban Design Strategy for the Lindfield Centre.
- The burden of creating a new, single, through-block connection would fall on Council and other land owners at the direct benefit of the landowners;
- Impact upon the ground level address of Council's proposed facilities.

Private basement access can be supported where it is achieved wholly within the St Hilliers sites while maintaining the Draft DCP controls.

An underground connection can be supported between Council's basement car parks (Draft DCP proposal) and the St Hilliers sites where Woodford Lane is retained and the Draft DCP controls can be met.

Active Frontage to Woodford Lane

It is considered that the alternative scheme removes all possibility of ground level active frontage to Woodford Lane and cannot be supported for this reason.

Pedestrian Mall

The St Hilliers scheme proposes a pedestrian connection to be built above Woodford Lane to provide a series of Piazzas. This is contrary to the design intent of the Draft DCP which is to create new parkland (deep soil area) and allow the retention of significant existing trees on Council car park site.

Solar Access to Public Spaces

The alternative scheme proposes a height increase to some 12 storeys. Solar access to all public spaces including Council's proposed new community facilities and the new public space are negatively impacted. Therefore the St Hilliers proposal is not supported based on impacts of solar access to the public domain.

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b) Building Envelopes

The Lindfield DDCP proposes a series of building envelopes that define the public spaces and address site issues such as noise sources.

Context

In our opinion, the St Hilliers scheme proposes development that is out of context with the scale proposed for the Lindfield Centre. The scale of development would be better suited to larger regional centres. As such we do not support the scale of development proposed in the St Hilliers scheme.

Building Mass

The St Hilliers submission proposes building types that are not accepted best practice to achieve residential amenity. Residential building types of deep cross-section that necessitate internal, single cores are no longer acceptable and do not meet with the requirements of the SEPP 65 Residential Flat Design Code.

Floor Space Ratio (FSR)

An increase to FSR cannot be supported in the form presented in the St Hilliers scheme because of negative impacts caused by impacts to the public domain, exceedingly large building depth and additional height.

Building Height

Within the Ku-ring-gai town centres there is a hierarchy of building heights proposed as follows:

- Gordon is the town centre and has the greatest heights up to 9 storeys
- Lindfield and Turramurra are next down in the hierarchy of centres with a maximum of 7 storeys
- Roseville and Pymble have maximum heights of 5 storeys

In developing the building envelopes, Block C (St Hilliers land) does not sit within this hierarchy.

The proposed building envelope within in the Draft DCP considers the following:

- the site is a prime commercial site;
- the site forms the central connection between 2 new public spaces linking the eastern a western sides of the Lindfield Centre;
- the site is affected by noise sources of the Pacific Highway and railway line.

As a result of these considerations, the envelope of the DDCP permits 5 storeys on the site and a building type that responds to the site context.

A variation to height could be appropriate where public domain is increased and there is a transfer of building mass to address issues of public domain dedication if such a variation can be demonstrated as providing positive outcomes to both the public and private domains.

The variation to height sought in the St Hilliers submission is not supported.

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Alternative schemes could be considered providing the following criteria can be met:

- Public domain issues are resolved and deliver a superior result to the public domain.
- No negative impact to the public or private domains.
- A maximum height of 5 storeys is maintained. Any variation would be subject to demonstrated public domain dedication, improved solar amenity to the public domain and consideration of massing in context with surrounding buildings, view corridors, streetscape etc;
- Massing on any alternative envelopes needs to be consistent with the Draft DCP objectives;
- Building envelopes need to demonstrate that SEPP 65 Residential Flat Design Code can be achieved.
- Building envelopes need to be energy efficient by demonstrating how demands for air-conditioning and artificial lighting are to be minimised.

Summary and Recommendations

There are alternative schemes that can be considered. However, the scheme proposed by St Hilliers cannot be supported in its current form because of inappropriate building types, impact to the public domain, and proposed privatisation of a public street.

No changes recommended to the Draft LEP or DCP.

Precinct E –

A commercial area broadly defined by Holy Family Catholic School / Church to the north, Pacific Highway to the east, Balfour Street to the south and single dwelling area to the west, and traversed by Balfour Lane. It contains Balfour Centre anchored by a supermarket with a specialty store and car park, and also has a heritage item, an electricity substation and a cottage used as commercial premises.

Existing situation

The commercial area fronting Pacific Highway is currently zoned Business- Retail Services 3(a)-(A2) under the KPSO with a maximum FSR of 1.0:1 and a 2 storey (of 8 metres) height limit allowing retail and commercial uses.

The existing car park behind the commercial area owned by the supermarket's site owner is currently zoned 2(d3) Residential which permits residential apartment development up to 5 storeys with a maximum FSR of 1:3:1.

The Draft Town Centre LEP proposes to rezone the precinct to B2- Local Centre allowing a mix of uses including residential, retail and business premises, with the exception of the substation site which is to be rezoned to Special Purposes SP2- Infrastructure. The planning controls for properties at 376-390 Pacific Highway allow a maximum FSR of 1.8:1 and building height of 5 storeys fronting the Highway and 3 storeys to the west where it adjoins single dwelling house.

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The small site at 406 Pacific Highway is proposed to have a FSR of 1.0:1 and building height of 2 storeys.

The Draft LEP also proposes to retain the heritage listing of property at 386-390 Pacific Highway with a potential for future adaptive re-use with the new development.

The Draft Town Centre DCP proposes to relocate existing Balfour Lane to facilitate future redevelopment.

The residential yield is approximately 58* dwellings in the form of shop-top housing. The proposed retail floor space (NLA) on the ground floor is up to 3,230sqm to include a large supermarket of approximately 2,500-3,000sqm and proposed commercial floor space (GFA) on both ground and first floors is up to 2,920sqm.

* Note that 33 dwellings are currently permitted on the existing car park which is a LEP 194 site.

Summary of submissions

Two submissions were received in regards to supermarket site development. A major submission was from Andrews Neil Pty Ltd on behalf of Balfour No.2 Pty Ltd, the land owners of supermarket site (376-384 Pacific Highway and 1-5 Balfour Street, Lindfield). The submission requests an increase to the supermarket component and an increase to FSR with no change to overall bulk and height by presenting an alternative realignment of Balfour Lane (see submission No 67).

Another submission was received from a local resident regarding traffic issues for Precinct E (see the summary table **Attachment 3** for responses).

In summary, the submission from the supermarket's owners seeks the following amendments to the Draft LEP and Draft DCP:

- increase FSR from 1.8:1 to 2.2:1 with a maximum retail/commercial FSR of 1.3:1 in lieu of 0.9:1;
- amend the height to reflect their design concept (majority 5 storeys stepping down to 4 storeys along the western end);
- allow increased retail/commercial incorporating a supermarket at the lower level with frontage to Balfour Street;
- relocate Balfour Lane to adjoin the western boundary with a 12.5 metre reserve incorporating a 4 metre wide densely landscaped strip park; and
- amend built form controls to reflect their design concept.

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The submission claims that their alternative scheme provides the following advantages:

- Reduces overlooking and an increased setback to the existing preschool and school;
- Improves solar access into the existing preschool;
- Retains access to the Catholic School with facility for a turn around / pick up area at the end of the lane;
- Improves the efficiency of the retail space and provide flexibility in staging;
- Activates the frontage to Balfour Street;
- Improve separation between apartments with maximum northern orientation;
- Provides a small open air “village square” with access to northern sun;
- Incorporates a larger supermarket in accordance with Council’s objectives, together with additional specialty shops at Pacific Highway level;
- Increases the extent of active street frontage; and
- Improves the connectivity between Pacific Highway and the car park by allowing a pedestrian arcade.

*Analysis and Discussion**The Site*

The supermarket site is in two holdings with Balfour Lane (Council-owned) dividing the two holdings.

Council staff and external consultants have undertaken an analysis of the amendments sought in the submission. The issues raised in the submission are addressed as below:

a) The scale of retail uses

Ku-ring-gai Retail Centre Study identifies the need for Lindfield to expand by up to 6,000sqm NLA to approximately 21000sqm NLA to cater for population growth from LEP 194/200 and the Minister’s targeted sites. In addition, to this there is a requirement to provide an additional 1,700sqm of retail floor space to cater for growth from stage 2, bringing the total future retail requirements to 22,700sqm or 7,700 over the existing.

The exhibited Draft Town Centre LEP / DCP proposes a total retail yield of approximately 20,900sqm NLA for Lindfield Centre. This represents an increase of about 5,700sqm NLA of retail floor space over existing and includes 3,230sqm of proposed retail floor space to be provided within Precinct E.

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The alternative scheme included in the submission proposes an additional retail floor space of 3,464sqm. This will increase the total retail yield for Lindfield Centre to approximately 24,250sqm or approximately 1600sqm over that identified in the Retail centre study.

It is also acknowledged that full take up of future retail space under the Draft LEP within the Lindfield Centre is unlikely due to fragmented ownership on many of the retail sites in particular the strip shops along the Pacific Highway. This site will assist in providing for the retail demand over the medium term.

The feasibility report submitted by the owner indicates that the redevelopment of the site with a supermarket only will not be financially viable but any development will have to include specialty stores to ensure a commercial return on the property. The principle of co-locating supermarket with specialty retailing was also recommended by the Hill PDA Retail Centre Study adopted by Council and has been recommended for supermarket sites in all other centres.

The submission proposes an increase in retail FSR on the site for retail from 0.9:1 to 1.3:1 to accommodate the required expansion. This appears to assume NLA at 70% of GFA. Council's urban design consultant has undertaken further modelling of the site and has demonstrated that requested retail floor space can be achieved over 2 levels with a maximum retail FSR of 1.2:1. This would require a 75% efficiency rate of NLA over GFA, which would be achievable given the retail mix sought.

b) Public Benefit*Balfour Lane Realignment*

The Draft DCP proposes to realign Balfour Lane to provide a more direct system of new through-block connections between Gladstone Parade and Highfield Road as part of the Lindfield Urban Strategy.

The alternative scheme proposes changes to the realigned Balfour Lane as shown in the Draft DCP and this presents the following urban design issues:

- loss of sightlines through to the Holy Family Catholic School right-of-way used for school drop-off and pick ups and church access at other times;
- loss of alignment with the proposed through-block connection linking Bent Street to Balfour Street;
- loss of all active frontages to Balfour Lane;
- reduced access to Energy Australia vehicles servicing the substation at 402-404 Pacific Highway;
- reduced pedestrian amenity linking Balfour Street to Holy Family Catholic Church and school.

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The alternative proposal has a detrimental impact upon Balfour Lane and will not be supported. However, should these issues outlined above be satisfactorily addressed, an alternative scheme could be supported.

Negotiations will be undertaken with the site owners for realignment of Balfour Lane to deliver an improved public domain outcome. A consolidated site to the benefit of the site owners will be a further benefit, but should not be the driving force of supporting an alternative scheme particularly where the outcome is detrimental to the public domain.

Inconsistency between the elevation to Balfour Street (SK04B) and lower ground floor plan (SK01B) is noted. SK04B in elevation appears to show the south western corner as active frontage while SK01B indicates a car park entry at this point. This inconsistency requires clarification although we acknowledge this as a preliminary scheme.

However, it is worth commenting that this south western corner plays a prominent role on the approach both from the west along Balfour Street and from the proposed new street connection between Bent and Balfour Streets. A car park entry on this prominent corner (particularly as it is immediately adjacent to Balfour Lane) is not supported. The south west corner should provide active frontage that engages with the western and southern approaches to the site.

Pedestrian Mall

The alternative scheme proposes a pedestrian mall through the centre of the site. This can be supported provided the character is of a substantially landscaped zone, is open to the sky and particularly where tree planting could be used to screen views from proposed apartments over rooftop plant above retail and beyond to the neighbouring electrical substation.

c) Building Envelopes*Active Frontage to Balfour Street*

It is considered that the alternative scheme provides improved active frontage to Balfour Street with the provision of lower ground level SOHO and this can be supported.

Context

The alternative scheme presents no site context. Adjoining buildings need to be shown relative to the proposal.

Site Consolidation

The supermarket site is currently in 2 holdings with site owners desire to maximise consolidation of the sites while considering Council's ownership of Balfour Lane.

The Draft DCP provides development in 2 holdings – a substantial redevelopment on an expanded site that is to accommodate a new supermarket and a 3 storey mixed-used development along western side of the realigned Balfour Lane.

The alternative scheme in the submission seeks to have development within a single holding. In principle, this can be supported providing all public domain issues outlined in section (a) can be resolved satisfactorily.

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The elevation SK04B suggests proposed 5 storeys across the site compared to the 3-5 storeys proposed in the Draft DCP envelopes.

The corner of the Pacific Highway and Balfour Street defines the northern end of the Lindfield retail centre and is highly visible from all approaches. The alternative proposal does not provide information as to how this prominent corner would be resolved. However, it is to be noted that any built form needs to wrap around the corner and present a well-articulated and considered façade to the north, south and east.

The Draft DCP proposes smaller envelope along the western boundary to provide a building mass that relates to the adjoining low density residential buildings, allows for site landscaping and thus with Balfour Lane provides a transition to the low density residential housing to the west of the site.

Proposed alternative building mass is inconsistent with the intent of the Draft DCP and presents the following urban design issues in relation to transition to low density:

- inadequate separation between development on the supermarket site and existing low density housing to the west due to building mass being too high at the western end of the alternative scheme;
- absence of stepping down the western portion of the building consistent with the intent of the Draft DCP which should be a minimum 2 storey step to clearly define the transition;

Setbacks

Impact of solar access to 7 Balfour Street and 1-15 Bent Street would need to be demonstrated in an alternative scheme. This may require a more generous setback to the western frontage proposed along Balfour Lane and or a reduction in building height along this frontage.

Articulation

Articulation appears to be consistent with the intent of the Draft DCP and is supported.

Alternative Schemes

Alternative schemes could be considered providing the following criteria can be met:

- A maximum height of 5 storeys is maintained. Any variation would be subject to demonstrated improved solar amenity to the public domain and consideration of massing in context with surrounding buildings, view corridors, streetscape etc;
- Massing on any alternative envelopes needs to have defined stepping of 2 storeys rather than single storey stepping to form a transition zone;
- Any variation to setbacks needs to demonstrate increased amenity to the public domain and no negative impact to adjacent residential development;

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- Building envelopes need to demonstrate that SEPP 65 to Residential Flats Design Code can be achieved;
- Building envelopes need to be energy efficient by demonstrating how demands for air-conditioning and artificial lighting are to be minimised;
- Negotiation should be undertaken between Council and the site owners to achieve a realignment of Balfour Street that meets all the criteria detailed above in section (a).

c) Planning / Land Use*Floor Space Ratio (FSR)*

An increase to FSR can be supported where no additional height is proposed. Further analysis has been undertaken to determine the increased maximum FSR. This is subject to traffic modelling result based on the proposed increased floor space (to be provided separately to this report).

d) Car Parking

The additional basement for car parking is supported providing entries / exits are not located in prominent locations that detract from an active street level frontage.

e) Traffic impact

Council's transport consultant has considered the submission from Coles Lindfield, which seeks to increase the specialty retail floor space on the site. It is noted that the traffic analysis accompanying the Coles submission has estimated that traffic generation of the revised floor space figures would be lower than that considered in the study, for that site.

Based on the results of the traffic analysis in the Coles submission, the consultant considers that the differences in traffic generation are unlikely to affect the overall traffic analysis. However, concern was raised that the lower traffic generation was determined by factoring a discount due to the 'co-location' of development and linked trips, and suggested that the Lindfield centre's public transport accessibility would probably not significantly reduce vehicle trip rates to the development. As the RTA is unlikely to increase green times for the side roads, additional traffic on the side roads would increase the delays on the side roads.

Further substantiation would be required to justify the discount from the 'co-location' of development and linked trips, particularly given that the intersection of Pacific Highway with Balfour Street is already constrained. The supermarket would also need to demonstrate the market catchment area to determine the likely trip distribution and hence the proportion of generated traffic turning left, through and right at the intersection. Alternatively, additional capacity is required or intersection improvements need to be undertaken at the intersection of Pacific Highway with Balfour Street.

Based on the feedback to date, the proposal is generally supported. However, this support is subject to the completion of the modelling indicating the satisfactory performance of the

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intersection which may include capacity improvements that would be required to be funded by development.

The alternative scheme proposes a turn around / pick up area for the adjoining school at the end of the lane and this is not supported as it will put further strain on the intersection of Pacific Highway / Balfour Street / Havilah Road. The one-way system currently in place for the drop-off and pick-up via Balfour Lane should be maintained.

Summary and Recommendations

The alternative scheme presented by Andrews Neil is tentatively supported provided the urban design issues identified in the detailed discussion can be satisfactorily addressed.

Based on the analysis above the following can be concluded regarding the alternative scheme for the supermarket site:

- The scale of retail uses proposed is considered appropriate for the location and is generally consistent with Ku-ring-gai Retail Strategy.
- Support the increase of FSR subject to traffic modelling result;
- Support the relocation of the supermarket to the basement level to increase the extent of active street frontage with specialty shops at Pacific Highway level;
- Support the need for a larger floor plate enabling a larger supermarket to improve the efficiency and viability of redeveloping the site;
- Building needs to be stepped down towards the west (as intended in the Draft LEP / DCP) to minimise overlooking and overshadowing impact on adjoining properties;
- Support the relocation of Balfour Lane adjoining to the western boundary provided access to the Catholic School and the rear of existing properties along the Highway is maintained and upgraded;
- Larger building setback is required from the western boundary to protect the amenity of the adjoining properties;
- The deep soil landscaping area proposed along the western boundary can be supported to provide proper screening. This area must allow significant tree planting and also incorporate water sensitive urban design measures;
- Object to the provision of turn around / pick up around within the site;
- 2 separate ownerships are acknowledged but preferred amalgamation pattern in the DCP should remain to avoid the creation of isolated site;

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- Support the provision of pedestrian arcade and open village square within the development with a link to existing heritage item. This will improve the connectivity between the Highway and the car park, and provide much needed open space within the precinct;
- The building façade along the Balfour Street are considered well articulated including a deeper articulation zone approximately mid way.

The following amendments are recommended:

Draft LEP

- Increase the maximum FSR from 1.8:1 to 2.1:1 with maximum retail FSR from 0.9:1 to 1.2:1;
- Amend the height map to permit 4 storeys at the western end of the site.

Draft DCP (Attachment 13)

- Revise building envelope to show a single consolidated building to provide a full line supermarket at the basement level and speciality shops at Pacific Highway level;
- Show location for proposed supermarket of a maximum size of 3,500sqm at the basement level with car access via Balfour Street and realigned Balfour Lane and pedestrian access via Pacific Highway and Balfour Street;
- Relocate Balfour Lane to the western boundary provided all concerns are satisfactorily addressed (see section (a) for relevant urban design issues).
- Provide 17m building setback from the western boundary, including 8m wide carriageway and 3.5m wide deep soil area.

Precinct F –

A residential area characterised by single dwellings on steep site and has street frontages to Beaconsfield Parade, Drovers Way and Gladstone Parade, with predominantly residential apartment buildings to the east and single detached houses to the west. This area is traversed by a drainage corridor identified as riparian zone (Category 3) consistent with Council's Riparian Policy 2004.

Existing situation

Precinct F is currently zoned Residential 2(d3) under LEP 194 allowing residential apartment developments up to 5 storeys with a maximum FSR of 1.3:1.

The Draft LEP proposes to rezone the precinct to R4- High Density Residential with controls generally consistent with the existing LEP 194/DCP 55 controls as required under the Minister's directive. The main variation is the proposed 6 storey building height which is restricted to part of the area along Drovers Way (with no change proposed to the density).

In order to achieve the current allowable FSR of 1.3:1 on all sites, 6 storeys height is required on some sites which are traversed by riparian zone (no buildings are permitted with this zone) to

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compensate for the loss of development site. Proposed 6 storey height fronting Drovers Way is considered appropriate given that the east side of Drovers Way have been redeveloped into residential apartment buildings up to 6 storeys high.

The residential yield is approximately 233 dwellings which are currently permitted under LEP 194. It is important to note the provision of riparian zone should not result in any reduction in development yields for these sites.

Summary of submissions

A number of submissions were received from land owners within the precinct as well as the adjoining residents. Major submission includes the submission from James Lovell and Associates on behalf of Platino Properties regarding Site 3 of Precinct F (an alternative scheme is included in Submission No 37). Detailed discussion of this submission is included in the later part of the report.

In summary, the submissions from adjoining residents seek the following amendments to the Draft LEP and DCP:

- Change the zoning of this Precinct for lower density development;
- Reduce the building height across the precinct;
- Provide larger building setbacks along western boundary of this precinct;
- Provide open space on 10A Beaconsfield Parade;

The landowners affected by the riparian zone request the removal of the riparian zone and associated requirements as they believe this would diminish the development potential of their sites.

Key issues raised in the numerous submissions:

- The 6 storey units to the west of Drover's Lane are massively excessive in an area of single and double storey residences.
- Precinct F is in an ecologically sensitive area, that even Council's consultant considers unsuitable for high density development. This area should not be rezoned.
- Proposed 5 and 6 storey high density development in block F is adjacent to single dwellings, including 9B Gladstone Parade, and is inappropriate, especially where landscaping will be inadequate – need for consistency with adjoining lands.
- Overshadowing and overlooking of single dwellings will occur because of overdevelopment. Detailed issues of a pedestrian link, an isolated block and other factors will impact unfairly on 4 homes in Beaconsfield Parade, including no. 14.
- Resident understands Council will consider the establishment of a new area of open space at the location of No 10A Beaconsfield Parade. Resident strongly supports this concept as it will provide screening for their property at 18 Beaconsfield Parade and for the historic home at No. 16. Already 10A contains a number of large well-established trees and is ideal for open space for children to play in.

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- 12 Beaconsfield Parade:
 - The existing trees are of a size that provides a unique canopy and habitat for countless birds and animal life and should thus never be removed (native Eucalypts and Angophoras)
 - Resident's house at 12 Beaconsfield Parade is situated below the existing road level by two metres and so any vehicle access on that road will result in lights shining into resident's windows.
 - The design of the resident's house is such that their five bedrooms, have glass roofs along the roadway side. This means that any high rise development in this area would need to be set back sufficiently to prevent people seeing through our bedrooms. The preservation of all of these trees is fundamental to the owners privacy.
 - Objects to the increase in the number of people in adjoining high density developments which would create unacceptable increases in noise levels.
 - Objects to overshadowing of property.
 - Significant decrease in property value and privacy.
- 16 Beaconsfield Parade:
 - Resident of 16 Beaconsfield Parade objects to Precinct F and in particular 6 storey development (10A Beaconsfield Parade) on the boundary of their property. This development at 10A Beaconsfield would result in inadequate setbacks proposed for the future 6 storey building.
 - Sites at 16 Beaconsfield Parade, 9B Gladstone Parade, and 11 Gladstone Parade should be rezoned R3 to introduce a "buffer" zone. These properties in the current plan are directly affected and it is seen as not an appropriate interface and poor urban design.
 - It is strongly requested that the setback controls in the draft DCP be amended to prescribe a setback of a minimum of 20 metres from the rear and side boundaries of 16 Beaconsfield Parade.
 - A maximum height of 4 storeys should be enforced for all R4 sites adjoining 16 Beaconsfield Parade, 9a Gladstone Parade and 11 Gladstone Parade.
- 18 Beaconsfield Parade:
 - Keep the large significant trees that act as wind breaks and visual screening. These appear to be impacted by development.
 - Requests that the trees alongside the driveway into No 10A to be retained and the current driveway to 10A retained as a walkway and access for children to walk to school. These trees will continue to provide visual screening to the properties No. 12, 14 and 16 adjacent to their property at No. 18.

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- Owner strenuously objects to inclusion of public domain/riparian zone in the DCP through 6 Drovers Way:
 - This down zoning contravenes Minister's direction and Section 117 direction No. 20.
 - It is only an enlarged drainage easement, and would fail to meet the objectives (would not provide safe or convenient pedestrian access, little opportunity for self-policing, impact of higher density zone against lower density sites, likely to become area for rubbish dumping, there is no critical vegetation habitat that would make it a riparian zone.) The riparian zone should be revoked.
- 4 Drovers Way is currently zoned 2(d3) with an FSR of 1.3:1 and 35% site cover. The DCP provides for a "soil zone public domain/riparian management" through the site, which would reduce the yield, down zoning the site, contravening the minister's direction and Section 117 direction No. 20. It is also understood that a savings provision is to be included to protect existing zoning and development rights.
- There is nothing in the plan which demonstrates that the identified riparian zone contains critical habitat or vegetation. It is identified on council's plans as a drainage easement, and connects one drainage easement to another through high density sites. The identification of a riparian zone in these circumstances is highly questionable and should be deleted.

Analysis and Discussion

Council staff and external consultants have undertaken an analysis of the amendments sought in submission No 37 regarding Site 3. The issues are addressed as follows:

The Site

Site 3 comprises 8 lots bounded by Drovers Way to the east and Gladstone Parade to the south. A riparian corridor defines its northern boundary and low density residential lots are adjacent to the western boundary.

The Draft DCP proposes an 8 lot amalgamation forming a single development site. The Platino submission presents an alternative building envelope that opts for 2 separate buildings allowing for Site 3 to be developed as 2 development parcels comprising an amalgamation of 5 lots in the north part (with a single address to Drovers Way) and 3 lots allowing a 2-street frontage to Gladstone Parade and Drovers Way.

a) Public Benefit*Pedestrian walkway*

One of the objectives of the Draft DCP is to provide a public benefit to balance the increased density proposed. Site 3 in Precinct F is required to provide a safe, generously proportioned public walkway / path edging the riparian corridor that will permit improved north-south access between Gladstone Parade and Beaconsfield Parade and linking Drovers Way. As a result, the Draft DCP proposes a 3m zone for a pedestrian walkway to be located parallel to the riparian zone.

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The Platino's proposal to remove this 3m pedestrian zone would remove the public domain benefits is not supported. It should also be noted that public pedestrian access would need to be maintained along the western boundary.

b) Amalgamations and Building Envelopes*Separate Development Sites*

The proposal seeking to permit 2 development sites within Site 3 is generally supported. This provides more flexibility through potential staging of development. However, the 3 lot amalgamation along the Gladstone Parade frontage is likely to proceed while it may be doubtful whether the larger amalgamation will develop as readily given the impact of the riparian corridor on Site 3 as proposed in the Draft DCP.

Building Mass

The alternative scheme that reduces the building envelope particularly where FSR can be maintained is generally consistent with the intent of the Draft DCP and can be supported. However, it should be noted that this reconfiguration will result in slightly bigger buildings.

Height

Height proposed in the alternative scheme is consistent with the Draft LEP and generally supported (assuming the controls for 60% top level floor space and other Draft DCP controls apply). Further testing suggests that 6-storey component should be removed for the proposed building fronting Gladstone Parade and this will not result in reduction of development yield.

Any alternative scheme would need to demonstrate solar access is retained on neighbouring sites.

Setbacks

Setbacks proposed in the alternative scheme are generally supported. The exception is the reduced setback proposed along the northern frontage to the riparian corridor (from 6m to none) and along Gladstone Parade (from 10m to 9m). However, larger building setbacks along western boundary have been considered to further protect the amenity of adjoining properties.

Alternative Scheme

Alternative schemes can be considered providing the following criteria are met:

- Any variation to setbacks needs to demonstrate increased amenity to the public domain particularly the riparian corridor and no negative impact to adjacent residential development.
- Maximum heights consistent with the revised Draft DCP envelopes (see recommendations below) be maintained and any scheme would be subject to demonstrated improved solar amenity to the public domain and consideration of massing in context with surrounding buildings, view corridors, streetscape etc;
- Building envelopes need to demonstrate that SEPP 65 to Residential Flat Design Code can be achieved.

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- Building envelopes need to be energy efficient by demonstrating how demands for air-conditioning and artificial lighting are to be minimised.

Other issues raised in the submissions regarding Precinct F are addressed in the summary tables in **Attachment 3**.

Summary and Recommendations

The alternative proposal for building envelopes for Site 3 is generally supported subject to height and setback variations.

The following amendments are recommended based on all submission which have competing interests:

Draft LEP

- Amend building height from 6 to 5 storeys for 5 and 5A Gladstone Parade
- Amend the building height from 6 to 5 storeys for 10A Beaconsfield Parade.

Draft DCP

- Add an objective in the Draft DCP to ensure the retention and enhancement of existing vegetation within Precinct F.
- Amend drawings to show correct building footprint on 12 Beaconsfield Parade.

Amendments to Site 3 (see **Attachment 14**) are as follows:

- Revise preferred amalgamation patterns to show two development parcels;
- Revise building envelopes to show 2 separate buildings on 2 amalgamated sites;
- Reduce building height from 6 to 5 storeys towards the southern end fronting Gladstone Parade;
- Increase building setback along western boundary from 9m to 10-12m.

Amendments to Site 2 (see **Attachment 14**) include:

- Amend 'Parks and Open Space' strategy drawing to show open space on 10A Beaconsfield Parade;
- Remove building envelope on 10A Beaconsfield Parade to show open space for retention of existing significant native canopy trees;

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- Increase the extent of building envelope fronting Drovers Way to achieve maximum allowable FSR (as a result of the removal of building envelope on 10A Beaconsfield Parade);
- Change alignment of proposed public walkway/path.

Precinct P

(an area broadly bounded by Wolseley and Treatts Roads, the railway line and Ibbotson Park, comprising the North Shore Synagogue and the Masada Infants and Primary School sites as well as single detached housing.)

Existing situation

The precinct is currently comprises three separate zones and comprises the following:

- The synagogue site adjacent to the railway overpass is zoned 5(a) Special Uses, permitting uses associated with a Church.
- The Masada Infants and Primary School site along the railway line is zoned under IDO 79. This instrument operates to permit school and childcare activities, and a church use is also permitted on part of the site.
- The single dwelling area around the school and synagogue is currently zoned under IDO 78 which permits residential dwelling houses, roads, open space and utility installations. Gazetted in 1980, IDO 78 prevented expansion of school uses into the adjoining residential area.

The Draft Town Centre LEP proposes to rezone the precinct generally to R3- Medium Density Residential, with the exception of six lots owned by Masada College and North Shore Synagogue which are to be rezoned to R4- High Density Residential. This rezoning provides increased density and housing choice while protecting the interface zone and providing appropriate public domain benefits. The Draft LEP allows residential apartment buildings up to 4 storeys with a maximum FSR of 1.0:1 within the R4 zone. R3 zone permits townhouses with a maximum FSR of 0.8:1 and building height of 3 storeys (2 storeys plus attic).

The residential yield is approximately 120 dwellings with a mix of housing types including residential apartment buildings, townhouses, terraces/row houses and duplexes.

Background

The majority of Precinct P is within 600m radius from the Lindfield Station and commercial centre. Pedestrian access to the station is considered quite level and direct.

A number of contacts have been made with residents in the area, and with the representatives for Masada and the synagogue. Several forums were held between these parties and Council. The representatives for Masada School have confirmed their intention to consolidate with the college site at St Ives since numbers of students at the current school have declined in recent years with changing population trends. Accordingly they wish to rezone the site to facilitate its sale for relocation. They have also indicated that the Synagogue is likely to relocate in the medium to

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longer term. In addition, Masada School has presented concept designs for the residents' and Council's consideration. Council's urban design consultant has prepared a preferred land use strategy which was presented to Council for its consideration at the meeting of 23 May 2006. The strategy proposed to rezone the precinct to R3 and R4 for a range of residential developments up to 5 storeys. It also included a new street and extension of Ibbotson Park.

At the meeting 23 May 2006, Council resolved to rezone the entire precinct to R2 Low Density Residential. The Draft LEP incorporating this zoning change was sent to the Department of Planning in accordance with the requirements of Section 54 of the Act. In response, the Department has requested the removal of all lands proposed to be zoned R2 from the Draft LEP and an improved yield from all sites to be rezoned. Accordingly the planning for this area has been revised.

To assist in the formulation of a land use zoning for Precinct P, a mediation session conducted by an independent mediator was held on 27 July 2006 with relevant stakeholders. The outcomes of the session were further reviewed and three options were developed for consideration:

- Option 1A - rezoning of the entire precinct to R;
- Option 1B - rezoning the precinct to R3, with the exception of Nos. 1-11 Treatts Road which would be excluded from the Draft LEP; and
- Option 2 - rezoning the precinct generally to R3, with the exception of 6 lots owned by Masada College close to the railway line and part of Eleham Road, which would be rezoned to R4.

On 16 August 2006, Council resolved to adopt land use Option 2 for rezoning Precinct P generally to R3 Medium Density Residential, with the exception of 6 lots owned by Masada Infants and Primary School which are to be rezoned to R4 High Density Residential. This adopted land use option with a mix of R3 and R4 zoning provides increased density and housing choice while protecting the interface zone and providing the maximum public domain benefits. Accordingly, Council's urban design consultant prepared a Draft DCP plan for Precinct P for Council's consideration and adoption in its meeting on 26 September 2006. On 26 September 2006, Council further resolved to undertake further work on Precinct P mainly in regard to the traffic and access strategies and public domain improvements prior to the formal exhibition.

Summary of submissions

Several submissions were received from local residents, including the Wolseley Road and Treatts Road Action Group. One major submission was received from the Colston Budd Hunt & Kafes Pty Ltd who represents the land owners of Masada College and North Shore Synagogue. A concept Master Plan and a viability study report for Precinct P has been included as part of the submission (see submission No 50).

In summary, the submission from Masada College and North Shore Synagogue seeks the following amendments to the Draft LEP and DCP:

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- An R4 zoning for the whole of Precinct P;
- One part with an FSR of 1.0:1 and a height of 4 storeys and the smaller part with an FSR of 1.3:1 and maximum height of 5 storeys;
- Relaxation of the 50% deep soil landscaping requirement in order to reflect the fact that part of the residentially zoned land will be used and dedicated for the new public street, the area of which should therefore be counted as part of the deep soil landscaping area;
- The area of proposed new public street plus Ibbotson Park extension exceeds the area of Eleham Road offered in exchange, and should be adjusted;
- The R4 building envelopes are narrow.

The submission argues:

- The value of the R3 land for townhouses is significantly less than its conservative value as freestanding housing- there is no commercial incentive in the land re-developing as townhouses.
- Redevelopment as townhouses is simply not viable at current value levels and risk profiles. To be a viable development form and to cater to the market,
- R3 area needs to permit strata apartments which will require a R4 zoning and an FSR of 1:1 rather than 0.8:1;
- It would be appropriate to allow buildings of up to 3.6 storeys, with the upper storey set back further from roadways and neighbours.
- The R4 rezoning is restricted to 3.6 storeys and 1:1 FSR, which is of marginal viability.
- The R4 footprint contained in the draft DCP does not provide adequate potential amenity for residents given the minimal dimensions offered, and does not allow for suitable lift access up from basements nor utilisation of footprint elements located at the ends of the east-west footprint elements. An alternate approach is needed.

In addition to the submission from Masada College and North Shore Synagogue, there were a large number of submissions from residents within and surrounding Precinct P objecting to the Draft plans. A summary of the objections is as follows:

- Object to 3-4 storeys to the east of Wolseley Rd, or alternatively, rezone the western side as well;
- Oppose any R4 zoning here as it is well outside 400m radius of town centre.
- Eleham Road should be reopened – new road to be abandoned as it would be dangerous.

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- If this area is upzoned it should only be to R3 – town houses and villas – with substantial plantings to match the streetscape.
- Internal road is conceptual, dangerous and inadequate – ie very unlikely.
- A more appropriate approach would be to defer medium density zoning over Precinct P till designated areas closer to the station are developed.
- The proposed 4 storey sites should be strictly limited to 4 storeys setback at least 35-40 m to Treatts and Wolseley Roads, and include a significant number of large canopy trees in the front setbacks and around buildings to minimise the visual impact on low density housing and the streetscape.
- There should be a minimum 6m setback from the park boundary to limit overshadowing.

The submissions put forward the following arguments to support the objections:

- Medium density proposed here is beyond 400m from the town centre and is incongruous and opportunistic – villas and town houses only may be acceptable.
- Road unnecessary for the size of the site, and number of dwellings expected, particularly with an expanded Ibbotson Park. Pedestrian access however, would have merit.
- recognise, reluctantly, that there may be an argument to support increased housing, despite being beyond 400m from the station, accepting to some degree a potential for townhouses and villas up to 2 storeys.
- Given that the medium density area is between at least 500m and 700m from the station, there are no other medium density zones in the DLEP this far from the station, and the need to protect the unique character of this area (acknowledged by Council), there is no town planning justification for introducing medium density into Precinct P. The primary reason appears to be to facilitate the relocation of Masada College, by making the move more financially viable. This should not drive planning decisions.

Other

- Lack of Parks in Lindfield – Ibbotson Park should be doubled in size by acquiring school land.

Analysis and Discussion

Council staff and external consultants have undertaken an analysis of the amendments sought in the public submissions. The issues raised in the submission are addressed as follows:

a) Public Interest

From a public interest point of view it is difficult to justify further adjustments (to increase yields) to the proposed plans for Precinct P, given the amount of consultation, review and amendments already undertaken for Lindfield Centre generally and Precinct P specifically.

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Examination of the submissions from residents indicate that while there is still a strong objection to any development in this area there also appears to be some acceptance or acknowledgement that some form of development is necessary or likely given that Masada College has expressed a clear desire to relocate from the site.

The exhibited proposal for a mix of townhouses and apartment buildings appears to provide a balance between the residents desire to minimise development and reduce heights and the land owners desire to increase development yields. The plans achieve the following:

- Retention and enhancement of existing vegetation at the western edge to preserve the existing streetscape along Wolseley Road.
- Minimisation of building heights along Wolseley Road to provide transition to the adjoining low density residential areas.
- The opportunity for higher density development against the backdrop of the raised railway line.
- The opportunity to increase and improve open space in the locality by enlarging Ibbotson Park as part of site redevelopment.

b) Planning

There is no planning reason why the proposed mix of apartments and townhouses is not appropriate.

A mix of R3 and R4 rezoning is provided within Precinct P to provide increased density and housing choice while protecting the interface zone and providing the maximum public domain benefits. This rezoning proposal is appropriate within this precinct which is generally within 600m radius of the centre. This is consistent with the Metropolitan Strategy and the Minister's direction.

The development of townhouses permitted under R3 zoning is proposed along the street frontages to Wolseley and Treatts Roads to ensure that the neighbourhood character of the locality is preserved. The natural boundaries formed by the existing roads to this precinct will help to reduce interface impacts to the nearby low density residential area. Apartment buildings up to 4 storeys within proposed R4 zone are to be located towards the raised rail corridor and well away from existing houses.

c) Deep Soil Area

The submission raises the concern that the 50% deep soil landscaping requirement will need to be relaxed in order to reflect the fact that part of the residentially zoned land will be used and dedicated for the new public street, the area of which should therefore be counted as part of the deep soil landscaping area.

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The Draft Town Centre DCP proposes a 12-metre road reserve connecting Treatts and Wolseley Roads to provide mainly local access to the future developments within this precinct and also serve as a pedestrian thoroughfare. Council maintains that this street will be of substantial public benefit.

It is acknowledged that the road will occupy a portion of the sites 1 and 2. While, the provision of a new street connection should not result in any loss of development potential the road will require flexibility in relation to the total deep soil landscaping requirement on the site.

d) Land Dedication

The submission also claims that the area of proposed new public street plus Ibbotson Park extension exceeds the area of Eleham Road offered by Council in exchange, and should be adjusted.

The Draft DCP also proposes to increase and improve open space in the locality by extending and upgrading existing Ibbotson Park. Council has indicated in public documents that an increase of area up to approximately 1,200sqm could be added to the park upon redevelopment of R4 sites. This will result in a net increase in publicly owned land in Precinct P of some 600-1,000sqm.

The additional public domain benefits such as the new street connection and park extension are likely to be achieved via planning agreement which may involve land swap or sale of Eleham Road area. All financial issues, including those raised in the submission, will be worked through at this stage.

e) Building Envelopes

The submission raises concern about the narrow building envelopes in the Draft DCP. It is acknowledged that the building depths are particularly narrow. The 9 metre wide building is a special building type that creates a noise barrier to the rail line by orienting non-habitable rooms to the rail line and provides for smaller apartments. It is noted that at the development application stage the applicant may submit alternative plans with justification showing how the LEP provisions and the objectives of the DCP are met.

f) Economic Viability

The submission claims that townhouses are not viable and the proposed densities are inadequate to achieve viable development. Council has sought further independent economic advice to review the submission. The full report is in **Attachment 8a**. In summary the economic consultant finds:

- The R3 component of Precinct P comprising well designed and priced townhouses should achieve viability;
- There is no basis at the commercial level for the FSR within Precinct P to be increased to 1.3:1; and
- Viable development could be achieved on the sites either in parts or combined.

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For a new road forming a cul-de-sac (with access to Wolseley Road), it is estimated that the peak hour traffic flows at the entrance to the cul-de-sac would be 38 vehicles per hour (or approximately 380 vehicles per day). In terms of impacts to Wolseley Road, it is estimated that the traffic flows at the intersection of Wolseley Road and the new cul-de-sac road would be 42 vehicles per hour (during the peak hour) or 465 vehicles per day. Traffic flows in Wolseley Road at the intersection of Treatts Road are estimated to be 62 vehicles per hour (during the peak hour) or 630 vehicles per day. These flows are lower than the RTA's desirable environmental capacity for a local road (200 vehicles per hour), which indicates that the additional traffic will not significantly impact on amenity.

For a new road linking Treatts Road with Wolseley Road, it is estimated that the peak hour traffic flows at the Treatts Road end would be 28 vehicles per hour (or approximately 280 vehicles per day), with 10 vehicles per hour (or approximately 100 vehicles per day) at the Wolseley Road end. In terms of impacts to Wolseley Road, it is estimated that the traffic flows at the intersection of Wolseley Road and the new link road would be 15 vehicles per hour (during the peak hour) or approximately 160 vehicles per day. Traffic flows in Wolseley Road at the intersection of Treatts Road are estimated to be 34 vehicles per hour (during the peak hour) or 350 vehicles per day. These flows are significantly lower than the RTA's desirable environmental capacity for a local road.

A new road linking Treatts Road with Wolseley Road is preferred, as it improves pedestrian and vehicle access and circulation. However, a new road forming a cul-de sac, with access from Wolseley Road, would provide adequate access while not impacting significantly on the surrounding road network.

Summary and Recommendations

Based on the analysis and discussion above the two key issues for Precinct P appear to be economic viability and public interest.

- From a public interest point of view, given the amount of consultation to date and the content of submissions there would have to be a very strong argument to further amend the plans for this precinct particularly if it involved an increase in density or height;
- From an economic and commercial point of view, there is no compelling argument, to increase the FSR within Precinct P.

Therefore it is recommended that there be no change to the Draft LEP in relation to Precinct P.

The following amendment is recommended to the Draft DCP 4.8.7 Precinct P Built Form controls:

- Clarification of the site area of Site 2 used for the purposes of calculating the FSR.

The following amendment is recommended to the Draft DCP 5.5.1 Deep Soil Landscaping:

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- Include clause which notes that a reduction in deep soil coverage will be considered for specific sites identified in Part 4 of the DCP where a new public street or pedestrian walkway is proposed on the site.

Summary of other Sites

In precincts B, C and H the issues raised in submissions are less complex and more easily resolved in this case the discussion and recommendations are in **Attachment 3** and summarised below. No submissions were received for precincts D and I.

Precinct B*Existing situation*

Precinct B is the area bounded by Pacific Highway and Tryon Place. The precinct is currently zoned a mix of uses including Business 3(b)-(B1), Retail 3(a)-(A2), Special Purposes - Municipal Purposes and Residential 2(d).

The Draft Town Centre LEP proposes to rezone the site B2 – Local Centre allowing a mix of uses including residential, retail and business premises.

Summary of submissions

- Objections to making Tryon Place into a pedestrian plaza.
- This area is used as a train station drop off point (either on the highway or from Tryon Place). A safer system needs to be provided for dropping off commuters at the station.
- Resident also notes that in the longer term it is proposed to run a new street in and behind the shops in that area. Further consideration needs to be given to where the street is to exit onto the highway. Current plans suggest that the traffic will be coming out on a blind corner. (Submission 22).

Refer to Analysis of submissions in **Attachment 3**.

Summary and Recommendations

The following amendments are recommended for Precinct B

Draft LEP (Precinct B):

- No changes recommended

Draft DCP (Precinct B):

- Amend drawings 3.1.3 and 3.1.4, to show the location of kiss-and-ride facility at the rear lane area.
- Amend drawing 4.8.3 to accommodate kiss-and-ride facility at the rear lane area.

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Precinct C is bounded by Pacific Highway, Bent Street, Woodford Lane, Beaconsfield Parade and extends as far as Council's car park. The precinct is currently zoned a mix of uses including Retail 3(a)-(A2), Special Purposes – Car Parking, and a small parcel of Residential 2(d3).

The Draft Town Centre LEP proposes to rezone the area B2 – Local Centre allowing a mix of uses including residential, retail and business premises.

Summary of submissions

- Objections to the Council's plans to replace the car park at rear of Woodford Lane with a village green, multipurpose facility and residences.
- What cost/benefit analysis was done to support this proposal? This area is likely to become a white elephant. Proposed underground car parking is vague as to how many spaces it would provide and under what conditions (what costs to users).
- Pedestrian access lane between Woodford Lane and Pacific Highway provides good 'kiss and ride' for residents – need to retain this in its present position.
- Based on an analysis of the recent sale of the neighbouring pharmacy at 316 Pacific Highway, insufficient financial incentive is provided to enable redevelopment of 318-322 Pacific Highway. Proposed FSR is 2.3:1, however, 3.5: to 4.1 is required to make site amalgamation possible for a developer.

Refer to **Attachment 3** for discussion of submissions.

Summary and Recommendations

The following amendments are recommended for Precinct B
Draft LEP (Precinct C):

- No change recommended.

Draft DCP (Precinct C):

- Amend drawings 2.2.7 and 3.1.2 to show the location for kiss-and-ride facility on Woodford Lane.

Other:

Further studies to be undertaken to determine parking requirements and funding options.

Precinct D*Existing situation*

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Precinct D is bounded by Balfour Street, Bent Street and the Pacific Highway. The precinct is currently zoned a mix of uses including Retail 3(a)-(A2), Residential 2(e), and Residential 2(b)

The Draft Town Centre LEP proposes to rezone the area B2 – Local Centre on the highway and the remaining areas Residential R3 and R4 allowing a mix of uses including residential, retail and business premises.

Summary of submissions

- No submissions received

Summary and Recommendations

No amendments are recommended for Precinct D

Precinct H*Existing situation*

Precinct H is bounded by Lindfield Avenue, Kochia Lane, Milray Street, Havilah Road and Nelson Road. The precinct is currently zoned a mix of uses including Business Retail 3(a)-(A2) along Lindfield Avenue, Residential 2(d) on the corner of Havilah and Lindfield Avenue, Residential 2(d3) and Residential 2(c2) on Nelson Road.

The Draft Town Centre LEP proposes to rezone the area B2 – Local Centre on Lindfield Avenue and the remaining areas for Residential R4 and R3.

Summary of submissions

- Impacts on existing residents of new developments;
- Increased height and density for some sites requested by owners;
- Concern that R4 zoning will result in a “down zoning”;
- Objections to 3 and 5 storeys in Nelson Road;
- Cromehurst School concerned about increased traffic on students, making road crossing more difficult and potentially hazardous;
- Owner of 7, 9 and 11 Milray Street raise concerns in relation to the proposed changes to the planning controls as it will restrict the development potential of the land;
- Resident notes that previously proposed continuation of pedestrian link between Milray St and Nelson Rd is no longer included in the plans. Objects to pedestrian link between Milray and Havilah Lane.

