

Gateway Determination

Planning proposal (Department Ref: PP-2020-866): amend planning controls and introduce additional local provisions for the Lindfield Village Hub

I, the Director, North District at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ku-ring-gai Local Environmental Plan (LEP) (Local Centres) 2012 to amend planning controls and introduce additional local provisions for the Lindfield Village Hub should proceed subject to the following conditions:

1. Prior to public exhibition, Council is required to amend and update the planning proposal and Urban Design Report to:
 - a. Indicate the maximum height of building in metres for each tower in the planning controls rather than the use of RL's, as well as to translate and indicate what is the maximum storey heights that can be accommodated within the building heights;
 - b. Amend the south west tower reference scheme and planning controls to provide a more sympathetic transition to the surrounding existing lower density residential dwellings. This may include a reduction in building height and/or more appropriate setbacks to address bulk and scale issues for upper levels;
 - c. Provide further commentary on the alignment of the proposal with the Draft Local Housing Strategy or the adopted Local Housing Strategy;
 - d. Clearly indicate, in the proposal report, the quantity of commuter carparking spaces to be provided on-site, in relation to commuter car parking for the Lindfield local centre as a whole and how this relates to any commuter carparking agreements;
 - e. Obtain written feedback and seek in principle agreement from Transport for NSW regarding the proposed works listed in the Transport Impact Assessment by WSP, as well as further refining the planning proposal (if necessary) as a result of these discussions;
 - f. Clearly explain Council's intention to allow affordable housing above the maximum FSR of 1.35:1 and to allow the conversion of any unused commercial/retail floor areas to residential accommodation in the form of affordable housing. The report is to detail what is defined as 'unused floor area'. Clearly explain what quantum of affordable housing is expected to be provided as part of this proposal and to explore if and/or how any level of certainty can be ensured;
 - g. Remove the additional local provision that allows any exceedance of the maximum height of building;

- h. Prescribe a minimum site area (m²) in the Additional Local Provisions for the public open space area (the plaza, public lawn and playground etc.);
 - i. Consider including a minimum deep soil control for the site in the DCP to allow for adequate deep-soil tree planting across the site and amend the design reference scheme to ensure there is no basement car parking under the Woodford Lane road reserve; and
 - j. In response to any design amendments or related changes to the proposal as a result of the above conditions, the Gross Floor Area and Floor Space Ratio calculations are to be updated and presented to the Department for review
2. Council is required to submit the amended proposal as a result of Condition 1 above (including the amended Urban Design Report and associated attachments), for endorsement by the Department prior to public exhibition.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act:
 - Transport for NSW – Sydney Trains;
 - Transport for NSW
 - Government Architect NSW
 - Sydney Water;
 - Relevant energy and telecommunications authority

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

22 day of January 2021.



Luke Downend
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Eastern Harbour City
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces