

# Concept Approval

## Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission) determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the terms and modifications in Schedule 2, and the Statement of Commitments in Schedule 4 pursuant to section 75O of the *Environmental Planning and Assessment Act 1979*;
- (b) pursuant to section 75P(1)(a) and 75P(2)(c) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the mixed use development as set out in Schedule 3; and
- (c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all future stages of the Concept Plan approval are to be subject to Part 4.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2012

### SCHEDULE 1

#### PART A : PARTICULARS

<b>Application No.:</b>	MP10_0076
<b>Proponent:</b>	Henroth Investments Pty Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure.
<b>Land:</b>	Kirrawee Brick Pit, 566-594 Princes Highway, Kirrawee
<b>Project:</b>	<p>Mixed use development, including:</p> <ul style="list-style-type: none"><li>(a) Use of the site for a mixed use development with associated public open space;</li><li>(b) Indicative building envelopes for 9 buildings to a maximum height of 14 Storeys;</li><li>(c) 60,735m<sup>2</sup> of Gross Floor Area, comprising 45,505m<sup>2</sup> of residential (432 dwellings) and 15,230m<sup>2</sup> of retail/commercial floor space (including 3,900m<sup>2</sup> supermarket and 1,470m<sup>2</sup> discount supermarket);</li><li>(d) Basement level, ground and above ground car parking for 1,033 car spaces;</li><li>(e) Road layout to support the development;</li><li>(f) Public pedestrian and cycle pathway;</li><li>(g) Public park with lake and surrounding forest; and</li><li>(h) Landscaping areas throughout the site.</li></ul>

## **PART B : NOTES RELATING TO THE DETERMINATION OF MP No. 10\_0076**

### ***Responsibility for other approvals/ agreements***

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

### ***Appeals***

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

### ***Legal notices***

Any advice or notice to the approval authority shall be served on the Director General.

## **PART C : DEFINITIONS**

<b>Act</b>	means the Environmental Planning and Assessment Act, 1979 (as amended).
<b>Advisory Notes</b>	means advisory information in relation to the approved development.
<b>BCA</b>	means the Building Code of Australia.
<b>Certifying Authority</b>	has the same meaning as Part 4A of the Act.
<b>Council</b>	means Sutherland Shire Council.
<b>Department</b>	means the Department of Planning & Infrastructure or its successors.
<b>Director General</b>	means the Director General of the Department or his nominee.
<b>Environmental Assessment (EA)</b>	means the Environmental Assessment prepared by City Plan Services dated December 2010.
<b>Minister</b>	means the Minister for Planning & Infrastructure.
<b>MP No. 10_0076</b>	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
<b>PCA</b>	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act
<b>Preferred Project Report (PPR)</b>	means the Preferred Project Report / Response to Submissions prepared by City Plan Services dated 4 November 2011.
<b>Proponent</b>	means Henroth Investments Pty Ltd or any party acting upon this approval.
<b>Regulation</b>	means the Environmental Planning and Assessment Regulation, 2000 (as amended).
<b>STIF</b>	means a Sydney Turpentine Ironbark Forest.
<b>VPA</b>	means a Voluntary Planning Agreement

## SCHEDULE 2

### TERMS OF APPROVAL

#### PART A – ADMINISTRATIVE CONDITIONS

##### A1 DEVELOPMENT DESCRIPTION

Concept Plan approval is granted to the development as described below:

- (i) Use of the site for a mixed use development with associated public open space;
- (j) Indicative building envelopes for 9 buildings to a maximum height of 14 Storeys;
- (k) 60,735m<sup>2</sup> of Gross Floor Area, comprising 45,505m<sup>2</sup> of residential (432 dwellings) and 15,230m<sup>2</sup> of retail/commercial floor space (including 3,900m<sup>2</sup> supermarket and 1,470m<sup>2</sup> discount supermarket);
- (l) Basement level, ground and above ground car parking for 1,033 car spaces;
- (m) Road layout to support the development;
- (n) Public pedestrian and cycle pathway;
- (o) Public park with lake and surrounding forest; and
- (p) Landscaping areas throughout the site.

subject to compliance with the modifications of this approval.