Refer to **Attachment 3** for discussion of submissions.

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The following amendments are recommended for Precinct H
Draft LEP:

- No change recommended as amendments have previously been made to the DLEP to ensure consistency of subdivision standards with LEP 194

Draft DCP:

- Amend built form drawing 4.8.7, (plan) for the proposed amalgamated site at the corner of Milray Street and Kochia Lane. Remove proposed building that adjoins 18 Nelson Road. The eastern wing of the proposed building will extend slightly to achieve maximum allowable FSR.
- Add a strategy in 2.2.8 to implement traffic calming measures at the intersection of Tryon Road and Milray Street.
- Amend built form drawing 4.8.2 (plan) to show possible kerb extension at the intersection of Tryon Road and Milray Street.

Precinct I*Existing situation*

Precinct I is located between Beaconsfield Parade and Bent Street extending to Newark Crescent. The precinct is currently zoned a mix of uses including Residential 2(d3) and Residential 2(c2)

The Draft Town Centre LEP proposes to rezone the area Residential R4 and Residential R3.

Summary of submissions

No submissions were received in relation to Precinct I

Summary and Recommendations

There are no amendments recommended for Precinct I

5. MATTERS RELATED TO THE DRAFT DEVELOPMENT CONTROL PLAN

Public submissions raised a number of matters relating to the objectives, strategies and public domain controls within the Draft DCP. A full consideration of all issues relating to the Draft DCP raised in submissions is included in **Attachment 3**. A summary of issues of note and areas where amendments to the Draft DCP are proposed are outlined below.

a. Draft DCP Part 2 & 3 - Objectives and Strategies and public domain controls

Issues raised include:

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- the need for objectives in relation to increased diversity, reduced car dependence, the quality of the natural environment and protection of local character;
- the size of lot amalgamations;
- the efficiency of precinct type controls;
- poor retail outcome;
- lack of diversity in housing and amenity;
- lack of staging of development;
- exhibition too short for the scale of development;
- poor connections between eastern and western sides;
- poorly addressed traffic and parking issues;
- lack of address of sustainability issues.

Recommendation

- Add a clause in 4.3 “Alternative amalgamations are possible provided that the DCP objectives are achieved.”

b. Draft DCP Part 3 - Public Domain Controls

Issues raised include:

- Lack of open space for the increased population and business area;
- Ibbotson Park should be extended to reduce the shortfall in green space for the centre;
- State government should donate Cromehurst school land to cover open space shortfall;
- High buildings around the new Tryon Square will overshadow the urban space;
- Support for Tryon Square if parking numbers are maintained;
- Support proposed open space on 10A Beaconsfield.

Recommendations:

- That Council continue to collect monies to acquire open space in the Section 94 Plan at existing rates per capita for Lindfield (5.82sqm per capita);
- Refer recommendations in relation to Precinct F in the body of the report.

6. ADDITIONAL MATTERS RAISED IN SUBMISSIONS**Housing choice in the Lindfield Village.**

Submissions raised concerns that the proposed plans will deliver mainly apartments at the expense of other housing types such as villas and town houses.

The new plans for the Lindfield centre will provide a wider range of housing choice-new apartment buildings as per LEP 194 and shop top housing (ie. apartments above retail/commercial development. There is currently very limited supply of shop top apartments restricted to older style flats at the rear of existing shops in the Lindfield Centre.

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The draft plan provides an R3 medium density housing zone which will permit villa and town houses (residential flat buildings are prohibited in the R3 zone). The area rezoned for this under the new plan is approximately 6.85 hectares and this provides an appropriate amount of land for additional housing choice in the form of villas and townhouses over the 30 year life of the plan. Council's land economist consultants have confirmed there is a demand for medium density housing in Lindfield, which would be particularly attractive to local "empty nesters" moving from houses with large gardens.

In addition the R4 & B2 zones provides for multi – unit dwelling housing, shop top housing and residential flat buildings, further providing increased housing choice.

The Ku-ring-gai RDS Stage 1 and the town centres LEP will provide a wider range of housing stock and increase the opportunity for the supply of smaller and potentially more affordable accommodation in the private rental market.

Retail and Commercial floor space in Lindfield

An issue has been raised that the plans are increasing by double the retail/commercial areas when Minister directed Council to revitalise the Lindfield centre.

Council has adopted an integrated planning approach to planning for the Lindfield centre- this meets the requirements of the Ministers Directive and the Metropolitan Strategy. Revitalisation under the plan will include additional retail, commercial and housing development as required; Council has also completed new planning for community facilities, transport, cultural activities, public domain and open space.

Ku-ring-gai Retail Centre Study identifies the need for Lindfield to expand by up to 6,000sqm NLA to approximately 21000sqm NLA to cater for population growth from LEP 194/200 and the Minister's targeted sites. This study was undertake prior to the finalisation of the dwelling yields for the town centres and therefore did not take into account dwellings arising from Stage 2.

There are approximately 670 additional dwellings under Stage 2, which would require an additional 1,700sqm of retail floor space to cater for the growth. This brings the total future retail requirements to 22,700sqm or 7,700sqm over the existing.

The exhibited Draft Town Centre LEP / DCP proposed a total retail yield of approximately 20,900sqm NLA for Lindfield Centre. This represents an increase of about 5,700sqm NLA of retail floor space over existing. The amendments proposed in this report would see a total of approximately 24,250sqm or approximately 1,600sqm over that identified in the Retail Study, including Stage 2 growth.

The additional retail space proposed the final Draft LEP is in the form of specialty retail associated with the expanded supermarket in Precinct E. The details of the additional retail space in this precinct are discussed further in the precinct specific comments of this report.

It is also acknowledged that full take up of future retail space under the Draft LEP within the Lindfield centre is unlikely due to fragmented ownership on many of the retail sites in particular

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the strip shops along the Pacific Highway. The Precinct E site will assist in providing for the retail demand over the medium term. In addition, it should be noted that the principle of co-locating supermarkets with specialty retailing was recommended by the Hill PDA Retail Centre Study adopted by Council and has been recommended for supermarket sites in all other centres. There has been some concern raised that the retail planning is attempting to reduce escape expenditure from Ku-ring-gai. This is noted within and Council's adopted retail strategy "*Some of that escape expenditure is even regular food and grocery shopping being captured by centres such as Hornsby, Macquarie, Chatswood, Frenchs Forest and Forestville*". In the case of Lindfield this would be minor.

The business floor space in the Lindfield centre is proposed to increase from the existing 19,300sqm (GFA) to a total of 22,620sqm GFA under the final draft LEP, or an increase of 3,300sqm GFA. This moderate increase in business floor space is considered appropriate and satisfies the Section 117 Directions and Department of Planning's requirements that there is to be no reduction in the amount of floor space available to business uses as a result of the draft LEP.

Metropolitan Strategy and the Minister's Directive and take up rates of development

The submissions raised an issue with number of dwellings required under the metropolitan strategy and the use of take up rate for calculations of new dwellings and amount of rezoning required for Lindfield.

Whilst Council has agreed to take 10,000 dwellings (on the ground) as part of the Metropolitan Strategy, dwellings rezoned in both stage one (LEP 194) and stage two (town centres) of Ku-ring-gai's Residential Strategy have been directions of respective Planning Ministers and thus would have to occur regardless of agreement reached under the Strategy.

Take up rates for development are determined by a number of complex factors including perceived rate of return or interest by land owners and developers, market cycles, demand, supply, success of property amalgamations amongst many other matters.

Identified potential dwellings are the result of LEP 194, 200 and the Minister's directive regarding development within the Centres. It is very unlikely that the full dwelling yield possible through Stage 1 and 2 of the RDS will be realised. The dwelling target Council is required to deliver under the Metropolitan Strategy is less than the potential dwelling yield as provided for in LEP 194, 200 and as proposed within Centres planning. There has also been a requirement to provide for economically feasible development through factors such as building height and density. Without this, there would be no incentive for development to occur.

Further to the summaries of issues raised and addressed in **Attachment 3**, some of the key suggestions made in several submissions have been further reviewed and additional information has been provided below.

The need for sequential development – starting at the core of Lindfield

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The retail plan for Lindfield has been central to the integrated planning process – commencing with the Hill PDA Retail Strategy (July 2005), community and stakeholder review in each phase of the development of the Plans.

The options on the size and location of the village centre was considered in the early phase of the development of the Plan.

Planning for the centres has also been based on the Ministers Direction that nominated specific areas for rezoning existing 3(a) and 3(b) Business zones, retention of existing uses and has not permitted the down zoning of sites.

The Draft plans have focused the retail commercial and community activities within the core as outlined within all of the DCP strategies with particular reference to sections 2.2.1 Urban Structure, under the Strategy 2.2.12 Activities and Uses-

- Allow the moderate expansion of the retail core to offer a greater diversity of shopping and meet future demand.
- Provide commercial space (mainly to first floor) catering for small businesses, professional services and medical consulting rooms within the retail core.
- Provide active frontages to all streets and lanes in the retail core.
- Re-orientate the main retail centre to the rear fronting lanes and new public spaces.
- Develop a leisure precinct around the new public spaces offering a range of activities including cafes, restaurants and outdoor dining that incorporates night time activity.
- Expand and relocate the library to reinforce its presence within the Centre.

Transition zones (including for seniors living)

Zoning has been based on the NSW Government standard LEP template and the Lindfield centre plans cater for increased housing choice. The new plans for the Lindfield centre will provide a wider range of housing choice-new apartment buildings as per LEP 194 and shop top housing (ie. apartments above retail/commercial development).

The draft plan provides an R3 medium density housing zone which will permit villa and town houses. The DCP provides a standard of development suitable for older persons not only in the design of the new apartments, villas and town houses but in improving safety in design and accessibility in improved public domain areas.

Need for better connection between east and west

The challenge of linking the centres is noted and the plans have attempted to improve the linkages as articulated in Sections 2.2.8 Pedestrian Access and Circulation and 2.2.4 of the permeability and under the site specific precinct controls. Key elements for the linkages are an upgrade of the station concourse and pedestrian crossing over the highway, improved footpaths and kerb ramps

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for streets, improved signalised pedestrian crossings, improved public domain and local traffic calming measures.

Funding for improved connections will be via developer contributions strategy, however major access improvements will require significant State funding from the RTA and RailCorp. Council will be actively seeking funding support from agencies for improved infrastructure and this should be supported.

There also a potential for community/transport interchange to provide linkages and activity around the station precinct.

Recommendation:

That Section 2.2.8 include as a strategy further investigation into the provisions of an overhead pedestrian bridge across the highway to facilitate improved pedestrian access from east to west

Community consultation and alternative consultation methods

We have worked closely with the community, receiving extensive household survey and business input (February), further feedback via a Lindfield Character Workshop with residents and businesses (May), a Preliminary Planning Exhibition (August) and recent formal exhibition, displays and information sessions (October/November). These broad and inclusive range of inputs and feedback have provided a foundation to effective local planning and amenity for the period ahead, within the constraints of complying with the NSW Planning Minister's directive.

Increased sustainability – pedestrian, bicycle links, increased requirements for energy and water efficiency

Noted and supported. The NSW Government's building sustainability index (BASIX) applies to residential development under the Lindfield plan. The Draft DCP provides guidance for non residential development. On Council owned sites and within the public domain plan areas will provide the opportunity for Council to demonstrate and apply best practice Water Sensitive Urban Design principles and improved energy efficiency.

The plans provide specific limits to growth, and an increase in green spaces, with detailed plans for increased street tree planting and protection/enhancement of the eucalypt canopy. In addition, the plans provide for extensive sustainability requirements, including the application of BASIX type measures to retail and commercial sites, which will improve water management outcomes. In addition the plans provide for increased local employment, local retail services, and commercial services and reduce the number of potential trips by car out of the local area.

Council is also undertaking separate studies into open space acquisition and will be reporting this matter to Council in early 2007.

OTHER MATTERS RELATED TO THE DRAFT DEVELOPMENT CONTROL PLAN.

a. Additional information: Heritage Controls for the Development Control Plan

The new standard template provides updated Heritage Conservation controls (see Clause 35). These include the requirements for consent, heritage impact assessments, heritage conservation

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management plans, and archaeological sites, places of Aboriginal significance, demolition and conservation incentives.

A new section under part 5 for the DCP has been prepared by staff and Council's heritage consultant (see **Attachment 11**). These provide additional design objectives and controls for the heritage items listed under the plans and the identified character items, controls on adaptive reuse of buildings and matters to consider for development in the vicinity. In addition a new definition is included to define a Character Item and Conservation Management Strategy.

It recommended the new guidelines be included within the DCP to assist with the future heritage management within the Ku-ring-gai centres.

Recommendation

That the new heritage controls contained within **Attachment 11** be included within General Development Controls for Part 5 of the DCP.

b. Inclusion of Generic Setback Controls in Part 5 of the Development Control Plan.

It was the original intention of the DCP that all setback controls would be contained in the site specific controls in Part 4 and consequently, no generic setback controls have been included in Part 5 of the DCP. However, there have been a number of sites currently zoned 2(d3) or 2(d), (e) or (h) which have been included in the DLEP under the R4 zone or R3 zone without associated site specific controls in Part 4 of the DCP. As such sites would be subject to the general controls in Part 5 of the DCP only, it is necessary to included boundary setback controls in Part 5 to ensure a comprehensive suite of controls apply to such sites.

It is recommended that the proposed Part 5 setback controls be consistent with those currently contained in DCP 55 and currently applying to the 2 (d3) zone and which is equivalent to the proposed R4 zone. It is also proposed that these setback controls apply to the R3 zone, as under DCP 55 they would currently apply to townhouse development.

There is an additional need to include the zone interface setbacks currently applying under LEP 194 as part as the general setback controls in Part 5 of the DCP, as there has been no capacity to include these in the draft LEP. It should be noted that zone interface controls have been addressed in the site specific controls in Part 4 of the DCP across all centres.

Recommendation

That the set back controls contained in section 4.3 of DCP 55 be included in the General development Controls of Part 5 of the DCP to apply to the R3 and R4 zones. These controls are to include the Zone interface controls from clause 25L of LEP 194 to apply to the interface between the R4 zone and single residential zones.

c. Amendments to the signage controls in the Development Control Plan

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- At present, Section 5.16.8 – Temporary signs, stipulates a maximum area for illuminated real estate signs, but no controls are provided for non-illuminated signs.

Provisions must be imposed for temporary real estate signs, to ensure certainty and consistency in the application of the DCP controls so as to avoid oversized and unappealing signs detracting from the character of the locality. It is recommended that the size controls specified for illuminated signs be applied to all temporary real estate signs.

- Promotion of larger developments during construction is not covered by this section as no units/shops are yet for sale.

It is reasonable that a large development should be able to be promoted during the construction period. It is recommended that the section on “Real estate signs” be amended to include “property promotional signs”. The controls for property promotional signs would be the same as for real estate signs.

- This Part of the DCP also stipulates a difference in size between signs for auction and signs for rent or sale by other than auction on residential sites. These sizes include specific maximum widths and lengths.

There does not appear to be any good reason for this difference. It is more reasonable that a distinction be made on the basis of the scale of the development. The smaller size would then apply to single dwellings, dual occupancy development and the sale of single units within multi-unit developments. The larger size would apply to the sale of all other development, except for commercial and industrial premises. This matter has been separately reported in regard to DCP 28 on 12 December 2006.

For increased flexibility, it is recommended that the maximum sizes be shown in square metres.

Recommendation

That Section 5.16.8 Temporary signs, incorporate the following amendments:

- Replace the title: *Real Estate Signs* with *Real Estate and Property Promotional Signs*;
- Amend G1 to read: *Only one sign per real estate company, or one promotional sign, may be erected at any premises*;
- Amend G2 to read: *Advertise only the premises and/or land to be sold, leased or under construction*;
- Amend G7 to read:
the size of signboards is not to exceed:
 - i. *1.15 m² where single dwellings, dual occupancy development or single units within multi-unit housing are being advertised for sale;*
 - ii. *4.5 m² where commercial or industrial premises are being advertised;*

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- iii. 2.5 m^2 where premises other than those listed in i) and ii) above are being advertised for sale.

DEVELOPMENT CONTRIBUTIONS STRATEGY – SECTION 94

A development contributions strategy (including Section 94 Plans) and an accompanying financial strategy are being prepared on the basis of Council's exhibited Draft LEP and Draft DCP.

A report on the development contributions strategy will be provided to Council with a Draft Plan for exhibition prior to the gazettal of the Draft LEP.

RECLASSIFICATION OF COUNCIL OWNED LAND FROM COMMUNITY TO OPERATIONAL

Council sought, in the Draft LEP, the reclassification of parcels of Public Land identified within the plan to "operational" from their current classification as "community".

The Local Government Act (Section 29) and Section 68 of the Environmental Planning & Assessment Act 1979 provides the process through which Council owned community land classification can be changed to operational. Aside from identification of such land within the Draft LEP, a public hearing, independent of Council, must be held to consider submissions. Council in making its final decision must consider the findings of the hearing.

In relation to the Draft LEP the following sites are proposed for reclassification.

The land comprises:

- 9 Havilah Lane - Lot 21 DP 713207 - Car park (Site 1)
- 3 Kochia Lane - Lot 12 DP 225925 - Car park (Site 2)
- 8-10 Tryon Rd - Lots 2 and 3 DP 219628 and Lot 5 DP 219146 - Car park (Site 3)
- 1 Beaconsfield Parade and 19 Drovers Way – Car park (Site 4)
(Part Lot 1 DP 929131 and Lots 1-16 DP 1099330)
- 1/12-18 Tryon Road - Lot 1 SP 37466 - Lindfield Early Childhood Centre (Site 10)

Public notification of the hearing and of the closing date for those wishing to provide a submission on the matter was provided to the community as prescribed in the Environmental Planning & Assessment Act.

In total 31 written submissions were received covering the proposed reclassification of Council's land and 2 petitions of objection bearing 524 and 191 signatures respectively. Thirteen people addressed the hearing which was held at Council Chambers on 20 November 2006. The hearing was chaired by Mr Andy Ludvik of Ludvik & Associates.

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The report provided from the independent consultant (Mr Ludvik) must be released, without alteration, within 4 days of its receipt by Council.

The report was received by Council on 8 December 2006 (**Attachment 7a**). The report has been released via Council's website on 8 December 2006 and is also available at Council's Customer Services. Those who made submissions or spoke at the hearing have been informed of its release and advised how to access the report. **Attachment 7b** also provides a copy of all submissions made to the Chairperson.

The report provides commentary and analysis of issues raised at the public hearing including specific commentary on appropriate classifications of each site.

In summary the report recommends that the proposed reclassification of sites as identified in the Draft LEP is appropriate subject to confirmation by way of legal advice concerning the efficacy of conducting the public hearing during the period of exhibition of that plan and the adoption by Council of a car parking policy and community facilities policy for the Lindfield Centre. The conclusions and recommendations outlined in the report are reproduced below:

“Recommendation

Confirmation should be obtained by way of legal advice concerning the efficacy of conducting the public hearing on the reclassification of the land proposed in draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) – Amendment No 3 during the period of exhibition of that plan.

Following the receipt of such a confirmation, the reclassification of Suites 1, 2, 3, 4, and 10 from “community land” to “operational land” under the terms of the Local Government Act 1993 is appropriate provided that before the land is reclassified Councils adopts a car parking policy and a community facilities policy for the Lindfield Centre which clearly and unambiguously specifies

- *The manner in which any public car parking which is to be eliminated due to the restructuring of the Centre is to be replaced and managed to compensate for any parking which may be lost by the reclassification of those sites; and*
- *The nature, range and location of community facilities to be provided in the Centre.”*

With only a limited period of time between receipt of the report and completion of the business paper a brief analysis of the recommendations only has been undertaken. Similar to previous Centres considered by Council, this report does not provide a final recommendation on the proposed reclassification and recommends that this be considered in a separate detailed report.

From a brief analysis of the report however it is acknowledged that subject to satisfying those matters and conditions outlined in the Chairpersons recommendations sites 1, 2, 3, 4 and 10 will be assessed with a view to proceeding with reclassification.

CONSULTATION

The recent extensive work to source and include a broad range of ideas and opinion during the formal exhibition for Lindfield centre is summarised below. **Attachment 6** includes summaries of earlier consultation and advice to interested stakeholders about Lindfield Centre planning since some 4,100 resident surveys were posted in February 2006.

Recent Consultation

1. Formal exhibition of the plans and supporting information was completed from 30 October September to 27 November 2006 at the Lindfield Library and the Council Chambers Level 4, Gordon. CDs of exhibition materials were available to interested persons, and were delivered to resident group representatives and interested businesses, on request.
2. Some 4,100 letters to property-owners, occupiers and businesses in the Lindfield postcode area were posted advising about the about formal exhibition, and detailing web-access, displays and other sessions for planning Lindfield Centre. These letters provided advice to all property-owners affected by the draft local environmental plan, or to property-owners located within the study area, or to remaining properties within the Lindfield postcode area.
3. On-going email advice – including exhibition, display times and public hearing web-links – were sent to some 650 householders, resident group representatives, businesses and others who expressed interest in being kept informed of planning progress for Lindfield.
4. The Lindfield planning page of Council's web-site was updated with all materials on exhibition – including the Draft DCP, Draft LEP and supporting documents.
5. An extensive schedule was completed of local displays in the Lindfield Executive Centre, including 3D video modelling of the proposed building envelopes for the town centre on a large plasma TV screen. These displays approached 100 hours of planning staff time – with staff attending to assist interested householders, businesses and others, in their understanding of the draft proposals. Afternoon and evening information presentations by senior planning staff were also held in Lindfield Seniors Centre, to provide information that would assist people interested in Lindfield Centre planning to better prepare their responses to the planning proposals.
6. A large range of telephone calls were fielded, together with office appointments between key planning staff and interested persons and property-owners, to discuss detailed issues about the plans.
7. Local paper advertisement in the North Shore Times of 27 October 2006 gave detailed prior advice of the exhibition period to promote awareness, interest and feedback from the Lindfield community. Letters were sent to property owners and residents in Lindfield advising of the formal exhibition.

A chronology of Lindfield centre surveys and consultations is located at **Attachment 6**.

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Consultation has involved working extensively throughout the year to establish and develop contact with interested stakeholders including:

- Householders from Lindfield
- Lindfield Shoppers – via the Chamber of Commerce
- The Lindfield Chamber of Commerce
- Owners of commercial land in the town centre.

During the exhibition, Council has received correspondence/submissions as letters and e-mails, on planning for the Lindfield town centre. This information has been registered, acknowledged and passed to on staff and relevant consultants for detailed consideration and evaluation in the planning process. The correspondence has indicated a mixture of support and objection, and its evaluation is shown elsewhere in this report.

A public hearing before an independent arbiter to determine the reclassification of community lands to operational lands, indicated by the draft plans, was convened on 20 November 2006, during the exhibition period. This included prior statutory public notification, as well as email advice to those above who had expressed interest in being kept informed about Lindfield town centre planning.

Council applied and exhibited the Best Practice Guidelines - Exhibition in respect of the Draft LEP for Lindfield during the exhibition process.

All properties in the Lindfield Centre study area, plus those who have made submissions in response to the plans, have been advised by letter of this report going to Council – together with some 650 people via email who have expressed on-going interest in being kept informed about Lindfield centre planning.

Community Consultation

The plans and accompanying documentation were exhibited publicly 30 October to 27 November 2006. In response, 79 submissions have been received. Submissions were received from the following:

NAME	SUBURB/EMAIL	NAME	SUBURB/EMAIL
Mr C Coote	email supplied	Homi Minbatiwala	PO Box 256 Gordon
Mr & Mrs D J Cozijn	email supplied	Mr I & Mrs J Cairns	12 Milray St Lindfield
Mr M Jackson	email supplied	Ms Sue Macdonald	12 Nelson Road Lindfield
Mr P Janssen	email supplied	Prof D & Mrs C Barker	cathdave@hotmail. com
Mr T Krause	email supplied	Mrs R O'Neill	47 Primula Street Lindfield
Mr S Birchall	6 Banyula Place Killara	Ms J McLeod	email supplied
Mr D Hatton	email supplied	* Mr C Young	email supplied
Mr P & Mrs C Bodegraven	18 Nelson Road	Mr S & Mrs A O'Donnell	1 Treatts Road

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NAME	SUBURB/EMAIL	NAME	SUBURB/EMAIL
	Lindfield		Lindfield
Mr D Allan	124 Middle Harbour Road East Lindfield	* Mr John Ferres	12 Berry St North Sydney
Mr N & Mrs R Willetts	113 Bent Street Lindfield	Mr John McCrory (JM & JM McCrory)	14/12-18 Russell Ave Lindfield
Ms Y Jayawardena	97 Tryon Road East Lindfield	Mr Roger Dampney	email supplied
Mr P Gooden	1 Northcote Road Lindfield	* Mr Jonathan Leib (Platino Properties Pty Limited)	PO Box 1839 Neutral Bay
Mr J & Mrs A Willis	email supplied	Mr G & Mrs I Lewis	email supplied
Mr P Walker	email supplied	Mr D & Mrs L Hinchin	9b Gladstone Parade Lindfield
Ms P Baird	22/9 Tryon Road Lindfield	* Mr C Young	email supplied
* Mr Chris Young	email supplied	Mr G Gurney & Mrs N Dougall	14 Beaconsfield Parade Lindfield
Mr Warwick Butt	16 Wolseley Road Lindfield	Mr Richard Ulrick	4 Highgate Road Lindfield
Mr P & Mrs A Hoggard	14 Milray Street Lindfield	Ms Eleanor Fraser Pisani	20 Tryon Road Lindfield
Ms Janet Lomax	7 Middle Harbour Road Lindfield	Mr Robert Salerno	email supplied
Dr Angela Gorta	17 Balfour Street Lindfield	Ms Cheryl Sutherland	email supplied
Ms H Rowe & Mr R Derham	14 Woodside Avenue Lindfield	Ms K J Cowley	email supplied
Mr D & Mrs C Saxelby	18 Beaconsfield Parade Lindfield	* Mr Michael Haldey	email supplied
* Mr Andrew Owens	email supplied	* Ms D Sutherland	The Bentleigh Suite 213 1 Katherine Street Chatswood
* Mr L.B. Hunt	email supplied	* Mr P Andrews	email supplied
W.H. Oliver	12 Wolseley Road Lindfield	* Mr A Sweeney	email supplied
Ms S Hynes	7/455 Pacific Highway Lindfield	* Mr C Young	email supplied
Mr J Williams	email supplied	Mr & Mrs Wong	22 Wolseley Road Lindfield
Mr R Lygo	email supplied	Mr & Mrs Donovan	email supplied
* Mr A Minto Glendinning Minto & Associates	Po Box 225 Thornleigh	Mr C & Mrs S Cougle	email supplied
* Ms C Gunn	42 Wolseley Road Lindfield	Ms K Durran	email supplied

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NAME	SUBURB/EMAIL		NAME	SUBURB/EMAIL
G.F. Fernengel	10/3 Gladstone Parade Lindfield		* Mr N Juradowitch	Lyndhurst Suite 19/303 Pacific Highway LINDFIELD
Mrs C Bentley	2 Drovers Way Lindfield		Mr G & Mrs C Travers	email supplied
Ms Lynette Noble	6 Drovers Way Lindfield		* Mr D Hawes (St Hilliers Property p/l)	GPO Box 5370 Sydney
* Mr R Sweeting (Structure Finance Corporation P/L)	Po Box 133 Longford Tasmania		* Mr J Herman	email supplied
Ms C Wells	36 Wolseley Road Lindfield		Ms F Pettit	60 Abingdon Road Roseville
Mr G & Mrs A Stevens	51 Cocupara Avenue Lindfield		Mr G & Mrs A Holder	agholder@bigpond.com
* Mr A Minto Glendinning Minto & Associates	Po Box 225 Thornleigh			

* Consultant submissions, generally on behalf of owners in the town centre.

An additional submission was received from D Sutherland on behalf of DSA which supplements an earlier submission. This is included as **Attachment 12**.

FINANCIAL CONSIDERATIONS

Costs were covered by the Department of Open Space and Planning budget and part funding from the NSW Department of Planning.

In relation to financial considerations relating to Council owned land a detailed financial analysis and summary will be provided to accompany Council's Section 94 Strategy and in relation to any future matters originating from Council's final position on land reclassification.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council has adopted an integrated planning approach involving all Departments, which have provided detailed input throughout the project. Specific comments have been received in response to the draft plans from the following:

Team Leader Compliance

The team leader of Council's Compliance Section has suggested a number of changes to clarify standards in Schedules 2 and 3 of the Draft LEP (Exempt and Complying Development). Council staff have reviewed the controls for these schedules and the following changes are recommended:

Exempt Development – Schedule 2

- Alterations-external alterations to dwelling houses

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Replace:

e) do not alter the amount of natural light or natural ventilation capable of entering the dwelling;
with

e) do not alter the amount of natural light or reduce the amount of natural ventilation capable of entering the dwelling;

This will allow the fitting of a roof ventilation fitting (eg. whirligig) as exempt development.

- Business identification signs – suspended under awning.
 - i) are suspended with a clearance of at least 2.6 metres ***to the underside of the sign*** as measured

This clarifies the control.

Add to the controls for illumination of such signs at l):

- (iv) ***illumination is concealed within, or integral to, the sign;***
- (v) ***cabling to signs is concealed;***
- (vi) ***uses LEP diode technology of a lighting source of equivalent or higher efficiency;***
- (vii) ***is not hazardous or a nuisance to pedestrians or vehicular traffic;***
- (viii) ***does not light up adjoining areas; and***
- (viii) ***does not use red, amber or green if within 60 metres of a signalised intersection.***

This will improve consistency with the illumination controls for signs in the Draft DCP. The controls for exempt development should not be less onerous than those in the DCP.

- Home occupation – identification signs
 - c) are not fixed to front fence Change to: ***affixed to front fence where existing***
 - e) do not exceed .9sqm in area Change to: ***do not exceed 0.24sqm in area***

It would be visually better to have the signs affixed to the fence where one exists, eg a high fence to a major road. This would avoid excessive height of sign due to the need to raise it higher than an existing fence or vegetation for visibility and allows signs on high fences (eg. on a major road). The proposed reduction in size limits the impact on the street.

0.9sqm for a home occupation sign which states the name and business is excessive. A sign at 0.24sqm (eg 500mm x 400mm) would be adequate and not intrusive in a residential area.

- Building identification sign
 - b) measure not more than 2.5sqm unless erected on a multi-dwelling housing development, residential flat building or ***mixed use building***, in which event they measure not more than 5.5sqm

This allows building identification signs on mixed use buildings as exempt development.

- Sporting and Special events

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Add:

g) are permitted to be erected for 7 days prior to event taking place

It is reasonable for signage to be used to advertise such events ahead of the event.

- Air conditioning – for dwelling houses and dual occupancies
g) are located at least 3 metres from the nearest property boundary or ***common wall of dual occupancy.***

to clarify the control.

Delete – “***and any existing trees and bushland***”

It is desirable to retain trees which may assist in screening the air conditioning unit. Further, the retention of this phrase may lead to the unnecessary loss of trees within 3 metres of a dwelling, in order to comply with the requirements for the location of air conditioners.

Add:

j) Not be mounted so as to introduce vibration to an adjoining occupancy

to protect neighbouring amenity.

- Air Conditioning –Commercial premises
Insert after c) and renumber accordingly:

d) Is not a ducted system

e) Does not cause transmission of vibration to other occupancies

Lodgement of a development application is required for a ducted system due to fire regulation and air quality issues.

- Alterations External dwelling houses

d) do not increase the number or size of windows ***or doors***

To protect privacy

- Basketball hoops
 - a) are freestanding on posts ***OR*** concreted into the ground
Delete b) which requires location in the rear yard.

Such facilities are not intrusive in the streetscape, and their use activates the street.

- Clothes lines or Clothes Hoists

Add:

c) are not installed on the balconies of residential flat buildings

To protect the visual amenity of neighbouring residents and the streetscape.

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- Clothing bins

Delete ***are associated with*** from:

- a) are associated with, run and collected by a registered charity;

Add the following:

d) only one bin is provided on any site

This will reduce the potential proliferation in the streetscape of bins run by private companies.

Add:

Note 1. The erection of clothing bins requires approval under Section 68 of the Local Government Act 1993.

for the information of the layperson.

- Effluent discharge into sewer

Delete ***Note 1***

This is not required as this function is regulated by the Sydney Water Corporations Act.

- Fences – hoardings and other temporary fencing

Delete from note:

if located on Council land

as an approval is required under Section 68 whether or not the hoarding is located on Council land.

- Landscape works on residential land

Add:

(vii) Does not involve the redirection/concentration of surface stormwater flows onto adjoining properties and causing a nuisance.

- Letter boxes

Add

e) must be erected wholly within the property boundary

This is a safety issue.

- Power poles

Add as follows:

c) evidence is provided by Energy Australia that underground connection is not available or trenching under existing trees is inappropriate to install cables;

d) where poles are replacing existing poles with metal poles, the poles have a black painted finish.

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This will encourage undergrounding of power lines and minimisation of intrusion of poles into the streetscape.

- Replacement of structures and materials - Carports/garages/decks/driveways

Add a Note:

Note 1. Documentary evidence by way of photos or approved plans of the structures shall be retained by the owner to confirm the design and size of the pre-existing structure.

to discourage such new or enlarged structures without adequate prior merit consideration.

- Satellite TV Dishes - Roof mounted

Correct formatting: Dot point missing

to clarify the control.

- Shade structures

Insert after c) and renumber accordingly:

d) the total site landscaped area at the completion of the development is at least 50%, except where the property falls away from the street and a drainage easement is unavailable, in which cause the landscaped area following development is at least 70%;

As the structure is permitted to be up to 20sqm, it is appropriate to limit the built footprint on the site.

- Telephones - See "Public telephones"

Delete this reference

There are no exempt controls for public telephones. Any consideration of such controls would require re-exhibition.

- Change references which refer to the tree preservation order as Clause 33 in the following sections to **Clause 34**, in accordance with the amended standard template:

boardwalks, boundary adjustments, bridges, cat exercise enclosures, cubby houses, decks, demolition, boundary fencing on residential land, front fences, gazebos, landscape works on residential land, maintenance works-tree surgery, paving, stormwater drainage works, water heaters.

COMPLYING DEVELOPMENT - Schedule 3

- Change references in Alterations and additions, decks and verandahs, sheds and greenhouses, pools and spas, to **Clause 33**, which refer to the tree preservation order to **Clause 34**, in accordance with the amended standard template.

- Alterations and additions to commercial premises

Internal

a) and do not include changes to food preparation **or storage** facilities

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This is a health issue.

External

c) no alteration works are undertaken beyond the boundaries of the property at which the premises are located ***with the exception of awnings***; and

to be consistent with a).

- Awnings and sail cloth

Add:

f) the total site landscaped area at the completion of the development is at least 50%, except where the property falls away from the street and a drainage easement is unavailable, in which cause the landscaped area following development is at least 70%;

As the structure is permitted to be up to 30sqm, it is appropriate to limit the built footprint on the site.

- Swimming Pools and Spas

Design

Replace: n) ii) 1.5 metres, where the pool is an above-ground construction;
with

(ii) 1.5 metres where the pool is an above ground demountable type pool or moveable spa construction.

to improve clarity.

Insert after q) and renumber subsequent controls accordingly:

r) does not include an elevated deck constructed around above ground demountable type pools or moveable spas.

to protect neighbouring privacy.

As these proposed revisions to Schedule 2 and 3 of the Draft LEP were not formally exhibited as part of LEP Amendment No 3 a new LEP will need to be prepared. This can occur in early 2007.

Additional feedback has been sought from staff across most departments of Council and the results of this feedback are included within analysis of specific parts of the LEP and DCP and those recommendations.

SUMMARY

Lindfield is the third group of the centres to have new Draft Local Environmental Plan and Draft Development Control Plan prepared. The new plans have been prepared under the Standard Local Environmental Plan 2006 template. Following the consideration of a Section 54(4) notification

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from the NSW Department of Planning, Council on 16 August 2006 resolved to exhibit Draft Ku-ring-gai Local Environmental Plan Town Centres (Lindfield) 2006 Amendment No 3 and the Draft Ku-ring-gai Town Centres Development Control Plan (Lindfield) 2006.

The Plans have been referred to the relevant State Agencies as required under Section 62 of the Environmental Planning & Assessment Act and have been on formal public exhibition in accordance with the Act. The exhibition period commenced 30 October 2006 and finished on 27 November 2006. A comprehensive consultation program was conducted throughout the project. Council prepared and exhibited a Draft Local Environmental Plan and Draft Development Control Plan. Submissions have been received from the relevant state agencies and 79 submissions have been received from the public in response to the exhibition.

Key issues raised from the submissions have been considered and assessed with additional planning, urban design, traffic, parking, environmental and economic analysis and, where appropriate, recommendations have been made for further amendments to the Draft LEP and Draft DCP.

In addition a public hearing was conducted into the reclassification of Council owned land and a public hearing was conducted. This report provides a recommendation on the future classification of these sites.

This section provides a comprehensive final list of the key summary recommendations for the Draft Local Environmental Plan and Draft Development Control Plan resulting from the formal exhibition process.

A. - General Recommendations***Heritage item Turramurra and***

1. That 1359 Pacific Highway, Turramurra be included as a heritage item under Schedule 5 Environmental Heritage within the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres).
2. That the Department of Planning be advised of Council's decision to prepare a Draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act 1979 and the Draft LEP be prepared and exhibited in accordance with the EPA & Act and Regulations.
3. That a report be brought back to Council following public exhibition for consideration and finalising of the Draft Local Environmental Plan.

Exempt and Complying Development

4. That a Draft Local Environmental Plan be prepared amend identified exempt and complying development provisions in Schedule 2 and 3 of the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) and the Department of Planning be advised of Council's decision to prepare a Draft Local Environmental Plan in accordance with

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Section 54 of the Environmental Planning and Assessment Act 1979 and the Draft LEP be prepared and exhibited in accordance with the EPA & Act and Regulations.

5. That a report be brought back to Council following public exhibition for consideration and finalising of the Draft Local Environmental Plan

B. - Recommended amendments to the Draft LEP

There have been a number of amendments that are recommended to be made to the Draft LEP following consideration of representations, public submissions and further considerations from Council officers and consultants. An amended Draft LEP is contained in **Attachment 4** to this report, which includes the amendments detailed below:

1. Amend the Height of buildings map to identify maximum height of buildings in metres rather than storeys.
2. Amending the Subdivision map to make it consistent with the amended subdivision provisions
3. In relation to Precinct E Draft LEP:
 - a. Increase the maximum FSR to 2.1:1 with maximum retail FSR to 1.2:1;
 - b. Amend the height map to permit 4 storeys at the western end of the site.
4. In relation to Precinct F:
 - a. Amend height from 6 to 5 storeys for 5 and 5A Gladstone Parade
 - b. Amend the height from 6 to 5 storeys for 10A Beaconsfield Parade.

C. Recommended Amendments to Draft DCP

There have been a number of amendments that are recommended to be made to the Draft DCP following consideration of submissions from public submissions and further considerations from Council officers and consultants. These are as follows, and if adopted will be incorporated into the final Draft DCP:

1. In relation to Precinct B:
 - a. Amend drawings 3.1.3 and 3.1.4 to show the location of kiss-and-ride facility at the rear lane area.
 - b. Amend drawing 4.8.3 to accommodate kiss-and-ride facility at the rear lane area.
2. In relation to Precinct C:
 - a. Amend drawings 2.2.7 and 3.1.2 to show the location for kiss-and-ride facility on Woodford Lane.
3. In relation to Precinct E:
 - a. Revise building envelope plan to show a single consolidated building to provide a full line supermarket at the basement level and speciality shops at Pacific Highway level;

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- b. Show location for proposed supermarket at the basement level with car access via Balfour Street and realigned Balfour Lane and pedestrian access via Pacific Highway and Balfour Street;
 - c. Relocate Balfour Lane to the western boundary provided all concerns are satisfactorily addressed (see section (a) for urban design issues);
 - d. Provide 17m building setback from the western boundary, including 8m wide carriageway and 3.5m wide deep soil area with tree planting for screening to adjoining properties;
 - e. In 4.8.5, amend drawings to show relocation of Balfour Lane to the western boundary of the development site.
4. In relation to Precinct F:
- a. In 4.8.6, amend built form control drawings for Site 3 to reduce building height from 6 to 5 storeys towards the southern end (along Gladstone Parade) and reduce the extent of 6 storey component on the northern end.
 - b. In 4.8.6, amend built form control drawings for Site 3 to increase building setback along western boundary from 9m to 10-12m.
 - c. In 4.8.6, amend built form control drawing (plan) for Site 3 to show revised preferred amalgamation patterns as outlined in Submission 37.
 - d. In 2.2.3, amend the strategy drawing to show open space on 10A Beaconsfield Parade.
 - e. In 4.8.6, amend built form control drawings 4.8.6 for Site 2 to show open space on 10A Beaconsfield Parade.
 - f. In 4.8.6, add an objective under 'desired future character' to ensure the retention and enhancement of existing vegetation within Precinct F.
 - g. In 4.8.1 and 4.8.6, amend drawings to show correct building footprint on 12 Beaconsfield Parade.
5. In relation to Precinct H:
- a. Amend built form drawing 4.8.7, (plan) for the proposed amalgamated site at the corner of Milray Street and Kochia Lane. No buildings will be located adjacent to 18 Nelson Road as per the original proposal presented to Council on May 2005.
 - b. Add a strategy in 2.2.8 to implement traffic calming measures at the intersection of Tryon Road and Milray Street.
 - c. Amend built form drawing 4.8.2 (plan) to show possible kerb extension at the intersection of Tryon Road and Milray Street.

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6. In relation Precinct P:
 - a. Amend Draft DCP 4.8.7 Block P Built Form controls to clarify the site area of site 2 used for the purposes of calculating the FSR.
 - b. Amend the Draft DCP 5.5.1 Deep Soil Landscaping to include clause which notes that a reduction in deep soil coverage will be considered for specific sites identified in Part 4 of the DCP where a new public street or pedestrian walkway is proposed on the site.
 - c. In Section 3.2.5 include a statement under 'desired future character' to identify new street as residential with low traffic speed to ensure pedestrian safety.
 - d. Review lot amalgamation pattern for site 5 Precinct P to incorporate 1, 3 and 5 Treatts Road into one amalgamation and show side setback requirements for adjoining development
7. That Section 2.2.8 include as a strategy further investigation into the provisions of an overhead pedestrian bridge across the highway to facilitate improved pedestrian access from east to west.
8. That the new heritage controls contained within **Attachment 12** be included within General Development Controls for Part 5 of the DCP.
9. That the set back controls contained in section 4.3 of DCP 55 be included in the general development Controls of Part 5 of the DCP to apply to the R3 and R4 zones. These controls are to be included the Zone interface controls from clause 25L of LEP 194 to apply to the interface between the R4 zone and single residential zones.
10. That Section 5.16.8 Temporary signs, incorporate the following amendments:
 - a. Replace the title: *Real Estate Signs* with *Real Estate and Property Promotional Signs*;
 - b. Amend G1 to read: *Only one sign per real estate company, or one promotional sign, may be erected at any premises*;
 - c. Amend G2 to read: *Advertise only the premises and/or land to be sold, leased or under construction*;
 - d. Amend G7 to read:
the size of signboards is not to exceed:
 - i. *1.15 m² where single dwellings, dual occupancy development or single units within multi-unit housing are being advertised for sale;*
 - ii. *4.5 m² where commercial or industrial premises are being advertised;*
 - iv. *2.5 m² where premises other than those listed in i) and ii) above are being advertised for sale.*

RECOMMENDATION

- A. That Council adopt the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 3 as it applies to the Lindfield Centre attached to this report including amendments as outlined in this report.
- B. That Council submit a copy of the draft Local Environmental Plan to the Director General of the Department of Planning in accordance with Section 68 of the Environmental Planning and Assessment Act, requesting that the Plan be made.
- C. That Council adopt the Draft Ku-ring-gai (Town Centres) Development Control Plan (DCP) for the Lindfield Centre.
- D. That further corrections to the Draft DCP for drafting inconsistencies, or minor amendments as necessary to ensure consistency with Council's adopted LEP be completed.
- E. That a public notice of Council's decision to adopt the Development Control Plan be placed in the North Shore Times and that the notice identifies that the plan will come into effect from the date of gazettal of Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 3.
- F. That in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000, Council submit a copy of the Plan to the Director-General of the Department of Planning.
- G. That a draft Local Environmental Plan amendment for the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) be prepared to list 1359 Pacific Highway, Turramurra as a heritage item under Schedule 5 Environmental Heritage and the amendment also to include the new exempt and complying controls as outlined in this report.
- H. That the Department of Planning be advised of Council's decision to prepare a Draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act 1979 and the DLEP be prepared and exhibited in accordance with the Environmental Planning and Assessment Act and Regulations and a report be brought back to Council following public exhibition for consideration and finalising of the Draft Local Environmental Plan.
- I. That the developer contributions strategy (including section 94 plan) for Lindfield continue to be developed and reported to Council as a draft for exhibition prior to the gazettal of the Local Environmental Plan.
- J. That Council continue to seek support from the State Government for infrastructure investment.

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- K. That in accordance with section 68(5) of the Environmental Planning and Assessment Act, Council resolve to defer the items contained in Schedule 4 of the draft LEP that seeks to reclassify public land in Lindfield to operational land pending a further report to Council investigating the matters raised in the recommendations of the public hearing.
- L. That all persons who made a submission be notified of Council's decision.

Terri Southwell
Urban Planner

Craige Wyse
Senior Urban Planner

Ling Lee
Urban Designer

Antony Fabbro
**Manager
Urban Planning**

Greg Piconi
**Director
Technical Services**

Steven Head
**Director
Open Space and Planning**

Attachments:

- Attachment 1a - Section 55 Direction - 705488**
- Attachment 1b - Copy of conditional Section 54(4) - Notification from the Department of Planning - Lindfield - 705490**
- Attachment 2 - Booklet of submissions received - (circulated separately)**
 - Copy of general submissions**
 - Section 62 State Agency summary table**
 - Section 62 copies of State Agency submissions**
- Attachment 3 - Copy of summary issues and recommendations table - 705822**
- Attachment 4 - Final Draft Ku-ring-gai Local Environmental Plan (Town Centres) Amendment No 3 (Roseville and Lindfield Centres) - circulated separately**
- Attachment 5 - Exhibition copy of Draft Ku-ring-gai Development Control Plan Town Centres (Lindfield) 2006**
- Attachment 6 - Summary of consultation program for overall Lindfield Centre project - 705631**
- Attachment 7a - Copy of Public Hearing report - Reclassification of Council land - Independent report - 706006**
- Attachment 7b - Copy of public submissions Reclassification of Council land - 705744**
- Attachment 8a - Confidential Economic Review from Sphere Properties**

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Corporation - confidential

Attachment 8b - Additional Feasibility Comments - 12 to 18 Tryon Road - confidential

Attachment 9 - Traffic impact review - circulated separately

Attachment 10 - Revised yield table Lindfield - circulated separately

Attachment 11 - Heritage DCP additions - 706452

Attachment 12 - Additional public exhibition submissions - 705634

Attachment 13 - proposed Amendment Block E - 706470

Attachment 14 - Proposed Amendment Block F - 706471

Attachment 15 - Proposed Amendment Block H - 706472

DIRECTION UNDER SECTION 55

I the Minister Assisting the Minister for Infrastructure and Planning, in pursuance of section 55(1) of the Environmental Planning and Assessment Act 1979 (the 'Act'), direct Ku-ring-gai Council:

- (a) to perform all of its functions under Division 4, Part 3 of the Act, to prepare a draft local environmental plan for areas in close proximity to the railway line and Pacific Highway and the St Ives Centre which are zoned Residential "D", "E" "F" and "H" and 3(a) and 3(b) under Ku-ring-gai Planning Scheme Ordinance.
- (b) to exercise its functions under Division 4, Part 3 of the Act, in relation to the preparation of the draft local environmental plan, in accordance with the principles set out in Schedule A;
- (c) to include in the draft local environmental plan provisions which achieve or give effect to the principles specified in Schedule A; and
- (d) to submit the draft local environmental plan to the Director-General of the Department of Infrastructure, Planning and Natural Resources under section 68 of the Act within 12 months of the date of this Direction

Dated at Sydney this 27 day of May 2004



Diane Beamer
Minister Assisting the Minister
for Infrastructure and Planning

Schedule A

Principles

- 1. To encourage the provision of housing that will broaden the choice of building types and locations available in the housing market and to make more efficient use of existing infrastructure and services.
- 2. To revitalise the existing retail/commercial areas.