##### A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated December 2010 prepared by City Plan Services, except where amended by the Preferred Project Report dated 4 November 2011 including all associated documents and reports;
- the Revised Statement of Commitments prepared by City Plan Services; and
- the following drawings:

Architectural Drawings prepared by Woodhead			
Drawing No.	Revision	Name of Plan	Date
0040	B	Site Plan	19/10/11
0041	B	Landscape Plan	19/10/11
0100	B	Typical Top Level Residential Floor Plan	19/10/11
0110	B	Typical Residential Floor Plan	19/10/11
0120	B	Upper Ground Floor Plan	19/10/11
0130	B	Lower Ground Floor Plan	19/10/11
0140	B	Basement 1 Plan	19/10/11
0150	B	Basement 2 Plan	19/10/11
0160	B	Basement 3 Plan	19/10/11
0180	B	Floor Plans Buildings A to C – Sheet 1	19/10/11
0180A	B	Floor Plans Buildings A to C – Sheet 2	19/10/11
0181	B	Floor Plans Building D1, D2, E	19/10/11
0182	B	Floor Plans Building F, G & H	19/10/11
0190	B	Roof Plan with indicative plant rooms	11/05/12

0300	C	Indicative Sections East West (Masterplan)	15/05/12
0301	C	Indicative Sections North South (Masterplan)	15/05/12
0500	B	Indicative Elevations North & South	04/10/11
0501	B	Indicative Elevations West & East	04/10/11
0600	B	Indicative Staging – Lower Ground Stage 1	19/10/11
0602	B	Indicative Staging – Upper Ground Stage 1	19/10/11
0603	B	Indicative Staging – Upper Ground Stage 2	19/10/11
0604	B	Indicative Staging – Upper Ground Stage 3	19/10/11

except for as modified by the following pursuant to Section 75O(4) of the Act.

### **A3 DEVELOPMENT SITE AREA**

The development site area is the area defined in the Environmental Assessment prepared by City Plan Services, dated December 2010.

### **A4 MAXIMUM GROSS FLOOR AREA**

The development of the site for a mixed use development shall have a maximum Gross Floor Area of 60,750m<sup>2</sup>, including a maximum of 15,230m<sup>2</sup> of non-residential floor space. (Note: Above ground parking area is not included in the total GFA).

### **A5 BUILDING HEIGHT**

Roof heights on the site shall not exceed the levels (RL's) as identified on Concept Plan Drawings 0300 and 0301 prepared by Woodhead Architects, dated 15 May 2012. Parapets, lift over-runs, vents, plant rooms, chimneys, aerials (of whatever type), rooftop gardens and trees, etc, above the habitable roof heights shall not exceed the levels (RL's) as identified on Drawing 0190 prepared by Woodhead Architects, dated 11 May 2012.

### **A6 BUILDING ENVELOPES, FORM, SOLAR ACCESS AND SEPARATION**

Building footprints and setbacks are to be generally consistent with the Concept Plan diagrams, except where amended by the Department of Planning and Infrastructure's Modifications in Part B. Future development should be consistent with the provisions of the Residential Flat Design Code except where amended by the Department of Planning and Infrastructure's Modifications in Part B.

### **A7 ROADWAYS**

New roadworks and internal roads are to be provided in accordance with the Concept Plan, and associated documents, set out in Drawings 0040 & 0130 prepared by Woodhead, dated 19 October 2011 and the Traffic Management and Accessibility Plan prepared by Halcrow Pacific Pty Ltd dated 27 October 2011 (Version 4), and as amended by the Future Assessment Requirements in Schedule 3.

### **A8 PUBLIC DOMAIN**

All public domain areas are to be provided with 24 hour, 7 day a week public access. Details of Rights of Ways and Easements providing public access over privately owned publicly accessible land shall be submitted with future development applications.

### **A9 LAPSING OF APPROVAL**

Approval of the Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a project or development for which concept approval has been granted.

#### **A10 INCONSISTENCY BETWEEN DOCUMENTATION**

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings / documents including Revised Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

#### **A11 VOLUNTARY PLANNING AGREEMENT**

A Planning Agreement and/or development contributions framework shall be prepared and executed within three (3) months of the determination of MP 10\_0076, or as otherwise determined by the Director-General.

The Planning Agreement and/or development contributions framework shall nominate the Proponent, Council and other agencies (as relevant) as the affected parties and will be agreed to by the Department, in consultation with Council and other agencies where appropriate.

The Planning Agreement and/or development contributions framework shall address (but not be limited to) the provision and procurement of:

- 1) a Park (public open space) - including design, tenure and management;
- 2) conservation of the Sydney Turpentine Ironbark Forest;
- 3) accessibility of the site for the general public.