Aims

- 1. To rezone land to facilitate the development of multi-unit housing and increase housing choice particularly in the form of "shop-top" housing
- 2. To improve the development standards so as to encourage the redevelopment of land in the existing multi-unit housing zones

Objectives

- 1. To include provisions which allow for the redevelopment of land for multi-unit housing consistent with the development standards contained in LEP 194
- 2. To provide for retail and commercial activities to cater for the local community and to implement housing density standards which compliment those contained in LEP 194



NSW GOVERNMENT
Department of Planning

Office of the Director General

Mr John McKee
General Manager
Ku-ring-gai Municipal Council
PO Box 15
Gordon NSW 2072



Contact: P Adrian
Phone: (02) 8374 5926
Fax: (02) 83745991
Email: peter.adrian@planning.nsw.gov.au
Postal: Locked Bag 8, Redfern

Our ref: 9043258;9043170
Your ref: s04019; s04365; s04350

Dear Mr McKee

Re: Section 54(4) Notification – Draft Amendment to Ku-ring-gai Town Centres LEP

I am writing in response to Council's letters advising of the Council's decision to prepare draft local environmental plans ('LEP'), under section 54(4) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') for Gordon, Pymble, Roseville and Lindfield,

You will be aware that an instrument of delegation in respect of my LEP making functions was executed on 16 February 2006 ('**delegation**'). Use of the delegation in respect of a draft LEP is conditional on receipt by Council of a Written Authorisation to Exercise Delegation ('**Authorisation**'). An Authorisation is being issued on this occasion subject to the attached schedules. Council is required to submit the draft LEP to the Department prior to a section 65 certificate being issued and to provide a copy of the certificate and accompanying instrument and maps when the LEP is exhibited.

Consultation with the Heritage Office within the Department under section 62 of the Act is required in this instance.

Should you have any queries in regard to this matter please contact the Regional Office of the Department.

Yours sincerely

per **Sam Haddad**
Director General

30.6.06.



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

This is a Written Authorisation to Exercise Delegation ('**Authorisation**') pursuant to the instrument of delegation executed by the Director General of the Department of Planning ('**Director General**') on 16 February 2006 ('**Delegation**').

Subject to the Delegation and the terms and conditions specified in Schedules 1 to 5 inclusive to this Authorisation, the following functions are delegated to **Ku-ring-gai Council** ('**Council**') with respect to the draft local environmental plan the subject of notification by Council to the Director General under section 54(4) of the *Environmental Planning and Assessment Act 1979* ('**EP&A Act**') on resolution by Council for Pymble and Gordon dated 23 May 2006 and on resolution by Council for Lindfield and Roseville dated 29 May 2006 ('**Draft Ku-ring-gai (Town Centres) LEP 2006 (Draft Amendments)**')

Section 65(1)

Dated 30th day of June 2006

per Sam Gabriel Haddad
DIRECTOR GENERAL
Department of Planning

Schedule 1

The exercise of the function(s) under the Delegation is subject to:

1. Prior to exhibition and before a section 65 certificate is issued, Council submitting the draft LEP amendments to the Department.
2. the Draft LEP being consistent with any relevant Ministerial Direction issued pursuant to section 117 of the EP&A Act; and
3. the Draft LEP not containing provisions suspending laws pursuant to section 28 of the EP&A Act; and
4. compliance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 entitled, '*LEPs and Council Land - Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owner or controlled by Council*'; and
5. matters set out in the following schedules (Schedules 2,3,4,5) for each town centre.

SCHEDULE No 3 - ROSEVILLE TOWN CENTRE

- There are sites within the 400m radius of the centre which are zoned either Residential 2(d), 2(e), 2(f), or 2(h), that have not been rezoned in the DLEP as per the Minister's Directions. These sites are to be included in the DLEP and zoned appropriately. Council established a study boundary for the centre, using that boundary would help overcome this issue.
- Council is to consider the capacity currently provided in the centre in relation to its R4 zone and demonstrate that capacity provided by the R4 zone will deliver additional dwellings sufficient to meet Council's Metropolitan Strategy targets. Yield tables for all rezoned areas are to be provided to indicate the expected increases being achieved.

Alternatively, Council could consider other, if not all, of the areas within an 400m radius of the train station in which residential uses are proposed to ensure maximum yields are achieved in line with the Metropolitan Strategy and supportive of the Minister's s.55 Directions.

- The relevant uses from previous instruments that will not lead to down-zoning are to be transferred to the draft LEP.
- There are sites within the DLEP which have been downzoned. All sites included are to provide an improved yield.
- The Special Purposes (SP2 Infrastructure) zone in the draft Plan are not be used for car park area, community facilities, churches or schools. These areas are to be zoned according to the adjoining land use zoning (i.e. the relevant residential or commercial zone).
- The R2 zonings are to be removed from the draft Plan.

Key matters raised in submissions- Lindfield

Matters of policy related to the introduction of increased density	Issue	Comment	Recommendation
Traffic and access	Given the RTA refusal to widen the Havilah Rd underpass, resident suggests making a “No Right Hand Turn” for traffic coming down the hill from Killara. The traffic lights on the Pacific Highway at St David’s Church, which are rarely used, should be moved to the corner of Pacific Highway and Treatts Ave, thus allowing traffic coming down Lindfield Ave to be able to turn onto the Highway at Treatts Ave. Note, Havilah road underpass is especially bad at school peak times.	The cost of widening the underpass would be prohibitive. Signalising Pacific Highway at Treatts Road would further encourage through traffic on Lindfield Ave, as suggested. This intersection is outside the study area. Further consultation with the RTA may be undertaken in future about the suggested additional signals.	No change recommended to the plans. Future traffic planning should consider these suggestions in conjunction with the RTA.
	Has there been any consideration given to an underpass or overbridge in Lindfield to link the Eastern and Western retail areas? Residents tend to stick to the side of the Highway where they live to go shopping and thus many opportunities for more varied shopping and other amenities are lost.	The rail underpass and Strickland Ave bridge provide vehicular connections. There are also signalised pedestrian linkages across the Highway and pedestrian bridge over the railway. Additional vehicular linkages would be cost prohibitive and are not currently proposed.	No change recommended.
	Consultants point out that the main contributor to traffic increase is residential development proposed, yet planning for traffic changes is not adequate.	Traffic modelling has taken account of the additional traffic generation expected and the traffic plans outline proposals to address the impacts.	No change recommended.
	Traffic flow in Woodford Lane/Drovers Way is already difficult. The proposal will exacerbate this. Drovers Way is a busy steep through street, already parked out. Narrow footpaths make it	These vehicular links will be redesigned, and are expected to operate satisfactorily. New vehicular links in the vicinity have been proposed to improve access and circulation.	No change recommended.

Policy	Issue	Comment	Recommendation
	difficult to access or egress safely.		
	Bent St needs to be widened between nos. 41 to 49. A right hand arrow should be provided at the Coles intersection to allow traffic to turn towards Chatswood.	Bent St, between Lindel Place and Frances St is outside the study area. Improvements are proposed at the signalised intersection of Pacific Highway and Balfour St/underpass. The right turn filter movement is not proposed to change.	No change recommended.
	Traffic at Lindfield station can be chaotic in morning peak hour. Any new development should ensure that total gridlock is not a consequence.	Traffic modelling and plans indicates that additional traffic generated will be accommodated with least impact.	No change recommended.
	Requests traffic lights at Strickland Ave/Pacific Highway intersection to relieve pressure on Balfour/Pacific/Lindfield Ave intersection. A right hand turn to go north on the highway would also help. Council should make a strong case for this, whether RTA likely to support it or not.	Signalising Pacific Highway at Strickland Ave was modelled but rejected because of delays. Signals, however, would assist turning right onto the Highway. No proposal at present for these signals.	No change recommended.
	Another option is to install a traffic light at the Stanhope/Pacific Highway intersection, and allow a right turn to the highway (going north). This would relieve pressure on Havilah Rd underpass, and facilitate the traffic going west of the highway using Fiddens Wharf Rd.	Pacific Highway at Stanhope Road is not within the study area. No proposal to signalise.	No change recommended.
	It is urgent for safety reasons, that the east side pedestrian lights be repositioned together with traffic lights for Tryon Rd/Lindfield Ave intersection.	This is proposed within the plan.	No change recommended.
	The continued use of Tryon Rd as a bypass is dangerous, especially for children, given excessive speeds. Similarly the traffic bypassing Lindfield via Russell Ave or Trafalgar St and Trafalgar Lane is also dangerous, especially when the STOP sign is	Tryon Road is a significant link for residents of East Lindfield. Excessive traffic speeds and driver behaviour at STOP signs are enforcement issues. Traffic management within this area will require ongoing review.	No change recommended.

Policy	Issue	Comment	Recommendation
	ignored.		
	The plans will result in problems with traffic. The area's roads cannot sustain the number of additional cars that will be associated with the increase in population. Even a small number of additional cars will put significant and dangerous pressure on the Pacific Highway and Archbold Rd during peak hours, as well as an increase in overall traffic levels through suburban streets not designed for them. (In theory people should walk to the train station to go to work, in reality they won't.)	The proposed development will generate additional traffic. However, this increase has been modelled and quantified and plans prepared to manage and minimise the impacts.	No change recommended.
	Crossing the highway in a car with the present level of traffic is a nightmare. What positive steps are being taken to improve traffic conditions on the Pacific Highway?	The Highway and railway line are local barriers for residents, but access will be maintained. Improvements on Pacific Highway are proposed, but this road is ultimately an RTA responsibility.	No change recommended.
	There should be an arrow at traffic lights on Pacific Highway and Coles supermarket to allow those coming from the West to turn right to go to Chatswood.	This intersection is already constrained. Adding additional traffic movements will increase delays. The existing right turn filter movement is not proposed to change.	No change recommended.
	The street between Bent and Francis St should be widened as it is two way in front of 5 houses numbers 41,43,47,49.	This part of Bent Street is not within the study area.	No change recommended
	<p>The proposed new road through Precinct P would be dangerous for vehicles egressing the road at Wolseley Rd because of the 135 degree angle.</p> <p>If synagogue remains as proposed for 10-20 years, residents of the R4 sites have no exit to Treatts Rd, doubling traffic on Wolseley Rd (ie double consultant's estimates) and making access from</p>	<p>The angle of the intersection with Wolseley Road can be addressed during the design stage.</p> <p>Additional traffic expected in Wolseley Road would still be below the RTA's environmental capacity for a local road.</p> <p>The swept paths of larger vehicles can be</p>	No change recommended.

Policy	Issue	Comment	Recommendation
	<p>the R4 sites to the highway circuitous. New road and Wolseley Rd too narrow to carry this traffic. Because of the angle, large vehicles will require the entire width of the road to turn in, some even a 3 point turn.</p> <p>Exit adjacent to park, dangerous for children.</p>	<p>addressed during the design stage. However, it is unlikely that vehicles larger than a removalist vehicle (large rigid truck) will require access to the new road.</p> <p>Traffic flows adjacent to park are expected to be low.</p>	
	Havilah road intersection with the Highway is operating at capacity – needs major upgrading, before east side redevelopment proceeds.	Modelling indicates that the proposed traffic generation can be accommodated.	No change recommended.
	<p>The only proposal to improve traffic flow in Balfour St is to extend parking restrictions on the north-western corner as part of the urban design for the Coles site. This will not cater for the increase in traffic and the redevelopment.</p> <ul style="list-style-type: none"> ▪ The re-alignment of Balfour Lane will not assist in catering for the additional traffic flow associated with the proposed expansion to the Coles site. ▪ Balfour Street is a short street that was designed for residential traffic. Neither Balfour Street nor its intersection with the Pacific Highway were designed to take the increase in traffic that would be required to make the scale of the proposed expansion of the Coles site commercially viable. ▪ The expansion of Coles should not be included in the Lindfield town centre plan. 	<p>The proposed parking restrictions will assist the operation of the Pacific Highway/Balfour Street/underpass intersection.</p> <p>Modelling indicates that the proposed traffic generation can be accommodated.</p> <p>The realigned Balfour Lane will cater for the proposed Coles expansion.</p>	No change recommended.
	<p>Bent Lane:</p> <ul style="list-style-type: none"> ▪ Is proposed to be widened and made one way from north to south (in the opposite direction to the greater demand). 	A lane parallel to Bent Lane is proposed to provide an additional traffic link between Bent and Balfour Streets.	No change recommended.

Policy	Issue	Comment	Recommendation
	<ul style="list-style-type: none"> ▪ Bent Lane lies between two proposed sites for development: the aged care facility and the buildings along the highway, it is not clear which of these will provide the additional land necessary to widen Bent lane. If the land has to come from the aged care facility then it would not be feasible. ▪ Until an additional street is built as part of the redevelopment of the aged care facility it does not make sense to make Bent Lane one way as this would force traffic down Balfour Street. ▪ However if Bent Lane were to be made one way that it would make more sense for the traffic to flow from south to north rather than in the direction that is currently proposed (see submission No. 22) 	<p>Widening of the lane to accommodate footpaths will be achieved by dedication, when the adjacent properties are redeveloped</p> <p>The changes will be integrated so that access is not denied to residents.</p> <p>Comment noted.</p>	
	Resident is concerned that the increase in dwelling density will generate significant additional traffic on the local roads. Already Beaconsfield Parade is parked out each morning and traffic movements to and from the residents driveways are difficult and dangerous.	Beaconsfield Parade is not a significant road link in Lindfield and it is expected to continue to operate safely.	No change recommended.
	Vehicular access to Precinct P should be by way of tunnel via the southern end of Wolseley Rd and under Ibbotson Park. A 'reappearance' after Balfour St) of the left only lane going north on the highway should be explored, even if only during peak times. (Diagram submission 77)	Access to the area will be provided. Tunnelling under Wolseley Road and open space would not be practical nor would it be funded.	No change recommended.
	Centre is divided by highway, with only 1 slow signal crossing. Needs pedestrian bridge.	Two signalised pedestrian crossings are provided. Proposals for pedestrian bridges can be considered.	No change recommended.

Policy	Issue	Comment	Recommendation
	Pedestrian access over Treatts Rd bridge should be improved, especially on the south side.	Pedestrian access is provided, even though demand is low. Current provision not proposed to change.	No change recommended.
Parking	Removal of on-street parking means retailers and businesses suffer – eg Parramatta Rd, Annandale. Many residents will rile against off-street parking – it takes longer and is frustrating. This plan is the beginning of the destruction of our village.	On street parking is only a minority of the parking provided. Existing parking capacity is intended to be maintained, and new developments would provide for their additional use.	No change recommended.
	Loss of our free parking at grade, to underground parking stations	Existing parking capacity is intended to be maintained, and new developments would provide for their additional use.	No change recommended.
	No loss of current parking is not sufficient, considering increase in density. 1 space per 2 bedroom apartment and 2 for more bedrooms is not sufficient and will result in increase on-street parking. Plans should provide for significant increase in parking.	Parking rates are intended to provide for future needs, while taking into account the proximity of public transport and sustainability issues. Parking rates are considered quite generous when compared to other centres.	No further changes recommended.
	Council needs to plan for commuter parking, during and after redevelopment. Currently commuters use on street parking, Coles, and 1 Beaconsfield. Coles parking is also used by the parents of Holy Family school. Parking must be considered now. Funds from the sale of community land could be used. Residents could get a sticker to allow parking, while parking from outside the area could be subject to 2 hour limit. Residents could perhaps also pay for one extra parking sticker (say \$50).	On street parking will remain away from town centres. Holy Family School's arrangement, if one exists, is a private one with Coles. Council does not provide, nor intends to provide Resident Parking Schemes. Public transport will be in close proximity. A parking Management Plan is required to be prepared for the centre prior to gazettal of the LEP.	No change recommended.
	Develop airspace above the rail line for commuter and shopper parking – alternative to Tryon Road underground car-park proposed.	Development of railway airspace may not yet be viable. Rail authorities have not been supportive of this development generally within Ku-ring-gai.	No change recommended.

Policy	Issue	Comment	Recommendation
	There is already a very large demand for parking in Lindfield. Currently local commuters use almost the whole of the Coles car park during weekdays making it very difficult for shoppers. They also use the streets on both sides of the rail line and these become choked with cars. Shoppers on both east and west sides who currently use Coles and Council owned car parks will find it almost impossible to park while construction of new car parks is going on.	Disruption to parking availability could be expected as individual sites are developed. These aspects of the redevelopment will need to be managed as carefully as possible.	No change recommended.
	Council needs to construct a Parking station at Lindfield.	Existing parking levels will be maintained and new development will need to provide parking according to the amount of development to be undertaken.	No change recommended.
Lack of other Infrastructure/ services	Council should not acquiesce to state government pressure for growth, when there is inadequate water, sewer and power infrastructure to support existing densities. State government should address the water crisis first. Lack of adequate power will result in more frequent occurrences of street lights being blacked out, and associated safety issues at night. Encourages Council to seek advice from relevant state agencies. NSW Government first needs to address chronic underinvestment in rail and road infrastructure to support the plan.	Council is under the Minister's directive under Section 55 to provide for additional growth in this area. The comments from the agencies provide general support for the proposals. These issues are discussed further in the main body of the report.	Recommend that Council seek support for infrastructure investment in Ku-ring-gai.
	Lack of co-ordination between local and state government : eg. RTA solves traffic problem by suggesting widening the Pacific Highway, but this	Council is liaising with State Government and other stakeholders to achieve an optimal planning outcome.	No change recommended.

Policy	Issue	Comment	Recommendation
	reduces yield. Not good planning.		
	Inadequate and public transport infrastructure to support the proposed growth. Train carriages are already packed.	The provision of increased growth near the existing railway station increases the effective use of public transport. The increased level of service provided within Lindfield will improve local access to services, reducing the need for travel.	No change recommended.
	Drainage in streets is a nightmare with clogged drains, etc	This is a maintenance issue. Drainage needs are considered for new developments. Increased stormwater retention will reduce runoff.	No change recommended.
	Water mains burst in Nelson/ Tryon intersection – roads there are only patched up; Milray Street potholes near construction site is an indicator of our future.	Water mains are Sydney Water responsibility. Roads are maintained at development sites.	No change recommended.
	If additional dwellings are being constructed then the supporting infrastructure must be able to cope, this needs to be considered.	Supporting community facilities, provided by Council are being considered. Council has consulted with relevant state agencies as required by Section 62 of the Environmental Planning and Assessment Act.	No change recommended.
	No consideration to the need for additional schooling, childcare etc – that are already stretched.	Private services are expected to be provided by businesses if the demand exists.	No change recommended.
Social problems	Increased traffic problems will result in increased road rage.	Noted. Traffic considerations have been addressed in the plans at the initial planning stage.	No amendment recommended.
	Denser development creates undue stress on the residents of the developments.	No evidence of this but point noted. Improvements to landscaping, streetscapes, community facilities, proposed public open space and parks may provide passive/recreational activities and reduce	No amendment recommended.

Policy	Issue	Comment	Recommendation
		undue stress to residents.	
	Overseas developments with a lack of green space for the community to enjoy have resulted in youth boredom, trouble and crime. It would be very sad if Lindfield produces that outcome.	The Lindfield DCP proposes both upgrades to existing public open space and new open space in the following locations: Ibbotson Park, Tryon Road Town Square, Woodford Lane Village Green, Tryon Place & Pacific Highway and Tryon Place and Station Concourse. These areas are proposed to create a civic focal point for the community and create opportunities for gathering, outdoor eating, informal outdoor performance and community celebrations. There is no evidence to show that these open spaces will result in youth boredom and crime. Council will take into account Crime Prevention Principles at the design stage. Part of the Lindfield DCP's vision is to provide new public spaces that will be located in centrally accessible locations together with a range of other community facilities such as youth space.	No amendment recommended.
Character and amenity	Bulk and scale of the proposal is not consistent with the village character and atmosphere of Lindfield.	Council has provided plans for the Lindfield Centre consistent with the Minister's direction relating to density, economic feasibility and urban design and outlines a number of proposals that seek to provide and improve upon the village character.	No amendment recommended.
	Council should insist that new development be aesthetically pleasing, and blend into existing environment as much as possible.	The DCP includes extensive controls for building form, configuration and landscaping to encourage the desired future character of the centre.	No amendment recommended.
	Drovers Way is already overloaded with bins. What will happen with more units?	The DCP provides for basement location of bins, which will reduce bin clutter on Drovers	No amendment recommended.

Policy	Issue	Comment	Recommendation
		Way from the present situation.	
	Don't allow too much unit development that "block people's sunlight in winter or too high trees."	The DCP provides controls in relation to the provision of solar access to the residents of the apartments and adjoining low density zones. The character of Ku-ring-gai includes the provision of tall trees, and the plans require their replenishment.	No amendment recommended.
	Plans fail to provide a link between east and west sides of the commercial centre.	The highway and railway are constraints that will continue to divide the east and west sides of the centre, however, within these constraints, pedestrian access between the 2 areas will be significantly improved through increased provision of arcades, an improved pedestrian crossing across the highway, an opportunity to widen the concourse across the railway, relocation of the pedestrian crossing on Lindfield Ave and the new pedestrian only square in Tryon Rd.	No amendment recommended.
Heritage	Resident objects to 5 storeys adjacent to 31 Tryon Rd. Need greater setback and lower building adjacent to heritage site.	The sites in this precinct are former 2(d3) sites. No 31 Tryon Road adjoins the state listed church. No 31 is identified as a potential adaptive re-use building to give it flexibility in the accommodating a future uses and also allow further potential development at the rear of the site. The adjoining sites are zoned for future apartment development, in the redevelopment process there is an opportunity to require sympathetic development for development adjoining No 31 Tyron road, subject to it not hindering the development potential and an appropriate reference in the DCP document.	That the DCP section 2.2.11 Heritage make additional reference to the potential adaptive re-use of No 31 Tryon Road and that development in the vicinity of this site should be in a sympathetic manner.

Policy	Issue	Comment	Recommendation
	Resident supports the Heritage Listings for 16 Beaconsfield Parade, Lindfield. It has a number of unique features including a dry stone wall that has been recorded as one of the oldest surviving examples of dry stone walling in the North Shore.	On 26 September Council resolved that 16 Beaconsfield Parade be investigated for heritage listing. The site is not part of the current DLEP but will be further investigated as part of further heritage listings under the comprehensive LEP process.	No amendment recommended.
	Historic character of Lindfield is being lost – little quaint lanes like Kochia, Woodford and Drovers Way should be respected and preserved as a connection to its rural past. 5 storeys will be to the detriment of many fine examples of Federation architecture most represented within 1 km of the centre affecting the historical significance of the area.	It is acknowledged that there will be changes within the Lindfield centre- the laneways will be retained and revitalized as part of the town centre redevelopment. Additional development will be around the station and increased densities which is consistent with the Metropolitan strategy and the Ministers direction. Existing heritage items will be retained and federation homes and the streetscapes will be retained where possible.	No amendment recommended.
Sustainability	Co-ordinated stormwater management and reuse facilities have not been considered. In the current drought it is an opportunity wasted to rely on BASIX requirements for individual properties to deal with this, particularly given the work that Kuring-gai is putting into stormwater schemes in different areas.	BASIX is set by the NSW State Government and these controls override local planning controls for water and energy efficiency. Council's controls cannot be more onerous than the states requirements, However, Council has several significant sites it can use as demonstration sites using the higher standards for water and energy efficiency.	No amendment required.
	18 Beaconsfield Parade is concerned about the downstream flooding from the small creek that runs from the development and downstream through the front of their property. Flooding would have a significant impact on the access into our property as the creek crosses the residents driveway via a low culvert, currently the creek runs at full capacity after some hours of heavy	Usually new development site will increase hard surfaces and will increase runoff. This DCP provides for OSD (onsite detention system) to specifically address this problem (and in fact improve on the current circumstance) OSD is a device used to temporarily store	No amendment required.

Policy	Issue	Comment	Recommendation
	rain. This flooding will be exacerbated by the increase in hard surfaces introduced by the development, the height of the flood peaks and the additional run-off. Council needs to consider a drainage strategy for the whole of the new development site. Each building in the new development should be required to have a detention strategy and a retention strategy. A retention strategy should also apply so that water can be kept on site for re-use. Council should also enshrine conditions to deal with quality and nutrient control. Resident supports the establishment of a riparian way.	<p>surface runoff of the development site into an appropriate sized tank during the storm, with a control discharge. The tank is sized for 100 year ARI storm event. The objective for the provision of this device is to maintain or reduce peak flow rate for the downstream stormwater system.</p> <p>Also, there is a requirement to provide water quality device for large development size.</p> <p>If all these measures are in place for the development site, it is believed that downstream flooding will not be exacerbated and most likely improved.</p>	
Overdevelopment	Council has planned for far more dwellings than required by the State Government.	The amount of potential dwelling yields over the 30 year life of the plan is consistent with the Ministers direction and the North (Ku-ring-gai- Hornsby) sub regional plan for the metropolitan strategy.	No amendment required.
	The Minister for Planning has not required Council to plan all six shopping centres as town centres	Lindfield is being planned as a village centre in the hierarchy of centres – in this context Gordon is a town centre and Roseville a small village centre.	No amendment required.
	<p>The plans proposed by Council go well beyond what is required by NSW Government, are out of step with views of the local community, and will adversely impact on heritage, streetscape, character and general amenity (submission 38).</p> <p>Planned dwelling yields are well in excess of Metro-strategy numbers for Ku-ring-gai</p>	Council has provided an appropriate amount of rezoned land to meet the requirements of the Metropolitan Strategy sub regional plan and the specific Minister's Section 55 Directive for the Lindfield centre over the 30 year timeline for the plan. A range of competing factors as noted in the submission have been taken into consideration.	No amendment required.

Policy	Issue	Comment	Recommendation
	(submission 47).		
	<p>Retail space is already over supplied e.g. at present, 5 vacant shops on Pacific Highway retail strip.</p> <p>Retail and commercial has been increased by double whilst the NSW Government directed Council to revitalise the existing retail/commercial centre.</p> <p>Development to encourage the retaining of retail escape expenditure in Ku-ring-gai is illogical, given the close location of centres like Chatswood, Macquarie and Hornsby.</p>	<p>Council adopted the Ku-ring-gai retail strategy (Hill PDA consultants 2005).</p> <p>This strategy provides guidance on an appropriate level of retail growth to cater for current and future local demand for Lindfield. It is expected with a centre like Lindfield with a range of retail spaces available there may be vacancies</p>	No amendment required.
	<p>Lindfield's retail area is fragmented due to the Pacific Highway and rail line which bisect the eastern and western retail sectors. There are a number of existing shops that have been vacant for some time- what is the point of such a massive increase in retail area if there is no attempt to solve the above problems.</p>	<p>Planning for Lindfield centre has taken into account the fragmentation by providing new residential, retail, commercial and community facilities and public domain on both sides of the precinct. Over time this should provide increased activity in a revitalized environment. In addition the increased local population will also support local shops and services. Place specific action plans will become a feature of future planning and town centre management including marketing and community engagement.</p>	No amendment required.
	<p>There is no need to expand the existing retail and commercial premises apart from the expansion of the Aldi supermarket at Lindfield. Most residents find them adequate for a village centre.</p>	<p>Projections of current and future demand and supply have been based on the Ku-ring-gai retail strategy (July 2005) This provides and appropriate level of retail floor space up to an additional 5,700 sqm NFA which will accommodate a supermarket of 2,500-3,000 sqm- which is adequate for the future needs.</p>	No amendment required.
	Objects to the increase in	Noted see the comments above. The	No amendment required.

Policy	Issue	Comment	Recommendation
	retail/commercial/professional expansion (see submission No. 22 for more detail)	relationship between the amount of additional retail for Lindfield and Roseville has been taken into account in planning for the centres, including the provision for supermarket.	
	Too much development on the western side of the highway (5 storey) that would destroy the whole village and green ambience of a very large area. Precinct F: is zoned for 6 storeys. This would change this part of Drover's Way, already wide enough, into a very narrow and unsafe lane between brick canyons.	There is already land zoned 2(d3) on the western side of the highway under LEP 194 that was gazetted in 2004. Council cannot down zone sites. Safety and security have been taken into account in the urban design phase and will be further considered at the development application stage.	No amendment required.
Other	Maximum developer contributions should be required.	Submission noted and supported. A developer contribution strategy will be prepared for the centre. This will include s94 funds and the use of planning agreements in accordance with the requirements of the relevant legislation.	Prepare a developer contribution strategy for section 94 funds and planning agreements.
	Why is housing choice limited to shop-top housing and apartments? Where are the town houses and villas etc. Will result only in overpriced apartments.	The Minister has directed that the stage 2 plan concentrate on existing commercial areas and the older medium density residential zones. As such the provision of shop top housing was mandated in the commercial centres and old medium density zones were to be upzoned. The new R3 zone will provides a significant area of land available for villas and townhouses in Lindfield. Council will be able to further review the need for zones for villas/townhouses when preparing its comprehensive LEP for Ku-ring-gai.	No action recommended.
	The draft plans are sensible, constructive and a major development towards more sensible use of space near public transport facilities.	Supportive comments noted.	No action required.
	Mirvac development on Tryon Rd is an	Noted.	No action required.

Policy	Issue	Comment	Recommendation
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	enhancement to the area. If other development in the area is similar, there would be little to complain about.		
	Building envelopes are quite small, and it may be some time before they are viable.	An economic feasibility study has been conducted which demonstrates that redevelopment is financially viable over the life of the plan.	No action recommended.
	Supports the retention of the large canopy trees. Also it is good to see that the Council is seeking to put the current street wiring underground.	Noted.	No action required.
	Allowing development to 7 storeys in Lindfield will set a dangerous precedent for future developments within the town centres.	Noted. Maximum height limits are mandated by the LEP and are specific to each site. The current DLEP is the realisation of the development potential for all the sites covered and is not considered as a precursor to greater development of sites in the future.	No action recommended.
	Lindfield needs to retain a branch Library.	Noted. It is proposed that a library remain in Lindfield and the plan makes provision for this.	No action required.

Process	Issue	Comment	Recommendation
	Residents are provided with some information on request but it is not easy to gain full implications from plans. Only scale models will do this, therefore we can assume that council is hiding something.	3D-modelling of Lindfield centre was included with staffed displays during the recent formal exhibition period, together with other static materials – and allowed interested people the opportunity to see and learn of centre planning in context.	No action required.
	The resident is supportive of the need for change and improvement to Lindfield Town Centre generally.	Supportive comments noted.	No action required.

Process	Issue	Comment	Recommendation
	Resident supports change, but the solution proposed by Council appears to be driven by unclear commercial and development drivers, rather than solutions maximising community amenity.	We have worked closely with the community receiving extensive survey input (February), further feedback via a Lindfield character workshop with residents and businesses (May), preliminary planning exhibition (August) and recent formal exhibition, displays and information sessions (October/November). These inputs and feedback will produce effective local planning and amenity for the period ahead within the constraints of complying with the Minister's directive.	No action required.
	Council has taken a 'one size fits all' approach to planning both residential and commercial space.	The range of densities proposed recognises the importance of housing choice. Shop-top housing, additional commercial space and parking, and good use of off-highway areas reflect many of the issues raised by residents and business in Lindfield.	No action required.
	Council has doubled the zonings required by State Government	Council has worked with our community and with the NSW Government to effectively meet state requirements for additional housing on the ground, whilst setting a range of planning outcomes that will meet the needs of residents and business for the next 20+ years. Rezoning are consistent with the Minister's direction.	No action required.
	There has been a fundamental lack of care when deciding sensitive rezoning issues as exhibited by the Council. This has proven to be sloppy, misleading and deceptive.	Zonings proposed have been developed on the basis of housing choice and development near the rail and road hub of Lindfield. The process of information has been open, inclusive and iterative – with plans being finessed as a result of effective resident and business feedback.	No action required.

Process	Issue	Comment	Recommendation
	<p>Council is irresponsible in rezoning 20-30 year's supply for dwellings at one time:</p> <ul style="list-style-type: none"> Effectively alienates the land from normal market forces Reduces urban consolidation to a focus on residential yield with only a passing reference to good planning and urban design. 	<p>Council has been directed by with the NSW Government to complete planning at this time, recognising the changing needs of Ku-ring-gai for housing choice and improved retail capacity.</p> <p>The plans rely notably on market forces for their effect to provide commercial, residential and community enhancements.</p> <p>Extensive community engagement and iteration of plans has allowed a wide range of good design elements to be included, to reflect local character and needs.</p>	No action required.
	<p>Lindfield appears to be absorbing a greater proportion of the shire's total multi-unit dwellings than other comparable suburbs, with little analysis in the documentation. Key issues such as urban design, transport, housing market demand and use of community land have been "retrofitted". No comprehensive LES has been done.</p>	<p>Council has provided notable levels of publicity to help ensure good information to residents. Some 750 new dwellings are intended for Lindfield in these plans. Similar numbers are proposed for St Ives (750) and Turramura (700). Up to 1600 new dwellings are proposed for Gordon centre.</p> <p>The plans are integrated and comprehensive and include issues of environment, sustainability, community amenity, as well as direction in good urban design and planning.</p>	No action required.
	<p>Process has failed to achieve engagement with the community. 30 day exhibition time is inadequate. Alternative process suggested. The lack of engagement may mean no win-win outcome for the community.</p> <p>A small scale community survey, was carried out which highlights areas of concern in the planning. (Submission 68)</p>	<p>We have worked closely with the community throughout 2006, receiving extensive survey input (February), further feedback via a Lindfield character workshop with residents and businesses (May), a preliminary planning exhibition (August) and recent formal exhibition, displays and information sessions (October/November). This engagement should produce outcomes that deliver wins for the</p>	No action required.

Process	Issue	Comment	Recommendation
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		<p>community, while meeting NSW Government requirements.</p> <p>The small scale community survey appears to reflect the views of some 170 persons. The complete range of options for Q7 "What would improve your ability to shop in Lindfield?" is not shown. High levels of support were for 'better pedestrian and vehicle links between east and west', and 'pedestrian and bike paths to the shops'.</p> <p>This is at notable variance with the 1500 responses received to Council's Lindfield Town Centre Survey (February 2006 - available in the Lindfield Library) - Question 5 (Open) - "...bad points about shopping in Lindfield". Higher ranking responses were Parking (600 responses), Shopping Variety (300), Traffic (150), Highway, and Divided Centre (100+ each)."</p>	
	There has been little if any effective communication with the community of the local Chamber of Commerce.	Meeting was held on 6 March 2006 with interested Chamber members at the outset of planning consultations; business members then participated with residents in the Lindfield centre Planning Workshop on 1 May, interested businesses have been kept informed by email of subsequent planning steps as they occur.	No action required.

Matters related to the standards of the DLEP	Issue	Comment	Recommendation
Height	All dwellings planned are too high (5-7	The height limit within the R4 zone will	No change

DLEP standards	Issue	Comment	Recommendation
	storeys) in a suburb where there is a maximum of 3 storeys at present. There should be a height limit of 5 storeys so that any new structures do not totally dominate the surrounding residential areas.	<p>generally be 5 storeys, which is consistent with land in the centre already zoned 2(d3). The only exception is Precinct F, where a 6th storey will be permitted along Drovers Way. The extra storey is necessary in order to achieve a landscaped riparian zone through the site and still maintain the 1.3:1 FSR entitlement. See further comments below.</p> <p>Heights within the B2 zone range between 3 and 7 storeys. Sites where 6 and 7 storeys are recommended are based on economic feasibility assessment. None of these sites adjoin single residential areas.</p>	recommended.
	Resident does not oppose 5 storeys along the highway north as far as Highfield Rd as proposed.	Noted.	No change recommended.
	Resident told that the Minister's site will be 9 storeys and Council has no control over that. This is not an adequate reason for the unacceptable height.	The relevant planning provisions applying to the Ministers sites are contained in SEPP 53. Council has no power to amend these planning controls. An increase in height to 9 storeys on the site would require an amendment to SEPP53, which would need to be made by the state government.	No change recommended.
	Please don't allow too many unit developments over 3-4 storeys that 'block the sun in winter or high trees'.	Part 5.8 of the Draft DCP provides for reasonable solar access for residents including for residents in low density zones. In addition, the building envelopes in Part 4.5	No change recommended.

DLEP standards	Issue	Comment	Recommendation
		have taken shadowing impacts into consideration. The replenishment of tall trees is required to soften the built form, consistent with the character of Ku-ring-gai.	
	Resident seeks height limits to prevent 3 or more storeys being adjacent to existing detached dwellings on single lots. Suggest that only single storey villas or 2 storey townhouses be permitted on land immediately adjacent to such development.	The R3 zone is being used as an interface zone between the R4 zone and single residential zones. The maximum height limit in the R3 zone is to be 12m (which is measure to the upper most part of the roof). This will permit 3 storey or 2 storey+ attic town houses. Flat buildings are not permitted in the R3 zone in Lindfield. Such building heights are considered appropriate adjacent to single residential zones, which permit dwellings with a maximum height up to 10 metres.	No change recommended.
Floor Space Ratio	<p>The prescriptive building envelope controls may only allow FSR of 1.3:1 at best and in breach of the Residential Design code. Suggested relaxation of 20-35% extra volume to achieve better design outcomes.</p> <p>Minimum 30m frontage for R4 zoning, tends to reduce development potential a 23m frontage would be consistent with existing development potential.</p> <p>The small terrace sites along the Pacific</p>	<p>The building envelope controls contained in the DCP that apply to the R4 zone have been developed in accordance with the Residential Flat Design Code to allow an FSR of 1.3:1 to be achieved. This includes a 20% allowance for elements not included in GFA calculations.</p> <p>Previous amendments have been made to the DLEP to ensure consistency of subdivision standards in LEP 194, including minimum street frontage</p> <p>The FSRs for the B2 zone along the Pacific Highway are based on the building envelopes</p>	Reconfirm amendments previously been made the DLEP to ensure consistency of subdivision standards in LEP 194.

DLEP standards	Issue	Comment	Recommendation
	highway would not be redeveloped without a FSR of 3:1. (Submission 48)	contained in the draft DCP. These sites and FSRs have been tested by Council's economic feasibility consultant and have been deemed to be feasible.	

Matters related to specific areas & properties	Issue	Comment	Recommendation
Community lands	<p>Objects to reclassification of community lands. There is no need to build housing or retail shops on this land because Council has zoned enough land to produce twice the 8000 new dwellings required under the historical distribution of dwellings on the North Sub region. The minister has not required land to be reclassified. Council has also planned more than twice the retail and commercial expansion for Lindfield recommended in a 2005 retail strategy study adopted by the Council. Once this community land is reclassified, it can be sold and once sold the community can never get it back. Community land should be kept in public ownership and used for the benefit of the community.</p> <p>Council wants to take out community land when not required to do so by the NSW Government – eg the tennis courts, KOPWA units, Library & Senior citizens' Centre, for</p>	<p>Lands proposed for reclassification now exist as car parks. Reclassification will permit some development of parts of these lands. This in turn permits a reconfiguration of public parking provision and the establishment of 2 significant new public parks in central locations within the Town Centre (currently no parkland is provided). The proposed redevelopment process is the means by which this new open space benefit can be provided to the community. At the present time the community benefit is only for car park uses. In the future the benefits will be increased by providing new open space in addition to providing the retention of car parking facilities.</p> <p>This is not part of the proposal. There is no intention to reclassify any of the tennis courts/KOPWA/library/senior citizen lands.</p>	No action recommended.

Specific areas and sites	Issue	Comment	Recommendation
	<p>new residential and commercial development.</p> <p>LEP does not provide certainty of replacing existing community facilities with bigger and better ones. It is too conceptual and relies heavily on private development.</p>	<p>Comment noted. Council has not taken any decision to abandon existing community facilities. Plans propose where future new facilities can be located. In the absence of future development the facilities can remain where they are currently located.</p>	
	<p>Council should upgrade the present library to make it the hub of Lindfield with space for town meetings. Lindfield must have a library (the heart of the suburb). It should also retain the Senior Citizens Centre, KOPWA units, tennis courts, children's playground and open space on existing sites.</p>	<p>Noted. None of these lands are proposed to be reclassified. There are no current proposals that they be replaced. The plan however does identify potential to relocate the library to Tryon Road. It also provides new community space within a new building on the former parking area in Drovers Way.</p>	<p>No action recommended.</p>
	<p>Addition of a community uses /Library floor at 12 Tryon Rd opposed -keep buildings to 5 floors maximum.</p>	<p>An FSR provision of 0.25:1 applies to this site for community use purposes (from the total 2.6:1 applying to the site). Should the site be only developed for commercial purposes, with community uses omitted, the size of the building would be correspondingly reduced.</p>	<p>No action recommended.</p>
	<p>Object to reclassification of Tryon Rd carpark. Underground carpark is acceptable, but the surface should be used for a park and village centre, which would not require reclassification.</p>	<p>Support for the proposal as outlined in the Draft DCP is noted. Reclassification gives flexibility having regard for the major redevelopment site adjoining. After redevelopment reclassification of the land, together with that part of Kochia Lane car park (not the subject of commercial redevelopment), can be undertaken.</p>	<p>No action recommended.</p>
	<p>Objection to the changing of zoning from</p>	<p>There is no proposal to reclassify the</p>	<p>No action</p>

Specific areas and sites	Issue	Comment	Recommendation
	Community Land to Operational for the KOPWA units. If Council goes ahead with the zonings on these public land sites, than they are going against the Minister's directive.	KOPWA lands to Operational.	recommended.
	Object to loss of village atmosphere, convenience, disabled access and security provided by the Council owned above-ground parking on Tryon Rd and its replacement with pay facilities. The haste of complying with state government requirements has led to an unworkable plan.	There is no decision by Council that the Tryon Road car park be made as a pay car park. Existing parking will be retained in a basement configuration allowing the landscaping of the roof as open space parkland to enhance the Lindfield Centre and provide for its users.	No action recommended.
Private lands			
Precinct A Bounded by Lindfield Ave, Tryon Rd, Milray St and Kochia Lane.	Lindfield currently lacks a true communal centre, a village square and an open public place for gathering people. The car parking serving the east side shopping centre off Tryon Rd is the obvious place for this. Parking could be accommodated under this square/park with a travelator connection to a revamped shopping precinct would breathe new life into Lindfield, with new shops and restaurants surrounding this park, the ambience would be excellent. Ideally it should extend to the northern edge of the redevelopment precinct.	Noted. The DDCP has already incorporated these suggestions to ensure a vibrant and attractive centre.	No change recommended.
	The executive centre should include a senior citizens centre with a variety of activities (eg. bone strength exercise classes, mahjong), or an indoor pool.	Noted. The DLEP requires a minimum community uses FSR of 0.25:1 within the executive centre site. This equates to approximately 1500sqm GFA of community space which is to be provided within the development.	No change recommended.

Specific areas and sites	Issue	Comment	Recommendation
		Note that there is also an opportunity for a new multi-purpose community centre of approximately 1,900sqm GFA on Woodford Lane car park site to cater for a range of community uses, including senior space.	
	<p>Plans for 12-18 Tryon Rd are not economically viable, unless Council is prepared to fund a large part of the construction costs for a library on the site and for car parking. Many aspects remain unresolved as to responsibilities, timing, process and outcome. Owners oppose the imposition of community facilities and public car parking into their site. The proposed 7 storeys can be accommodated while retaining the building and existing tenancies, and would be lower than the Ministers proposed building.</p> <p>The 7 storeys is supported subject to feasibility studies on behalf of the owners. A 6 storey transition zone is sought to Milray St frontage, which would step down to 5 storey development across the road and 30m away, providing a gateway to the Lindfield Town Centre. The 6 storey transition in Area B should apply here too.</p> <p>6 storeys should be retained adjacent to the mixed use/commercial areas, to delineate these from residential areas. DDCP plans should build in more flexibility to allow fine tuning.</p>	See main report under Precinct A for detailed discussion.	See main report under Precinct A for recommendations.

Specific areas and sites	Issue	Comment	Recommendation
	<p>If community facilities are to be incorporated, an FSR of at least 3.1:1, exclusive of community facilities is sought, to provide similar economic development potential as other sites nearby (eg. Area B). Community facilities should not be required.</p> <p>The community land offered back to support the proposed FSR however this is dependent on reclassification that may be delayed for consideration, resulting in fundamental unknowns on the site. An economic feasibility study has concluded that an FSR of greater than 2.6:1 is required for feasibility, even based on 66 units of the Body Corporate proposal, rather than Council's plans for 37 units. (A more detailed study remains confidential).</p> <p>Suggest that further discussion be held, and resolution be delayed in the same way as for Turramurra Town Centre.</p> <p>Additional concerns:</p> <ul style="list-style-type: none"> • 3rd floor library, with addition lift requirements not ideal • 2 levels of parking will be inadequate • Size of residential component fails to adequately increase housing choice as required by Minister's direction • Insufficient potential to facilitate "shop top housing" as required by 		

Specific areas and sites	Issue	Comment	Recommendation
	<p>Minister</p> <ul style="list-style-type: none"> Insufficient economic incentive to redevelop, will also frustrate the revitalisation of the centre. <p>Body Corporate proposal attached. Submission No 69</p>		
Precinct B	<p>Objects to making Tryon Place into a pedestrian plaza.</p> <p>This area is used as a train station drop off point (either on the highway or from Tryon Place). A safer system needs to be provided for dropping off commuters at the station.</p> <p>Resident also notes that in the longer term it is proposed to run a new street in and behind the shops in that area. Further consideration needs to be given to where the street is to exit onto the highway. Current plans suggest that the traffic will be coming out on a blind corner. (Submission 22)</p>	<p>The DDCP proposes to make Tryon Place a car free zone as it is a very high pedestrian area. This will assist in strengthening the pedestrian link between the east and west of the centre. The proposed pedestrian plaza at Tryon Place will also incorporate outdoor cafes and provide opportunity for new and increased large canopy tree planting.</p> <p>The current kiss-and-ride facility at Pacific Highway will remain and the kiss-and-ride facility around Tryon Place will be relocated to the rear lane area close to the railway station. These proposals will be highlighted in relevant drawings.</p> <p>The exit of the proposed street onto the Highway is adequate, and exist is to be facilitated by the 2 sets of traffic signals upstream.</p>	<p>In 3.1.3 and 3.1.4, amend drawings to show the location of kiss-and-ride facility at the rear lane area.</p> <p>In 4.8.3, amend drawing to accommodate kiss-and-ride facility at the rear lane area.</p>
Precinct C Bounded by Pacific Highway, Bent St,	Objects to the council's plans to replace the car park at rear of Woodford Lane with a village green, multipurpose facility and	The existing parking capacity on Woodford Lane car park will be retained on site. The DDCP proposes to relocate majority of the	No change recommended.

Specific areas and sites	Issue	Comment	Recommendation
Woodford Lane, Beaconsfield Pde as far as Council's car park.	<p>residences. The carpark is convenient, if unattractive.</p> <p>What cost/benefit analysis was done to support this proposal? This area is likely to become a white elephant. Proposed underground car parking is vague as to how many spaces it would provide and under what conditions (what costs to users).</p>	<p>parking to the basement level with some retained at grade mainly for the use of people with disabilities. This will facilitate the provision of new community building and parkland area on the existing car park site.</p> <p>Opportunity exists to increase the parking capacity within the new underground car park to cater for future demand. There is no decision by Council that the Woodford Lane car park be made as a pay car park. Traffic and Parking Management Plan will be prepared following the adoption of DLEP / DDCP to determine the parking requirements. Further studies will also be undertaken to prepare the funding options.</p>	Further studies to be undertaken to determine parking requirements and funding options.
	Pedestrian access lane between Woodford Lane and Pacific Highway, provides good 'kiss and ride' for residents – need to retain this in its present position.	The current kiss-and-ride facility at Woodford Lane will be retained and upgraded if required.	In 2.2.7 and 3.1.2, amend drawings to show the location for kiss-and-ride facility on Woodford Lane.
	<p>Based on an analysis of the recent sale of the neighbouring pharmacy at 316 Pacific Highway, insufficient financial incentive is provided to enable redevelopment of 318-322 Pacific Highway. Proposed FSR is 2.3:1, however, 3.5: to 4.1 is required to make site amalgamation possible for a developer.</p> <p>Concept designs for a development with this FSR are provided. Four varying height</p>	<p>Feasibility study has been undertaken to determine the proposed density for redevelopment within this precinct. The study demonstrates that the proposed FSR 2.3:1 under the DLEP is considered economically viable for redeveloping these sites. Provision of parking concession may be considered to give incentive for redevelopment.</p> <p>The maximum height of buildings adopted for the Ku-ring-gai town centres is 5 storeys. This</p>	No change recommended.

Specific areas and sites	Issue	Comment	Recommendation
	<p>towers up to 10 storeys above landscaped podiums are proposed for Precinct C and including arcades linking to the piazza.</p>	<p>is considered to be appropriate for the proposed density and intended size of the each of the Ku-ring-gai retail centres within the context of the Sydney Metropolitan Strategy. 10 storey building height is considered excessive and not an appropriate scale for Lindfield Centre which is identified as “Village” under the Metropolitan Strategy.</p> <p>Any deviations from this have occurred for at least one of the following reasons:</p> <ol style="list-style-type: none"> 1. the centre is a major retail centre – Gordon; 2. planning control of the site rests with State Government, thus removing height controls from Council; 3. the degree of public domain dedication on a site may permit a variation to height in lieu of a significant dedication. <p>The alternative scheme presented does not fit any of the above criteria for height or density variation.</p> <p>The alternative scheme shows a hard paved piazza proposal on Council car park site and this is not consistent with the design intent of the DDCP which is to create new parkland (deep soil area) and allow the retention of significant existing trees.</p>	
	<p>The new road would be two way, with Woodford Rd only providing access to</p>	<p>The DDCP proposes to retain and upgrade Woodford Lane as one-way low speed traffic</p>	

Specific areas and sites	Issue	Comment	Recommendation
	basement parking and pedestrian access. Additional parking levels would provide parking for community use buildings. (Submission No 76)	lane which is to be treated as “shareway” with pedestrian priority. The DDCP also proposes to create a one-way loop system with new street connection between Bent Street and Beaconsfield Parade along the western boundary of the existing car park. This will help improving the local traffic circulation within the centre. The additional level of basement parking shown on the alternative scheme would not be sufficient for the increased density proposed within the redevelopment sites.	
Precinct E Commercial and 3 x 2(d3) sites either side of Balfour Lane	<p>Proposal for the Balfour Centre is not economically viable under the DLEP:</p> <ul style="list-style-type: none"> • Plan is dependent on acquisition of adjoining sites – which may not be possible at a reasonable value. • Additional cost of lane relocation (including power relocation) • Limited retail provided for at Balfour St level, with limited increase in retail floor space, reducing economic viability: <ul style="list-style-type: none"> ○ Supermarket only at highway, with limited provision for specialty shops ○ Loss of income during redevelopment with only marginal increase in lettable area ○ Limited activation of street frontages • Definition of FSR has changed with 	See main report under Precinct E for detailed discussion.	See main report under Precinct E for recommendations.

Specific areas and sites	Issue	Comment	Recommendation
	<p>the new template, to include malls and arcades in the FSR calculation, further reducing economic viability.</p> <p>Submission presents a detailed alternative proposal which provides a pedestrian arcade between highway and carpark, a larger supermarket at the lower level and specialty shops above. An increase in FSR from 1.8:1 to 2.2:1 is sought, with an increase in the maximum retail/commercial FSR from 0.9:1 to 1.3:1.</p> <p>The submission includes an analysis of retail and supermarket market analysis and a traffic analysis of the impacts of the increased FSR.</p>		
	<p>No effective strategies to deal with increased traffic to enter and exit proposed redevelopment of Cole's site. It is understood that Coles is expanding three-fold and that it is clear that this will increase the traffic seeking to enter and exit from the supermarket. If the main entrance continues to be from the intersection at Balfour St and Pacific Highway it will be only further congested if development is allowed to occur. From the reports provided it is shown that this intersection is already operating at Full capacity.</p> <p>There is low visibility at this intersection also due to the slope of the land.</p>	<p>Some improvements are proposed at the signalised intersection of Pacific Highway / Balfour Street / Havilah Road to improve the traffic flow around the area. It is also proposed to relocate Balfour Lane to improve access to the supermarket site and provide more distance between the realigned lane and Pacific Highway. Future car access to the supermarket site is proposed to be provided via Balfour Street and the realigned lane. Traffic modelling has taken account of the additional traffic generation expected.</p> <p>Visibility issues at the intersection can be addressed through the introduction of kerb side</p>	<p>In 4.8.5, amend drawings to show relocation of Balfour Lane to the western boundary of the development site.</p>

Specific areas and sites	Issue	Comment	Recommendation
		parking restrictions.	
Precinct F Bounded by Beaconsfield Pde, Drovers Lane, Gladstone Pde and 2(c2) lands.	The 6 storey units to the west of Drover's Lane are massively excessive in an area of single and double storey residences.	<p>Precinct F is currently zoned Residential 2(d3) under LEP 194 allowing residential apartment developments up to 5 storeys with a maximum FSR of 1.3:1.</p> <p>The DLEP proposes to rezone the precinct to R4- High Density Residential with controls generally consistent with the existing LEP 194 controls as required under the Minister's directive. The main variation is the proposed 6 storey building height which is restricted to part of the area along Drovers Way (with no change proposed to the density).</p> <p>In order to achieve the current allowable FSR of 1.3:1 on all sites, 6 storeys height is required on some sites which are traversed by riparian zone (no buildings are permitted with this zone) to compensate for the loss of development site. Proposed 6 storey height fronting Drovers Way is considered appropriate given that the east side of Drovers Way have been redeveloped into residential apartment buildings up to 6 storeys high.</p>	In 4.8.6, amend built form control drawings for Site 3 to reduce building height from 6 to 5 storeys towards the southern end (along Gladstone Parade) and reduce the extent of 6 storey component on the northern end.
	<p>The units in Precinct F will be overshadowed by the units on the Pacific Highway.</p> <p>Precinct F is in an ecologically sensitive</p>	<p>Noted. Front building setback requirement along Drovers Way will provide adequate separation between properties to minimise the overshadowing impacts of the adjoining units on the Highway.</p> <p>This precinct is currently zoned Residential</p>	No change recommended.

Specific areas and sites	Issue	Comment	Recommendation
	area, that even Council's consultant considers unsuitable for high density development. This area should not be rezoned.	<p>2(d3) under LEP 194 allowing residential apartment developments up to 5 storeys with a maximum FSR of 1.3:1. It is proposed to rezone this precinct to R4- High Density Residential which permits same type of development at the same density as required under the Minister's directive. New planning controls have been included in the DDCP to ensure the protection and enhancement of the existing vegetation and watercourse identified as riparian zone within the precinct.</p> <p>In the DDCP, all buildings are proposed to be set back at least 10 metres on either side of the existing drainage corridor to create a wide landscape zone for communal open space, visual amenity, water quality maintenance and habitat for local fauna. The DDCP also seeks to retain and enhance existing significant native canopy trees where possible, including the existing stands of mature trees along the battle-axe access way off Beaconsfield Parade.</p>	
	Proposed 5 & 6 storey high density development in block F is adjacent to single dwellings, including 9B Gladstone Parade, and is inappropriate, especially where landscaping will be inadequate – need for consistency with adjoining lands.	<p>Precinct F is currently zoned Residential 2(d3) under LEP 194 allowing residential apartment developments up to 5 storeys with a maximum FSR of 1.3:1 and all developments are governed by existing DCP 55 controls.</p> <p>The DLEP proposes to rezone to this precinct to R4- High Density Residential which permits same type of development at the same density as required under the Minister's directive. However, DLEP / DDCP seeks to vary some of</p>	In 4.8.6, amend built form control drawings for Site 3 to reduce building height from 6 to 5 storeys towards the southern end (along Gladstone Parade) and reduce the extent of 6 storey component on the northern end.

Specific areas and sites	Issue	Comment	Recommendation
		<p>the existing LEP 194 / DCP 55 controls based on detailed assessment of the site conditions including existing lot sizes, topography and the relationship with adjoining properties. For example, the DDCP proposes to increase building setback requirements from 6m (under DCP 55) to 9m-18m along the western boundary where it adjoins single dwellings. In particular, 9m setback is proposed where it adjoins 9B Gladstone Parade. Larger building setback requirement will be examined.</p> <p>The DDCP also requires retention and enhancement of significant tree planting along western boundary to provide proper screening between properties.</p>	In 4.8.6, amend built form control drawings for Site 3 to increase building setback along western boundary from 9m to 10-12m.
	<p>Presumptive planning has occurred in Precinct F as site conditions have not been taken into account.</p> <p>Overshadowing and overlooking of single dwellings will occur because of overdevelopment. Detailed issues of a pedestrian link, an isolated block and other factors will impact unfairly on 4 homes in Beaconsfield Parade, including no. 14.</p>	<p>The DDCP has adopted a place-based planning approach and developed site specific building envelopes to provide a greater certainty for Council, community & site owners. The building envelopes in Precinct F have been designed in response to specific site conditions and issues including existing lot sizes, topography, relationship to adjoining buildings and the desired future character of the area.</p> <p>The DDCP proposes to increase building setback requirements from 6m (under DCP 55) to 9m-18m along the western boundary where it adjoins single dwellings. This larger building setback requirement will help to minimise the overlooking and overshadowing impacts of adjoining properties. The existing</p>	<p>In 4.8.6, amend built form control drawings for Site 3 to reduce building height from 6 to 5 storeys towards the southern end (along Gladstone Parade) and reduce the extent of 6 storey component on the northern end.</p> <p>In 4.8.6, amend built form control drawings for Site 3 to increase building setback along western boundary from 9m to 10-12m.</p>

Specific areas and sites	Issue	Comment	Recommendation
		vegetation along the western boundary will also be retained and enhance to provide visual buffer between properties.	
	Consultants for owners of Block F – Site 3 – propose an alternative scheme including a riparian zone and two separate buildings fronting Drovers Way. (Submission 37)	The alternative scheme has been reviewed. The submission seeks to amend the preferred amalgamation patterns proposed under DDCP into 2 smaller areas and this amendment will be considered to achieve more workable plans. The proposed heights are not supported.	<p>In 4.8.6, amend built form control drawing (plan) for Site 3 to show revised preferred amalgamation patterns as outlined in Submission 37.</p> <p>In 4.8.6, amend built form control drawings for Site 3 to reduce building height from 6 to 5 storeys towards the southern end (along Gladstone Parade) and reduce the extent of 6 storey component on the northern end.</p> <p>In 4.8.6, amend built form control drawings 4.8.6 for Site 3 to increase building setback along western boundary from 9m to 10-12m.</p>
	Resident supports the recent amendments that were made at the recent Council meeting (18 th October) which include:	Comments noted. However it is important to note that Council is not in the position to acquire the property at 10A Beaconsfield	In 2.2.3, amend the strategy drawing to show open space on

Specific areas and sites	Issue	Comment	Recommendation
	<ul style="list-style-type: none"> • That Council acquire the property at 10A Beaconsfield Parade. • Once this acquisition has been made that land is to be used as Public Space for the community. • That the existing driveway next to 12 Beaconsfield Parade be converted to a walkway access only. • Resident supports the process in general of the Riparian Way. • Resident supports proposals that would provide a safe pedestrian or bicycle access for children getting from Beaconsfield Parade to the Lindfield Public School. 	<p>Parade for open space. It is envisaged that the proposed open space will be dedicated to Council post development and must accommodate deep soil landscaping area with significant trees where possible. Long term Council will have more ability to ensure sustainable plantings within the public domain.</p> <p>It is also important to note that the provision of open space within Site 2 should not result in any reduction in development yield proposed for the sites.</p>	<p>10A Beaconsfield Parade.</p> <p>In 4.8.6, amend built form control drawings 4.8.6 for Site 2 to show open space on 10A Beaconsfield Parade.</p>
	<p>12 Beaconsfield Parade:</p> <ul style="list-style-type: none"> • The existing trees are of a size that provides a unique canopy and habitat for countless birds and animal life and should thus never be removed (native Eucalypts and Angophoras) • Resident's house at 12 Beaconsfield Parade is situated below the existing road level by two metres and so any vehicle access on that road will result in lights shining into resident's windows. • The design of the resident's house is 	<p>Comments noted. In the DDCP, all buildings are proposed to be set back at least 10 metres on either side of the existing drainage corridor to create a wide landscape zone for communal open space, visual amenity, water quality maintenance and habitat for local fauna. The DDCP also seeks to retain and enhance existing significant native canopy trees where possible.</p> <p>Existing car accessway adjoining 12 Beaconsfield Parade will be removed upon redevelopment. The DDCP proposes to provide vehicle access to future developments via Beaconsfield Parade (further east) and Drovers Way.</p> <p>The DDCP seeks to retain and enhance the</p>	<p>In 4.8.6, add an objective under 'desired future character' to ensure the retention and enhancement of existing vegetation within Precinct F.</p> <p>In 4.8.1 and 4.8.6, amend drawings to show correct building footprint on 12 Beaconsfield Parade.</p>

Specific areas and sites	Issue	Comment	Recommendation
	<p>such that their five bedrooms, have glass roofs along the roadway side. This means that any high rise development in this area would need to be set back sufficiently to prevent people seeing through our bedrooms. The preservation of all of these trees is fundamental to the owners privacy.</p> <ul style="list-style-type: none"> • Objects to the increase in the number of people in adjoining high density developments which would create unacceptable increases in noise levels. • Objects to overshadowing of property. • Significant decrease in property value and privacy. • The layout drawings (in the DCP) have been totally inaccurate and unrepresentative of the actual configuration of the owners property. 	<p>existing significant native canopy trees along the battle-axe access way off Beaconsfield Parade. This will assist in providing visual buffer between properties. An objective describing this intention will be included in the DDCP.</p> <p>The DDCP also seek to vary the existing 6-metre side setback control (under DCP 55) to provide a larger building setback of 18m along the western boundary (from 12 Beaconsfield Parade) to minimise the privacy, noise and overshadowing impacts of adjoining properties.</p> <p>The existing building footprints shown in the DDCP are indicative only with ground floor plans (generally excluding roof plans). The footprints are based on aerial photography and some may be obscured by extensive vegetation on sites. Site investigation will be carried out to obtain correct footprint information.</p>	
	<p>16 Beaconsfield Parade:</p> <ul style="list-style-type: none"> • Resident of 16 Beaconsfield Parade objects to Precinct F and in particular 6 storey development (10A Beaconsfield Parade) on the boundary of their property. This development at 10A Beaconsfield would result in inadequate setbacks proposed for the future 6 storey building. 	<p>Precinct F is currently zoned Residential 2(d3) under LEP 194 allowing residential apartment developments up to 5 storeys with a maximum FSR of 1.3:1 and all developments are governed by existing DCP 55 controls.</p> <p>The DLEP proposes to rezone to this precinct to R4- High Density Residential which permits same type of development at the same density as required under the Minister's directive (no</p>	<p>In 4.8.6, amend built form control drawings for Site 2 to show open space on 10A Beaconsfield Parade.</p>

Specific areas and sites	Issue	Comment	Recommendation
	<ul style="list-style-type: none"> Sites at 16 Beaconsfield Parade, 9B Gladstone Parade, and 11 Gladstone Parade should be rezoned R3 to introduce a “buffer” zone. These properties in the current plan are directly affected and it is seen as not an appropriate interface and poor urban design. It is strongly requested that the setback controls in the draft DCP be amended to prescribe a setback of a minimum of 20 metres from the rear and side boundaries of 16 Beaconsfield Parade. (for reasons see submission addition No. 66) A maximum height of 4 storeys should be enforced for all R4 sites adjoining 16 Beaconsfield Parade, 9a Gladstone Parade and 11 Gladstone Parade. 	<p>down zonings are permitted). The main variation is the proposed 6 storey building height which is restricted to part of the area along Drovers Way (with no change proposed to the density). The DDCP also seeks to vary some of the existing LEP 194 / DCP 55 controls based on detailed assessment of the site conditions including existing lot sizes, topography and the relationship with adjoining properties. For example, it is proposed to increase building setback requirements from 6m (under DCP 55) to 9m-18m along the western boundary where it adjoins single dwellings. In particular, 12m setback is proposed where it adjoins 16 Beaconsfield Parade. Larger building setback requirements have been examined.</p>	
	<p>18 Beaconsfield Parade:</p> <ul style="list-style-type: none"> Keep the large significant trees that act as wind breaks and visual screening. These appear to be impacted by development. Requests that the trees alongside the driveway into No 10A to be retained and the current driveway to 10A retained as a walkway and access for children to walk to school. These trees will continue to provide visual screening to the properties No. 12, 14 	<p>The DDCP proposes to provide a generous building setback of 9-18m along the western boundary and this would allow retention and enhancement of existing significant trees acting as wind breaks and visual screening.</p> <p>The DDCP also proposes to retain the existing significant native canopy trees along the battle-axe access way off Beaconsfield Parade to maintain visual buffer between properties. The built form controls for Site 2 will be reviewed to allow the creation of open space on 10A Beaconsfield Parade to retain existing</p>	<p>In 4.8.6, add an objective under ‘desired future character’ to ensure the retention and enhancement of existing vegetation within Precinct F.</p> <p>In 4.8.6, amend built form control drawings for Site 2 to show open space on 10A Beaconsfield Parade.</p>

Specific areas and sites	Issue	Comment	Recommendation
	and 16 adjacent to their property at No. 18.	<p>significant native canopy trees.</p> <p>In addition, the DDCP proposes a pedestrian walkway through this precinct as part of site development.</p>	
	<p>Owner strenuously objects to inclusion of public domain/riparian zone in the DCP through 6 Drovers Way:</p> <p>This downzoning contravenes Minister's direction and Section 117 direction No. 20. It is only an enlarged drainage easement, and would fail to meet the objectives (would not provide safe or convenient pedestrian access, little opportunity for self-policing, impact of higher density zone against lower density sites, likely to become area for rubbish dumping, there is no critical vegetation habitat that would make it a riparian zone.) The riparian zone should be revoked.</p>	<p>It is important to note that the provision of riparian zone within Site 3 should not result in any reduction in development yield proposed for the sites (a maximum FSR of 1.3:1) which is consistent with LEP 194 requirements.</p> <p>The riparian classification on site does not contravene the Ministers direction in regard to housing density on site as it does not specifically exclude development. The classification of lands as riparian and the Riparian Policy (2004) do not set out to exclude development but to facilitate development while ameliorating its impacts to gain better environmental outcomes in accordance with the EP&A Act 1979.</p> <p>Principles in the Riparian Policy include the maintenance or improvement of aquatic habitats and water quality. Filling-in or piping of waterways is undesirable as it will result in the further degradation of local waterways, and ultimately Sydney Harbour, as it removes vegetation buffers that filter pollutants and sediment, increases runoff and flooding potential to properties downstream and removes aquatic habitat. Piping the creek will only shift the problems on to properties down</p>	No change recommended.

Specific areas and sites	Issue	Comment	Recommendation
		<p>stream of the site.</p> <p>Having a riparian zone on site provides opportunities for green space and visual buffers as well as allowing some natural processes occur that will help improve water quality. This does not mean that the site cannot be developed. Factors such as existing piped sections, housing density and buffer size can be taken into consideration to allow for both development and good outcomes for waterways. Innovative building designs can also provide desired housing density and good environmental outcomes. Possibilities on site could include such ideas as having several separated buildings rather than on large block with a piered bridge connecting them over the creek. Good building design should be able to deliver desirable built form while achieving best practice environmental management.</p>	
	<p>4 Drovers Way is currently zoned 2(d3) with an FSR of 1.3:1 and 35% site cover. The DCP provides for a “soil zone public domain/riparian management” through the site, which would reduce the yield, downzoning the site, contravening the minister’s direction and Section 117 direction No. 20. It is also understood that a savings provision is to be included to protect existing zoning and development rights.</p> <p>There is nothing in the plan which demonstrates that the identified riparian zone</p>	<p>See comments above.</p> <p>A savings provisions has been included in the Principal town centres LEP adopted by Council on 8 November 2006 and will apply to land in Lindfield. The savings provision will apply to any application lodged before the gazettal of the draft LEP.</p> <p>It has been confirmed by site investigations that the existing drainage is mostly in an open</p>	No change recommended.

Specific areas and sites	Issue	Comment	Recommendation
	contains critical habitat or vegetation. It is identified on council's plans as a drainage easement, and connects one drainage easement to another through high density sites. The identification of a riparian zone in these circumstances is highly questionable and should be deleted. Photos provided – submission No 65.	channel form with some piping towards Drovers Way. There is a good potential for creation of a semi-natural riparian zone and stream “channel” and therefore water quality control and aquatic habitat. There are also a number of large mature trees which require protection and retention. In addition, the corridor has a recovery potential in terms of revegetation of indigenous species.	
	Resident understands council will consider the establishment of a new area of open space at the location of No.10A Beaconsfield Parade. Resident strongly supports this concept as it will provide screening for their property at 18 Beaconsfield Parade and for the historic home at No. 16. Already 10A contains a number of large well-established trees and is ideal for open space for children to play in.	Comments noted.	In 4.8.6, amend built form control drawings for Site 2 to show open space on 10A Beaconsfield Parade.
Precinct H Bounded by Lindfield Ave, Kochia Lane, Milray St, Havilah Rd and Nelson Rd	Resident objects to this precinct as it relates to the property of 18 Nelson Road Lindfield. The Block H Built Form Controls show the potential for a multi-storey development to be constructed approximately 10 metres from the rear boundary of 18 Nelson Rd. This house is located at the rear of the block and approximately 3 meters from the boundary meaning that the new development will be too close to the existing house. The terrain slopes down towards this house and it means that such development would also be	Comments noted. Proposed building envelopes and setbacks will be reviewed to minimise the impacts of adjoining properties. It should also be noted that the properties along Nelson Road have been identified as interface sites and proposed to be rezoned to R3-Medium Density Residential allowing townhouses up to 3 storeys. This will reduce the interface issue and provide a stepping down of building mass to Nelson Road.	In 4.8.7, amend built form drawing (plan) for the proposed amalgamated site at the corner of Milray Street and Kochia Lane. No buildings will be located adjacent to 18 Nelson Road as per the original proposal presented to Council on May 2005.

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	highly elevated causing privacy loss, loss of sunlight (overshadowing) and quality of life. Resident suggests Council revert back to the Nominated Area Controls- Milray Street Precinct that was made by Council in May 2005 (Attachment B) because it did not suggest a multi-unit development at the rear of the resident's home. This document provided a more suitable outcome than what is being planned for Precinct H in this updated version. (see submission No. 8) Council has not provided any reason why the original plans from May 2005 and the subsequent controls were changed in the current version for Precinct H.		
	Preferred site amalgamations at block H will be very difficult to achieve; recent new houses in this site will result in a mish-mash of high and low density development; increased site sizes and street frontages will hamper development. Owners at 20-24 Tryon are assumed to have notably different attitudes to development.	<p>The difficulty of purchasing sites for amalgamation is an inherent part of redevelopment.</p> <p>It is also important to note that the illustrated site amalgamation patterns are preferred only, alternate site amalgamation configurations are allowed if the overall objectives are met (eg. no sites are to be left isolated and undevelopable)</p>	No change recommended.
	2- 8 Milray St and 10 Havilah Lane, currently zoned 2(d3) are proposed to be rezoned R4 and have a DA approved for the site. The neighbouring lands are proposed to be B2 with 7 storeys, and an FSR of 2.6:1, being an additional two storeys and twice the FSR of the subject site. Given the	The DLEP proposes to rezone to this precinct (including 2-8 Milray St and 10 Havilah Lane) to R4- High Density Residential allowing residential apartment developments up to 5 storeys with a maximum FSR of 1.3:1 and is consistent with LEP 194 as required under the Minister's directive.	No change recommended.

Specific areas and sites	Issue	Comment	Recommendation
	relationship with the B2 sites, an increase in height to the approved buildings to 6 and 7 storeys on Lot A (diagram provided), while maintaining the 5 storeys on Lot B. A minimum of an additional 16 units could be provided. This would improve the transition between the B2 and 5 storey developments, increase housing near the station and town centre, and reduce the need to rezone more peripheral sites. (Submission 56)	<p>The maximum height of buildings adopted for Lindfield Centre is 5 storeys. This is considered to be appropriate for the proposed density and intended size of the centre within the context of the Sydney Metropolitan Strategy.</p> <p>Any deviations from this have occurred for at least one of the following reasons:</p> <ol style="list-style-type: none"> 1. planning control of the site rests with State Government, thus removing height controls from Council; 2. the degree of public domain dedication on a site may permit a variation to height in lieu of a significant dedication. <p>The alternative scheme presented does not fit any of the above criteria for height or density variation.</p>	
	<p>7-11 Milray St is currently zoned 2(d3) and proposed to be zoned R4. The DLEP does not include a clause similar to 25M in LEP 194, providing for non-discretionary development standards and therefore controls in the DCP, when applied, will result in “downzoning”. This is not consistent with the Minister’s direction for existing 2(d3) sites. A clause similar to 25 M should be included in the LEP.</p> <p>The proposal also includes an FSR in the</p>	<p>The Minister’s section 55 direction requires development standards for multi unit housing to be consistent with LEP 194. The development standards proposed for the R4 zone satisfy this requirement and maintain the current achievable FSR under LEP 194.</p> <p>A non-discretionary development standards clause similar to cl.25M of LEP 194 has not been included in the DLEP as there is no equivalent clause in the standard LEP template.</p>	No change recommended as amendments have previously been made to the DLEP to ensure consistency of subdivision standards in LEP 194.

Specific areas and sites	Issue	Comment	Recommendation
	<p>LEP, which is not included in LEP 194, but is only a DCP control in DCP 55. While Council has stated that this represents the maximum FSR within the LEP 194 non-discretionary standards, a skilful architect can achieve higher. This is the case for 7-11 Milray St, where 1.36:1 is achievable. Again this reduces the yield and is not consistent with the minister's direction. FSR should be removed on these sites, or raised to 1.5:1 to comply.</p> <p>Potential on the site is further reduced by:</p> <ul style="list-style-type: none"> • minimum frontage of 30m (23m in LEP 194) • omission of LEP 194 clauses 25I (including small sites concession, except for subclause 25(I)(5).), 25J, 25K (sloping site concessions) ,25L and 25N 	<p>An FSR has been included in the DLEP in lieu of building footprint, as it is one of the principal development standards under the standard LEP. Building footprint has not been included as a development standard on the advice of the Department of Planning. The 1.3:1 FSR that is applied to the R4 zone (and existing 2(d3) sites) was applied in DCP 55 following considerable site and envelope testing of LEP 194 development standards against SEPP 65 design controls. It is therefore considered to provide a realist reflection of the existing 2(d3) yield potential. An FSR of 1.5:1 which complies with SEPP 65 could not currently be achieved in the 2(d3). If a skilful architect could design a building with an FSR of greater than 1.3:1 and still comply with other requirements as height, building footprint, deep soil and setbacks, then there is scope to seek an exception to the FSR standard under clause 24 of the LEP.</p> <p>Previous amendments have been made to the DLEP to ensure consistency of subdivision standards in LEP 194, including clause 25I.</p> <p>The purpose of cl. 25K in LEP 194 is to provide flexibility in building design on steeply sloping sites, not to provide a yield bonus. The application of the "building height" definition under the LEP template combined with use of clause 24 will provide a similar design flexibility as to that possible under cl.25K.</p>	

Specific areas and sites	Issue	Comment	Recommendation
	<ul style="list-style-type: none"> • Cl 25(9) of LEP 194 is tightened under 5.14.4 of the Draft DCP, with reduced basement height above ground • Maximum site coverage of Cl. 25I(6) of LEP 194, has become site specific controls which penalise small sites and reduce viability of townhouses and villas. <p>The development potential of 7-11 Milray will be further reduced by the following:</p> <ul style="list-style-type: none"> • Raising the minimum site requirement from 1200sqm to 1800 sqm, resulting in: <ul style="list-style-type: none"> ○ Potential for unrealistic values to be sought to achieve the required acquisitions, frustrating the process; ○ Additional upfront costs and increasing development risk; ○ Additional time for negotiations adds to “holding costs”. <p>Controls should be amended to retain development potential.</p>	<p>Clause 25J, 25L and 25N have been included as DCP controls as they were not considered to be appropriate LEP provisions under the standard LEP.</p> <p>The reduction of the basement height from 1.2metres to 1metre has been required to ensure consistency with the standard LEP.</p> <p>The site coverage is now a DCP control, rather than an LEP standard, thus providing greater flexibility. Site coverage controls are consistent with those currently contained in LEP 194 for the various forms of development.</p> <p>Amendments have previously been made to the DLEP to ensure consistency of subdivision standards in LEP 194.</p>	
	Object to 5 storeys in Havilah Rd- should be	Proposed 5 storey building height currently	No change

Specific areas and sites	Issue	Comment	Recommendation
	limited to 3.	permitted on existing 2(d3) sites (to be rezoned to R4) along Havilah Road will remain as no down zonings are permitted under the Minister's directive.	recommended.
	Object to 3 and 5 storeys in Nelson Rd.	<p>Property 8-10 Nelson Road (occupied by Cromehurst) is currently zoned Residential 2(d3) under LEP 194 allowing residential apartment developments up to 5 storeys with a maximum FSR of 1.3:1. It is proposed to rezone this precinct to R4- High Density Residential which permits same type of development at the same height and density as required under the Minister's directive.</p> <p>The properties at 12-24 Nelson Road have been identified as interface sites and proposed to be rezoned to R3- Medium Density Residential allowing townhouses up to 3 storeys. This is consistent with Council's resolution on 18 October 2005 and will reduce the interface issue and provide a stepping down of building mass to Nelson Road.</p>	No change recommended.
	Principal of Cromehurst Special School raises concerns over the future building site at the corner of Tryon Road and Milray Street. The road at this junction is already a mess as a result of the recent building work along Tryon Rd. If the proposed building occurs, there will be a lot of vehicles down Tryon Rd and Milray St which will affect the line of sight for students, making road crossing more difficult and potentially	Comments noted. Traffic calming measures such as kerb extensions can be implemented at the intersection of Tryon Road and Milray Street to provide a safer environment for pedestrian.	<p>In 2.2.8, add a strategy to implement traffic calming measures at the intersection of Tryon Road and Milray Street.</p> <p>In 4.8.2, amend built form drawing (plan) to show possible kerb extension at the</p>

Specific areas and sites	Issue	Comment	Recommendation
	hazardous.		intersection of Tryon Road and Milray Street.
	<p>Owner of 7, 9 and 11 Milray Street raise concerns in relation to the proposed changes to the planning controls as it will restrict the development potential of the land in the following ways:</p> <ul style="list-style-type: none"> Raising the minimum site area requirement from 1200sqm to 1800sqm has a direct impact on the financial feasibility of a project as does the minimum frontage requirement being increased from 23m to 30m. – Additional land is required to enable compliance which means that an additional “up-front” cost is borne, - Adjoining land owners can be an obstacle to development. The maximum FSR of 1.3:1 is a restriction on development such that the yield for a development is reduced which is down-zoning. The FSR should be increased to 1.5:1. <p>Planners for owner indicate site area, minimum street frontage, control inflexibility on ‘local character’, floor space ratio, site amalgamations & built form controls require reconsideration. (submission 34)</p>	<p>Properties 7, 9 and 11 Milray Street are currently zoned Residential 2(d3) under LEP 194 allowing residential apartment developments up to 5 storeys with a maximum FSR of 1.3:1. It is proposed to rezone this precinct to R4- High Density Residential which permits same type of development at the same height and density as required under the Minister’s directive (no down zonings are permitted).</p> <p>Previous amendments have been made to the DLEP to ensure consistency of subdivision standards in LEP 194, including minimum street frontage.</p> <p>The 1.3:1 FSR that is applied to the R4 zone (and existing 2(d3) sites) was applied in DCP 55 following considerable site and envelope testing of LEP 194 development standards against SEPP 65 design controls. It is therefore considered to provide a realist reflection of the existing 2(d3) yield potential. An FSR of 1.5:1 which complies with SEPP 65 could not currently be achieved in the 2(d3).</p>	<p>No change recommended as amendments have previously been made to the DLEP to ensure consistency of subdivision standards in LEP 194.</p>
	Resident notes that previously proposed	The DDCP proposes to create a pedestrian link	No change

Specific areas and sites	Issue	Comment	Recommendation
	<p>continuation of pedestrian link between Milray St and Nelson Rd is no longer included in the plans. Objects to pedestrian link between Milray and Havilah Lane- From observation over many years:</p> <ul style="list-style-type: none"> • Little benefit to commuters or shoppers as alternatives exist regardless of the point of origin • Pedestrians outside the precinct can already access the shops/station directly. • The majority of pedestrian activity seems to originate from commuter parking in Milray St and surrounding streets. • Only benefit is approximately one third of the residents of Milray St, shortening the journey by, on average, less than 100m only when they wish to access the shops furthest from the station. • Cycle activity is virtually nil, and unlikely to increase. • Will reduce ability to plant substantial trees to screen future residents 6-8 and 10 Milray St. 	<p>between Havilah Lane and Milray Street as part of site redevelopment. This is to improve permeability of the area with proposed increased of density.</p> <p>The DDCP proposes to provide a wide verge incorporating tree planting adjacent to proposed pedestrian path along the boundary to provide pedestrian amenity and screening to adjoining properties.</p>	recommended.
Precinct P Bounded by Wolseley Rd, Treatts Rd and the railway and Ibbotson Park.	<p>Object to 3-4 storeys to the east of Wolseley Rd, or alternatively, rezone the western side as well (Tryon Rd resident).</p> <p>Oppose any R4 zoning here as it is well outside</p>	Refer detailed discussion in the body of the report in relation to Precinct P - bounded by Wolseley and Treatts Roads	Refer recommendations in the body of the report in relation to Precinct P - bounded by Wolseley and Treatts Roads

Specific areas and sites	Issue	Comment	Recommendation
	<p>400m radius of town centre. Eltham Road should be reopened – new road to be abandoned as it would be dangerous. If this area is upzoned it should only be to R3 – town houses and villas – with substantial plantings to match streetscape.</p> <p>Medium density proposed here is beyond 400m from the town centre and is incongruous and opportunistic – villas and town houses only may be acceptable.</p> <p>WTTRAG recognise, reluctantly, that there may be an argument to support increased housing, despite being beyond 400m from the station, accepting to some degree a potential for townhouses and villas up to 2 storeys. However, high land values make such modest density difficult to develop economically and accordingly the DLEP proposes 3-5 storey development. Given that the medium density area is between at least 500m and 700m from the station, there are no other medium density zones in the DLEP this far from the station, and the need to protect the unique character of this area (acknowledged by Council), there is no town planning justification for introducing medium density into Precinct P. The primary reason appears to be to facilitate the relocation of Masada College, by making the move more financially viable. This should not drive planning decisions. A more appropriate approach would be to defer medium density zoning over Precinct P till designated areas closer</p>	<p>In relation to the request to rezone the area to the west of Wolseley Road, there is currently no Council resolution requiring staff to consider further rezoning within the Lindfield Town Centre area. Any further rezoning in this area may be considered during the comprehensive LEP process if required. It is also unlikely that further rezoning would be supported by the community.</p>	

Specific areas and sites	Issue	Comment	Recommendation
	to the station are developed.		
	<p>Masada College and North Shore Synagogue object to rezoning to townhouses in Precinct P:</p> <ul style="list-style-type: none"> • The value of the R3 land for townhouses is significantly less than its conservative value as freestanding housing- there is no commercial incentive in the land re-developing as townhouses. • Redevelopment as townhouses is simply not viable at current value levels and risk profiles. To be a viable development form and to cater to the market, the R3 area needs to permit strata apartments which will require a R4 zoning and an FSR of 1:1 rather than 0.8:1. • It would be appropriate to allow buildings of up to 3.6 storeys, with the upper storey set back further from roadways and neighbours. • The R4 rezoning is over a large area of land set back against the railway land, but is restricted to 3.6 storeys and 1:1 FSR, which is of marginal viability. This land would be appropriately zoned R4 at 4.6 storeys and 1.3:1 FSR, in accordance with Hill Thalys' original recommendation. (See submission 50). See detailed Woodbury Bell viability study – Attachment A. • The draft DCP shows R3 footprints for the “multi dwelling housing” which appear cluttered and illogical, and do nothing to optimise site planning, resident amenity, or scaled relationship to surrounding substantial 	Refer detailed discussion in the body of the report in relation to Precinct P - bounded by Wolseley and Treatts Roads	Refer recommendations in the body of the report in relation to Precinct P - bounded by Wolseley and Treatts Roads

Specific areas and sites	Issue	Comment	Recommendation
	<p>housing. An alternate approach is needed.</p> <ul style="list-style-type: none"> • The R4 footprint contained in the draft DCP does not provide adequate potential amenity for residents given the minimal dimensions offered, and does not allow for suitable lift access up from basements nor utilisation of footprint elements located at the ends of the east-west footprint elements. An alternate approach is needed. • The new public street proposed between Wolseley and Treatts Roads achieves improved public access through to Ibbotson Park and at the same time provides public access to develop housing, the Council yield would be 72 new dwellings, a major and significant shortfall against the identified and reasonable land capability for this prime land. • The area of proposed new public street plus Ibbotson Park extension exceeds the area of Eleham Road offered in exchange, and should be adjusted. • The 50% deep soil landscaping requirement will need to be relaxed in order to reflect the fact that part of the residentially zoned land will be used and dedicated for the new public street, the area of which should therefore be counted as part of the deep soil landscaping area. • It is recommended that the relevant draft LEP and DCP plans be adopted in preference to their counterparts currently on exhibition (see attachment C of submission 50). 		

Specific areas and sites	Issue	Comment	Recommendation
	<p>Internal road is conceptual, dangerous and inadequate – ie very unlikely.</p> <p>Road unnecessary for the size of the site, and number of dwellings expected, particularly with an expanded Ibbotson Park. Pedestrian access however, would have merit.</p> <p>3 separate vehicle access points are recommended, two centrally located off Treatts Rd and a third from near the western end of Eleham Rd, which would remain as a road for 50m off Wolseley Rd. This would be designed to prevent vehicular through traffic, provide safe and convenient access to basement parking and facilitate separation of pedestrian and vehicular traffic within the site.</p>	<p>The DDCP aims to reconfigure Eleham Road (currently a cul-de-sac) to provide a new street which provides for vehicle access to the new developments thereby reducing access movements on existing streets</p> <p>The proposed street connection likely to be achieved in stages. It is proposed to locate the street connection through Sites 1 and 2 which are of two large land holdings in single ownership. This presents a real opportunity for achieving the proposed connection. However it is possible to shift the location of the street slightly depending on staging of the redevelopment within the precinct.</p> <p>The DDCP proposes a new street with low traffic speed through the mid section of this precinct between Treatts and Wolseley Roads to provide mainly local access to the future developments within this precinct and also serve as a pedestrian thoroughfare from Treatts Road to Ibbotson Park. The new street with street tree planting will also provide a transition between the R4 and R3 areas.</p>	<p>In Section 3.2.5, add a statement under ‘desired future character’ to create residential street with low traffic speed to ensure pedestrian safety.</p>
	<p>Lack of Parks in Lindfield – Ibbotson Park should be doubled in size by acquiring school land.</p>	<p>The DDCP proposes to increase and improve open space in the locality by extending and upgrading existing Ibbotson Park. A potential increase of area up to approximately 1,200sqm could be added to the park upon redevelopment of R4 sites.</p>	<p>No change recommended.</p>

Specific areas and sites	Issue	Comment	Recommendation
		It is acknowledged that Ku-ring-gai has a general lack of parks and recreation areas particularly close to the centres. This issue is being looked at in strategic context as part of Open Space Acquisition Strategy which will be presented to Council in the early 2007	
	There is still some uncertainty about the potential to build residential flat buildings in R3 zones. Should Council retain this area for medium density assurance is sought that the land use table to the R3 zone in Lindfield will definitely not permit residential flat building in this zone.	When Council adopted the Principal LEP applying to the town centers, residential flat building were included as prohibited development under item 4 of the land use table for the R3 zone.	No change recommended. Relevant amendments have already been incorporated in the Principal DLEP.
	<p>To provide a sympathetic interface with low density housing WTTRAG seeks a limitation on building heights fronting these streets to 2 storeys for a depth of at least 8 metres. (Diagram included) The third floor would then have little impact on the street. The bulk and scale should be compatible with the single dwellings – limited to a width of 18m with adequate (6-8m) separation to provide substantial landscaping.</p> <p>The proposed 4 storey sites should be strictly limited to 4 storeys setback at least 35-40 m to Treatts and Wolseley Roads, and include a significant number of large canopy trees in the front setbacks and around buildings to minimise the visual impact on low density housing and the streetscape. There should be a minimum 6m</p>	<p>Proposed 3 storey height is required to ensure the viability of redeveloping these sites within Precinct P, it is also a requirement of the Department of Planning that the R3 zone allow 3 storeys.</p> <p>The development of townhouses is proposed along Wolseley Road and Treatts Road frontage to ensure the neighbourhood character of the locality is preserved. The town house zone will be equivalent to two storeys with the third storey in the roof as an attic space</p> <p>The DDCP proposes a generous landscape setback of at least 10m along Wolseley and Treatts Roads to protect the existing streetscape and amenity of nearby properties with the</p>	No change recommended

Specific areas and sites	Issue	Comment	Recommendation
	<p>setback from the park boundary to limit overshadowing.</p>	<p>retention and enhancement of existing vegetation.</p> <p>Enhancement of existing vegetation along Wolseley Road will act as a buffer will assist in preserving the existing streetscape.</p> <p>The natural boundaries formed by the existing roads to this precinct will also help to reduce interface impacts to the nearby low density residential area. The distance between existing dwellings and new dwellings will be in excess of 35 metres</p> <p>The apartment buildings are generally more than 60 metres from Wolseley and Treatts Roads. Near Ibbotson Park they come to within 30 metres of Wolseley Road</p> <p>Canopy tree planting is a requirement for all new residential development refer Draft DCP 5.5.1 Deep Soil Landscaping</p>	
	<p>It is recommended that the apartment buildings be oriented east-west to allow the units to be oriented to the north and reduce noise impacts from the railway, and facilitate views over an expanded park.</p> <p>Running the built form parallel to the railway reduces ability to provide access to northern sun. This will also reduce the value of the units, which is not in character with this area.</p>	<p>Around half the building mass is orientated approximately to the north. It is not possible for all buildings to face north and achieve the density requirements.</p> <p>The buildings have been configured to achieve solar access requirements for apartments as per State Government requirements (SEPP 65)</p> <p>The building envelopes are a recommended</p>	No change recommended

Specific areas and sites	Issue	Comment	Recommendation
		arrangement and alternatives can be submitted as part of the Development Application process.	
	Sites such as 1 Treatts Rd and 7-9 Wolseley Rd are particularly vulnerable to becoming isolated unless amalgamations plan is prepared and strictly enforced. (Diagram of proposed lot amalgamations included – submission no73)	<p>1 Treatts Road is included within site 5 of Precinct P and 7 and 9 Wolseley Road are shown as part of site 4 of Precinct P. An amalgamation plan has been prepared refer draft DCP 4.3 Site Amalgamation.</p> <p>It is unlikely that a site will be isolated if the owner is willing to sell their property. It is only in the case where owners do not wish to sell or will not sell for a fair and reasonable price that the potential for isolation may become a problem</p>	Refer recommendation below
	It should be clear that smaller lot holdings are not permitted, to protect adjacent developments from having 3 storeys to the boundary. 1, 3 and 5 Treatts should be one such amalgamation.	<p>The minimum lot size for an R3 zone is 1200sqm (refer Draft LEP Lot Size Map) this generally requires the amalgamation of at least two lots.</p> <p>It may be appropriate to show smaller lot amalgamations in site 5 which includes 1,3 and 5 Treatts Road to minimise potential impacts.</p>	Review lot amalgamation pattern for site 5 Precinct P to incorporate 1, 3 and 5 Treatts Road into one amalgamation and show side setback requirements for adjoining development
	4 storey building to the north of Ibbotson Park will extensively overshadow the park in the afternoon, especially in winter. This will also impact on vegetation in the park, further impacting on the character of the locality	<p>It is acknowledged that the new buildings will partially overshadow Ibbotson Park in winter.</p> <p>Within the constraints of the site there appears to be few options to address this issue other than increasing building heights on the northern part of the site and reduce building heights near the park. It is unlikely that this option would be broadly supported within the community.</p>	No change recommended.
	R3 zoning will result in tall thin buildings close together – not in character with locality. The	The envelopes for the R3 zone are indicative only at this stage. Council is required to develop	No change recommended.

Specific areas and sites	Issue	Comment	Recommendation
	building form should be broadened to the same width as the surrounding houses, have a third storey setback, and increased separation to allow for large tree planting.	detailed building controls for the R3 zone in a similar manner to what is currently available for apartment buildings. It is noted that the R3 zone will be a house form typically this will be two storeys plus attic space in the roof making the third storey.	
	Precinct P has ideal locational, cultural, land parcels, and lack of built form, current zoning and environmental constraints to become an 'Italian Forum' landscaped in a softer form, with a Jewish/and or Chinese flavour. The precinct should be zoned B4 (to allow serviced apartments) with an FSR of 1.3:1. The 3 and 4 storey heights should be swapped to create a bowl-shaped' urban forum, designed to provide maximum amenity protection to surrounding areas. The new road would not be needed. The concept meets the objectives of the plans and provides a taste of 'urban chic' including potential for an art house cinema for the young. (Details provided in Submission No 77)	In planning terms the option for Precinct P to become a retail commercial zone cannot be supported for a number of reasons: <ol style="list-style-type: none"> 1. Lindfield centre is already divided into two retail precincts either side of the railway. This would create a third precinct which would not be in the best long term interest of the centre. 2. Precinct P is located about 500 metres from the rail station which is at the limit of a comfortable 5 minute walk. The area would become a car based retail precinct with significant traffic impacts. 3. It is located within a residential precinct and the impacts on adjoining residents would be significant 4. It would not be consistent with Council's adopted Retail Strategy which limits expansion of retail in Lindfield to around 6,000sqm additional floor space 	No change recommended.
Other	Oppose 5 storey development on the highway between Highfield Rd and Provincial Rd.	These sites are currently zoned 2(d) and are required to provide an improved yield under the Minister's direction.	No change recommended.
	Reduce 5 storeys to less when overlooking other sites;	5 storey development is required to meet the requirements of the minister's directive and is	No change recommended.

Specific areas and sites	Issue	Comment	Recommendation
	Broaden housing choice in these plans.	<p>consistent with LEP 194. Where appropriate 3 storey areas are provided. Reasonable protection of privacy is addressed in the controls for new developments in the centre at Section 5.7.1 of the Draft DCP.</p> <p>The plans provide increased housing choice in an LGA that is predominantly low density housing.</p>	
	14 Woodside Avenue want to make a submission in relation to 11, 15 & 17 Woodside Avenue. They are not in favour of any development in Woodside Avenue, however they could live with three storey development and support this, but only if the heights are not increased to R4- high density.	The DLEP proposes to rezone properties at 11, 15 and 17 Woodside Avenue to R3- Medium Density Residential which permits townhouse development up to 3 storeys.	No change recommended.
	Object to 7 storeys in Tryon Lane.	There is no provision for 7 storeys in Tryon Lane. The plans provide for a maximum of 5 storeys, with a large portion between Tryon Lane and Russell Ave, 3 storeys. This is appropriate given the proximity to the station and the commercial centre.	No change recommended.
	It is inappropriate to limit building envelopes in the DCP, as it unnecessarily constrains urban design responses. Instead height, length, depth, orientation and separation controls should be provided. Further, the proposed envelopes are unlikely to comply with a number of good design principles of SEPP 65 and limit opportunities for landscaping between buildings.	Council has adopted a place based planning approach by defining appropriate building types and site specific building envelopes supported by detailed design and environmental controls which respond to future character and planning objectives for the centre. This approach provides a greater clarity and certainty for expected design outcomes and certainty for Council, community and land owners.	No change recommended.

Specific areas and sites	Issue	Comment	Recommendation
		All building envelopes within the DCP have been prepared by qualified urban designers and architects and comply with SEPP65	
Rezoning	<p>Owners of 8 and 10 Wolseley seek upzoning of 365 Pacific Highway and 8 and 10 Wolseley from R3 to R4, and that these be considered with 2, 4 and 6 Wolseley Rd as an amalgamated site:</p> <ul style="list-style-type: none"> • Current lot size of R4 prevents achievement of full FSR of 1.3:1 • Setbacks due to zone interface reduce development size • Isolated R4 sites results in 2 zone interfaces • Recent application for residential flat building was refused due to setbacks and overdevelopment • Triangular shape of 8 Wolseley requires amalgamation to make a feasible development • Development of 1-6 Wolseley Rd will result in 8 Wolseley becoming an isolated site and undevelopable • Location of the current high density site is its self isolated, an undesirable planning outcome. • Redevelopment of current sites not financially viable. (Submission No 49) <p>Submission says concept plans provided separately, but no plans received.</p>	<p>The sites 8-10 Wolseley Road were included in the DLEP to provide an interface to the single residential properties adjoining in Wolseley Road. rezoning these sites to R4 would defeat this intention and would allow enable 5 storey development adjacent to single residential if adjoining R4 sites are amalgamated. The R3 zone guarantees the interface outcomes.</p> <p>The sites at 2-6 Wolseley road, currently zoned 2(d3), are able to achieve a maximum of 4 storeys at 1:1 FSR. This has been reflected in the development standards contained in the DLEP. The site will have an interface with R3 zone on both side boundaries and would not be subject to the increased setbacks required to single residential zones.</p> <p>The amalgamated site area of 8 and 10 Wolseley road is approximately 1700sqm, which is considered to be appropriate for a town house style development. If also amalgamated with 365 Pacific Highway, the site area would be over 2600 sqm.</p>	No change recommended.
Rezoning	Owner of 10 Wolseley Rd is seeking upzoning to R4 for 10 Wolseley Rd, particularly if 8 Wolseley	Refer to comments above.	No change recommended.

Specific areas and sites	Issue	Comment	Recommendation
	Rd is to be R4. 10 Wolseley Rd could not be viably developed as an isolated R3 site. Zoning 2-10 Wolseley Rd all at R4 would allow greater density than 2 separate zones across these sites, and would allow satisfactory setbacks to No 12 Wolseley Rd.		
Rezoning	<p>Owners of 4,6 & 8 Middle Harbour Road request these sites are included in the Town Centre DLEP with a zoning of R4 for the reasons listed below:</p> <ul style="list-style-type: none"> • The sites are adjoining an unviable 2D3 site (1 Russell Avenue), • Consolidation of sites produces a better planning outcome and less impact upon adjoining properties, • The sites can produce a planned gateway site to Lindfield, • The sites have a wide frontage to Lindfield Ave, • Council should include the lands as encouraged by the Director General, • The sites are genuine interface sites, • The sites (including 1 Russell Ave) should be zoned in a similar fashion to Henry Street, Gordon with a scheduled use to preserve the existing community facility of the local medical centre, • The sites are within easy walking distance to the station and shopping (200m), • Omission of consideration of these sites is contrary to the Ministers direction and actions of other land zoned or adjacent to 	4, 6 and 8 Middle Harbour Rd are outside the area of application for the Town Centres LEP and consideration has not been given to rezoning these sites. The sites will be considered as part of the Comprehensive LEP due by 2011.	No change recommended.

Specific areas and sites	Issue	Comment	Recommendation
	<p>land zoned 2D3,</p> <ul style="list-style-type: none"> The sites can provide alternative housing choice to units or dwelling houses. <p>(Submission 17)</p>		
Rezoning	<p>16 Beaconsfield Rd should be included in the R3 zone. Benefits include:</p> <ul style="list-style-type: none"> It would provide interface between R4 and low density, as per objectives and consistent with other transitions in the area It is within 400m (walking distance) of Lindfield Station and 2 minutes from a wide range of services It will be surrounded on 2 sides by R4 Site is large enough (3,200sqm) to adequately accommodate redevelopment Site has no topographical, environmental, heritage or existing density constraints Figure 4.8.6 showing a riparian corridor is inaccurate and not supported by Dept of Planning comments Site consolidation would provide 2 street frontages, creating permeability opportunities Site fits Metro strategy criteria, Section 55 direction and EP&A Act objectives Density increase consistent with the objectives of SEPP 32 and urban consolidation Existing mature trees would provide an interesting landscape element, privacy and buffer to lower density areas 	<p>16 Beaconsfield Rd is outside the area of application for the Town Centres LEP and consideration has not been given to rezoning this site. The site may be considered as part of the Comprehensive LEP due by 2011.</p>	<p>No change recommended.</p>

Specific areas and sites	Issue	Comment	Recommendation
	<ul style="list-style-type: none"> • Site enjoys direct access to the highway • Would not adversely impact adjoining heritage site (tennis court and tree buffer) <p>Impacts of not rezoning include:</p> <ul style="list-style-type: none"> • Contrary to objectives to provide transitional buffer zones • 6 storey development to the east, given the site is 3m upslope, will result in overshadowing, noise and privacy impacts (diagrams provided) • Lack of transition would not provide a consistent urban fabric • Significant decrease in property value (estimated to be \$1 million) <p>Submission No. 66</p>		
Rezoning	<p>1 Russell Ave Lindfield seeks zoning to include commercial uses to allow the medical practice to continue on the site. There is abundant off street parking, it is close to the station and patients have often expressed support for its current location. Insecurity of tenure has resulted in difficulties of finding doctors willing to go into partnership.</p>	<p>1 Russell Avenue is outside the area covered by this plan and is not being subject to rezoning. Future zoning and uses on this site will need to be considered as part of the future comprehensive LEP.</p>	<p>No further change recommended. Refer to the new provision section provided within 4.3 of DCP.</p>

Draft Development Control Plan	Issue	Comment	Recommendation
Vision, objectives & strategies	<p>Council's objectives should include the following:</p>	<p>The Aims contained in clause 2(a) of the LEP</p>	<p>No changes recommended.</p>

Draft DCP	Issue	Comment	Recommendation
	<ol style="list-style-type: none"> Enhanced opportunities for all the community to be less dependent on car travel. Increased opportunities for accommodation for a wide range of demographic groups. Protection and enhancement of the quality and character of what you can build. Protect and improve the quality of the natural environment (see Submission No. 21) 	and the objectives contained in Part 1.5 of the DDCP cover all issues raised in the submission. Both documents includes aims/objectives relating to reduced car dependency, housing choice, urban character and architectural design quality and environmental sustainability.	
	<p>Amalgamation patterns prescribe large sites and this may restrict sale prices by residents to developers. Smaller boutique sites would complement larger ones.</p> <p>Precinct based controls are not an efficient planing tool.</p>	<p>Although having smaller ownership numbers improves the probability of redevelopment within a certain time period, it hinders improved built outcomes. The preferred amalgamation patterns are designed to meet the urban design and environmental and amenity objectives. Alternative amalgamations are possible provided that the DCP objectives are still achieved. A control to this effect has now been included in the DCP in section 4.3</p> <p>The DCP has adopted a place based planning approach by defining appropriate building types and site specific building envelopes supported by detailed design and environmental controls which respond to future character and planning objectives for the centre. This approach provides a greater clarity and certainty for expected design outcomes and certainty for Council, community</p>	No change recommended.

		<p>and land owners.</p> <p>It is acknowledged that certain assumptions are made particularly regarding amalgamations however these assumptions are made based on research and discussion with land owners and other parties. The building shapes and form can be varied from what is in the DCP where justification is provided.</p>	
	<p>The plan may get a tick in the Planning NSW box but fails to address fundamental physical, infrastructure and urban planning issues. It does not represent good planning with innovative solutions. It does not improve liveability for Lindfield residents. It provides:</p> <ul style="list-style-type: none"> • A poor retail outcome with no retail plan 	<p>The retail plan for Lindfield has been central to the integrated planing process – commencing with the Hill PDA Retail Strategy (July 2005), community and stakeholder review in each phase of the development of the Plans.</p> <p>Overall physical planning for the Lindfield centres is set out in the series of linked strategies based on the Vision statement. The key strategies that relate to the retail core are in the DCP are the linked to the various themes in the strategies -urban structure, parks and open space, permeability transport,</p>	<p>No change recommended.</p>

	<ul style="list-style-type: none"> • A lack of diversity in housing and residential amenity 	<p>car parking, community facilities and services, heritage and housing. The Strategy 2.2.12 Activities and Uses contains the key direction of the retail plan and it considered an appropriate retail plan for this centre.</p> <p>The new plans for the Lindfield centre will provide a wider range of housing choice-new apartment buildings as per LEP 194 and shop top housing (i.e apartments above retail/commercial development- there is currently very limited supply restricted to older style flats at the rear of existing shops in the Lindfield centre.</p> <p>The draft plan provides an R3 medium density housing zone which will permit villa and town houses (residential flat buildings are prohibited in the R3 zone).</p> <p>In addition the R4 & B2 zones provides for multi – unit dwelling housing, shop top housing and residential flat buildings, further providing increased housing choice.</p> <p>The Ku-ring-gai RDS Stage 1 and the town centres LEP will provide a wider range of housing stock and increase the opportunity for the supply of smaller and potentially more affordable accommodation in the private</p>	
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	<ul style="list-style-type: none"> • No staging of development to match infrastructure. • Only 30 days exhibition for a \$750M project spanning 25 years • No linking east and west of the highway & rail barriers • Poor addressing of highway and car related issues 	<p>rental market.</p> <p>The relevant state agencies have reviewed the plans and provided input, no major objections on infrastructure grounds. Council is preparing a developer contributions strategy that will also contribute towards the new demand for local infrastructure and services created by the new population.</p> <p>Planning for the centre and community consultation for Lindfield commenced in February 2006 and has involved the community in each phase of development of the draft plans, including workshops, series of surveys, a mediation session, public hearing and various exhibitions and staffed information displays.</p> <p>The challenge of linking the centres is noted and the plans have attempted to improve the linkages as articulated in Sections 2.2.8 and 2.2. 4 of the DCP. The urban structure has catered for retail, commercial and community hubs on both side of the centre.</p> <p>The RTA requirements for priority to be given the Pacific Highway and the long term nature of road funding and infrastructure improvements area noted. Traffic issues</p>	
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	<ul style="list-style-type: none"> • No commuter parking strategy • No addressing of small sites or compulsory acquisition • No addressing of sustainability issues for the centre. 	<p>cannot be solved but need to be appropriately managed. In the case of parking it is matter of finding an appropriate outcome to demands for increased car parking, versus increased environmental impacts, congestion, impact on viability and opportunities to improve public transport services.</p> <p>Council has been in close consultation with RailCorp and is seeking to maintain and increase commuter parking and to facilitate improved access and safety to local public transport.</p> <p>Council has provided amalgamation patterns that facilitate economic and orderly development, these are preferred amalgamations only. In relation to compulsory acquisitions, Council has used the development process to facilitate improved public benefits such as land dedications and improvements at no cost to Council.</p> <p>Council has adopted a range of sustainability initiatives in the plans and these will be further demonstrated through the use of council's environmental levy eg water and energy initiatives in the public domain or on Council owned sites.</p>	
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Public domain controls			
Public open space	<p>The only public park within 400-600m of Lindfield centre is a small pocket park- Ibbotson Park. The open space will not be sufficient for the proposed increase in population. Only three very small areas for public open space have been proposed all of which are insufficient for parks and play areas for children.</p> <ul style="list-style-type: none"> • Woodford Lane Village Green – steep and impractical and not likely to be redeveloped for many years • Community space for library site dangerous for children with adjacent highway and railway- ball play not possible • Tryon Place overshadowed, high traffic area- also not likely to be redeveloped for many years. • Ibbotson Park too small for the additional population. <p>More open and usable community space must be provided.</p>	<p>There are two types of public areas to be considered by Council:</p> <ol style="list-style-type: none"> 1. Open space or, what is commonly termed parks, are public areas ranging in size from local parks to large regional parks and include sports fields. Parks are predominantly grass and landscape, and provide a range of recreation facilities. Parks of all types in Ku-ring-gai are generally located on the edge or outside of the urban areas. Planning for parks is currently being undertaken by Council as a separate process within a broader context as part of the Draft Open Space Acquisition Strategy. The Draft Strategy will be presented to Council in early 2007. The study identifies the both prioritisation of areas and assessment criteria on which particular proposed acquisitions of land can be assessed. 1. Urban spaces – are areas that are located in urban areas such as town centres and include street footpaths, town squares and small incidental spaces. These areas are generally smaller than parks and do not necessarily provide for recreation. Urban spaces provide a social role as a meeting place or a leisure role such as outdoor dining. Urban public spaces are 	<p>Recommendation: That Council continue to collect monies to acquire open space in the Section 94 Plan at existing rates per capita for Lindfield (5.82sqm per capita)</p>

		<p>normally a mix of paved areas and landscaped areas with seating and lighting. Urban spaces are being planned for as part of the town centre process. Planning for open space within the context of the Minister's Direction has not been supported by the Department of Planning. The Department consider open space planning to be part of the Comprehensive (whole of LGA) process.</p> <p>The comments in relation to the proposed disadvantages of the proposed urban spaces are noted but not supported. The Tryon Road Town Square in particular will be a major public space of high amenity.</p> <p>Council acknowledges that Lindfield is poorly supplied with local open space. This particularly the case with neighbourhood parks.</p> <p>The open space provision within Lindfield is 0.38Ha/1000 people. 30% of people are outside park service zones (within 500 metres walking distance).</p> <p>Council is currently collecting money from each new multi-dwelling development to acquire open space as part of the 2004-2009 Section 94 Plan.</p>	
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	<p>Ibbotson Park is ideally located, but too small. Even with the proposed extension, it still remains just a pocket park, increasing from around 1,900sqm to around 2,900sqm. A functional town centre should have at least 5,000sqm to provide sufficient space for landscaping, seating, play facilities and lawn areas.</p> <p>Council could use Eleham Rd and purchase 3,500sqm of land from Masada College based on its underlying value for medium density housing, providing a functional town park to support the additional 2,000 dwellings in Lindfield. Council has been collecting section 94 contributions for 3-4 years for open space, and collects approximately \$10,000 for each new apartment, but has yet to identify suitable land in Lindfield. (Diagram included – submission No 73)</p>	<p>Refer notes above in relation to planning for open space and urban spaces</p> <p>The suggestion that area around Eleham Road should be a major public open space would not be supported from an open space planning point of view as it is isolated by two major barriers, being the highway and the railway, and would have a limited catchment of potential users.</p>	No changes recommended
	High buildings on the North and East side of the planned open space at Tryon Rd will block the sun and become a wind tunnel which is not conducive to a Town Square.	Town squares by their nature and definition are within a town and surrounded by buildings. Reference to some of the great European Town Squares will show that large parts of these are overshadowed and some point in the day.	No changes recommended
	The present car park will be vastly improved as public space, provided that the alternative parking is equal or greater than that available at present.	<p>Supportive comments noted</p> <p>Council has resolved that there will be no loss of public parking within the town centres</p>	No changes recommended
	There is not enough open green public space near the shops; State government should donate Cromehurst school land for parkland/playground.	<p>Refer comments above in relation to planning for open space and urban spaces.</p> <p>Comments regarding Cromehurst School are</p>	No changes recommended

		noted.	
	<p>Ibbotson Park is already used by residents, staff from nearby commercial areas, and school groups. It should be expanded as previously discussed by staff, at least by the equivalent of Eleham Rd to cater for additional density. Being away from major roads it is also safe for children. This park would then also prevent the need to create a new road through the precinct.</p> <p>The high density zones do not include private recreation areas within the developments. They cannot rely on Ibbotson Park for these needs.</p>	<p>The DDCP proposes to extend and upgrade the existing Ibbotson Park by about 1200sqm. This represents more than 30% increase in size.</p> <p>The DDCP also proposes a new street mainly to provide local car access and also as a pedestrian thoroughfare. No through traffic is envisaged with Wolseley Road being a cul-de-sac</p> <p>The DDCP (part 5.4.1) requires 10-25sqm private open space per unit (eg. Courtyards and balconies) to be provided within all residential apartment development.</p> <p>5.4.2 of the Draft DCP requires 30% of all deep soil zones to be communal open space within residential developments</p>	No change recommended.
	<p>Resident understands Council will consider the establishment of a new area of open space at the location of No.10A Beaconsfield Parade. Resident strongly supports this concept as it will provide screening for their property at 18 Beaconsfield Parade and for the historic home at No. 16. Already 10A contains a number of large well-established trees and is ideal for open space for children to play in.</p>	<p>10A Beaconsfield is being recommended to be public open space.</p> <p>Refer detailed discussion on Precinct F in the body of the report</p>	Refer recommendations in relation to Precinct F in the body of the report

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 3

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

Minister for Planning

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 3

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 3*.

2 Aims of plan

The aim of this plan is to make local environmental planning provisions for land in Lindfield and Roseville in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

3 Land to which plan applies

This plan applies to the land identified on the map marked “Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) (Draft Amendment No 2) Land Application Map” deposited in the office of Ku-ring-gai Council.

4 Amendment of Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres)

Ku-ring-gai Local Environmental Plan 2006 (Town Centres) is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Maps

Insert the following after point (v) in the note at the end of clause 7(3):

- “xvi) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.3 Land Application Map
- xvii) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.3 Land Zoning Map
- xviii) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.3 Lot Size Map
- xix) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.3 Height of Buildings Map
- xx) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.3 Floor Space Ratio Map”

[2] Clause 21 Height of buildings

In clause 21(2)(a) delete the date “30 November 2006” and insert instead “19 December 2006”.

[3] Schedule 1 Additional permitted uses

Insert in the table under Schedule 3 the following:

Lot Description	Address	Additional Permitted Uses
Lot 1 DP206204	132 Pacific Highway, Roseville	Business premises to a maximum 1:1 FSR
Lot 2 DP206204	124-130 Pacific Highway, Roseville	Business premises and Restaurant to a maximum 1:1 FSR
Lot B DP333949	65 Hill Street, Roseville	Business premises to a maximum 1:1 FSR

Schedule 1 Amendments

[4] Schedule 5 Environmental Heritage

Insert in the table under Schedule 5 the following:

Column 1 Suburb	Column 2 Item Name	Column 3 Address	Column 4 Property Description	Column 5 Significance
Lindfield		1-21 Lindfield Avenue	Lot 1 to 10 DP 17409	Local
Lindfield		55a Lindfield Avenue	Lot A DP 311108	Local
Lindfield		386-390 Pacific Highway	Lot 12 DP 629035	Local
Lindfield		22 Russell Avenue	Lot B DP 360135	Local
Lindfield	St Alban's Anglican Church	1-5 Tryon Road	Lot 2 DP 501299	Local
Lindfield	Lindfield Uniting Church	33 Tryon Road	Lot 1 DP 724802 Lot 22 DP 3210	State
Roseville	Roseville Cinema	112-116 Pacific Highway	Lot 1 DP 566196	Local
Roseville		1 Hill Street	Lot 3 DP 1046141	Local
Roseville	Former Westpac Building	65 Hill Street	Lot B DP 333949	Local
Roseville	Former Station Masters Residence	89 Pacific Highway	Lot 2 DP 808504	Local
Roseville	Former Commonwealth Bank	83 Pacific Highway	Pt. Lot 1 DP 957509 , Pt. Lot 1 DP 442434 , Pt. Lot 2 DP 1096041	Local
Roseville		79-81 Pacific Highway	Lot A DP 440100	Local

Zone Description

Residential Zones

Zone R3 - Medium Density Residential

Zone R4 - High Density Residential

Business Zones

Zone B2 - Local Centre

Zone B5 - Business Development

Special Purposes Zones

Zone SP2 - Infrastructure

Item

Heritage Item

Heritage Conservation Area

Archaeological site

Access across boundaries restricted

Foreshore protection line

Foreshore protection area

Scenic protection area

Environmentally sensitive land

Riparian land

North

SCALE:1:5000

0

50

100

150

200

250

Metres

DRAWN BY: COUNCIL,S LAND INFORMATION DIVISION

PLANNING OFFICER : ANTONY FABBRO

COUNCIL FILE NO.

DEPT. FILE NO.

CERTIFICATE ISSUED UNDER SEC.65 E.P.A.ACT

GOVT. GAZETTE NO.

DATE

DATE

The map displays the Lindfield locality with various land zones. Residential zones R3 (Medium Density) and R4 (High Density) are shown in pink. Business zones B2 (Local Centre) and B5 (Business Development) are shown in blue. A Special Purpose zone SP2 (Infrastructure) for electricity supply is shown in yellow. The map includes a network of streets such as Pacific Highway, Balfour Street, Beaconfield Road, and others. A label 'LOCALITY - LINDFIELD' is positioned at the bottom left of the map area.

ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)

AMENDMENT NO.3

Land Zone Map (clause 11)

SHEET 5

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

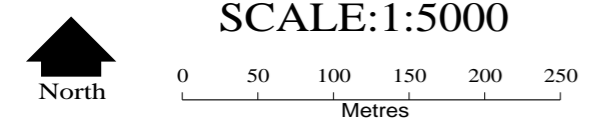
AMENDS THE KU-RING-GAI PLANNING SCHEME

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

GENERAL MANAGER DATE 15 December 2006

- Residential only
6 storeys residential
(6 x 3m) + 2m (lift over run) + 1m (parking*) = 21m
5 storeys residential
(5 x 3m) + 2m (lift over run) + 1m (parking*) = 18m
4 storeys residential
(4 x 3m) + 2m (lift over run) + 1m (parking*) = 15m
3 storeys residential
(3 x 3m) + 2m (lift over run) + 1m (parking*) = 12m
- Business/Retail only
3 storeys business/retail
(3 x 3.6m) + 2m (lift over run) + 1m (parking*) = 13.8m
2 storeys business/retail
(2 x 3.6m) + 2m (lift over run) + 1m (parking*) = 10.2m
- 3 storeys business/retail/Community + 4 storeys residential
(3 x 3.6m) + (4 x 3m) + 2m (lift over run) + 1m (parking*) = 25.8m
3 storeys business/retail/Community + 2 storeys residential
(3 x 3.6m) + (2 x 3m) + 2m (lift over run) + 1m (parking*) = 19.6m
- 2 storeys business/retail + 5 storeys residential
(2 x 3.6m) + (5 x 3m) + 2m (lift over run) + 1m (parking*) = 25.2m
2 storeys business/retail + 4 storeys residential
(2 x 3.6m) + (4 x 3m) + 2m (lift over run) + 1m (parking*) = 22.2m
2 storeys business/retail + 3 storeys residential
(2 x 3.6m) + (3 x 3m) + 2m (lift over run) + 1m (parking*) = 19.2m
- 1 storey business/retail + 4 storeys residential
(1 x 3.6m) + (4 x 3m) + 2m (lift over run) + 1m (parking*) = 18.6m
1 storey business/retail + 2 storeys residential
(1 x 3.6m) + (2 x 3m) + 2m (lift over run) + 1m (parking*) = 12.6m
- 1 storey retail + 1 storey business/retail + 2 storey residential
(1 x 5m) + (1 x 3.6m) + (2 x 3m) + 2m (lift over run) + 1m (parking*) = 17.6m

* plus 1m for potential basement parking projecting out of the ground



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GOVT. GAZETTE NO.	DATE

ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

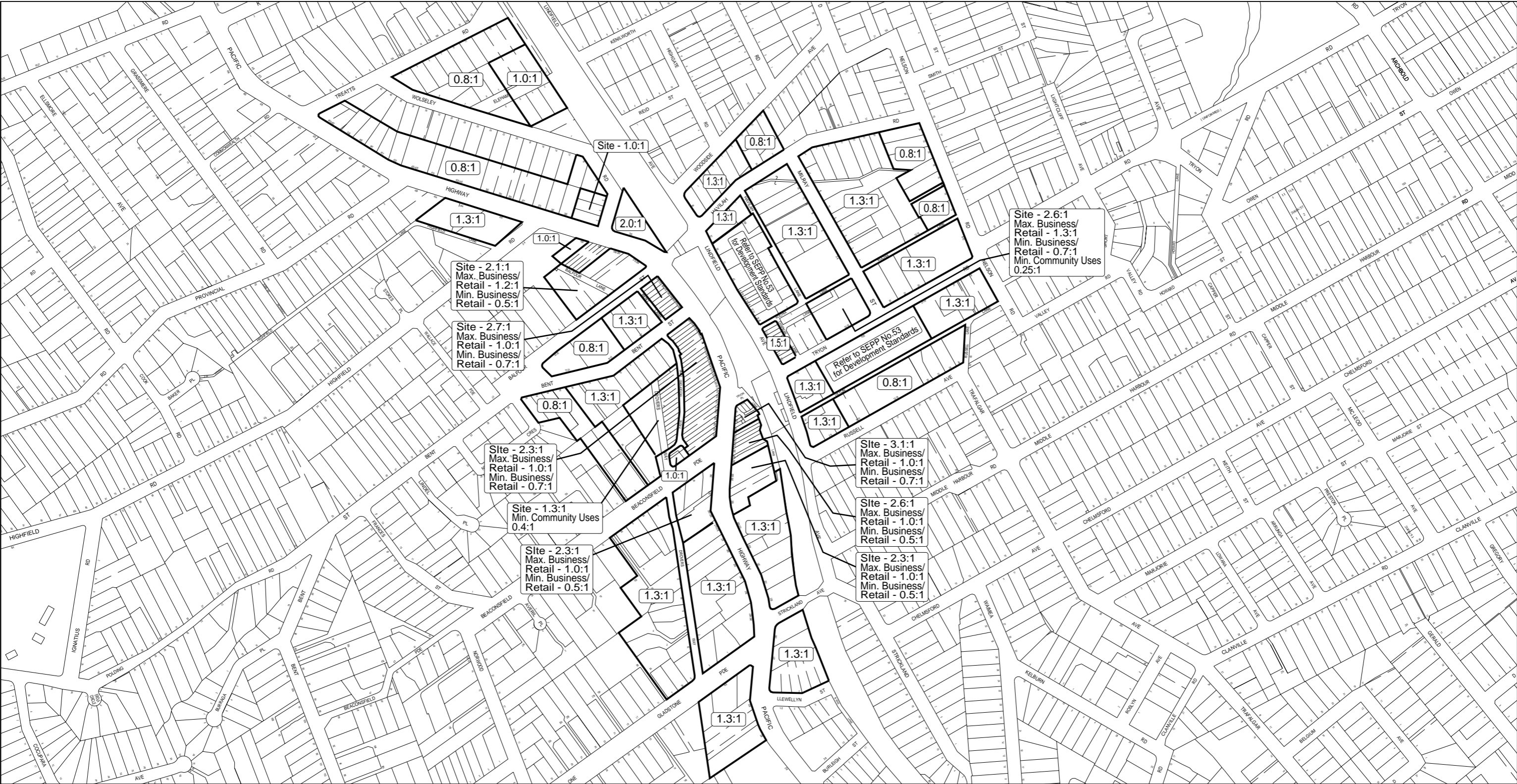
DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)

AMENDMENT NO.3

Height of Buildings Map (clause 21)

SHEET 5

STATEMENT OF RELATIONSHIP WITH OTHER PLANS	
Amends Ku-ring-gai Local Environmental Plan 2006 - (Town Centres)	
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
GENERAL MANAGER	DATE 15 December 2006



NORTH

SCALE:1:5500

050100150200250

Metres

LOCALITY - LINDFIELD

1.3:1

Floor Space Ratios (FSR)

DRAWN BY: COUNCIL,S LAND INFORMATION DIVISION	<div>ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979</div> <div>KU-RING-GAI COUNCIL</div> <div>DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)</div> <div>AMENDMENT NO.3</div> <div>Floor Space Ratio Map (clause 22)</div> <div>SHEET 5</div>	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER : ANTONY FABBRO		AMENDS THE KU-RING-GAI PLANNING SCHEME
COUNCIL FILE NO.		
DEPT. FILE NO.		
CERTIFICATE ISSUED UNDER SEC.65 E.P.A.ACT		DATE
GOVT. GAZETTE NO.	DATE	
		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
		GENERAL MANAGER DATE 15 December 2006

Attachment 6

Lindfield town centre

Surveys, Consultations, Displays, emails & Mailouts

• Lindfield Resident Surveys to all households	4077	10 Feb
• Lindfield Chamber of Commerce briefing	20	6 Mar
• Lindfield Shopper Surveys to Chamber of Commerce		9 Mar
• Lindfield Planning Consultative workshop	55	1 May
• Email update Masada Lindfield Stakeholders	30	18 Jul
• Email update to Lindfield Stakeholders	650	11 Aug
• Email update to Lindfield Stakeholders	650	21 Aug
• Ku-ring-gai Business Forum	70	28 Aug
• Email update to Lindfield Stakeholders	650	18 Sep
• Email update to Lindfield Stakeholders	650	22 Sep
• Early notification of proposed exhibition	650	24 Oct
• Formal Exhibition email Lindfield centre	650	31 Oct
• Email update on Lindfield centre planning	650	24 Nov 06
• Email update on Lindfield centre planning	650	1 Dec 06

Lindfield Planning Exhibition – staffed 3D model and static displays/ information sessions:

- Tue 31 Oct 10-2pm
- Thu 2 Nov 10-2pm
- Thu 2 Nov 6-8pm
- Sat 4 Nov 10-2pm
- Tue 7 Nov 10-2pm
- Thu 9 Nov 10-2pm
- Thu 9 Nov 6-8pm
- Sat 11 Nov 10-2pm
- Tue 14 Nov 10-2pm
- Public Info Sessions - Wed 8 Nov - 2.30/3.30pm & 7-8.30pm
- Thu 16 Nov 10-2pm

- Thu 16 Nov 6-8pm
- Sat 18 Nov -10-2pm
- Tue 21 Nov 10-2pm
- Thu 23 Nov 10-2pm
- Thu 23 Nov 6-8pm
- Sat 25 Nov 10-2pm

Mailouts

- Initial advice on town centre planning was included with some 32,000 survey instruments sent to all householders in each of the 6 town centres above seeking their experience and ideas on future local planning.
- Some 32,000 colour brochures were included in all above towns' rate notices from July 2006, providing an update on progress for 6 town centres, and inviting email or phone contact with Council on their planning.
- Lindfield Precinct F Sept06 - 225
- Lindfield Precinct P Sept06 - 172
- Planning for Lindfield re RTC Aug06 - 1,676
- Lindfield Centre Draft Land Use Plans Jun06 - 1,291
- Lindfield commercial centre draft land use plans May 06 - 1,208
- Letters to residents and business in town centre study area and submission writers about Council Report and Meeting - December 2006.

Report on Public Hearing

Draft Ku-ring-gai Local Environmental
Plan 2006 (Town Centres)
Amendment No.3

Reclassification of Community Land
As Operational Land

LINDFIELD CENTRE

Prepared for:
Ku-ring-gai Council
818 Pacific Highway
GORDON NSW 2072

Prepared by:
Ludvik & Associates Pty Ltd
Suite 103, Level 1, 10-12 Clarke Street
CROWS NEST NSW 2065

ACN 070 751 683
ABN 95 070 751 683

Tel: (02) 9906 3566
Fax: (02) 9906 3592

December 2006

A06047-2.TPR

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1.0 Introduction

This report reviews the proposal contained in draft *Ku-ring-gai Local Environmental Plan 2006 (Town Centres) - Amendment No.3* (draft *LEP*) to reclassify the following five (5) parcels of land in the Lindfield Centre from “community land” to “operational land” under the terms of the *Local Government Act 1993* (*LGA 1993*):

Site 1	-	9 Havilah Lane
Site 2	-	3 Kochia Lane
Site 3	-	8-10 Tryon Road
Site 4	-	1 Beaconsfield Parade/19 Drovers Way
Site 10	-	1/12-18 Tryon Road

The draft *LEP* was prepared in response to a Direction that was made to Council by the Minister for Planning on 27 May 2004, under the terms of Section 55(1) of the *Environmental Planning and Assessment Act 1979* (*EP&A Act*), to prepare a draft local environmental plan for areas in close proximity to the railway line and Pacific Highway within specified residential and business zones.

The Direction required the draft *LEP* to address principles relating to:

- the broadening of housing choice, by facilitating multi-unit housing and “shop-top” housing;
- the more efficient use of existing infrastructure and services; and
- the revitalisation of existing retail/commercial areas.

All of the sites are currently classified as “community land” under the terms of the *LGA 1993*.

LGA 1993 requires public land to be classified as either “community land” or “operational land” and makes specific provision for its reclassification from “community land” to “operational land” to enable Councils to rationalise the use of their land resources to best meet the needs of their community.

The draft *LEP* prepared by Council comprised the following two (2) basic elements:

- the rezoning of land within the Lindfield Centre to satisfy the requirements of the Minister’s Direction; and
- the reclassification of Council-owned land as “operational land” to facilitate its incorporation into the restructuring and redevelopment of the Centre.

The draft *LEP* was certified, under Section 65 of the *EP&A Act*, on 27 October 2006 by Council’s Manager Urban Planning to enable its public exhibition in accordance with Section 66 of the *Act*.

Council also prepared draft *Ku-ring-gai Town Centres Development Control Plan 2006* (*Lindfield Centre*), (draft *DCP*), to provide:

- more detailed provisions than those contained in the draft *LEP*; and
- a planning framework for the future development of the Centre.

The draft *DCP* conceptualises the future structure and form of the Centre and enables an assessment to be made of whether the development facilitated by the draft *LEP* would meet the outcomes sought by the *Minister's* Direction.

The draft *DCP* was exhibited in conjunction with the draft *LEP*.

The existing zoning designation of the sites to be reclassified, which predominantly permits retail/commercial development, is to remain unaltered, with the exception that Site 4 is to be rezoned from Special Uses "A" (Parking) to Business B2 - Local Centre.

The draft *LEP* and draft *DCP* were publicly exhibited between 30 October and 27 November 2006.

Thirty (30) written submissions were received concerning the proposed reclassification of Council's land, together with two (2) petitions containing a total of 715 signatures opposing its reclassification.

Council is required, under the terms of Section 29 of the *LGA 1993*, to hold a public hearing concerning any proposal to reclassify land in the manner proposed.

The holding of the public hearing was notified in the *North Shore Times* on 27 October 2006.

I have been commissioned to conduct the hearing independently of Council and to make recommendations to Council as to the course of action to be taken concerning the reclassification of the land as proposed in the draft *LEP*.

I have inspected the sites.

2.0 Background

The concept of the classification of Council-owned land was introduced with the making of the *LGA 1993* on 1 July 1993.

There was no precedent for public land classification or how land should be classified in NSW prior to 1993.

Section 25 of the *LGA 1993* requires all land owned by Council to be classified as either "*community land*" or "*operational land*".

The purpose of classifying land is to clearly identify land which should be kept for community use.

"*Community land*" represents land which needs to be kept for community use because of its use or special features and is land that:

- cannot be sold;
- cannot be leased, licensed or any other estate granted over it for more than twenty-one (21) years; and
- must have a plan of management prepared for it.

On the other hand, "*operational land*" is land to which no special restrictions apply and which may be sold by Council.

Clause 6(2) of Schedule 7 of the *LGA 1993* provided that the following categories of land were required to be classified as "*community land*" when the *Act* commenced operation in 1993:

- public reserves;
- land held in trust for a public purpose;
- land dedicated as a condition of development consent under Section 94 of the *EP&A Act*;
- land designated in an environmental planning instrument as open space;
- land vested in the Department of Planning (*DoP*) and controlled by Council.

All of the sites are currently classified as "*community land*" under the terms of the *LGA 1993*.

Section 27 of the *LGA 1993* provides for the reclassification of public land by the preparation of a local environmental plan.

This only applies to the reclassification of "*community land*" to "*operational land*", as public land can be reclassified from "*operational land*" to "*community land*" by a resolution of the Council under the terms of Section 33 of the *Act*.

The draft *LEP* prepared to reclassify the sites as "*operational land*" was certified under Section 65 of the *EP&A Act* on 27 October 2006 by Council's Manager Urban Planning to enable its public exhibition in accordance with Section 66 of the *Act*.

The reclassification of “community land” and the plan making process require the community consultation process specified in the *Environmental Planning and Assessment Regulation 2000 (Regulations)* to be carried out and for a public hearing, under the terms of Section 29 of the *LGA 1993*, to be held.

Clause 12 of the *Regulations* requires public notice to be published of the exhibition of a draft plan no later than the start of the exhibition.

The public notice of the exhibition the draft *LEP* was published in the *North Shore Times* on 27 October 2006.

In addition, Council notified the exhibition of the draft *LEP* to:

- all owners of land within the Lindfield post code, by letter dated 25 October 2006;
- all owners of land within the Centre whose land was affected by the draft *LEP*, by letter dated 25 October 2006;
- all of the businesses that Council was able to identify that operated in the Centre; and
- some six hundred and fifty (650) people who had registered an interest on Council’s website concerning the planning of the Centre.

Details of the exhibition were also available on Council’s website.

Clause 13 of the *Regulations* requires a draft plan to be publicly exhibited for at least twenty-eight (28) days.

The draft *LEP* was publicly exhibited between 30 October 2006 and 27 November 2006.

Thirty (30) written submissions were received concerning the proposed reclassification of Council’s land.

A petition containing 191 signatures was submitted which:

- opposed the proposed reclassifications;
- indicated that all of the land proposed to be reclassified should be retained in public ownership, used to provide open space and used to enhance the areas for past, present and future generations; and
- indicated that people had been inadequately informed of Council’s intention to reclassify the land and the ramifications of reclassification.

A petition containing 524 signatures was submitted which:

- strongly opposed the proposed reclassification and sale of public land;
- indicated that existing community facilities on 259-265 Pacific Highway should be retained and upgraded;
- indicated that free community car parks reclassified and sold to commercial operators for underground parking stations was not wanted by the petitioners;

- indicated that the character and village atmosphere of Lindfield should be retained and new development should be in keeping with National Trust urban conservation areas and the historic North Shore Railway Line; and
- indicated that Council's massive over-planning of the area was not supported as, under the State Government's Metropolitan Strategy, Ku-ring-gai should only take up to 10,000 dwellings not 16,000.

Council is required, under the terms of Section 29 of the *LGA 1993*, to hold a public hearing concerning any proposal to reclassify land in the manner proposed.

Section 47G(2) of the *LGA 1993* provides that the person presiding at the public hearing must not be:

- a Councillor or an employee of the Council holding the public hearing; or
- a person who has been a Councillor or an employee of that Council at any time during the 5 years before the date of appointment.

In accordance with this provision, I have been commissioned by Council to conduct the public hearing relating to the reclassification of land proposed in the draft *LEP*.

The purpose of the hearing is to provide an opportunity for people to make submissions concerning the proposed reclassifications and/or to elaborate on any written submission that was made to Council following the exhibition of the draft *LEP*.

It is my role to assess the submissions and matters raised at the public hearing and, independently of Council, to make recommendations as to the course of action to be followed.

Notice of the public hearing was published in the *North Shore Times* on 27 October 2006.

The notification requested people seeking to address the hearing to advise Council by 17 November 2006.

Some of the submissions received have raised issues concerning the notification process.

These issues will be addressed in Section 6.5 of this report.

Prior to the hearing, I inspected the lands to be reclassified.

3.0 Public Hearing Details

The venue of the public hearing was advertised in the *North Shore Times* on 27 October 2006 as being the Council Chambers, Level 3, 818 Pacific Highway, Gordon.

The hearing was conducted on Monday, 20 November 2006.

The hearing opened at 7.00pm.

The hearing opened with an explanatory overview of the proposed reclassifications by Council's Director Open Space & Planning, Steven Head.

Following this, the following people addressed the hearing:

- Mrs. Kathy Cowley, 1 Kenilworth Road, Lindfield - Friends of Lindfield Inc;
- Mrs. Elise Keays, 35 Beaconsfield Parade, Lindfield;
- Mrs. Janet Lomax, 7 Middle Harbour Road, Lindfield;
- Mr. Stan Wesley, 14 May Street, Turramurra;
- Mrs. Janet Harwood, 8 Timaru Street, Lindfield;
- Mr. Andrew Little, 43 Griffiths Avenue, Roseville Chase;
- Mrs. Elaine Malicki, 5 Barellan Avenue, Turramurra;
- Mr. Kevin Cullinan, 48 Dalton Road, St. Ives;
- Mrs. Margaret Chaldecott, 16 Grosvenor Road, Lindfield;
- Mrs Yvonne Jayawardena, 97 Tryon Road, East Lindfield;
- Mrs Christine Berlioz, 17 Torres Place, St.Ives;
- Mr. Chris Young, Town Planning Consultant, Baulkham Hills, representing the owners of 12-18 Tryon Road, Lindfield; and
- Mrs Jean Posen, 76 Ryde Road, Pymble.

The hearing closed at 10.00 pm.

4.0 Context of Considerations

The draft *LEP* was prepared in response to a Direction that was made to Council by the *Minister for Planning* on 27 May 2004 to prepare a draft local environmental plan for areas in close proximity to the railway line and Pacific Highway within specified residential and business zones.

The Direction required the draft *LEP* to address principles relating to:

- the broadening of housing choice, by facilitating multi-unit housing and “shop-top” housing;
- the more efficient use of existing infrastructure and services; and
- the revitalisation of existing retail/commercial areas.

The exhibited draft *LEP* comprised the following two (2) basic elements:

- the rezoning of land within the Centre to satisfy the requirements of the *Minister’s* Direction; and
- the reclassification of Council-owned land as “operational land” to facilitate its incorporation into the restructuring and redevelopment of the Centre.

The draft *DCP*, which was exhibited in conjunction with the draft *LEP*, provided more detailed provisions to those contained in the draft *LEP* and a planning framework for the future development of the Centre.

The draft *DCP* conceptualises the future structure and form of the Centre and enables an assessment to be made of whether the development facilitated by the draft *LEP* would meet the outcomes sought by the *Minister’s* Direction.

The basic elements of the draft *DCP* are:

- a vision statement of the desired future character of the Centre;
- objectives and strategies that address issues such as urban structure, street character, parks and open space, public connections, community services and heritage;
- public domain controls that identify public open spaces to be established and physical form and character of streets;
- primary development controls relating to:
 - site amalgamations;
 - street alignments;
 - building lines;
 - awnings;
 - active street frontages; and

- site specific built form controls for a number of distinct precincts within the Centre, including height and building envelope controls; and
- a suite of general development controls.

The purpose of this public hearing is not to examine the appropriateness or otherwise of the zonings proposed in the draft *LEP* nor to assess the nature and form of development fostered and promoted by the draft *DCP*.

These documents do, however, provide a context for the future structure within which future development is expected to occur in the Centre.

The rationalisation and effective management of a Council's land resources are consistent with contemporary government management and practice.

The reclassification of land from “*community land*” to “*operational land*” is specifically provided for in Section 27 of the *LGA 1993* so as to enable a Council, subject to appropriate checks and balances provided by a community consultation process, to undertake such a rationalisation.

The community consultation process is important in assisting with the making of decisions concerning the reclassification of the land.

The underlying purpose of the reclassifications is to enable Council's land to be used as a catalyst for the restructure and redevelopment of the Centre in the form that is ultimately decided by Council and to achieve the benefits to the community that flow from that action.

5.0 Land Proposed for Reclassification

5.1 Site 1: 9 Havilah Lane

Parcel Address:	9 Havilah Lane, Lindfield		
Parcel Description:	Lot 21, DP 713207		
Area of Land:	766m ²	Date of Acquisition:	1986
Method of Acquisition:	Dedicated to Council for car parking purposes		
Purpose of Acquisition:	Car Parking		

Classification Details:

Current:	Community Land	Proposed:	Operational Land
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Zoning Details:

Ku-ring-gai Planning Scheme:	Business 3(a) - A2 Retail Services
Proposed Change under this Plan:	Business B2 - Local Centre

Improvements on Parcel:

The land contains a bitumen paved car park.

Surrounding development involves:

- the rearward section of retail/commercial properties fronting Lindfield Avenue to the south and west;
- a residential flat building fronting Lindfield Avenue on land to the north; and
- a dwelling house on 10 Havilah Lane and a tennis court to the east, on the opposite side of Havilah Lane.

The primary role of the land is to provide car parking associated with the Centre.

This land, together with land comprising 23-55A Lindfield Avenue and other properties in Havilah Lane, was included in Site 4 in Schedule 4 of *State Environmental Planning Policy No.53 - Metropolitan Residential Development (SEPP 53)* by virtue of the making of *SEPP 53 (Amendment No.7)* on 9 May 2003.

The effect of this amendment was to facilitate the erection of multi-unit housing on the land and to make the Minister for Planning the consent authority for such development.

The amendment did not, however, change the zoning of the land under the *Ku-ring-gai Planning Scheme*.

5.2 Site 2: 3 Kochia Lane

Parcel Address:	3 Kochia Lane, Lindfield		
Parcel Description:	Lot 12, DP 225925		
Area of Land:	875m ²	Date of Acquisition:	1964-65
Method of Acquisition:	Partly acquired by private treaty using Car Parking Fund Partly resumed		
Purpose of Acquisition:	Car Parking		

Classification Details:

Current:	Community Land	Proposed:	Operational Land
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Zoning Details:

Ku-ring-gai Planning Scheme:	Business 3(b) - B2 Commercial Services
Proposed Change under this Plan:	Business B2 - Local Centre

Improvements on Parcel:

The land contains a bitumen paved car park.

Surrounding development involves:

- the rearward section of the retail/commercial property fronting Lindfield Avenue to the north-west and west and an apartment building under construction fronting Milray Street to the north-east;
- the Lindfield Executive Centre to the south-east; and
- Site 3, which contains a bitumen paved car park to the south.

The primary role of the land is to provide car parking associated with the Centre.

5.3 Site 3: 8-10 Tryon Road

Parcel Address: 8-10 Tryon Road, Lindfield
Parcel Description: Lots 2 and 3, DP 219628 and Lot 5, DP 219146
Area of Land: 1,975m² **Date of Acquisition:** 1962-82
Method of Acquisition: Acquired by private treaty using Car Parking Fund
Purpose of Acquisition: Car Parking

Classification Details:

Current: Community Land **Proposed:** Operational Land

Zoning Details:

Ku-ring-gai Planning Scheme: Business 3(b) - B2 Commercial Services
Proposed Change under this Plan: Business B2 - Local Centre

Improvements on Parcel:

The land contains a bitumen paved car park.

Surrounding development involves:

- the Lindfield Executive Centre to the east;
- Site 2, which contains a bitumen paved car park to the north;
- the rearward section of the retail/commercial property fronting Lindfield Avenue to the west, on the opposite side of Chapman Lane; and
- a recently completed apartment complex, a dwelling house and St. Alban's Anglican Church to the south, on the opposite side of Tryon Road.

The primary role of the land is to provide car parking associated with the Centre.

5.4 Site 4: 1 Beaconsfield Parade/19 Drovers Way

Parcel Address:	1 Beaconsfield Parade/19 Drovers Way, Lindfield		
Parcel Description:	Part Lot 1, DP 929131 and Lots 1 to 16, DP 1099330		
Area of Land:	5,643m ²	Date of Acquisition:	1951-64
Method of Acquisition:	Partly acquired by private treaty using Car Parking Fund Partly resumed		
Purpose of Acquisition:	Car Parking		

Classification Details:

Current:	Community Land	Proposed:	Operational Land
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Zoning Details:

Ku-ring-gai Planning Scheme:	Special Uses "A" (Parking)
Proposed Change under this Plan:	Business B2 - Local Centre

Improvements on Parcel:

The land contains a bitumen paved car park, an access road and landscaping.

The land experiences a significant fall from Woodford Lane to the land's western boundary.

Surrounding development involves:

- residential development, in the form of dwelling houses and a residential flat building, fronting Bent Street and Beaconsfield Parade to the north and west;
- the rearward section of retail/commercial properties fronting the Pacific Highway to the east, on the opposite side of Woodford Lane; and
- a Scout Hall and an electricity substation to the south fronting Beaconsfield Parade.

The primary role of the land is to provide car parking associated with the Centre.

5.5 Site 10: 1/12-18 Tryon Road

Parcel Address: 1/12-18 Tryon Road, Lindfield
Parcel Description: Lot 1, SP 37466
Area of Land: Comprises a Strata Lot **Date of Acquisition:** 1990
Method of Acquisition: Dedicated as a condition of development consent
Purpose of Acquisition: Community Purposes

Classification Details:

Current: Community Land **Proposed:** Operational Land

Zoning Details:

Ku-ring-gai Planning Scheme: Business 3(b) - B2 Commercial Services
Proposed Change under this Plan: Business B2 - Local Centre

Improvements on Parcel:

The premises comprise a strata allotment within the Lindfield Executive Centre and accommodate Council's Early Childhood Centre.

The premises are located on the northern side of the ground floor level of the building fronting the car park associated with the complex.

The development to the north involves an apartment building under construction fronting Milray Street.

The primary role of the premises is to provide community facilities.

6.0 Submissions to Public Hearing

6.1 Overview

The written and oral submissions to the public hearing have raised the following broad issues concerning the proposed reclassifications:

- the extent and nature of development to be permitted in the Centre as a result of Council's plans;
- the lack of need for the land to be reclassified;
- the effects of the proposed reclassifications;
- the lack of adequate information that was made available and the lack of a satisfactory community consultation process;
- inadequacies of the public hearing process itself;
- the role of Council's land for community use;
- site specific submissions;
- the role of plans of management; and
- uncertainty of information provided by Council.

A more detailed summary of the submissions that were made is as follows.

6.2 Extent and Nature of Development in the Centre

The following issues have been raised concerning the redevelopment contemplated by the draft *DCP*:

- the extent, nature and physical form of redevelopment promoted by the draft *LEP* and draft *DCP*;
- the extent of development facilitated by Council's plans far exceeding the requirements of the State Government as expressed in the Minister's Direction;
- the land being reclassified to permit the construction of high rise buildings;
- the extent of development to be permitted by Council's plans representing an overdevelopment of the Centre; and
- a 25 year planning horizon being too long.

Consideration of Submissions/Comment:

Role of the Draft LEP

The context for the future redevelopment of the Centre is created by the Minister's Direction issued on 27 May 2004.

The draft *LEP* represents an amendment to draft *Ku-ring-gai Local Environmental Plan 2006 (Town Centres)* to reflect development in the Lindfield and Roseville Centres.

The aims of draft *Ku-ring-gai Local Environmental Plan 2006 (Town Centres)* are:

- (a) a unique village character for each town centre;
- (b) high quality and environmentally sustainable urban and architectural design;
- (c) retention and enhancement of Ku-ring-gai's landscape character;
- (d) protection of Ku-ring-gai's built heritage;
- (e) town centres that enhance Ku-ring-gai's economic role and cater to the retail and commercial needs of the local community;
- (f) housing choice within Ku-ring-gai's town centres;
- (g) an accessible and efficient traffic, transport and parking system;
- (h) safety and access for pedestrians, cyclists and public transport users;
- (i) a network of high quality parks and urban spaces that cater for a range of community needs; and
- (j) community facilities that cater to the needs of a diverse population.

Relevantly, the draft *LEP*:

- addresses desired future land use by zoning land to achieve the outcomes sought by the Minister's Direction; and
- proposes the reclassification of all of the sites from "*community land*" to "*operational land*".

The draft *LEP* involves the following rezonings of the land to be reclassified:

- Site 1 is to be rezoned from Business 3(a) - A2 Retail Services to Business Zone B2 - Local Centre;
- Site 2, 3 and 10 are to be rezoned from Business 3(b) - B2 Commercial Services to Business Zone B2 - Local Centre; and
- Site 4 is to be rezoned from Special Uses "A" (Parking) to Business Zone B2 - Local Centre.

The objectives of the Business B2 - Local Centre zone to be applied to the sites are:

- to provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area;
- to encourage employment opportunities in accessible locations;
- to maximise public transport patronage and encourage walking and cycling;
- to integrate residential development with retail and commercial development that is compatible with the village character of the centre;
- to provide community facilities that service the needs of the local community and are accessible by residents; and
- to provide a vibrant and pleasant public domain.

Development for a wide range of uses is permissible with Council's consent in this zone, including car parks, business premises, community facilities, entertainment facilities, mixed use development, multi dwelling housing, office premises, retail premises and shop top housing.

The explanatory notes accompanying the exhibition of the draft *LEP* indicate that this land use framework has been established to “*guide and direct incremental change over the next 30 years*”.

Role of the Draft DCP

The detailed planning controls relating to the redevelopment of the Centre are contained in the draft *DCP*.

The vision statement for the Centre expressed in the draft *DCP* envisages:

- the Centre growing to a moderate-sized shopping centre serving the needs of existing and future residents, with a viable mix of uses including supermarkets and a good variety of specialty shops, professional suites and larger offices, and a diverse range of housing choice such as apartments and shop-top housing;
- new public spaces located in centrally accessible locations together with a range of community facilities such as a library, seniors' resource centre and youth space, and leisure-based activities such as cafés and restaurants;
- new and upgraded public connections that are accessible for all users to encourage a walkable community;
- pedestrian and cycle access to the railway station, across the Highway, and to local residential areas and schools integrated with public spaces and connections;
- streetscape improvements including co-ordinated signage, underground powerlines and upgraded footpaths with new paving and street furniture;
- improved vehicular access and circulation by providing upgraded connections to the Highway and new traffic signals at the Lindfield Avenue/Tryon Road intersection;

- increased and improved public car parking in terms of access, safety and design; and
- an integrated landscape strategy that promotes sustainable water management to reinforce landscape character and define different elements of the Centre.

To achieve these outcomes, the draft *DCP* provides for a restructure of the retail/commercial precincts of the Centre based on proposed site amalgamations, the establishment of a new access network and building envelope controls.

It is not the role of this hearing to determine the appropriateness, or otherwise, of the extent, nature and form of the redevelopment contemplated by the draft *DCP*.

It is, however, appropriate to consider the role of Council-owned land in the context of the restructuring and redevelopment of the Centre, in whatever form it might take.

6.3 Need for Reclassification of Land

The following issues have been raised concerning the lack of need for the proposed reclassifications:

- “community land” is an important asset and should not be reclassified without substantive reasons supporting such action and there was a lack of supporting information provided to justify the proposed reclassifications;
- there are no community benefits that will flow from the reclassifications;
- Council should establish the desired community outcomes that are to be achieved by reclassification prior to land being reclassified;
- there has been no financial justification for the proposed reclassifications;
- Council has not developed a policy for reclassification of land which provides:
 - clear instruction on the process;
 - transparent assessment criteria;
 - the need to establish a net positive benefit to the community; and
 - the need for economic, social and environmental considerations to be taken into account in the reclassification process;
- reclassifications should not proceed prior to the range of consolidated policies recommended by the Chairman of the St. Ives public hearing being prepared and adopted by Council;
- the Minister’s Direction did not mandate or require the reclassification of the land to achieve the development outcomes of the directive;
- “community land” should be kept in public ownership and maintained for use by future generations;

- the current extent of “community land” should be maintained following any proposed reclassification;
- Council has no plans to replace the “community land” that would be lost as a result of the proposed reclassifications;
- “community land” cannot be replaced once it has been sold;
- the reclassification and sale of the land will deny the opportunity for new facilities to be provided in the Centre to cater for the needs of future generations;
- “community land” belongs to all Ku-ring-gai residents;
- enhanced community facilities should not be achieved at the expense of overdevelopment;
- the cultural and historical significance of the land to be reclassified has not been considered or acknowledged;
- the consideration of land reclassification on a centre by centre basis hides the scale and extent of land proposed to be reclassified;
- reclassification should be dealt with holistically with one plan, one document, one public exhibition and one public hearing;
- the overwhelming majority of submissions received oppose the proposed reclassifications;
- the community has lost faith and trust in Council to deal with the reclassification of land impartially and objectively; and
- there is a lack of harmony between Council and the community in relation to the proposed reclassifications.

Consideration of Submissions/Comment:

The land is proposed to be reclassified to facilitate the restructure and redevelopment of the retail/commercial precincts in the Centre.

The information contained in the *Best Practice Guideline Information for Council Land - Overview* exhibited by Council indicated that:

- the “Plan will provide a framework for development over 20 years or more”; and
- the draft *LEP* would facilitate the future redevelopment of the Centre and “Council’s sites can be utilised in this process, in association with private land holdings” and “allow the future development to proceed efficiently”.

Consequently, the underlying purpose of the reclassifications is to enable Council’s land to be used as a catalyst for the restructure and redevelopment of the Centre in the form that is ultimately decided by Council to be appropriate and to achieve the benefits to the community that flow from that action.

The planning framework designed to facilitate this redevelopment is extensive and is contained in the draft *LEP* and the draft *DCP*.

Council's plans rely heavily on a new access network and site amalgamations to achieve the restructure and redevelopment of the Centre in the manner contemplated by the draft *DCP*.

For example, Dovers Way on Site 4 needs to be re-aligned to accommodate the urban form proposed in Precinct C and Site 1 needs to be consolidated with properties fronting Lindfield Avenue to facilitate the establishment of a new road connecting Havilah Lane and Lindfield Avenue in Precinct A and the subsequent redevelopment of the land as envisaged by the draft *DCP*.

The use and rationalisation of Council's land resources to facilitate this restructuring and redevelopment of the Centre is implicit in the proposed planning regime and is justified on this basis.

While it may be desirable that Council have a policy relating to an assessment criteria for the reclassification of land, I do not believe that the existence of such a policy is essential prior to Council making a decision to reclassifying land.

The *LGA 1993* and the *EP&A Act* codify the process to be followed in the reclassification of land and considerations relating to the use of Council-owned land and its appropriate classification are largely situational.

In this instance, the Minister's Direction and draft *LEP* and *DCP* prepared by Council to respond to the Direction provide the context for reviewing the structure of the Centre and the reclassifications are proposed to facilitate the establishment of the new urban form of the Centre.

In terms of the range of public facilities to be maintained or established in the Centre, Council should adopt specific car parking and community facilities policies, prior to proceeding with the proposed reclassifications, which ensure that existing public car parking capacity is to be at least maintained at current levels and to ensure that community facilities are provided to meet community's needs and standards in the restructured Centre.

I have not been able to find any evidence that indicates that information has been provided that the reclassifications were proposed to comply with the *Minister's* Direction.

The assertions that the reclassification of the land was not required by the Minister's Direction and that the reclassification is not required to meet the State Government's development targets are valid.

However, the Minister's Direction does require a more intense development form in the Centre and the draft *DCP* provides the structural reforms required to satisfactorily accommodate this redevelopment.

As I have indicated earlier, the use and classification of Council-owned land is largely situational and, in this context, I believe that it is appropriate for Council to consider the use of its land resources and classifications on a centre by centre basis.

The amount of "*community land*" available in any town centre is not important and there are no generally accepted standards for the level of "*community land*" to be attained.

What is important is that community needs are satisfied and appropriately located and adequate land is available to satisfy these needs.

Council did not purchase or acquire the land proposed to be reclassified for the purpose of establishing a land bank to be used generally to establish a range of community uses.

It acquired the land, in the main, to overcome deficiencies that it saw in the operation of the Centre at that time, i.e. a lack of car parking.

The land does not appear to have been acquired on any strategic basis.

The land on which these car parking facilities are provided has no unique or special characteristics that make it more suitable than other land or facilities that could provide the same level of utility to the community.

Provided that the demand and need for public car parking and children's services are satisfied in some alternate location or in some alternate form on the land, it would be appropriate for the sites to be reclassified.

The nature and extent of community's opposition to the proposed reclassifications is a matter properly for Council's consideration in determining whether it wishes to proceed with the proposed reclassifications.

In conclusion, the reclassification of the sites can be justified.

6.4 Effects of Reclassification

The following issues have been raised concerning the effects of the proposed reclassifications:

- despite the reclassifications, the development as indicated in the draft *DCP*, including proposed community facilities, may not eventuate;
- there is uncertainty about where the proceeds of the sale of the land would be spent and this is not in the long term public interest;
- a "*community land*" classification provides the appropriate level of protection for the land and reclassification removes this protection and allows it to be sold;
- the reclassifications will result in a loss of certainty regarding the use of the sites as Council will lose all its decision making rights upon reclassification;
- if the land is reclassified, Council's will avoid further community scrutiny in relation to decisions relating to the future use and development of the land; and
- there is no evidence of other Councils having achieved any meaningful community benefit because they have reclassified and redeveloped "*community land*".

Consideration of Submissions/Comment:

The controls for development in Precinct A, contained in Section 4.8.2 in the draft *DCP*, indicate the use of Sites 2 and 3 for the purposes of car parking and open space.

Council's plans propose to maintain the current utility of the land for parking, albeit it in a different form than currently exists, and to expand the use of it to establish a public open space area.

This may be achieved, with or without, its use in connection with the adjoining land at 12-18 Tryon Road.

The controls for development in Precinct C, contained in Section 4.8.4 in the draft *DCP*, indicate the use of Site 4 for the purpose of a mixed-use development involving community facilities, car parking, open space, a public road and retail and residential development.

Council's plans propose to maintain the current utility of the land for parking, albeit it in a different form than currently exists, and access, while intensifying its use to enable the establishment of community facilities, a public open space area and retail and residential development in accordance with its vision for the desired future character of the Centre.

The dimension and location of Sites 1 and 10 are such that they would have limited utility in their own right to facilitate community uses.

These sites have no unique or special characteristics that make them more suitable than other land for facilities that could provide the same level of utility to the community elsewhere in the Centre.

There are no guarantees that the desired community outcomes will be achieved on Sites 2, 3 and 4.

The reclassifications are proposed in the context of facilitating development designed to achieve these outcomes in the manner envisaged by the draft *DCP*.

The reclassifications will enable Council's land to be sold, however, the reclassification does not, of itself, oblige Council to sell off the land for redevelopment.

The reclassification of the land will not affect Council's rights as the owner of the land nor its ability to control its future redevelopment.

It is expected Council would use its standing as owner of the land to negotiate the inclusion of its land into redevelopment proposals on the basis of achieving the best outcome for the local community and in the best interests of the community.

Should Council ultimately find that there is no public benefit in incorporating its land into the redevelopment of the Centre or decide that the public interest is best served by retaining the land for community use, Section 33 of the *LGA 1993* enables Council to resolve that public land classified as "*operational land*" can be reclassified as "*community land*".

The reclassification of the sites will not have any adverse effect on Council's ability to control or influence redevelopment in the Centre.

It is, in fact, more likely to enhance its ability to do so.

Legislative requirements relating to Council management of its land assets would ensure that Council cannot avoid further community scrutiny in relation to future development on the land proposed to be reclassified.

The success or otherwise of other Councils' attempts to achieve community benefits by virtue of the reclassification and redevelopment of Council-owned land should not provide a barrier to Council itself attempting to achieve positive outcomes for its community.

6.5 Lack of Information and Consultation

The following issues have been raised concerning the lack of information and community consultation regarding the proposed reclassifications:

- the reclassifications have been planned behind closed doors, withholding important information from the community over the last two years concerning Council's intentions regarding the proposed reclassifications;
- I should obtain all of the background information concerning Council's actions in relation to the proposed reclassifications;
- information concerning the proposed reclassifications was only available on the Internet via Council's website and not all residents have access to Council's website;
- the information provided concerning the reclassifications did not indicate that reclassification would remove the protection that the land could not be sold;
- the requirements for residents to make a submission concerning the proposals is too difficult;
- written requests for information have not been answered by Council;
- the public exhibition of the proposed reclassifications lacked diligence and transparency should be declared invalid;
- there is a conflict of interest with Council acting as developer and regulator and Council should avoid being seen as giving itself and others special treatment;
- the notification of the public exhibition may have been invalidated because:
 - information relating to the reclassification was not placed on Council's website until 1 November 2006, only 16 days before the completion of the exhibition and people did not have the 28 day opportunity required by the Regulations to make a submission; and
 - the letter, dated 25 October 2006, to residents and emails sent out by Council concerning exhibition advised people to access information via the website and the website did not contain any information regarding the reference number for the exhibition, its closing date, how submissions were to be made, the date and venue of the public hearing or how to register to address the hearing;
- the Department of Local Government should investigate the reclassification process;
- the public hearing should not be held during the exhibition of plan proposing the reclassifications;
- the reclassification process has involved a departure from the best practice guidelines;

- there has been insufficient public consultation concerning the proposed reclassifications;
- the scale of the proposed reclassifications places an obligation on Council to embark on a public consultation process more than the statutory minimum;
- the reclassification process is prejudiced by the rezoning of “community land” in the absence of an appropriate zoning classification for such land in the Standard local environmental plan; and
- it is inappropriate to rezone and reclassify land in the one process.

Consideration of Submissions/Comment:

It is not uncommon for planning policies to go through continual iterations and revisions before a Council adopts policies it wishes to put before the local community for its consideration.

It is also not uncommon for information and options considered prior to the adoption of those policies not to be made available during the community consultation process associated with the adopted policy.

Information concerning options that may have been considered and Council deliberations prior to the exhibition of the draft *LEP* and *DCP* do not assist me in assessing the reasonableness or otherwise of the proposed reclassifications.

The draft *LEP* and draft *DCP* provide an extensive matrix of controls to guide the future redevelopment of the Centre.

Council has attempted to provide as much information as it considered necessary to facilitate a satisfactory community consultation process.

The details of Council's notification of the draft *LEP* and the convening of the public hearing have been outlined in Sections 2 and 3 of this report.

There can always be some shortcomings in the extent and breadth of information provided, particularly when plans are as extensive and comprehensive as those proposed in this case.

I have reviewed the information that was provided and, while some improvements could have been made, the extent of material that was provided was reasonable to enable effective community input.

This is to some extent evidenced by the quality of the submissions that have been received concerning the reclassification proposals.

The notification of the public exhibition of the draft *LEP*, which included the proposed reclassifications, contained in the letters, newspaper notices and emails issued by Council indicated that the draft *LEP*, draft *DCP* and supporting information would be on exhibition from 30 October to 27 November 2006 and could be viewed at the Council Chambers and at the Lindfield and Gordon Libraries.

In addition, Council made these documents available on its website and provided staffed displays in the Lindfield Executive Centre.

These latter actions were supplementary and not designed to meet Council's statutory obligations.

It would be reasonable to say that the extent to which Council has attempted to engage the community far exceeds its minimum statutory obligations.

In my opinion, sufficient information was available to enable scrutiny of Council's proposal and Council made adequate attempts to engage the local community on the issues raised in relation to the proposed reclassifications.

The issue concerning whether the public hearing should have been held during the period of exhibition of the plan proposing the reclassifications is a matter of legal interpretation.

Council should obtain its own legal advice as to the efficacy of this.

There is no logical rationale as to why a Council should not rezone and reclassify land in one local environmental plan.

6.6 Public Hearing Process

The following submissions were made concerning inadequacies of the public hearing process itself :

- the independence of the chairman of the public hearing is questionable when the chairman is chosen, briefed and paid by Council;
- the brief of the chairman for the public hearing should be included in the report on the public hearing;
- the credentials and affiliations of the chairman of the public hearing should be disclosed;
- all of the public hearing reports have supported proposed reclassification after requesting further reports despite overwhelming community opposition to the reclassifications;
- the reports of the public hearing represent one person's subjective view, the chairman's, of community submissions in light of the bureaucratic view of Council;
- the chairman of the public hearing has a preconceived view on the issues associated with the proposed reclassifications in view of his involvement and recommendations relating to hearings associated with other Centres;
- all submissions should be published in full in the report on the public hearing to ensure accuracy in the representation of the submissions;
- previous public hearing reports have omitted reference to petitions that were presented objecting to the proposed reclassification of land; and
- despite the recommendations of the public hearings, Council has resolved, in principle, to reclassify land, with policies relating to detailed policies that have been recommended prepared within a timeframe after those resolutions.

Consideration of Submissions/Comment:

The chairpersons for the public hearings were engaged by Council following a request to respond to an Expression of Interest, dated June 2006, seeking the services of an independent person to conduct and report back on a series of public hearings for the reclassification of sites in six (6) town centres.

The Expression of Interest required public hearings and reporting to be conducted in accordance with relevant legislation and guidelines including:

- Section 29(1) of the *LGA 1993*;
- Section 68 of the *EP&A Act*;
- the Department of Local Government's *Practice Note No.1 - Public Land Management*, revised in May 2000;
- the *Standard Instrument (Local Environmental Plans) Order 2006*; and
- the Department of Planning's *Best Practice Guideline - LEPs and Council Land*, January 1997.

A copy of the Expression of Interest document should be available by Council for public perusal.

I have been engaged by a number local government areas to conduct public hearings on a similar basis.

A copy of my CV and my response to the request to the Expression of Interest should also be available by Council for public perusal.

As chairman of the public hearing, the only contact I have with Council is:

- to receive information and material that was publicly exhibited concerning the proposed reclassifications and notifications of the exhibition;
- to receive copies of submissions which have been received by Council; and
- to request information concerning any issue that I may need clarified to enable me to consider the submissions and/or complete the report on the hearing.

My recommendations arising from the public hearings represent my independent view of the issues and matters presented at the hearing.

It would not be unexpected that a similar view would be formed when the same issues are raised at a number of hearings.

All of the submissions that were received are available to Council.

It has not been the practice in the other public hearings with which I have been associated for all submissions to be published in the public hearing report.

Section 68(2) of the *EP&A Act* requires Council to consider all of the submissions that have been made concerning the draft *LEP* and the public hearing and enables Council may make any alterations it considers necessary to the draft *LEP* arising from its consideration of submissions or matters raised at the public hearing.

The report and recommendations of the public hearing must be considered by Council, but Council is not obliged to accept those recommendations.

6.7 Role of Community Land

The following submissions were made concerning the role of “*community land*” in the Centre:

- car parks have represented the only open space within the Centre;
- Council has no plans to provide additional open space following the reclassification of the land as proposed;
- Woodford Lane Village Green will represent only a token public open space and will be dominated by higher rise buildings and, in this regard, is inadequate and inappropriate.
- the increased development potential in the Centre will result in a significant increase in population and the loss of “*community land*” will exacerbate the inadequacy of the open space system to cater for the increase in demand;
- car parking facilities to be provided in structures will not be readily accessible by people with a disability;
- there is no certainty that car parking will be provided at no cost to the community, who will construct the car parks or who will be responsible for the management and maintenance; and
- the community prefer at-grade parking.

Consideration of Submissions/Comment:

Council did not purchase or acquire the land proposed to be reclassified for the purpose of establishing a land bank to be used generally to establish a range of community uses.

It acquired the land, in the main, to overcome deficiencies that it saw in the operation of the Centre at that time, i.e. a lack of car parking.

While the car parks have been provided at-grade and are open to the sky, they could not reasonably be regarded to be part of the open space infrastructure supporting the Centre.

The draft *LEP* and *DCP* actually propose to establish public open space within the Centre on Sites 2, 3 and 4, albeit at the expense of establishing car parking at a basement level under those open spaces.

A basic element in Council developing its plans for the Centre should have included consideration of the recreation and leisure needs of the future residents of the area.

Any car park developed by Council would have to be accessible by people with a disability under the terms of prevailing legislation.

As I have indicated earlier, Council should adopt specific car parking policy for the Centre, prior to proceeding with the proposed reclassifications, which ensures that existing public car parking capacity is to be at least maintained at current levels and to ensure that facilities are provided to meet community's needs and standards in the restructured Centre.

6.8 Site Specific Submissions

The following issues have been raised concerning the inappropriateness of the reclassifications of specific sites.

Site 1: The Minister for Planning and the Director-General of the Department of Planning may have breached of the *LGA 1993* and the *EP&A Act* in the making of the local environmental plan relating to Site 1 under *State Environmental Planning Policy No.53* to permit 7 storey development on it without having first reclassified that land and this plan may be invalid.

Consideration of Submissions/Comment:

Site 1, together with land comprising 23-55A Lindfield Avenue and other properties in Havilah Lane, was included in Site 4 in Schedule 4 of *SEPP 53* by virtue of the making of *SEPP 53 (Amendment No.7)* on 9 May 2003.

The effect of this amendment was to facilitate the erection of multi-unit housing on the land and to make the Minister for Planning the consent authority for such development.

There is no direct correlation between zoning/permissible development and the classification of the land.

In this instance, the land has been zoned Business 3(a) - A2 Retail Services since the making of *Ku-ring-gai Local Environmental Plan No.100 (Business Centres)* on 21 August 1992.

Despite that zoning, the land was classified as "*community land*" with the making of the *LGA 1993*.

The zoning does not, in any way, override or affect the limitations on Council's use of "*community land*" under the terms of that classification under the *LGA 1993*.

Similarly, the development permissible under *SEPP 53 (Amendment No.7)* does not affect Council's obligations under the terms of the *LGA 1993*.

Site 3: The community is aware of advanced levels of communication between Council and their consultants relating to the future use of the land to be reclassified and private discussions that have been held with the owners of Lindfield Executive Centre for the development of the land in a manner different to that included in the draft *DCP*.

Consideration of Submissions/Comment:

A representative of the owners of the Lindfield Executive Centre advised the hearing that there had been no private discussions concerning the development of this land held with Council.

Site 10: The Early Childhood Centre on Site 10 needed to be maintained.

Consideration of Submissions/Comment:

There is nothing to suggest that the Early Childhood Centre would not be maintained in the Centre, either on this land or some alternative site that Council may consider appropriate.

6.9 Plans of Management

The following issues have been raised concerning the use of plans of management in lieu of the reclassifications proposed:

- Council does not have a plan of management for the reclassification of “community land”;
- the sites are currently managed in accordance with plans of management which will become invalid following reclassification of the land; and
- the outcomes sought by the reclassifications could be achieved by a change to the plans of management applying to the land.

Consideration of Submissions/Comment:

Council is required under the terms of Section 36(1) of the *LGA 1993* to prepare a plan of management for “community land”.

Council is not required to have a plan of management for the reclassification “community land” nor for the use and management for “operational land”.

As the sites are largely used as car parks, their management is unlikely to change on the basis of the change of classification.

The nature of development envisaged on the sites under the terms of the draft *LEP* and *DCP* is unlikely to be facilitated by the retention of the land as “community land”.

As such, the use of plans of management to facilitate its redevelopment would be inappropriate.

6.10 Uncertainty of Information

The following submissions have been made concerning information that has been provided during the reclassification process:

- there is confusion in the community because the Mayor has indicated that all decisions on reclassifications would be put off until March 2007; and
- people have been advised that they would be acting unlawfully if they produced alternative plans for the development of the Centre to those proposed in the draft *DCP*.

Consideration of Submissions/Comment:

These are matters for consideration by Council.

6.11 Environmental Defender's Office

The hearing was advised that the Environmental Defender's Office Ltd had, by letter dated 20 November 2006, requested Council:

- to provide the Office with details of all properties acquired by Council prior to 1 July 1993 that may be subject to a trust for public purposes; and
- to not propose the making of any resolution purporting to change the classification of land to "*operational land*" prior to the information being provided.

This is a matter for Council's consideration and determination.

7.0 Recommendation

Confirmation should be obtained by way of a legal advice concerning the efficacy of conducting the public hearing on the reclassification of the land proposed in draft *Ku-ring-gai Local Environmental Plan 2006 (Town Centres) - Amendment No.3* during the period of exhibition of that plan.

Following the receipt of such a confirmation, the reclassification of Sites 1, 2, 3, 4 and 10 from “community land” to “operational land” under the terms of the *Local Government Act 1993* is appropriate provided that before the land is reclassified Council adopts a car parking policy and a community facilities policy for the Lindfield Centre which clearly and unambiguously specifies:

- the manner in which any public car parking which is to be eliminated due to the restructuring of the Centre is to be replaced and managed to compensate for any parking which may be lost by the reclassification of those sites; and
- the nature, range and location of community facilities to be provided in the Centre.

A copy of this report should be made available for public inspection as required by Section 47G of the *Local Government Act 1993*.

People who made submissions concerning the proposed reclassifications should be advised accordingly.

Andy Ludvik
Ludvik & Associates Pty Ltd

Date: 8 December 2006

Copy of Public Hearing
Submissions-
Reclassification of Council land-
Lindfield

1 LR

E-Mail Message

From: Carmel Hughes [EX:/O=KMC/OU=FIRST ADMINISTRATIVE
GROUP/CN=RECIPIENTS/CN=CHUGHES]
To: Cheryl Pillai [EX:/O=KMC/OU=FIRST ADMINISTRATIVE
GROUP/CN=RECIPIENTS/CN=Cpillai]
Cc:
Sent: 23/10/2006 at 11:41 AM
Received: 23/10/2006 at 11:41 AM
Subject: FW: Community Land Submission

From: David Cozijn [mailto:davidcozijn@optusnet.com.au]
Sent: Sunday, 22 October 2006 1:04 PM
To: John McKee; Carmel Hughes; KMC
Subject: Community Land Submission

Community Land Submission

The Chairperson
Public Hearing on Land Reclassification for Lindfield
C/- Ku-ring-gai Council
Locked Bag 1056

Pymble NSW 2073

Subject: Objection to Community Land for Reclassification (Your Reference:
S05480)

Dear Sir/Madam

I Object to the reclassification of community land for the reasons listed below.
I request Council to send a copy of this letter to each Councillor.

The areas of Lindfield now classified as COMMUNITY LAND should remain just
that : COMMUNITY LAND. If, against the wishes of many residents like us,
Council's massive dwelling increases go ahead, there is an even greater need for
community land to be tightly safeguarded against any "sell-off" to retail and/or
housing developers.

Name: D. and DJ. Cozijn.
Date: 22 October 2006
Address: 2/9 Drovers Way Lindfield 2070

Copy: Director General - Department of Local Government (for considered reply)
Locked Bag 3015, Nowra, NSW 2541.

685774

+686819

+686013

E-Mail Message

From: Colin Johnston [EX:/O=KMC/OU=FIRST ADMINISTRATIVE
GROUP/CN=RECIPIENTS/CN=CJOHNSTON]
To: KMC [EX:/O=KMC/OU=FIRST ADMINISTRATIVE
GROUP/CN=RECIPIENTS/CN=Kmc]
Cc:
Sent: 31/10/2006 at 8:38 AM
Received: 31/10/2006 at 8:38 AM
Subject: Lindfield town centre - reclassification of Council-land

Cheryl,

Please TRIM in S05480, and forward to Vanessa to acknowledge to Mike Shaddick.

Thanks,
Colin.

-----Original Message-----

From: Mike Shaddick [mailto:mikshdik@ozemail.com.au]
Sent: Monday, 30 October 2006 7:27 PM
To: Colin Johnston
Subject: S04352

"The draft LEP also seeks to reclassify certain Council owned land from
"community" to "operational"

In my opinion, insofar that this is tantamount to making community land available
for commercial development, it is theft by conversion.

In my further opinion, such rescheduling should be only possible by community
approval, by referendum.

rgds

6.89388

E-Mail Message

From: Damien.Allan@defence.gov.au [SMTP:Damien.Allan@defence.gov.au]
To: KMC [EX:/O=KMC/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=KMC], John McKee [EX:/O=KMC/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MCKEE], chughes@kmc.gov.au [SMTP:chughes@kmc.gov.au], mshelly@kmc.nsw.gov.au [SMTP:mshelly@kmc.nsw.gov.au], Jennifer Anderson [EX:/O=KMC/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JANDERSON], Michael Lane [EX:/O=KMC/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MLANE], Adrienne Ryan [EX:/O=KMC/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ARYAN], Laura Bennett [EX:/O=KMC/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=BENNETT], thall@kmc.nsw.gov.au [SMTP:thall@kmc.nsw.gov.au], Anita Andrew [EX:/O=KMC/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=AANDREW], Ian Cross [EX:/O=KMC/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CROSS], Nick Ebbeck [EX:/O=KMC/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=NEBBECK]
Cc:
Sent: 15/11/2006 at 12:16 PM
Received: 15/11/2006 at 12:18 PM
Subject: SEC: UNCLASSIFIED:-Town Centre Plans for Lindfield and Reclassification of Community Land

Dear Council Officials and Councillors,

I wish to register my opposition for current Draft Town Centre plan for Lindfield, and the Reclassification of Community Land.

Before I proceed to outline the basis of my objections, I would appreciate it if each Councillor could advise me of their position regarding why the proposed level of development exceeds the mandatory amount, and by such a huge margin? Was this position supported by the advice of Council Officials?

The basis of my objections are that:

1. the bulk and scale of the proposed development is excessive, and is not in character with the suburb. Rather than improving the ugly and utilitarian area in the Lindfield Ave / Tryon Rd shopping precinct, the proposed development makes this worse.
2. What is proposed is not a villiage, but a cluster of large buildings.
3. I do not accept that the open space will be sufficient for the proposed increase in population
4. I do not accept that the area's roads can sustain the number of additional cars that will be associated with the proposed increase on population. Although in theory these people will walk to the train station to go to work and return, I will expect the reality to be very different. Even a small number of additional cars will put significant pressure on Pacific Highway and Archbold Rd during peak hours, as well as an increase in overall traffic levels through suburban streets not designed for them.
5. I have a good standard of life in Lindfield. I can park my car for free, and there is none of the pressure of Chatswood in driving or parking. The proposal for the town centre will inevitably degrade my quality of life. Even

if this disappointing situation has been imposed by the State Government, I find it hard to believe that the Council has acted in my, or the community's interests by approving an even larger increase in population and town centre infrastructure.

6. I am happy to support change, but the solution proposed by the Council appears to be driven by unclear commercial and development drivers, rather than solutions maximising community amenity.

yours sincerely,

Damien Allan
124 Middle Harbour Rd
EAST LINDFIELD NSW 2070

The Chairperson
Public Hearing into
Reclassification of Community Land
Lindfield Town Centre
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

4 LR
K. J. Cowley
1 Kenilworth Road
Lindfield NSW 2070

17 November 2006

PLEASE NOTE: This submission is to replace my rushed submission dated 16 November 2006, sent by email to the council on 17 November 2006.

Dear Sir

RE: SO 5480 PUBLIC HEARING ON LAND RECLASSIFICATION LINDFIELD

I am strongly opposed to the Reclassification from "Community" classification to "Operational" Classification of the following parcels of Ku-ring-gai community owned land in Lindfield namely:

1. Site 1. 9 Havilah Lane – Car Park
2. Site 2. 3 Kochia Lane – Car Park
3. Site 3. 8-10 Tryon Road – Car Park
4. Site 4. 1 Beaconsfield Road and 19 Drovers Way – Car Park
5. Site 10. 1/12-18 Tryon Road – Early Childhood Centre

In my view I believe the public exhibition of the Land Reclassification of Council Land – Lindfield Town Centre should be declared invalid. I have outlined my reasons for this in more detail in my submission.

My reasons for opposing this land being reclassified from "community" classification to "operational" classification are:

1. Community Land is an important asset of the community and should not be reclassified with out substantive reasons for doing so. Council in my view has not answered the significant public interest issues affecting the land which council is required to do when removing the special protection of the "community land" classification? Council has not provided any substantive evidence to support the benefits of reclassification. Ku-ring-gai Council has never developed a Policy for the Reclassification of Council Lands which other prudent councils have adopted. A

policy would set out clear instructions and transparent criteria for determining requests or proposals to reclassify community land. A reclassification policy would require proposals to reclassify community land to be justified in terms of a net positive benefit to the community, with consideration given to a wide range of financial, social, economic and environmental issues. Ku-ring-gai council has not in my view, met its responsibilities in this regard.

2. Ku-ring-gai Council's lack of supporting information was of considerable concern to the Chairperson of the St Ives Land Reclassification Hearing. Peter Walsh in his recommendations, Report to Ku-ring-gai Council "Proposed Land Classification – St Ives Town Centre, October 2006" requested a range of consolidated statements be prepared before reclassification with regard to, and I quote:

"i).Preparation of a consolidated statement of Council policy (distinct from Draft DCP 2006) with regards to parking provision which indicates proposed minimum totals of public parking and which clearly addresses foreshadowed parking demand indicated in specialist traffic and parking study".

ii) Preparation of a consolidated statement of Council policy (distinct from Draft DCP 2006) with respect to the proposed provision of community facilities and services, which includes:"

- a. Overall principles of provision, including the stated goal of providing improvements to a range of existing facilities and services."*
- b. Planning specification suitable to ensure that reasonable delivery of each of the planned community facilities (nominated variously in council documents) has primacy regard to future commercial negotiations. This would be prepared by relevant specialists, and would include planning meetings with S Ives Neighborhood Centre. Specification of the proposed co-location of library and neighbourhood centre adjacent to the Town Square would be detailed along with minimum commitments to the upgrading of facilities."*

iii) Preparation of a consolidated statement of Council Policy on the financial management strategy including relevant cost planning including relationship to Council's broader strategic management plan and proposed S94 strategy.

iv) With respect to Sites 1,2 & 3, statement of council policy with respect to ensuring sound management of commercial and physical planning negotiations and risks, and required contents of the business plan, including:

- a Statement with respect to any relevant regulatory requirements in regard to public-private relationships.*
- b Highlighting of potential high risk areas, and means of addressing risk*

which may include contingencies to pass some of the subject lands back to community classification by resolution

- c. Details on involvement of independent commercial expertise to ensure optimization of commercial value in ongoing negotiations*
- d. Details on involvement of independent community services expertise to ensure ongoing community services interests are advocated through detailed physical planning negotiations*
- e. Listing of arrangements for review and scrutiny at key stages of the project, including need for independent analysis of public interest and probity arrangements*

v) Prior to the reclassification of the Cowan Street Car park area, an expert analysis is undertaken which examines the capacity of remaining community land to meet reasonable expectations on future demand for community facilities. If there is a substantive question on this capacity then the Cowan Street Car park area is retained as community land.

vi) Investigation on whether parcel described as DP 322373 has been satisfactorily considered in draft plans.

vii) Mindful of the appropriateness of transparency and impartiality in this instance , an independent party/parties with appropriate expertise prepare a report on the adequacy of responses to the above conditions and that this report be considered by Council in its decision on reclassification of the subject lands." End of quote.

I am of the view Peter Walsh's recommendations are relevant to all land subject to reclassification in Ku-ring-gai in the preparation of the Draft LEP/ Draft DCP Town Centres and request that you as the Chairperson for the Lindfield Town Centre, strongly consider the adoption of his recommendations prior to any consideration and recommendation of reclassification of the land in Lindfield Peter Walsh's recommendations are sound and a necessary safeguard to ensure the reclassification process is transparent and managed to a high standard of accountability and due diligence.

3. The Minister for Planning has not requested nor mandated the inclusion of community land in the 2nd Stage Plans for Ku-ring-gai – The Draft LEP/Draft DCP Town Centres. The Minister has not required Council to reclassify "community" land to "operational" classification nor has the Minister required the Council to reclassify nearly all pieces of community land in the five Town Centres.

In excess of 60,000 square metres of community land containing millions of dollars of community assets are being proposed for reclassification. This is a considerable area of public land and community assets which will have to be managed. Where is the Management Plan for all this community owned land once reclassified?

How is it to be properly managed once reclassified? At present all this land is being managed by approved Plans of Management – once reclassified these management plans are no longer valid.

Moreover, by breaking this reclassification process up into five Town Centres, council has tried to shield and hide from the community, the sheer scale and quantity of community owned land the council proposes to reclassify and develop across Ku-ring-gai. This is a regrettable and inappropriate decision by council in my view, as all community owned land in Ku-ring-gai is intended to benefit the whole Ku-ring-gai community not simply the residents or population of the particular five town centres.

Moreover, to make this process as fully transparent and open as possible to all stakeholders, all Ku-ring-gai community owned land up for reclassification should have been contained in one public document, with one public exhibition and with one Public Hearing. The council's process is designed to be divisive and to cover up the sheer scale and extent of the land that this reclassification covers.

4. Ku-ring-gai Council has planned the inclusion of this land behind closed doors.

Councillor Bennett gave evidence to the Proposed Land Reclassification – Pymble Town Centre. I have received a written transcript of her submission and support Councillor Bennett's criticisms of council, for withholding important information for the past two years of their intention to reclassify huge slabs of council owned land. I support her request to the chairperson of the Public Hearing – Pymble Town Centre, to obtain under Section 12 of the Local Government Act and Freedom of Information, the numerous documents given to councillors which have not been made available to the public over the past two years, relating to the wholesale reclassification of community land. According to Councillor Bennett all councillors in attendance at these meetings were made aware by council, that the move to reclassify community land may cause community angst.

Council is well aware from previous attempts how strongly the stakeholders have reacted in opposition to reclassify community owned land.

According to Councillor Bennett reclassification of community land was high on the agenda of council staff in February 2005 who at a councillors retreat to discuss the Management Plan and Budget. The council issued material in papers including consideration of various parcels of community owned land for reclassification. This land was also raised at a similar Retreat in February 2006, with more detailed information provided this time. However this time the information was marked "Confidential". Councillor Bennett, I understand, sought soon after in a council meeting, to challenge the legality of the confidential status by a Notice of Motion. Legal opinion was sought. Her motion was supported.

The fact that this process has been underway since 2005 but the discussions have on the whole been behind "closed" doors raises serious concerns as to council's hidden agenda for the reclassification of this land, knowing as they did the community was in all

likelihood going to be opposed to the wholesale reclassification of this land.

It could be said the council has tried to forestall widespread community concern for as long as possible by limiting the smallest time frame possible for its assessment, with the minimum amount of information to go on. The only access to the public exhibition material on Land Reclassification has only been available via the internet. A great number of Ku-ring-gai residents I know, do not have access to the internet. Questions must be asked of council why has council chosen to limit access to the information on Land Reclassification to the internet.

In my view council has made this process deliberately difficult to make it as hard as possible for residents to get information about reclassification. Less scrutiny would amount to perhaps less opportunity for opposition.

Following Councillor Bennett's disclosures to the Pymble Public Hearing I wrote to Council this week urgently trying to ascertain the dates of council meetings/Retreats at which land reclassification has been discussed in "open" or "closed" meetings. The council has not replied in time for my submission.

Ku-ring-gai Council has not made the community generally aware that "community" classified land currently held in "Trust" by council and to which council intends to reclassify to "operational" removes an added protection it currently has from being "sold" due to the landmark decision of the High Court, Bathurst City council -v- PWC Properties Pty Limited.

6. Ku-ring-gai council has not not satisfactorily dealt with a conflict of interest between the role of council as a regulator and a developer. I understand Ku-ring-gai Council has been negotiating with vested interests over the development of some of the community land behind closed doors, prior to Council's decision to place the Draft LEP/DCP and Land Reclassification on public exhibition. I understand the owners of the Lindfield Executive Centre and their consultant held private discussions with council officers and submitted reports to council about their land in Tryon Road, about incorporating development on council land namely - Site 2. 3 Kochia Lane - Carpark and Site 3. 8-10 Tryon Road - Carpark, prior to the council meeting on 16 August 2006.

The community was quite unaware that discussions and negotiations had taken place over the development of this carpark until the evening of 16 August when the Draft LEP/DCP for Lindfield Town Centre was placed on the agenda of council Business Papers. Both the consultant and the architect addressed council on their proposals. The architect for the applicant produced plans *(1) different to councils, which requested an even higher a higher floor space ratio with a "new library" shown drawn on the proposed "Town Square" than what council was already proposing.

The consultant left the meeting saying nothing would proceed unless council agreed to a nine storey building and the community library going on the car park land. It is my

understanding the council voted for the officer's recommendation, leaving out the proposed floor space for a 'new library'. The plans exhibited in the Draft LEP /DCP Lindfield Town Centre show plans of the library space in the commercial building despite, I believe, the council voting on the 16 August to exclude a floor space measurement for a 'new library'. It would appear that this site is far from being resolved.

It is quite unlikely that unless Council bends to the applicants nine storey requests the community owned car parks they are proposing to reclassify for the "Town Square" and the levels of underground parking they indicate, will not eventuate. Nine storey development on that site would be totally inappropriate. A development on that scale would represent a complete overdevelopment for a "village". The "Town Square" would be surrounded by 5,7 and 9 storey buildings. What useful amenity would that provide let alone for a 'vibrant' Town Square.

A south facing "Town Square" surrounded by 5-7 storey development is a questionable town planning option anyway. A Library built half -underground is also questionable.(see attached plans - 12-18 Tryon Road by ARC Architects)

Council's drawings indicate the commercial building will be built over part of the existing at grade car park in Kochia Lane. This indicates they will gain valuable community land within their building foot print. There are no plans indicating replacement of this valuable open space.

The council has not had any discussions with the community about the development of these car parks, I am aware of. The process can not been seen to be, open, transparent, balanced or objective as it should be. Proper processes must be put in place to ensure every proposal goes through an accountable an 'open' process. The council must avoid situations which give rise to conflict of interest or the appearance the council is affording itself or others special treatment. It could be perceived the council already has biased outcomes for these parcels of community land before going through the proper public consultation process of reclassification. The council is putting the 'cart before the horse'.

The current Lindfield Library site along with all the other community facilities on the land, which were all proposed for reclassification from "community" to "operational" classification on the council's agenda , were refused reclassification on 16 August 2006.

7. There is no certainty in the process for the community once land is reclassified from "community" to "operational" classification. The community loses all their rights with respect to decision making for this land is reclassified to "operational". The council, I understand, need not even consult the community about future plans for this land. If any land is sold or alienated into a private hands, the community will never have the opportunity to get that land back.

I am unaware of a good example to date, despite my research, where a community has

gained from commercial negotiations between councils and developers over community land. To the contrary, I have only heard of councils who have had bad experiences in ensuring the replacement or provision of new or better community facilities on community land.

For example, I understand:

The Chatswood Civic Centre was estimated at \$115 million dollars in 2004 and has jumped to estimated cost of \$138 million dollars. This is due to an increase in building costs, and intervention from the State Government resulting in reduced Developer contributions from the Rail Interchange Project. It is understood all Chatswood CBD carparks are now sold or up for sale, yet the project is still not realized.

- *Kogarah Council developed a Town Masterplan in 1998 which included a library on council land. In 2002 Council decides the library is too costly and a \$150,000 State government grant has to be returned. The library stayed empty for three years until it was re-erected for an election campaign and \$3 million dollars was borrowed to finance its construction.*
- *The Library in Leichardt Masterplan for its Town Centre was never constructed.*

Councils are notoriously poor or inept at producing good planning outcomes for their communities. Developers are experts at getting their way and getting the best end of the deal.

The community requires accountability and transparency in the reclassification process and requires certainty that the planning outcomes result in giving the community a positive net benefit.

There is nothing in the exhibited statutory documents that ensures certainty in the processes as there is nothing in the exhibited documents that give any surety the reclassification of this land will produce and provide the community positive net benefits. Everything is left "up in the air".

There is no real benefit to the community to reclassify this land until firm proposals for this land are placed before council for consideration. We should learn from the costly mistakes of other councils and put in place proper accountable managed proposals before reclassifying community owned land.

8. There is a potential breach of Section 29 of the Local government Act 1993 and the environmental Planning and Assessment Act 1979 when making the LEP and when Minister Refshauge targeted Site 1, 9 Havilah Lane –Car park for 7 storeys rezoning using his powers under SEPP 53 in 2001. In my view there is an arguable case that the

Director General exceeded their powers under the EP& A Act when making LEP and when the Minister targeted 9 Havilah Lane -Car park which directed the land to be rezoned for seven storey development, using his powers under SEPP 53. The actions of the Director General has had the practical effect of 'Reclassifying' the use of the land by directing the purpose for which it may be used altering it from 'community' to 'residential and business uses', Business 3 (a)-(A2) Retail Services under the Ku-ring-gai Planning Scheme Ordinance.

How can the Minister propose high density apartments for this land when the land is bound by a Plan of Management which does not allow those uses?

I believe this may be a technical breach of the provisions of Section 29 of the Local Government Act and should be investigated.

9. There should be at least the equivalent in the return of public land back to the community. There are no details provided in the supporting information provided by council which ensures all land and facilities to be reclassified will be returned in full or at least the equivalent of - back for the community's benefit and use. The ideas in the Draft LEP/ DCP could be perceived as "suggestions" for this community land - and not firm "promises".

There is no increased open space given back to the community resulting from the reclassification of 9 Havilah Lane Car park. This car park is rezoned for high density apartments.

Council's car parks have been Lindfield's only 'open' space. The only useful green space is surrounding the Library site on the Pacific Highway. All the other useful 'open' space is to be reduced by council's reclassification and rezoning proposals. On Site 4 Beaconsfield Road and Drovers Lane 'Car park, the council are proposing a large residential and community facility covering half the area and the other half a token Woodford Lane Village 'green' space. The benefit to the community will be negligible due to the competing interests of commercial and residential in the area. The token 'green' open space provided is said to need a lift from one end to the other due to the land sloping steeply away. How impractical and ridiculous is that? The land will be completely surrounded by 5 or 6 storey development. What kind of pleasant amenity will that provide?

Lindfield's proposed green open spaces will not represent nice, sunny, pleasant places to meet. They will be darkened places surrounded by towering buildings lacking in privacy. The green space Council is proposing will be inadequate for the 25% population increase living in apartments, surrounding these 'open' spaces. Two thousand more apartment dwellings will be 'shoe horned' into the 'village'. Lindfield has a shortage of green open space any way, so the space added needs to be well planned, useful and appropriate providing sunny, bright, vibrant, spacious amenity. The green open spaces could only be said to be token, impractical open spaces.

Council's plans represent opens pace provided in Eastern block countries.

Council's at grade car parks will make way it is suggested for two storey underground car parks. How will disabled and elderly people be catered for? The plans indicate stair access only for the underground car parks. There will only be limited at grade parking on either side of the village. There is no certainty that these car parks will continue to be provided at no cost to the community. There is no certainty as to who will be building, managing and maintaining these car parks. Underground car parks are very expensive to run as they need to be lit 24 hours a day. The community in general, prefer open air car parks as they are less of a security risk and easier to access.

10. Breach of the Local Government Act. The documents required for the statutory public exhibition of the Land Reclassification -Lindfield Town Centre were not placed on Council's Website until Wednesday 1 November. The Council's public exhibition for the Draft LEP/ DCP Town Centres for Lindfield commenced on Monday 30 October, 2006.

In a letter sent to Lindfield residents on the 25 October 2006 advising of the "Exhibition of Draft Local Environmental Plan and Draft Development Control Plan for Lindfield Centre" council advised and I quote "The draft LEP also seeks to reclassify certain Council owned land from "community" to "operational". For further information on the reclassifications process, please refer to council's website." End of quote.

The letter gave no indication at all of the reference number of the exhibition, the closing date of submissions and how the submissions were to be presented to council, the date and venue details of the Public Hearing or how to register to speak at the Public Hearing etc. It was entirely left to the residents to seek out the information on the council's website. This information could have been easily provided in the letter but council chose not to give it. Why?

Council I understand also has 650 residents that they email correspondence to. Even this correspondence does not provide full details of the Land reclassification process when council could have. The council messages rely on residents to go to the website.

Even the full two page advertisement in the North Shore Times *(2) specifically to inform the whole of Ku-ring-gai, does not refer to the Land Reclassification of community owned land in Ku-ring-gai. Why.wasn't it mentioned?

Lindfield's public exhibition of the Draft LEP/Draft DCP Town Centre Plans commenced, Monday 30 October. All documents should have been available at the commencement of the Public exhibition. The closing date for submissions on the Draft LEP/Draft DCP is the 27 November 2006.

I wrote to the General Manager on Tuesday 31 October *(3), advising Mr. McKee that the

exhibition documents for the Land Reclassification were not available on the internet. I also talked to Colin Johnston, a council officer in council who advised I was correct, and that the documents would be placed on the internet as soon as they could. They were placed on the internet on Wednesday 1 November.

The website states the close of submissions for the Lindfield Town Centre - Land Reclassification as Friday 17 November and the Public Hearing has been advised be held on the Monday 20 November.

It is my view the public exhibition documents relating to the reclassification of public land for Lindfield should have been available for a full 28 day prior to the close of public submissions for the Land Reclassification for Lindfield on 17 November. Residents have had only sixteen (16) days in which to access documents, and only by the way of internet, before the close of public submissions on 17 November. Residents without access to a computer will have had NO way of accessing this important statutory information as it has not been provided with the Draft LEP/Draft DCP documents in the Libraries, at council or the public exhibition in the Lindfield Executive Centre etc.

The Act says clearly that council must give at least twenty eight (28) days for public submissions to be made. How can stakeholders make submissions without the benefit of the statutory exhibited documents being made available (from Wednesday 1 November) and in such a limited way? I reiterate, the council has only allowed sixteen (16) days from the time statutory information on the Land reclassification was made publicly available on the internet, to the close of public submissions on 17 November.

I believe council may have arranged each public exhibition for the five town centres in this way, substantially reducing the time for release and access to public documents before closing the exhibition for submissions.

I believe the Department of Local Government should be requested to make an investigation into Ku-ring-gai's Land Reclassification Public Exhibition process.

In my view the exhibition should be declared invalid.

Residents have been denied natural justice in the process.

I attach copies of my email correspondence with the council *(4), setting out difficulties and the problems encountered in getting information regarding the Land Reclassification process, particularly the Public Hearing.

It has become very clear to the Ku-ring-gai community the process for reclassification of community land has lacked appropriate due diligence and transparency. The overwhelming majority of the public submissions to date, have been opposed to the process of reclassification at this time for various valid and justifiable reasons.

The Ku-ring-gai community has, I believe, lost faith and trust in the council being able to deal with reclassification in an impartial or objective way.

The only submissions I am aware of that support the reclassification of community land have been made by commercial or vested interests in the redevelopment of that land for commercial gain.

I also query the true independence of the "independent" Chairperson's who are chosen by the council, paid by the council and briefed by the council. How at arm's length are they really from the council's or state planning's preferred view?

All Land Reclassification reports published I have read to date for the other Town Centre Public Hearings have supported reclassification after requesting additional reports, despite the overwhelming public submissions from the community, that the land not be reclassified. The process comes down to one person's subjective consideration and interpretation of community submissions.

How can the people in Lindfield have any faith, that our concerns will really be listened to, opposing the reclassification of our community owned car parks; when we are already aware the Chairperson has a view, that council owned land in the Turramurra Town Centre should be reclassified?

All submissions received by the Chairperson should be published in full in the Land Reclassification Report to ensure accuracy of representation.

The process of reclassification for community land in Lindfield in my view is a done deal. I have completely lost faith in the process.

In Lindfield we regrettably have a saying, The "Sham Plan"... Coming to a Village near you!

Yours faithfully

KJ COWLEY

*Attachments:

- (1) Copy of diagram, side elevation plans for Lindfield Executive Centre , Sites 2 & 3 - Kochia and Tryon Road Car parks, ARC Architects , source Council Business Papers/Reports Meeting 16 August 2006.
- (2) Copy of Council's full two page advertisement in the North Shore Times November 2006.
- (3) Email to General Manager , Tuesday 31 October 2006.

(4) Email and other correspondence to and from council regarding the difficulties of ascertaining information on the Land Reclassification and Public Hearing

Cc Minister for Local Government
Department of Local Government
Minister for Planning
Department of Planning
The General Manager Ku-ring-gai Council
The Councillors Ku-ring-gai Council
Barry O'Farrell MP
Andrew Humpherson MP
The Hon Brendan Nelson MP

S LR

The Chairperson

Public Hearing on Land Reclassification

16-11-2006

Lindfield SO 5480

Ku-ring-gai Council

Locked Bag 1056

Pymble 2073

Re: Community Land - Car Park Lindfield ,West Side,
between Drovers Way and Woodford Lane.

Dear Sir /Madam

Recently I attended a Public Meeting on the Lindfield Town Centre, held by Council, wherein Council staff explained the proposed use of the above property. Half would be a park the other half would be Community buildings /facilities and underneath a car park.

I have consulted the 1993 Act which introduced Community Land and the Notes to the Draft Bill.

Apparently the proposals by the staff are exactly what Community Land allows .

THERE IS THEREFORE NO NEED TO RECLASSIFY THE ABOVE AREA AT ALL.

It follows then that if the reclassification is proceeded with Council has a use proposed which is not disclosed to residents or the Minister in the Town Centres Plan . A total lack of transparency besides a covert act.

The reclassification of this area should not be proceeded with.

Yours faithfully

C.E. & M.F. Mealey

C.E. & M.F.Mealey
5 Gladstone Parade LINDFIELD 2070

CC. Councillors



696462



2 Drovers Way
Lindfield
16 Nov. 2006

The Chairperson
Public Hearing on Land Reclassification Lindfield
SO.5480

Dear Sir,

I am writing to object to the reclassification of public land in Kuringgai and specifically Lindfield.

There is no justification for this reclassification.

Community land is just that - a benefit for the residents and would be irreplaceable if sold off.

Some of these areas were donated for the use of the community. In the case of Lindfield Library - land which was acquisitioned - there is a lot of history plus an historical well.

Why is council set on reclassification overall. One would hope not for financial gain. And why has council not provided detailed information

Concerned resident
David Bentley

7 LR

14 Bent St
Lindfield NSW 2070
Ph 9416-2752
14 Nov 2006

The Chairperson
Public Hearing on Land Reclassification Lindfield SO 5480
Ku-ring-gai Council.

Dear sir,

Reclassification of Community Land from "Community" to "Operational"
classification.

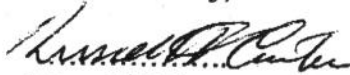
I advise you that I strongly oppose the above reclassification.

I believe that any such actions in Ku-ring-gai would be quite wrong and not in the best interests of residents now and in the future.

All council land should be held for the various benefits of present and future residents because land is of limited supply and, once out of council's control, would be lost forever.

The actual needs of council and residents of the future are unknown now but space must be kept and not forever alienated.

Yours faithfully,


(Russell H Carter)



695783

Rod Starr

-----Original Message-----

From: Rebecca Morden [mailto:rebeccamorden@hotmail.com]

Sent: Sunday, November 19, 2006 8:28 PM

To: John McKee; Carmel Hughes; KMC

Cc: Nick Ebbeck; Ian Cross; Elaine Malicki; Anita Andrew; Laura Bennett; Tony Hall; miane@kmc.nsw.gov.au; Adrienne Ryan; Maureen Shelley; Jennifer Anderson

Subject: Proposed planning changes Ku-ring-gai.

Dear Councillors

As a resident of Gordon and thus Kuringai I wish to register my objection to the following:

1. The reclassification of substantial community land in and around the six Town Centres from "community" to "operational". I strongly feel this is not in the public interest and is expedient.
2. The provision of 6,000 dwellings in excess of the 10,000 dwellings already being provided by Ku-ring-gai as part of the Metro Strategy.
3. The exceeding of 5 storey height controls provided by LEP 194. There is no need for this and taller buildings create shadows and wind tunnels. The extra height allows greater profit to developers but does not benefit the community in general. We do not owe Sydney's developers a living (and they are already doing very nicely, thank you.)
4. The tripling in size of the proposed floor space for Gordon.
5. The limiting of housing choice in the Town Centres to shop-top housing and apartments.
6. The decreasing of open space in Gordon.
7. The very significant densification of the Town Centres and ensuing effect on traffic.

As our elected representatives I would ask you to act on our behalf and vote against such changes.

I would also like to mention that I have observed and experienced the changes of a similar nature made to Bondi Junction over the past 20 years. They represent a dismal failure for the community. The bus and train interchange is incredibly dangerous to passengers; poorly designed and a disincentive to using public transport. I have nearly been quite literally swept off my feet by the wind tunnels created by the tall buildings there.

Please consider carefully any changes to community land, as in reality, it can never be reacquired and would be a great loss.

Thank you.

R Morden

Advertisement: Looking for the latest range of toys available? Go to
www.tradingpost.com.au http://a.ninensn.com.au/b.aspx?URL=http%3A%2F%2Fwww%2Etradingpost%2Ecom%2Eau%2Fbrowse%2FHousehold%2FFamily%2FToys%2DGames%2Floc%5FlocRZSQregtAVSCdistRZSQAVSCstateRZSQ9AVSCregRZSQ%5Fns%5Ftrue%5Foff%5F0%5Fsq%5F1%5Fsrchtype%5Fbrwse%5Fstpg%5F3%5F3Freferrer%3Dplace2&_t=758874129&_r=emailtagline_nov_m=EXT

7 Middle Harbour Road
LINDFIELD NSW 2070
20th November 2006
0404 463 664

Ref. No. SO 5480

The Chairperson
Public Hearing on Land Reclassification
C/- Ku-ring-gai council
Locked Bag 1056
PYMBLE NSW 2073
By Email: star@kmc.nsw.gov.au
kmc@kmc.nsw.gov.au

Dear Sir

Reclassification of Community Land in Lindfield

Community Land is a right, not a privilege.

Council is the custodian of all community lands, and needs to manage the land for the benefit of both present and future generations.

To reclassify Community Land into Operational, the Council's policy states:

This policy will ensure that the reclassification of community land to operational land will only take place where there is a benefit to the community.

In this statement it also reads 'requests for the reclassification of community land to operational land must demonstrate a net positive benefit for the community, measured through environmental, social and economic indicators. Council may require the person or group making the reclassification request, to provide detailed information, and fund and co-ordinate the reviews of any plan of management.

Mr. Chairperson, I would like to ask:

WHERE IS THE PLAN OF MANAGEMENT FOR LINDFIELD

It seems, the whole problem with this request for reclassification is that there is NO Plan Of Management.

NO CERTAINTY as to where facilities may or may not be re-located, leaving everything up to 'deals' with developers as to what they may or may not wish to take up.

My submission is about the LACK OF PROCESS for reclassification – once sold, we can never get community land back, so it is very important that the process is clear, and within council's guidelines, which, so far it is not.

Our Council is trying to reclassify the following Community Land in Lindfield to 'Operational' - The land is:

1. Havilah Lane Car Park
2. Kochia Lane Car Park
3. Tryon Road Car Park
4. Drovers Way Car Park
5. Lindfield Early childhood Centre
6. Drainage reserves on Milray & Havilah Rd

Mr. Chairperson, may I again state from the Community Land policy statement. This policy will ensure that the reclassification of community land to operational land will only take place where there is a **benefit to the community.**'

THERE IS NO BENEFIT IN TURNING FREE CAR PARKS INTO SITES FOR 5-6-7- STOREY BUILDINGS

Havilah Lane Car Park

Part of the Minister's Targeted site at Lindfield includes the Havilah Lane Car Park, which is the small car park behind the old Caltex, or now named the United petrol station. I ask the question:

Can the Minister rezone this car park into his targeted site when it WAS, AND STILL IS COMMUNITY LAND, owned by the people of Lindfield.

It would be a far better option if this site was kept as Community land and used as a very necessary **green space** for the hundreds of new residents that will be living alongside.

Tryon Road Car Park

Reclassification of this car park is definitely NOT to the benefit of the community. With the present plans for the Tryon road Car Park, it is to be surrounded by 5 – 6 – 7 storey buildings, both residential and commercial.

No more FREE car parks

- Underground car parks are not what our community wants, especially the elderly, as they increase the risk of safety and security. For many people, underground car parks are unsafe places which provide 'dark areas' for anti-social and illegal activities.
- Tryon Road Car park has always been the open space used by the community for our Lindfield Fares and fetes and markets. - Where will these be held, if ALL our open space is taken up with high-rise?
- The beautiful umbrellas and coffee shops highlighted on the Tryon Road Car Park plans, do not allow for the fact that with 5-6-7- storey buildings surrounding this car-park, there will be little need of umbrellas, THERE WONT BE ANY SUN.

Lindfield Early Childhood Centre

As I have stated before, there is NO PLAN OF MANAGEMENT for this reclassification, and therefore NO CERTAINTY as to whether any public facility, like the Lindfield Early Childhood Centre will be relocated.

This is not good enough.

Before Council wishes to reclassify any publicly owned lands and facilities, they MUST have solid grounds as to where it is being relocated. This is such an important public facility for young mothers within the community it CANNOT BE LEFT UP IN THE AIR, as to whether it will be included OR NOT in some deal with an interested developer in the future.

Families with children comprise 58.1 per cent of Ku-ring-gai's population, with a large percentage of these families from overseas. These are the people who NEED to have a local Early Childhood Centre within arms reach of where they live.

THIS DECISION DOES NOT REPRESENT A BENEFIT TO OUR COMMUNITY

Mr Chairperson,

The Minister **HAS NOT**

- Requested the reclassification of Community Land, so why is it 'UP FOR AUCTION' by our council?

The Minister **HAS NOT**

- Given Ku-ring-gai Council any authority or mandate to include Community Land in meeting its planning targets, so why does Council include it?

The Minister **HAS NOT**

- Given Ku-ring-gai Council any requirement to build apartments on Community Land

So, I again ask the question....WHY?

Decisions about key community land reclassifications are too important to leave to chance, and that is all we have from our Council. It is critical that community leaders, and Council have a solid and realistic understanding of the likely economic impact a proposed reclassification will have on the local and regional areas.

To summarize, Mr. Chairperson, our Council should NOT reclassify any public land until it has a written plan of management. This resource is far too important to our present and future communities to be thrown away.

Reclassification should only occur when there is both a benefit to the community as well as a specific proposal by a developer to one of the six community land sites, which also includes a Plan of Management that shows where the facility is to be relocated.

Our open space is a valuable resource.

I very strongly request that NONE of the abovementioned Community Land is reclassified into Operational Land, as I believe the process by Ku-ring-gai Council has not shown any justification to do so.

There is absolutely no benefit to the community, and therefore should not go ahead.

I also wish to note that I will be speaking at the public hearing on 20th November at council, having registered on November 17th 2006.

Yours faithfully

Janet W. Lomax

Janet W. Lomax

REF: S05480

33 Woodside Ave
Finchfield 2070

The Chairperson
Public Hearing on Land Reclassif. Officer
Ken-ung-jai Council.

I wish to strongly protest against
any reclassification of community
land in Finchfield. Once lost to
the community it will never be regained.
With the massive developments going on,
there will be an influx of residents so
any community land must remain as
such - it is minimal anyway - we
need more not less community land.

S94 can contribute to community
facilities - in fact should, together with
the New Facilities Reserve set up
expressly for that purpose.

Selling off the Kepwa Apartments
in favour of new apartments means

there will not be enough affordable housing - new apartments are expensive

If the ^{Children's playground} Tennis courts are sold off, the Council is indicating lack of awareness of the obesity epidemic.

It is essential that there is a long term vision that the community assets such as land remain so, not there for developers to make a profit - they will be gone to their mansions on the harbour!!!

Barbara Day

11 LR
15 November 2006

The Chairperson
Public Hearing of Land Reclassification
Ku-ring-gai Municipal Council
818 Pacific Highway
Gordon 2072

Dear Sir

OBJECTION TO
Reclassification of community land at Lindfield
Reference No S0-5480

We would like to raise our objection strongly to the reclassification of community land into "operational" land.

We are worrying that it is so unclear to us what the future benefits of this change will bring and we are concerned that we may lose public assets and open space.

Even though some of the parts to be reclassified are only car parks, at least they are low level open space, not 6-storey medium density buildings.

There is no apparent justification for this change.

We believe the community land should be kept for public use.

Yours sincerely



Gavin & Winnie Chan
Residents
16 Beaconsfield Pde Lindfield 2070
Tel 0413 718888



696909

12 LR

Fiona and Craig Taylor
15 Beaconsfield Parade
Lindfield NSW 2070
9416 6690

17 November 2006

The Chairperson
Public Hearing of Land Reclassification
Ku-ring-gai Municipal Council
818 Pacific Highway
Gordon 2072

Dear Sir/Madam

Re: My Objection to the Reclassification of community land at Lindfield
Reference No S0-5480

We would like to object to the reclassification of community land into "operational" land. I strongly urge you to reconsider your position on this.

We are very concerned that the public spaces in Lindfield are being sold off and developed. They are essential to continue the open feeling of Lindfield. We cannot see the public's benefit.

The Development need not take these areas, even car parks.

Please keep the land for public use.

Yours sincerely

Fiona Taylor

Fiona and Craig Taylor



696913

15 November 2006

The Chairperson
Public Hearing of Land Reclassification
Ku-ring-gai Municipal Council
818 Pacific Highway
Gordon 2072

Dear Sir

OBJECTION TO
Reclassification of community land at Lindfield
Reference No S0-5480

We are writing to list our objection to the reclassification of community land into "operational" land.

It is unclear to us what the future benefits of this change will bring and we are concerned that we may lose public assets and open space.

Even though some of the parts to be reclassified are only car parks, at least they are low level open space, not 6-storey medium density buildings.

There is no apparent justification for this change.

Please keep the land for public use.

Yours sincerely

Catherine & David Saxelby

Catherine & David Saxelby
Residents
18 Beaconsfield Pde Lindfield 2070
Tel 9416 1098



1422

Yvonne Jayawardena
97 Tryon Road
East Lindfield, 2070
9416 1930

The Chairperson,
Public Hearing on the
Reclassification of Community
Land to Operational Land,
Ku-ring-gai Council,
Locked Bag 1056,
Pymble, 2073.

16th Nov 2006

Dear Sir/Madam,

Reclassification of Community Land to Operational Land

I am totally opposed to the above Reclassification.

Community land should be kept for future generations of the community. It should be kept for Open Space.

If, f. inst., the car park on Tryon Road would be put underground, the top should be kept for a local park. This would not require a reclassification to operational land.

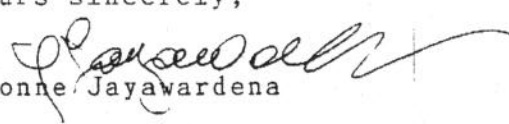
Council has not advertised or explained this reclassification sufficiently. Many local residents are totally unaware of this proposal.

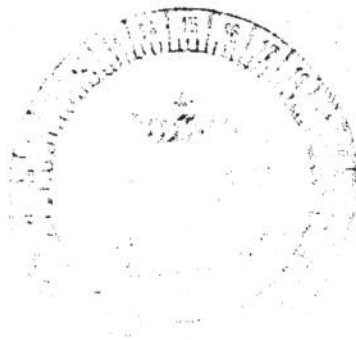
Once we lose this community land, we have lost it forever.

With all the massive development planned for Ku-ring-gai, there is no real need for this reclassification.

Finally, so far as I know, the Minister has not asked for such a reclassification.

Yours sincerely,


Yvonne Jayawardena



697002

-----Original Message-----

From: John McKee
Sent: Wednesday, 22 November 2006 3:01 PM
To: Elaine Malicki
Subject: RE: Hearing on reclassifying land in Lindfield Town Centre

Councillor Malicki,

I will ensure that this information is passed on to Mr Ludvik.

John.

-----Original Message-----

From: Elaine Malicki
Sent: Wednesday, 22 November 2006 10:11 AM
To: John McKee
Subject: Hearing on reclassifying land in Lindfield Town Centre

Hello Mr McKee,

I am not sure how to pass on the following information to the Chair of the hearing into the reclassification of Public Land in Pymble. Can you assist please?

Dear Mr Ludvik,

On Monday I gave a brief submission on the way Councillors voted to proceed on the issue of reclassifying public land following receipt of your report on the Turramurra Town Centre.

What I neglected to specify was that the staff recommendation followed your recommendation to carry out specific studies prior to proceeding with the reclassification.

To that end Councillors voted AGAINST the staff recommendation and they voted the following: Minute EMC 12 K.

"That Council approve in principle the reclassification of items contained in Schedule 4 of the Draft LEP Amendment No 1 that seeks to re-classify public land in Turramurra to operational land and defer such action in accordance with Section 68(5) of the Environmental Planning and Assessment Act, for a further report investigating the matters raised in the recommendations of the public hearing. That the report be submitted to Council by March 2007."

As I stated this decision, a 6-4 vote, means that

a. The report will be rushed. Staff admitted to me it will be difficult to meet this timetable. This means that the process is tainted as it is possible that insufficient time will be available to do the reporting adequately given the lack of consultants and staff over the Christmas/New Year period.

B. A decision has already been taken by Councillors to reclassify "in principle" despite the fact that they do not have the material you suggested that they obtain prior to the reclassifications.

This also occurred for the St Ives Town Centre reclassifications which had a similar recommendation from the Chair.

For that reason I suggested that the wording of any comments on Lindfield Town Centre might need to be carefully considered.

Thanks for this opportunity to put my point to the Hearing.

Regards

Councillor Elaine Malicki

PS I was very pleased at your Recommendation on Pymble Town Centre. Thanks!!

Ku-ring-gai Council Submission

Public Hearing Lindfield Centre

Monday 20 November 2006

Good evening Chairman, Ladies and Gentlemen.

My name is Steven Head, Director Open Space & Planning for Ku-ring-gai Council.

Thank you for the opportunity tonight to provide an overview of Council's proposals for the Lindfield Centre, particularly as they relate to the proposed reclassification of Council owned land from community to operational.

To begin with, I will outline some background to the development of the Lindfield Centre Plan.

Background

Following the gazettal of Local Environmental Plan 194 by the State Government in 2004, Ku-ring-gai Council was directed under Section 55 of the Environmental Planning & Assessment Act by the Minister for Planning to prepare Plans for additional housing, including shop top housing, in and around our main commercial centres and to cater for additional retail and commercial development. This work has focussed on six main centres, including Lindfield, and must be complete and submitted to the NSW State Government by 31 December this year.

In responding to this direction Council must provide for redevelopment that is economically viable and with design controls that will not unnecessarily constrain development opportunities.

Whilst the Plans are in accordance with the Minister's directive to Council, it is acknowledged that the Plan provides for a substantial level of new residential, retail and commercial development along with a significant increase in local population.

This will create additional pressure on existing services, amenity, and infrastructure but has also created the opportunity for a review of Council's facilities and how they can be upgraded to cater for current unmet demand and adequately provide for the needs of the future Lindfield population.

So in undertaking this planning Council has also sought to prepare a vision for the Lindfield Centre over the next 30 year period that outlines an integrated response to the many challenges faced by Lindfield. The Lindfield Centre Draft Local Environmental Plan and the Draft Development Control Plan outline that vision. A vision statement and Masterplan has been prepared as part of this process.

The Draft Plans identify a range of opportunities for investment in public infrastructure for Lindfield.

Initiatives that have been identified in the draft Plans include:

- Public transport facilities and services.
- Creation of new urban spaces for outdoor dining and new public domain areas.
- Changes to the road network and redesign of car parking layout and locations.
- Streetscape redesign and embellishment including new street trees, undergrounding of power lines, new footpaths and cycleways.
- Masterplans for existing parks and identification of potential future open space acquisitions.
- New and refurbished community facilities including the construction of a new library.
- Protection of and addition to the native tree canopy and other environmental improvements.

Council on behalf of the community is a significant land owner within the Lindfield Centre. In particular some of the lands that Council hold are strategic sites that can directly affect realisation of a number of the proposals outlined within the Draft Plans and assist Council to meet its service delivery goals.

The reclassification of those lands proposed will provide Council with a mechanism to assist in the planning and delivery of new facilities and services for the Lindfield community. This includes allowing Council to consider long term leases, sale or land swaps where appropriate. It does not remove the need for consultation or transparency of decision making by Council. Reclassification is of itself only an enabling process.

Decisions by Council to enter into Planning Agreements, or decisions to enter into long term leases or sale of land are subject to their own distinct processes which involve community input and evaluation by Council prior to decision making. In particular the next stages of planning will require significant attention to the detailed financial aspects of these proposals. Council has in the first instance resolved a policy position that seeks the retention as a minimum of at least the existing levels of publicly owned and available parking in redevelopment of the centres. Additional development, whether it be private or public, will be subject to parking provisions provided for in the DDCP. Council has additionally committed to the development and exhibition and adoption of a Section 94 Contributions Plan prior to the gazettal of the centres LEP and amendments which will provide greater detail on how Council will seek to effect the community infrastructure proposals outlined in this plan.

In some cases where reclassified land has been leased or sold, Council may still retain an interest in a land holding via strata title, and in some cases where an entire lot has been reclassified and only part of the land is leased or sold, Council has the option to subdivide that land and reclassify portions back to community land in the future.

It is important to note that no agreements for lease or sale have been made for the sites subject to the hearing nor has any negotiation been commenced by Council.

It should also be noted that on some sites if reclassified the existing trusts and other restrictions will be formally extinguished, although the former uses (eg. car parking) may be included in the new Plan for the site.

The lands owned by Council which are subject to the Draft LEP can be viewed on the screen behind me. There are 10 main Council owned sites that are subject to this Plan. Land that is identified blue on the screen and numbered between 1, 2, 3, 4 and 10 are the lands subject to proposals for reclassification. Council land such as the existing Lindfield library site, Seniors Resource Centre and the KOPWA apartments which are either not proposed for reclassification or zoned under this LEP remains in its current state.

I do not propose to recap on all of the property details regarding each piece of land tonight. That information is contained within the Draft LEP, supporting information and Council's own submission.

Site 1 – 9 Havilah Lane

This site consists of Lot 21, with an area of 766 sqm. The land was acquired by Council in 1986 for car parking purposes.

The land is currently identified as part of the composite Minister's site No 4 under the provisions of SEPP53 and is identified for retail/ residential development with basement car parking.

The land is proposed to be zoned B2 under the Ku-ring-gai Centres LEP with existing development standards of SEPP53 to be carried over.

Without reclassification, Council would not be able to pursue inclusion of this land in an overall development of this site consistent with current planning controls.

No change in value of the site has been outlined from its inclusion in the LEP as the provisions carry over from SEPP53.

Site 2 & Site 3 – 3 Kochia Lane and 8-10 Tryon Road

Site 2, 3 Kochia Lane is a Council car park of 875m² plus adjacent laneway areas. Currently zoned Business 3(b) under the KPSO the site was acquired in 1964/65 for the purpose of car parking.

Site 3, 8-10 Tryon Road is also a Council car park of approximately 1975m². This site is also zoned Business 3 (b) under the KPSO with lots being acquired in 1966 and 1982 for car parking utilising Lindfield car parking funds.

The site is integral to the restructuring of the Lindfield Town Centre to assist in providing a central public square and the undergrounding of car parking, both public car parking as well as the potential for car parking from the adjacent development (incorporating community facilities).

Both sites are proposed for B2 zoning under the draft LEP although a floor space ratio has only been applied to the eastern portion of site 2. Correspondence from the department has previously outlined that downsizing should not occur as a consequence of this LEP and it is highly likely that Council will receive similar correspondence in relation to this site.

The car park site is proposed to accommodate development on the eastern portion of site 2. The proposed development for the site which also encompasses privately owned land adjacent, comprises of retail/ commercial development, new community facilities plus 4 levels of residential development.

The development of Council's site would be in combination with expansion of the adjacent commercial buildings to the south. Basement car parking, including on both sites 2 and 3, will service the development and replace above ground parking. The above ground area as outlined in the DDCP will be developed for Open Space and landscaping purposes.

An increase of approximately \$460/m² has been outlined over existing value for the portion of land within site 2 that has a floor space ratio applied to it.

Reclassification will assist Council to facilitate the outcomes sought in its vision and as further expressed in the Development Control Plan.

Site 4 – 1 Beaconsfield Parade and 19 Drovers Way – car park

These lands are a Council car park of 5,643m² plus adjacent laneway areas. (The laneway area is not the subject of proposed reclassification under the draft LEP). Currently zoned special uses 5(a) parking under the KPSO, the draft LEP proposes a B2 zoning and 1.3:1 floor space ratio for the site. A minimum of 0.4:1 floor space ratio applies to community facilities to be provided on site.

The car park site is proposed for future development. This will include part of a new laneway link (with car parking) between Beaconsfield Parade and Bent Street, along the south-west of the site. The land east of the new laneway is proposed for new open space parkland in its northern half.

The southern half of the site is proposed for development of up to 5 storeys. This will comprise of a 2 level community use area and 3 residential levels. There will also be provision for a small commercial area. Basement car parking will service development. Replacement car parking for existing ground parking will be provided within the site.

The existing Woodford Lane at the east of this site is proposed for retention. An increase of \$900/m² has been outlined as an increase in the land value. Operational classification will assist facilitate Council sought outcomes for this precinct.

Site 10 – 1/12-18 Tryon Road – Early Childhood Centre

This site is a strata allotment within the existing commercial building at 12-18 Tryon Road. The site is currently zoned 3(b) under the KPSO and is part of the land that is proposed for B2 zoning with a total FSR of 2.6:1 under the draft LEP.

Redevelopment of this piece of community land will most likely be required as part of an overall development of the site in which this strata property exists. A minimum component for community facilities within the overall proposed floor space ratio for this site exists which can provide space for the proposed library and early childhood centre.

2-50

17 LR

20 NOV 2006

W.H. Oliver,
12 Wolseley Road
Lindfield. 2070
November 21, 2006

Chairperson,
Reclassification Community Land,
C/- K.M.C
Locked Bag 1056
Pymble. NSW. 2073

S.O. 5480

I, William Henry Oliver, 12 Wolseley Road, Lindfield NSW 2070, resident for 50 years at this address register my protest in strongest terms at Council's attempts to change Community Lands to Operational.

Community Lands are what they are designated for and Council to attempt to rob ratepayers and residents of this Municipality of their rightful heritage entitlements passed down through generations is abhorrent.

Council's motive is nothing more than a money grabbing motive coupled with a liason with developers.

Once lost to operational this community asset is lost forever despite mouthings that it will be replaced:--WITH WHAT!!!

Council should be aware of ratepayers/residents feelings on this subject - HANDS OFF

We urge you as Chairperson to insist Council retracts their misplaced conception of it being in the Community's best interests

IT AIN'T

Hoping for your favourable recommendation.

Yours sincerely



W.H. Oliver

698864

G.F.FERNENGEL
10/3 Gladstone Parade
Lindfield NSW 2070

General Manager
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073

26.November 2006

Dear Sir,

RECLASSIFICATION of COMMUNITY LAND to OPERATIONAL - SO 4352

I do strongly object to the planned reclassification for the following reasons:

Community Land has been intended for the benefit of the community - past, current and future generations - and must not be sold or its current use be changed.

Once sold, it is lost forever and cannot be reclaimed.

The minister has not required the reclassification of public land to meet planning targets.

State Government does not require apartments to be built on Community Land.

Information to the community has been inadequate.

Cultural and Historical significance of Community Land has been ignored.

Yours faithfully

G. Fernengel

PLEASE, PROVIDE COPIES TO ALL KU-RING-GAI COUNCILLORS



Chairperson,
Lindfield Public Hearing.

Dear Mr. Ludvik,



At the Pymble Hearing Councillor Bennet served the Public well.

She said:

1. **"It is my view that the scale of Reclassification across these town centres places a significant obligation upon Council to do more than the statutory minimum. In this case however, we are looking at the wholesale reclassification and loss of virtually every sizeable portion of Council owned land across all centres particularly in the Northern part of the Municipality..." Turramurra, Gordon, St.Ives and Pymble.**

She also said

2. "The potential development and loss of virtually all sizeable land parcels owned by Council in Turramurra, Gordon, St.Ives and Pymble means that the significant increase in Population will not be provided with the open space they require. Existing open space... will be under greater pressure and land will not be available for different new facilities in the Town Centre for future generations.
3. **"In this regard the Present Plans offend the requirement in the LGA for Council to ensure Intergenerational Equity.**

If this information was heard by you **before** you brought down your report on Turramurra on the 2nd of November.....

If the powerful submissions made by residents and two qualified town planners who pointed out that there was not enough Open Space in Turramurra in the Future Plans for Turramurra.....

If the fact that not one submission was FOR the Reclassification of Community Land in Turramurra



If the fact that Railway Land was accepted by you as future Open Space for Turramurra.....

If my Letter to you dated 30th November asking for Councillor Bennet's Submission to the Pymble Hearing to be included as vital information regarding the decision for Turramurra, was not.....

If a room full of passionate people at the Turramurra Hearing opposing the Reclassification of Community Land in Turramurra produced not even one reservation by yourself.....

If all this did not influence the decision you made with regard to Turramurra's Reclassification

Then, at the Lindfield hearing, it seems hardly worth saying: here are some more petitions against Reclassification of Community Land.

Please add 16 previous Petitions as this is a work in progress.
However, I will repeat Councillor Bennet's words:

"The scale of the loss of Public Land in Ku-ring-gai is obscured by the fact that details are only available for each centre. However it is the cumulative effect which is vital and this is rendered invisible by the manner in which the material is organized."

With good wishes,

Janet Harwood

Janet Harwood

PO BOX 5188

TURRAMURRA. 2074.

20th November '06.

Andy Ludovic
Chairperson,
Public Hearing for Turramurra and Pymble.

Dear Andy,

In my submission to the Turramurra Hearing I included a letter I had written to the General Manager of Ku-ring-gai Council asking for answers to Public Questions relating to Aquatic Centre Process. This related to Parcel 4 in Turramurra, which is culturally and historically significant community land because of its location in the Historic Turramurra Station Precinct on the North Shore Line, which is as significant as the Blue Mts. Rail Corridor. It is also irreplaceable Open Space.

Since you asked us that night not to read segments of the submission which you were able to read for yourself, I did not read this letter out at the Turramurra Hearing. I believe this was a mistake – for reasons which became clear at the Pymble Hearing.

In the light of Councillor Laura Bennet's Submission, I must refer you again to this letter (attached) in respect of community land targeted for the Aquatic Centre. Questions in this letter, which have been left unanswered by Council, seem to be answered by revelations to you at the Pymble Hearing.

It would appear that the Public Hearing is in danger of being seen to be a charade and that prior understandings may have already been reached, which is why there has been so little effort by Council to inform the public on the issue of Community Land, which is why as pointed out at the Pymble Hearing, attendance was so low at these hearings.

While I appreciate your point that a submission made by a few individuals is as cogent as that made by many – the fact remains that the Public do not know what is being proposed for this huge body of public land across the whole of Ku-ring-gai and in particular for Parcel 4 in the historic Railway Precinct in Turramurra. This particular parcel is a strategic location and would be the easiest and first to go to development in what will be in future an over-developed "village" – with huge loss of amenity and character.

In the light of what was said at the Pymble Hearing the following points become salient in Turramurra -

- A building envelope was put on community land (parcel #4) for Plans sent to State Planning, prior to this Hearing.
- Discussion was removed during Exhibition (see Letter referred to in my submission) to render debate unnecessary.
- False consultation process was entered into - wedge politics to divide communities.
- Parcels of land in other town centres were then "removed" from list of lands targeted for Aquatic Centre.
- Manipulation resulted in 2 pieces of community land left for ACL.
- Media comment was freely made.
- All this has happened well before the Public Hearing with minimum raising of public-awareness of community land issues, by Council.

Further questions on Parcel 4 in Turramurra need to be asked:

- In the event the community loses this valuable title, will we know what occurred prior to the Hearing, to cause such a loss?
- In the event reclassification is permitted, who will benefit from the loss of this irreplaceable community land?
- If reclassification goes ahead, what consideration was given to public submissions and petitions made in this process?
- Will questions relating to Aquatic Centre process in relation to Parcel 4 in Turramurra (letter attached) ever be answered?
- In light of the above, will the Reclassification process have been corrupted?

It is clear that a more holistic approach should have been taken on the issue of Public land in Ku-ring-gai. I will be keen to know how the Pymble Hearing will impact the Turramurra hearing and if it will not, then in light of the above: why not?

With good wishes,

Janet Harwood.
PO Box 5188,
Turramurra. 2074.



30th October 2006.

Reasons for Objection to Proposed Reclassification of Community Land in Ku-ring-gai

20 Nov 2006

- (1) The Public Hearing should not be held during the exhibition of the local plan while it is currently on public exhibition.
- (2) The requirements for making submissions to the Hearing are too difficult for most residents (many of whom are elderly and infirm), to comply with.
- (3) Not all residents have access to the Council's Website for gaining information.
- (4) The information provided on the Council's Website is difficult for many residents to comprehend and understand the terminology used as it is not in user-friendly or plain English language.
- (5) Written requests to Council for information have not been answered, eg. where is the "proposed improved open space and community facilities" mentioned in the Circular letter sent to residents.
- (6) There has been insufficient explanation to the general public in simple terms about the proposed reclassification of Community Land and its objectives. This situation indicates a departure from the requirements of the Best Practice Guidelines.
- (7) There has been insufficient public consultation about the proposals and the outcome. This situation indicates a departure from the requirements of the Best Practice Guidelines.
- (8) The staffed displays and information sessions provided by Council allowed little time for consultation. This situation indicates a departure from the requirements of the Best Practice Guidelines.
- (9) Council has not considered or acknowledged the cultural and historical significance of the Community Land.
- (10) No financial justification has been provided by Council for the proposed reclassification of Community Land. This situation indicates a departure from the requirements of the Best Practice Guidelines.
- (11) It is well known that once Community Land is sold and developed, Council could never replace it.
- (12) There is no need to build housing or retail on Community Land.
- (13) Reclassification of Community Land removes protection from the land and gives Council the option of leasing, developing and/or selling this publicly owned land which may not be in the public interest.
- (14) Council's own financial spreadsheets indicate that there is no financial justification to reclassify the Community Land.

(15) The upkeep and maintenance of Community Land is funded by the ratepayers for the benefit of the general community and needs to be kept in public ownership for future generations to enjoy.

(16) There is apathy in the community to the Council's attitude in response to past submissions by the community. This matter does not appear to have been addressed in written communications issued recently by Council regarding the proposed Reclassification of Community Land to Operational Use.

(17) The proposals for the reclassification of Community Land mean that there will be no significant parcels of land left which can be used in the future for new community facilities if needs change. The community facilities planned by Council will be locked up in Stratum ownership as part of larger buildings and Council will not be able, in practical terms, to build new facilities or add on other major additions to meet demand.

(18) There is no detailed proposal by Council to replace community land once it is sold with at least equal area and amenity.

(19) The overall cumulative effect of the proposed reclassification of community land in Ku-ring-gai is quite significant.

(20) The Chairman needs to request access to Council documents and Councillor's submissions regarding the proposed reclassification of community land to operational status which documents will present further views on the subject.

(21) Previous Reports on Public Hearings concerning the proposed reclassification of community land, have omitted reference to petitions which have been tabled as submissions objecting to the proposed reclassification of community land.

(22) The written public submissions to the Open Hearing need to be appended to the Report by the Chairman so the veracity of the submissions can be assessed by the reader.

(23) A copy of the Brief issued by the Council to the Chairman needs to be included in the Report so the scope and intent of the proposed activity is known.

(24) How can the Chairperson be independent if they are selected by the Council, briefed by the Council and paid by the Council. The relevant legislation needs to be amended accordingly by the Minister.

It is trusted that this submission will warrant favourable consideration.

Stan Wesley.
14 May Street,
Turramurra, NSW, 2074.

19 CR.

Cc.

(1) Chairman of Public Hearing.

(2) Minister for Planning.
Parliament House,
Macquarie Street,
Sydney. NSW, 2000.

For a considered reply.

STAN WESLEY

SUBMISSION FOR RE-CLASSIFICATION OF COMMUNITY LAND IN LINDFIELD

Dated: 18th November 2006

By: ✕ Elise Keays
35 Beaconsfield Parade
LINDFIELD 2070

Contact No: 9416 2389



TO WHOM IT MAY CONCERN

I am concerned and outraged that this Council is planning to re-classify its Community Land. The usual catch cry from some Councillors is that we are only reclassifying, that's all. It doesn't mean we plan to sell or change the function of the land, it allows flexibility. What rubbish. If you wish to change the function of the land then all this Council has to do is change the Plans of Management. Of course the Council would have to go through the various processes, such as holding public meetings to inform its residents that there are changes to be made, which is open and transparent, but if the land is operational then this Council can do what it likes.

When I was on the previous Council one of the platforms on which I ran for Council was to ensure all Community Land was removed from operational and placed back into the hands of the residents. This I did within weeks of being elected to ensure that the resident's assets would have some form of protection and any changes to the land would have to be reported to the people. Not this Council.

The State Government has never in its greed to over develop asked for Community Land, so our Liberal faction Council sees fit to hand it over anyway. They will also drag out the old argument that they had to do this because the previous Council did not allow for sufficient development, that's why the then Minister took over six sites in Ku-ring-gai. The previous Council allowed for development based on independent baseline studies, viability studies and always mindful of the essential character of Ku-ring-gai. But the State Government chose to ignore all the studies because it simply wanted more and so did the developers. But had the State Government and the developers known all they had to do is get a Liberal faction Council in it would have saved them so much time and effort. This Council is handing over more than what is being asked for and then some, plus our Community Land to boot. It's like a Ku-ring-gai Council garage sale; everything must be sold, because by the time they have finished with their planning we will want to move out.

Given the massive over development planned for Ku-ring-gai in the so called village centres, land will be at a premium. There will be no way for any future Council to be

able to purchase land close to its centres because of the cost, but also there will simply be no land to be had. So where's the flexibility in that.

Once this land is sold where does the money go? Where will the money be spent? What projects will these funds be allocated to? Who decides? It will not be the residents, it will be the staff and Councillors who decide what happens and what projects get the funds. Open and transparent, I hardly think so.

Another argument for re-classification is that the developers will provide the new libraries and community centres at no cost to Council. Just think what a developer will want in exchange for having to provide a library or community hall. Doesn't require too much imagination to know what will have to be given. More height, loss of control of our assets on our land which used to be owned by us and God knows what else. There is always a cost to funding community facilities, but in this case it will be hidden from the residents because we will have no assets left and therefore no control.

Remember also fellow residents there is still one large parcel of Community Land that was saved by the previous Mayor using her casting vote some weeks back, our Library site. Don't think that's off the agenda, especially when staff are still talking about a new library in the proposed Tryon Road development. There's more at stake than what is before us so I hope the Chairperson here tonight listens to the majority, and if that is no re-classification then we should expect that to be reflected in any report back to Council.

Thankyou.

Community Land Submission

The Chairperson
Public Hearing on Land Reclassification for
C/- Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

Lindfield Car Parks (Tyrer Road,
Kochia Lane, Tyrer Rd, Drovers Way,
and Lindfield Early Childhood
Centre.

Subject: Objection to Community Land for Reclassification (Your Reference:

SO5489

Dear Sir/Madam,

I object to the reclassification of community land for the reasons listed below.
I request Council to send a copy of this letter to each Councillor.

I believe it is important to have certainty that the land will continue to be available for public/community use. Once the reclassification occurs, there is no guarantee that the community facilities currently provided on these sites will continue to be available for the community, nor that alternative community facilities will be developed.

The needs of the community will change over time as the demographics change, and as social issues create particular needs. We should retain community land to ensure that facilities needed for the public can be developed to meet those needs. If this land is reclassified, and development of a commercial nature permitted on it, there will be nowhere to build/create facilities required to meet these changing needs.

Signed:



Name:

CATHERINE PARR

Date:

18/11/06

Address:

25 Middle Harbour Road, Lindfield.



Copy:

Director General - Department of Local Government (for considered reply)
Locked Bag 3015, Nowra, NSW 2541.

Community Land Submission

The Chairperson
Public Hearing on Land Reclassification for LINDFIELD
C/- Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

Subject: Objection to Community Land for Reclassification (Your Reference: 505480)

Dear Sir/Madam,

I object to the reclassification of community land for the reasons listed below.
I request Council to send a copy of this letter to each Councillor.

The community land in Lindfield should be kept as open space. If it is sold + the consequent building works occur ~~as~~ it would create a mass highly unsuitable for our Suburb + The landscape will be irretrievably destroyed by

These dense developments which will obviously follow from the ^{blanket} rezoning. Our children ^{+ grandchildren} will not know the lovely village atmosphere - once these community lands are gone ^{open spaces} they will be lost to future generations.

Our community facilities are needed as it please do not rezone them.

Yours sincerely

Signed: Carole Armitage
Name: CAROLINE ARMITAGE
Date: 17 Nov 2006
Address: 1 MACKENZIE ST. LINDFIELD NSW 2070

Copy:

Director General - Department of Local Government (for considered reply)
Locked Bag 3015, Nowra, NSW 2541.

Community Land Submission

The Chairperson
Public Hearing on Land Reclassification for _____
C/- Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

Subject: Objection to Community Land for Reclassification (Your Reference: 505480)

Dear Sir/Madam,

I object to the reclassification of community land for the reasons listed below.
I request Council to send a copy of this letter to each Councillor.

1. Once the Community land is reclassified there is no guarantee that the community will benefit - we, the community, will be in the hands of potential developers - multi-storey buildings with, perhaps, car parking.
2. We need more open space plus children's play areas in Lindfield particularly as more people with young children are being forced into living in apartments.

Signed:

L Palmer

Name:

CELIA PALMER

Date:

18 Nov 2006

Address:

19/15 Tryon Rd Lindfield

Copy:

Director General - Department of Local Government (for considered reply)
Locked Bag 3015, Nowra, NSW 2541.

Community Land Submission

The Chairperson
Public Hearing on Land Reclassification for Lindfield.
C/- Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

Subject: Objection to Community Land for Reclassification (Your Reference:

So 5480

Dear Sir/Madam,

I object to the reclassification of community land for the reasons listed below.
I request Council to send a copy of this letter to each Councillor.

I really object to reclassifying this community land without a specific alternate use of this land being presented to the community. You are expecting us to just hand over our community land without adequate reason or justification. The land is not surplus, it is currently in use. Our community wants more civic spaces, a town centre etc.

None of these have been provided in the current planning scheme. These parcels of community land are ideally placed to create such spaces. If we give them up now (for nothing) then we will never be able to afford to buy back land for creating a town centre or other community facilities.

This attempt to reclassify our land is completely unwarranted and unjustified.

Signed:

Allison Hendricks

Name:

ALLISON HENDRICKS

Date:

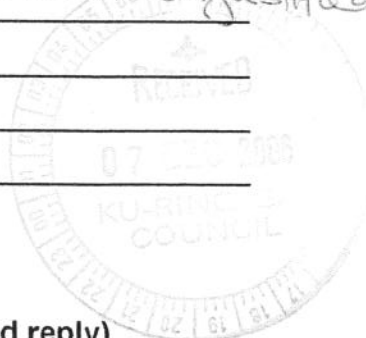
15 Nov 2006

Address:

85 Grosvenor Rd, Lindfield.

Copy:

Director General - Department of Local Government (for considered reply)
Locked Bag 3015, Nowra, NSW 2541.



Community Land Submission

The Chairperson

Public Hearing on Land Reclassification for Linapile

C/- Ku-ring-gai Council

Locked Bag 1056

Pymble NSW 2073

305480

Subject: Objection to Community Land for Reclassification (Your Reference:)

Dear Sir/Madam,

I object to the reclassification of community land for the reasons listed below.

I request Council to send a copy of this letter to each Councillor.

Community Land should be kept as
Open Space - once lost can never be
replaced for future generations
Do we need a "double village"?
Insufficient access from either side
increases the feeling of division.

Traffic Congestion, though Traffic
& Parking facilities do not seem to
have been thoroughly thought out

Signed:

Mr. Ben Bow

Name:

Mr. BEN BOW

Date:

18.11.06

Address:

11 Light Cliff Ave Linapile

Copy:

Director General - Department of Local Government (for considered reply)
Locked Bag 3015, Nowra, NSW 2541.

Community Land Submission

The Chairperson
Public Hearing on Land Reclassification for _____
C/- Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

505480

Subject: Objection to Community Land for Reclassification (Your Reference: _____)

Dear Sir/Madam,

I object to the reclassification of community land for the reasons listed below.

I request Council to send a copy of this letter to each Councillor.

- 1) There is no financial justification for re-classifying Community land.
- 2) There is no state Government requirement to build apartments on Community land.
- 3) Community land should be kept as open space. Public land is the community's greatest asset and should be kept for future generations, as it was intended.
- 4) There has been insufficient public consultation about the proposals and its consequences. Council's public display in Lindfield does not address the reclassification of public land nor the public hearing.
- 5) Community land is finite community resource.
- 6) The minister's directives have not mandated the reclassification of public land to meet planning targets.
- 7) The reclassification process has failed to be truly transparent and impartial.

Signed: _____
Name: _____
Date: _____
Address: _____

Copy:

Director General - Department of Local Government (for considered reply)
Locked Bag 3015, Nowra, NSW 2541.

Community Land Submission

The Chairperson
 Public Hearing on Land Reclassification for hinfeld
 C/- Ku-ring-gai Council
 Locked Bag 1056
 Pymble NSW 2073

Subject: Objection to Community Land for Reclassification (Your Reference: 505480)

Dear Sir/Madam,

I object to the reclassification of community land for the reasons listed below.
 I request Council to send a copy of this letter to each Councillor.

Creating congestion, Traffic hazards
 Pollution

Taking away valuable sunlight

You give us some valid reasons for
 proposing this mass of housing!!



Signed:

A. DRUCKMAN

Name:

A. DRUCKMAN

Date:

18.11.06

Address:

11 Alsia Close East Hinfeld

Copy:

Director General - Department of Local Government (for considered reply)
 Locked Bag 3015, Nowra, NSW 2541.

Community Land Submission

The Chairperson
Public Hearing on Land Reclassification for LINDFIELD
C/- Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

Subject: Objection to Community Land for Reclassification (Your Reference: 505480)

Dear Sir/Madam,

I object to the reclassification of community land for the reasons listed below.
I request Council to send a copy of this letter to each Councillor.

The Lindfield Library/Tennis Courts/Mini-Park site is fine as is, providing a useful buffer between commercial and residential. Likewise the eastern and western car-parks in central Lindfield. By retaining ownership council retains control.

The real answer is stopping migration

Signed:

Peter Donovan

Name:

PETER DONOVAN

Date:

18 Nov 06

Address:

42 BEACONSFIELD PDE LINDFIELD

Copy:

(resident of Lindfield for around 35 years)

Director General - Department of Local Government (for considered reply)
Locked Bag 3015, Nowra, NSW 2541.

Community Land Submission

The Chairperson
Public Hearing on Land Reclassification for LINDFIELD
C/- Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073



Subject: Objection to Community Land for Reclassification (Your Reference: S05489)

Dear Sir/Madam,

I object to the reclassification of community land for the reasons listed below.
I request Council to send a copy of this letter to each Councillor.

There is a great poverty of open space in Lindfield and the potential for our parking area and other community land to be sold off for development is ~~not~~ not consistent with enlarging the suburb's open space to meet the standards currently set in other suburbs, let alone the amount warranted by the extra population proposed to be thrust upon Lindfield by Council.

Moreover, our library and other community assets should be maintained in situ, improved and expanded rather than being exposed to sale on a speculative possibility that some ~~the~~ altruistic developer may embrace facilities in some new development. Pigs may fly!

Signed:

Name:

Date:

Address:

Graham P Lewis
18/11/06
PO Box 10, Lindfield

Copy:

Director General - Department of Local Government (for considered reply)
Locked Bag 3015, Nowra, NSW 2541.

Community Land Submission

The Chairperson
Public Hearing on Land Reclassification for _____
C/- Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

Subject: Objection to Community Land for Reclassification (Your Reference: 505480)

Dear Sir/Madam,

I object to the reclassification of community land for the reasons listed below.
I request Council to send a copy of this letter to each Councillor.

The land is ours - not The Council's to sell.
Even if these facilities are 'incorporated' in the
new development, there will be a long hiatus
before it happens, + as Lindfield will become a
giant retirement villages, these facilities will be
even more important.



Signed:

M. J. Cook

Name:

MARY LOU COOK

Date:

18.11.06

Address:

6 CHELMSFORD AV, LINDFIELD 2070

Copy:

Director General - Department of Local Government (for considered reply)
Locked Bag 3015, Nowra, NSW 2541.

524 signatures as
at 20th November 2006



LINDFIELD PETITION TO OPPOSE THE 'SALE' OF OUR COMMUNITY LAND AND MASSIVE OVER-PLANNING

- We, the undersigned strongly oppose our Council reclassifying or **selling of our public land.**
- We want to retain & upgrade our Lindfield Library, Senior Citizens Resource Centre, Ku-ring-gai Old Peoples Welfare Association (KOPWA) residences, two tennis courts and parkland at the present site. We do not want our FREE community car parks reclassified and sold to commercial operators for underground parking stations.
- We want to retain the character and village atmosphere of Lindfield, and for new development to be in keeping with our National Trust urban conservation areas & our historic North Shore Railway Line.
- We **DO NOT** support Ku-ring-gai Council's massive over-planning. Under the State Government's Metro-strategy guidelines, Ku-ring-gai should only take up to 10,000 dwellings, NOT 16,000.

NAME	ADDRESS	SIGNATURE
<i>John Legg</i>	<i>Russell Rd Lindfield</i>	<i>John Legg</i>
A. ARNOTT	RUSSELL AV LINDFIELD	<i>A. Arnett</i>
ANNE THOMAS	52 BURN ST LINDFIELD	<i>Anne Thomas</i>
R Samuelson	31403 Pacific Highway LINDFIELD	<i>R Samuelson</i>
<i>E. Whitehead</i>	8 Woodside Ave LINDFIELD	<i>E. Whitehead</i>
D. J. COZIJN	2/9 Drovers Way LINDFIELD	<i>D. J. Cozijn</i>
MALCOLM ANDERSON	40 MIDDLE HARBOUR RD LINDFIELD	<i>Malcolm Anderson</i>
MRS EDWINA POTIRIS	14 BEECHWORTH RD PYMBLE 2073	<i>Edwina Potiris</i>
MR SPIROS POTIRIS	14 BEECHWORTH RD PYMBLE 2073	<i>Spiros Potiris</i>

TO: KU-RING-GAI COUNCIL.

191

PETITION TO OPPOSE THE RECLASSIFICATION OF COMMUNITY LAND

We, the undersigned, oppose the reclassification of Community Land around Ku-ring-gai retail centres.

We believe that land classified as Community Land should be retained in public ownership and be used to provide open space.

This land should be incorporated into a wider area of Community Land to retain and enhance the areas for past, present and future generations by the active use of conservation methods and appropriate development controls – as per the LGA 1993 No. 30, Section 36.

SURVEY: Do you think Council has adequately informed people of its intention to reclassify Community Land and the ramifications of doing this? Yes or No

NAME	ADDRESS	SIGNATURE	DATE	SURVEY
M WYATT	4/558 Pac Hwy Killara	M Wyatt	18/11/06	Y / <input checked="" type="radio"/> N
E. BLAIR.	4/5-7 LARKIN ST., ROSEVILLE.	E Blair	18/11/06	Y / <input checked="" type="radio"/> N
D. BLAIR	" " "	Dy Blair	18/11/06	Y / <input checked="" type="radio"/> N
P. KIMBLE	6/120 Rozedale Rd St Ives	P. Kimble	18/11/06	Y / <input checked="" type="radio"/> N
J. KAINWRIGHT	65A Westbrook Ave, Harrogers	J. Kainwright	18/11/06	Y / <input checked="" type="radio"/> N
D. MATES	65 Telegraph Rd Pyrmble	D. Mates	18.11.06	Y / <input checked="" type="radio"/> N
J. BALMAIN	35 INVERAMAN AVE WEST PLYMOUTH	J. Balmain	18.11.06	Y / <input checked="" type="radio"/> N
G. Stevens	4 Pembroke Ave Turramurra	G. Stevens	18/11/06	Y / <input checked="" type="radio"/> N
J. White	4 Barclay St Pyrmble	J. White	18/11/06	Y / <input checked="" type="radio"/> N
J. M. Boring	17. Thompson St Ives	J. M. Boring	18/11/06	Y / <input checked="" type="radio"/> N
M. HINDMARSH	19 Keneone Av. St Ives	M. Hindmarsh	18/11/06	Y / <input checked="" type="radio"/> N
				Y / N
				Y / N
				Y / N
				Y / N

LINDFIELD CENTRE - ESTIMATED YIELD TABLE

Updated 1

Precinct	EXISTING				FULL DEVELOPMENT SC		
	2006				Full development under Town Centres LEP and LEP		
	Dwellings	Population	Business GFA(m ²)	Retail GFA(m ²)	Dwellings	Population	Business GFA(m ²)
A: Lindfield Avenue / Kochia Lane / Tryon Road (including Council's Car Park)	0	0	0	1012	50	90	5178
B: Pacific Highway / Railway (including existing Lindfield Library Site)	32	58	3703	4733	207	373	7333
C: Pacific Highway / Woodford Lane (including Council's Car Park)	0	0	3503	3587	139	250	0
D: Bent Lane	20	36	1512	1512	93	167	0
E: Pacific Highway / Balfour Lane (including Coles Supermarket Site)	0	0	191	1966	54	97	0
F: Beaconsfield Parade / Gladstone Parade	17	49	0	0	241	434	0
G: Woodside Avenue / Havilah Road	9	26	0	0	74	133	0
H: Lindfield Avenue / Milray Street / Nelson Road (including Minister's Site)	51	133	3261	3689	877	1579	3261
I: Bent Street / Beaconsfield Parade	25	62.6	0	0	177	319	0
J: Pacific Highway / Wolseley Road Intersection	4	12	2980	0	29	52	2980
K: Pacific Highway / Drovers Way	80	144	4167	403	145	261	4167
L: Pacific Highway / Gladstone Parade	43	77	0	0	81	146	0
M: Strickland Avenue / Llewellyn Street	57	103	0	0	57	103	0
N: Tryon Road / Russell Avenue (including Minister's Site)	38	211	0	0	201	211	0
O: Pacific Highway / Highfield Road	112	207	0	0	142	207	0
P: Wolseley Road / Treatts Road (including Masada College Site)	9	26	0	0	152	274	0
Totals	497	1144	19317	16902	2719	4695	22919
Net Lettable Floor Area (NLFA)			17385	15212			20627
Total additional dwellings under LEP (Stage 2)					905		
Total dwellings (Stage 1 and Stage 2)					2719		

► All the numbers in the Dwellings column under Full Development Scenario are calculated on the basis of an average of 110sqm per dwelling.

★ Net Lettable Floor Area (NLFA) is 90% of the gross floor area (GFA). **Supermarket sites with supporting retail NLA is 7 GFA

◆ All the numbers in the Population column are calculated on the basis of an average:

For Existing = 2.9 person/single dwelling, 1.8 person/dwelling unit; For Full Development Scenario = 1.8 person/dwelling.

NB Stage 1 = LEP 194/200 and Ministers targeted sites

Stage 2 = Town centres LEP

15.12.06

ENARIO

3r

194/200

Retail GFA(m²)

400

1298

7974

1722

8790

0

0

3689

0

0

403

4172

0

0

0

0

28448

24285

5-80%

5.18 HERITAGE

Design Objectives

- Development that conserves and enhances the heritage values of the Town Centres and the significance of heritage items and character items that contributes to the values of the Town Centres.
- The viable adaptive reuse of heritage items and character items and their integration into the physical, cultural and economic life of the Town Centres.
- Encouragement of the restoration of heritage items and character items and mitigation of adverse impacts from new development on their setting.

Design Controls

General

- G1 The principles and procedures of the *Burra Charter* are to guide the conservation and change to significant places. The significance of places is to be managed through the *Burra Charter* process of understanding significance, developing policy and management in accordance with the policy.
- G2. Any development application which affects a heritage item or character item, including development in the vicinity of a heritage item, is to be accompanied by a Heritage Impact Statement. The Heritage Impact Statement is to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the significant place.
- G3. New work to or in the vicinity of a heritage item or character item should be sympathetic in form, siting, proportions, bulk and scale and must not detract from the appreciation of the place. However new work should be identifiable as such.
- G4. An application for development on or in the vicinity of a heritage item or character item must demonstrate that the construction process will not result in structural damage to the place.

Heritage Items

- H1. Heritage Items are to be retained and conserved and the significance of a place is to remain interpretable. Significant external fabric, building features and spaces are to be retained. The interior fabric where possible should be retained.
- H2. Adaptive reuse of a heritage item is to follow a process whereby works are reversible and changes to the significant building fabric are minimised.
- H3. The redevelopment of sites that include heritage items is to provide for conservation works to the heritage item as part of the redevelopment and ensure its conservation.
- H4. Development involving adaptive reuse of a heritage item may require the preparation of a conservation management plan or conservation management strategy to guide change in a sympathetic manner. An applicant should consult with Council prior to the submission of a development application to establish whether a CMP or CMS is required

Character Items - Adaptive Re-use

- A1. The adaptive reuse of identified character items referenced in the DCP which contribute to the character of the Town Centre, should retain and conserve the principal portion of the building as seen from the main streetscape.
- A2. Features and details which contribute to the significance of a place are to be retained and conserved. These may include, but are not limited to original or early shopfronts, awnings, windows

5.18 HERITAGE (CONTINUED)

Design Controls

and doors, joinery, pitched roofs visible from the street, parapets, materials such as face brick, stone or timber and decorative brickwork and mouldings.

- A3. Additions should retain the streetscape prominence and character of the existing buildings. The additions should appear as distinct and secondary to the existing building, using appropriate setbacks.

Development in the Vicinity of a Heritage Item

- V1. Significant views to and from heritage items are to be retained and enhanced with new development respecting the item and its setting.
- V2. New development should not detract from the ability to appreciate the significance of the heritage item.
- V3. New development in the vicinity of a heritage item should not constrain the integration of the heritage item into the Town Centre.
- V4. Development in the vicinity of a heritage item is to be sympathetic to the item having regard to:
- Form of the building including height, roofline, setbacks and alignment
 - Proportions including openings, bays, floor to ceiling heights and coursing levels
 - Materials and colours
 - Siting and orientation
 - Setting and context
- V.5 New development should not mimic heritage fabric.

Note: The Town Centres area includes **Heritage Items** listed under Schedule 5 - Environmental Heritage under the Ku-ring-gai Local Environmental Plan 2006. **Character Items** are identified for each centre in the Section 2 Objectives and Strategies - Heritage and within the sections for the site specific precincts in Part 4 Primary Development Controls.

Definitions:

Character Item means a building or place that contributes to the character of a centre and is identified for potential adaptive reuse within the development control plan.

A **Conservation Management Strategy** is a document that identifies conservation strategies and management strategies that are appropriate to enable the general significance of a heritage item to be retained.

S04350

7 December 2006

MEMORANDUM

TO: MAYOR
COUNCILLORS

COPY TO: GENERAL MANAGER

FROM: MANAGER URBAN PLANNING

SUBJECT: **ADDITIONAL SUBMISSION RECEIVED - LINDFIELD
CENTRE DRAFT LOCAL ENVIRONMENTAL PLAN AND
DRAFT DEVELOPMENT CONTROL PLAN EXHIBITION**

Please find **attached** for your information an additional submission received in respect of the Roseville Centre Draft Local Environmental Plan and Draft Development Control Plan.

The submission was received after the close of the exhibition on 27 November 2006, however it has been considered in the preparation of the report which will be presented to Council on 19 December 2006.



Antony Fabbro
Manager Urban Planning

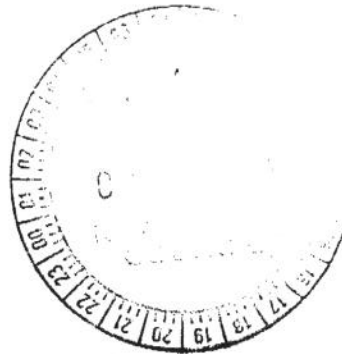
Attachment

Addition to No. 66



30 November 2006

The General Manager
Mr John McKee
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073



Dear Mr McKee,

Reference: "S04352 - Lindfield Draft Plans"

ADDITIONAL SUBMISSION FOR:

Draft Local Environmental Plan and Draft Ku-ring-gai Development Control Plan for Lindfield Centre.

We act on behalf of the owners of 16 Beaconsfield Parade Lindfield, Mr. and Mrs. Chan who lodged a submission to Council on 27 November in response to the draft LEP and DCP for Lindfield.

It is requested that Council consider this letter in addition to that submission.

The following additional issues are discussed below:

1. Inadequate setbacks proposed for future 6 storey building at 10A Beaconsfield Parade

The draft LEP outlines that 6 storey development in the R4 zone will adjoin lone dwellings at 16 Beaconsfield Parade, 9B Gladstone Parade and 11 Gladstone Parade – sites which should logically be included as R3 zoning to introduce a "buffer" zone.

In our previous submission lodged on 27 November 2006 (by DSA Planning) we stated 21 reasons why particularly 16 Beaconsfield Parade should be included as an R3 buffer zone.

It is considered 6 storeys of development adjoining one to two storeys adjoining 16 Beaconsfield Parade, 9B Gladstone Parade and 11 Gladstone Parade is **not** an inappropriate interface and would provide a poor urban design outcome.

703494

Suite 213, The Bentleigh, 1 Katherine Street, Chatswood NSW 2067

p: 9410 1061 f: 9410 1063 www.dsaplanning.com.au email@dsaplanning.com.au ABN 78 117 331 898

deborah sutherland and associates planning + design

By leaving out the R3 "buffer zone" from this part of Lindfield, negative impacts from future high density development resulting from the R4 zone is faced by:

- 12 Beaconsfield Parade
- 14 Beaconsfield Parade
- 16 Beaconsfield Parade
- 18 Beaconsfield Parade
- 20 Beaconsfield Parade
- 9B Gladstone Parade
- 11 Gladstone Parade
- 15 Gladstone Parade

In terms of building setbacks, at present, the draft DCP proposes that 5/6 storey development be setback 9 metres from lone dwellings at 9B and 11 Gladstone Parade.

For even higher 6 storey development on 10A Beaconsfield Parade, the lone dwelling adjoining it at 16 Beaconsfield Parade is only provided with a 12 metre setback to such development. No. 16 Beaconsfield Parade is 3m downslope which equates to a building next door being closer to seven storeys in height.

For these reasons, the proposed setbacks are considered extremely inadequate. This is yet another reason why 16 Beaconsfield Parade should be included in the R3 "buffer" zone.

If an appropriate R3 "buffer" zone is not created to include 16 Beaconsfield Parade and 11 Gladstone Parade, it is strongly requested that the setback controls in the draft DCP be amended to prescribe a setback of a minimum of 20 metres from the rear and side boundaries of 16 Beaconsfield Parade.

The reasons for this setback would be:

- To create an adequate buffer zone between high density and low density development.
- To ensure the amenity of the existing neighbouring sites to the south west are protected including 16 Beaconsfield Parade and 9B and 11 Gladstone Parade.
- To protect the number of mature trees along the north east boundary of 10A Beaconsfield Parade.

2. Height limit for 10A Beaconsfield & 4 Drovers Way

If an appropriate "R3" buffer zone is not created to include 16 Beaconsfield Parade and 11 Gladstone Avenue - which are both of a size suitable for higher density at over 3200m² and 3700m² respectively - a maximum height of 4 storeys should be enforced for the all R4 sites adjoining 16 Beaconsfield Parade, 9a Gladstone Parade and 11 Gladstone Parade.



This would create a better level of amenity for the existing Kur-ing-gai residents of these properties.

In light of the above considerations, the owners of 16 Beaconsfield Parade and 9B Gladstone Parade strongly **seek Council's support** for these sites to be included within the R3 zoning as it would create a highly suitable pattern of development in Lindfield, consistent with the principles of urban consolidation.

For further details please refer to our previous submission in which these matters have been considered in detail. If you have any enquiries please do not hesitate to contact me on 9410 1061.

Yours sincerely

for M. Phillips

Deborah Sutherland
Principal – Planning
Director – DSA planning + design

24 NOVEMBER 2006

The General Manager,
Ku-ring-gai Council
818 Pacific Highway
GORDON 2072



Dear Sir,

Council Reference: S04367 - Roseville Centre Draft Plan

I have viewed the draft plan and studied the supporting material and am now writing to object to certain of the proposals.

I am a member of Roseville Uniting Church.

1. I object to the proposed extension of Bancroft Lane through the Uniting Church 7 Lord St Site. This site is an integral part of the Uniting Church's Roseville complex and figures prominently in the Church's future planning to serve the Roseville community. The existing building on the site already serves both the church members and the wider community. The existing Lane should be sufficient to service any developments on adjoining properties. Indeed the Roseville community will be better served by the Church continuing to provide community based programs from its complex, including from the 7 Lord St. site as well as allowing local organisations use of the facilities. Every community needs community facilities of the type provided by the Church whose site is so conveniently situated.
2. The big deficiency in the draft plans is the inadequate provision for parking. I think it is a retrograde step to put the Lord St car park underground particularly on safety and security grounds. It would be a far better solution to the parking problem if a large car park was built over the railway line. I am aware that the draft plan provides for more parking spaces on the western side of the Roseville Centre but the number is grossly inadequate.
3. I also wish to object to the possibility that five storey buildings could be allowed to front Bancroft Lane without any set-back. Accordingly, could this aspect of the draft plan be modified so that the Uniting Church and Minister's residence at 2 Bancroft Avenue are not dominated and overshadowed by large buildings.

Would you please ensure that the Council is appraised of my objections to the draft plan.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'H. J. Pavey'.

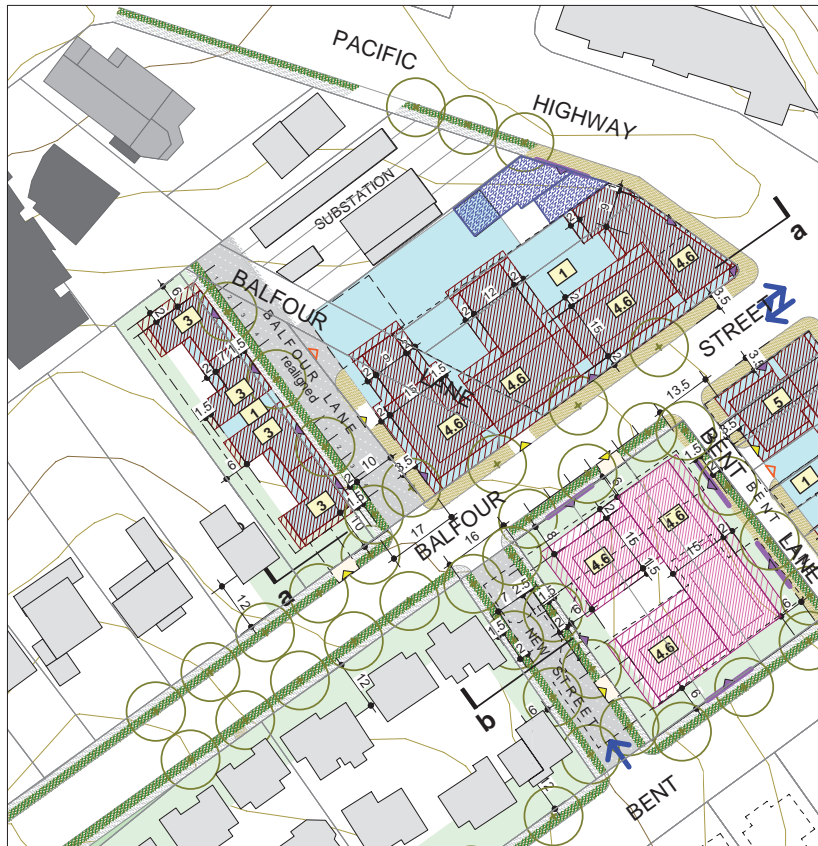
H. J. PAVEY
A1 TOONGARAH ROAD
ROSEVILLE 2069

205183

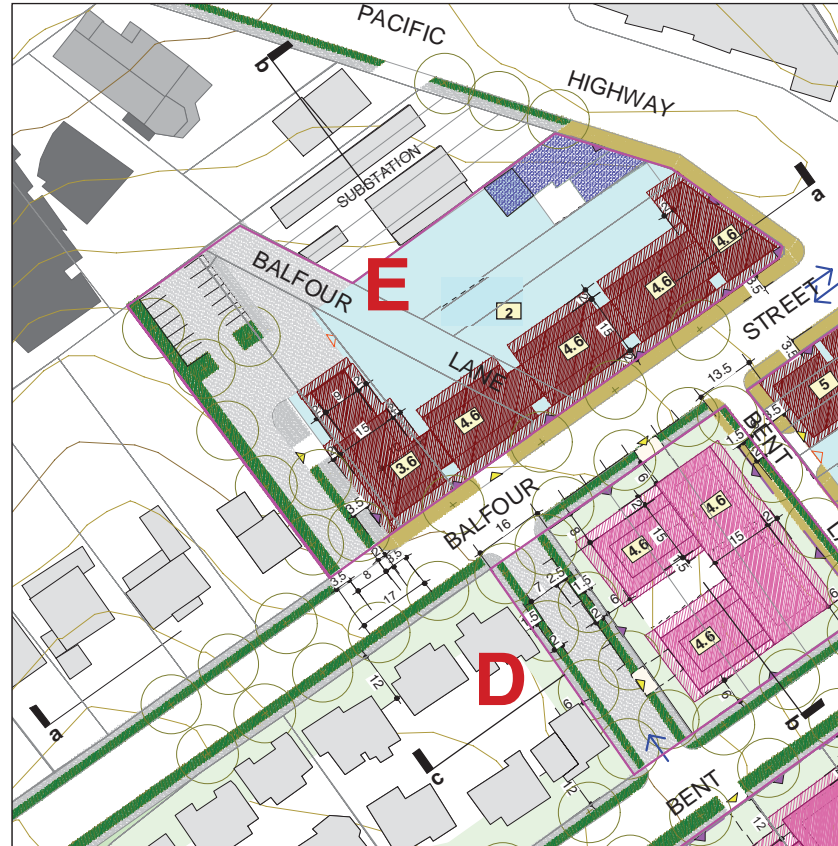
Lindfield DCP

PRECINCT E (Balfour St, Balfour Ln, Pacific Hwy)

Draft DCP as exhibited



Proposed amendments

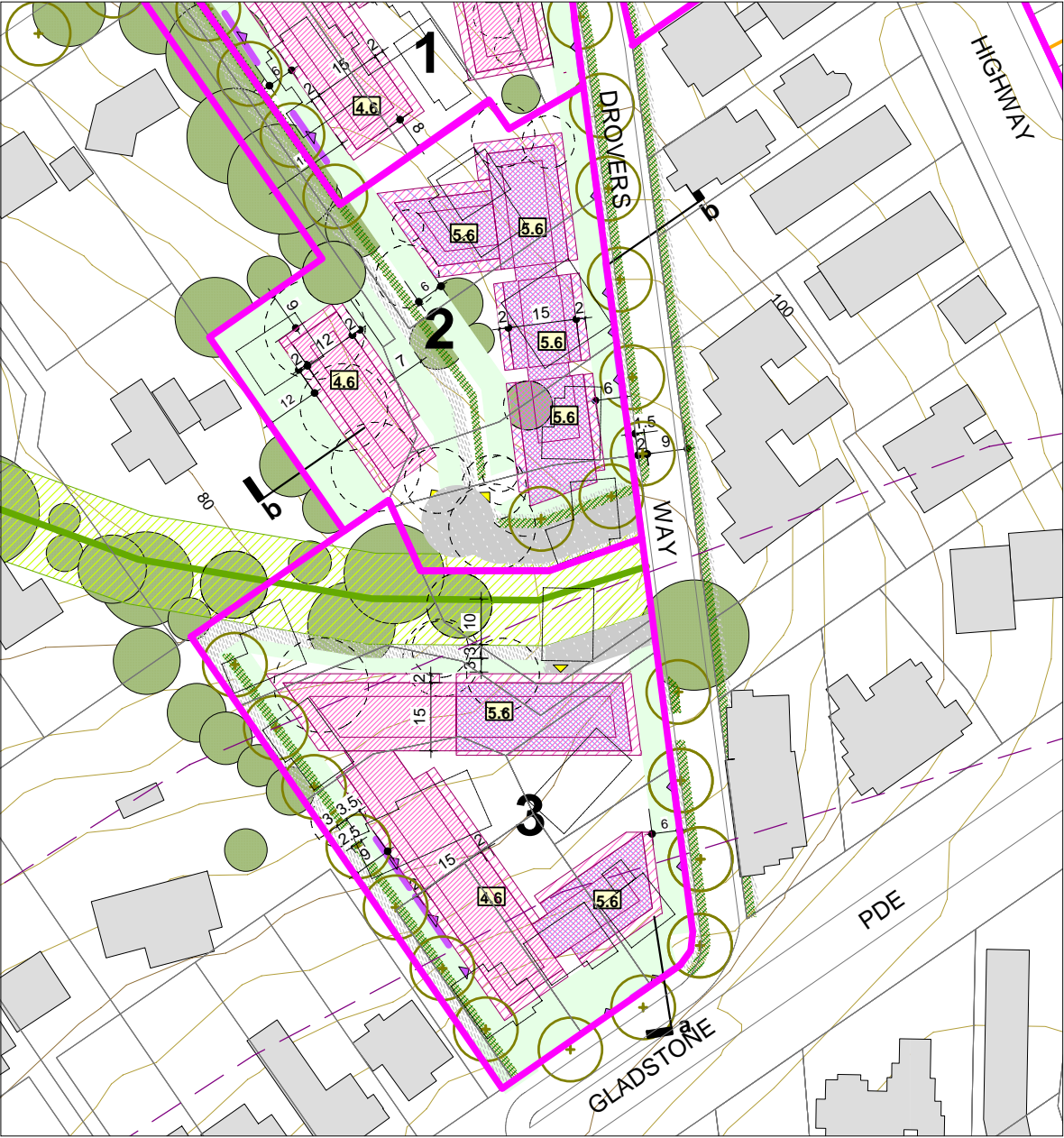


- | | |
|--|--|
| Public Domain | |
| new streets or new public connection | |
| existing parks/potential open space | |
| deep soil zone public domain/riparian management | |
| priority public domain strategy/public benefit arcade | |
| proposed community use site/ building | |
| footpath - type 01/ type 02 | |
| Private Domain | |
| setback zone | |
| retail commercial / commercial only | |
| residential - shop top/ articulation zone | |
| residential - R3 / articulation zone | |
| residential - R4 / articulation zone | |
| residential - R4 to 6 storey/ articulation zone | |
| heritage existing/proposed | |
| number of storeys | |
| carpark entry/service dock | |
| pedestrian entry - all ground level dwellings | |
| pedestrian entry - all upper level dwellings | |
| direction of traffic | |
| North Shore Line | |
| precincts / lot amalgamations | |
| existing buildings retain/demolish | |
| existing church/school | |
| proposed Chatswood-Epping Rail Link | |
| trees existing / proposed | |
| public domain pedestrian & street tree zone beyond key sites | |

Lindfield DCP

PRECINCT F
(Drovers Way,
Gladstone Pde,
Beaconsfield Pde)

Draft DCP as exhibited



Proposed amendments

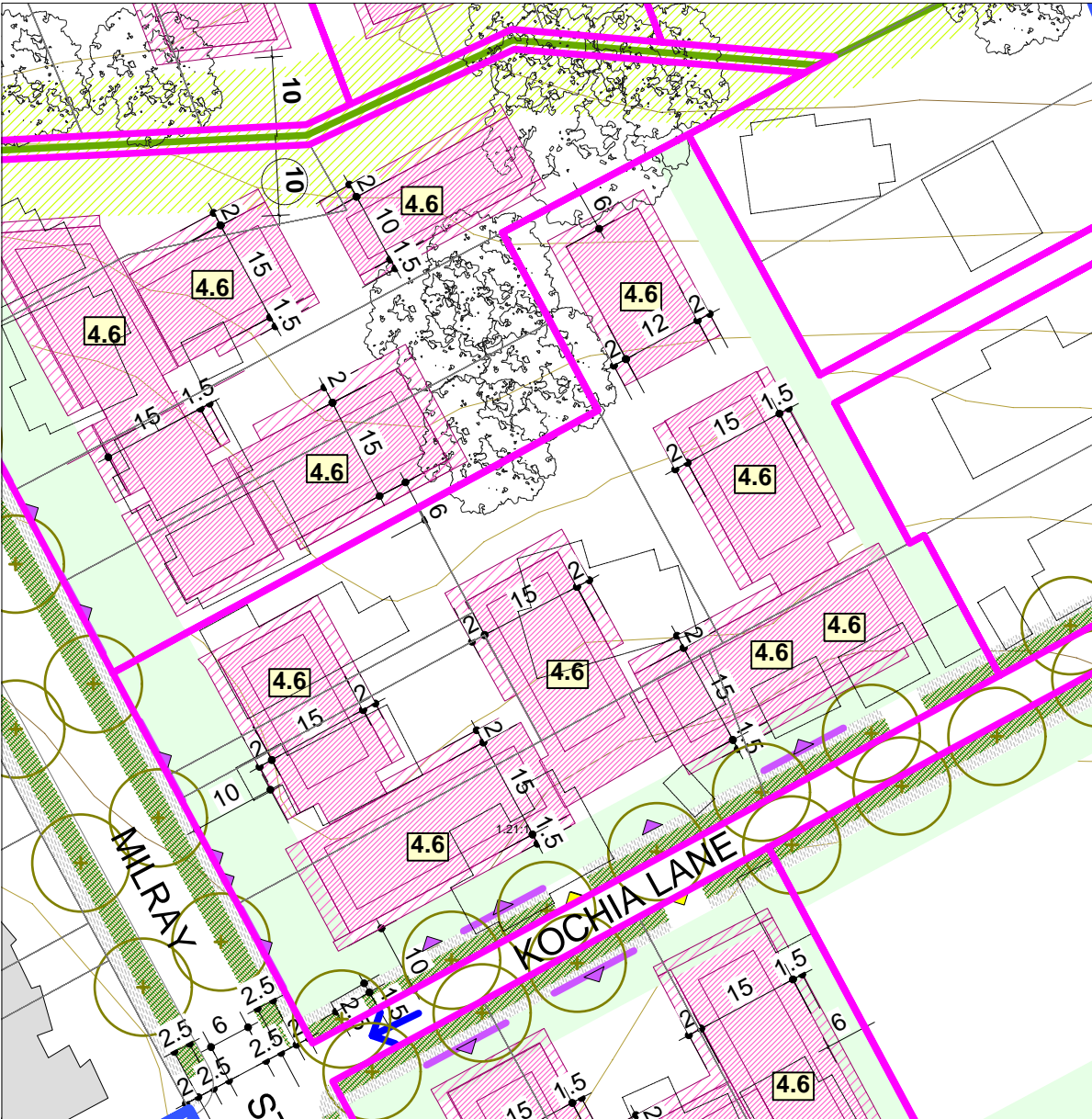


- Public Domain**
- new streets or new public connection
 - existing parks/potential open space
 - deep soil zone public domain/riparian management
 - priority public domain strategy/public benefit arcade
 - proposed community use site/ building
 - footpath - type 01/ type 02
- Private Domain**
- setback zone
 - residential - R3/ articulation zone
 - residential - R4/ articulation zone
 - residential - R4 (to 6 storeys)/ articulation zone
 - number of storeys
 - carpark entry/service dock
 - pedestrian entry - all ground level dwellings
 - pedestrian entry - all upper level dwellings
- North Shore Line**
- existing buildings retain/demolish
 - precincts / lot amalgamations
 - existing buildings retain/demolish
 - existing church/school

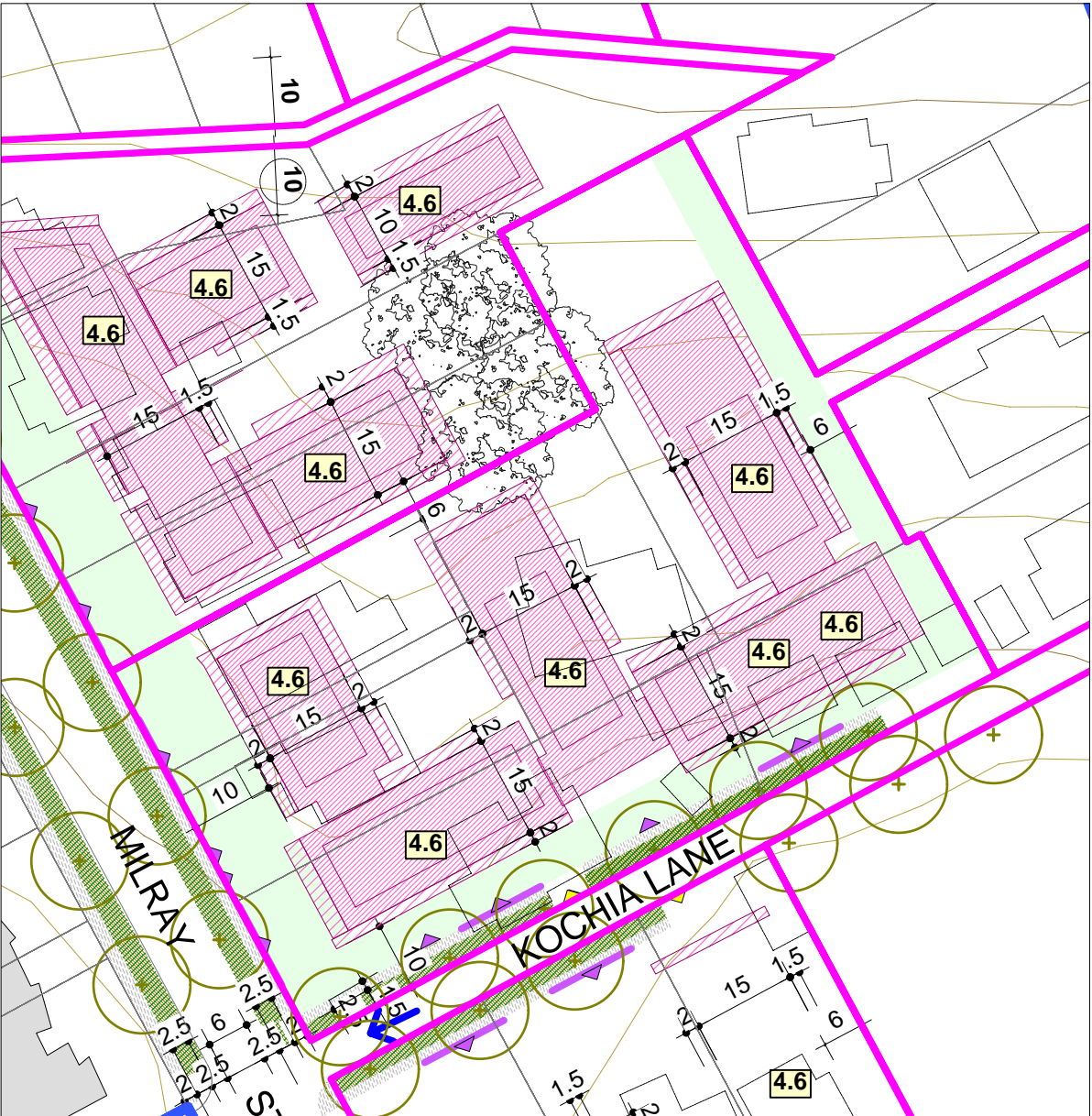
Lindfield DCP

PRECINCT H
(Milray St, Kochia Ln)

Draft DCP as exhibited



Proposed amendments



- Public Domain**
- new streets or new public connection
 - existing parks/potential open space
 - deep soil zone public domain/riparian management
 - priority public domain strategy/public benefit arcade
 - proposed community use site/ building
 - footpath - type 01/ type 02
- Private Domain**
- setback zone
 - residential - R3/ articulation zone
 - residential - R4/ articulation zone
 - residential - R4 (to 6 storeys)/ articulation zone
 - number of storeys
 - carpark entry/service dock
 - pedestrian entry - all ground level dwellings
 - pedestrian entry - all upper level dwellings
 - North Shore Line
 - existing buildings retain/demolish
 - precincts / lot amalgamations
 - existing buildings retain/demolish
 - existing church/school