#### **A12 HERITAGE**

Future applications shall demonstrate consistency with the recommendations of the European Heritage, Non-Indigenous Archaeology and Indigenous Heritage reports prepared by Edward Higginbotham & Associates in support of the Concept Plan. Additionally, the proponent shall ensure:

- i) a qualified conservator is engaged to monitor the conservation of Pipe Kiln;
- ii) a Conservation Management Plan (CMP) is prepared and adopted which addresses the long term management policies for the site.

#### **A13 BUILDING DESIGN**

Final detailed design of the eight (8) buildings shall be provided by three (3) different architects in order to create variety in design and to encourage a high quality design outcome for the final built form.

## **PART B – MODIFICATIONS**

### **B1 BUILDING ENVELOPE AND SEPARATION MODIFICATIONS**

The plans, as described in A2, shall be modified so that the building separation between residential portions of the buildings complies with the minimum requirements of the Residential Flat Design Code. Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Department prior to the determination of any future application on the site.

### **B2 DEVELOPMENT DESIGN**

Future applications shall be designed to include that:

- (a) roof terraces are setback a minimum of 1.5 metres from the buildings edge.
- (b) plant rooms, lift overruns and mechanical ventilation rooms provided on the roof of a building are appropriately screened and not exceed the heights approved by the Concept Plan.
- (c) the reference to building depth of 24 metres is deleted.

The amended Development Designs shall be submitted to and approved by the Department prior to determination of any future application on the site.

### **B3 STABILITY OF FLORA STREET**

The southern bank of the existing site excavation caused instability of parts of Flora Street in 2005 and rock anchors were installed to stabilise the slope pending the completion of permanent works within the Brick Pits site. All rock anchors within 3m of the road surface of Flora Street are to be removed only following the completion of final stabilisation works.

### **B4 CAR PARKING**

- (a) The number of car parking spaces shall be minimised consistent with the sites location adjacent to the Kirrawee Station. The maximum number of total car parking spaces shall not exceed 1,033 spaces.
- (b) maximum car parking to be allocated for residential purposes shall not exceed 486 parking spaces, inclusive of 54 visitors spaces; and
- (c) Development must comply with the Concept Plan's non-residential car parking rates identified in the Updated Traffic Management and Accessibility Plan prepared by Halcrow Pacific Pty Ltd, dated 27 October, 2011 (Version 4), including the replacement of a minimum of 40 street car parking displaced by the development.

## **SCHEDULE 3**

### **FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

#### **1. LANDSCAPING**

Future applications shall include detailed landscape plans demonstrating that sufficient soil depth can be provided for landscaping, particularly along street frontages and over podium/basement levels.

#### **2. CONSTRUCTION AND OPERATIONAL IMPACTS**

Any future application shall address any potential contamination on the site and implement the recommendation of the Environmental Investigation Services reports, dated November 2010. Further, such application shall address the recommendations made in the Geotechnical Assessment Report by Jeffery & Katauskas Pty Ltd, dated October 2010.

Details are also to be submitted with future applications responding to the acoustic and vibration treatments to be implemented to address the recommendations of the Acoustic Assessment prepared by Acoustic Logic Consultancy, dated 21 October 2010.

#### **3. TRAVEL ACCESS GUIDE (TAG) / GREEN TRAVEL PLAN**

Future applications shall provide details of any Travel Access Guide (TAG) / Green Travel Plan. This should include an investigation of car sharing schemes.

#### **4. ESD**

Future applications shall demonstrate that any future development will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water sensitive urban design measures, energy efficiency, recycling and water disposal.

#### **5. CONTRIBUTIONS**

Development contributions may be required to be paid to Council towards the provision or improvement of public amenities and services and may be required as a condition of consent for each detailed stage of the development. The amount of the contribution will be determined in accordance with the requirements of a Planning Agreement or, if no Planning Agreement is entered into, in accordance with the development contributions plan current at the time of approval for each stage.

#### **6. PRIVACY**

Future applications shall demonstrate that adequate privacy screening / treatment has been provided to minimise privacy impacts between buildings located on the site and also address privacy concerns of adjoining developments.

#### **7. GROUND FLOOR USAGE**

Buildings A to E should include active, non-residential uses such as retail shops, commercial offices, resident's communal facilities and or servicing areas (generally at rear of the buildings), at the lower ground floor levels (not including above podium levels).

#### **8. NSW TRANSPORT – ROADS & MARITIME SERVICES**

Future development applications shall demonstrate that the RMS requirements have been met in relation to:

#### **8a. Princes Highway Intersection at Oak Road**

The layout of the existing signalised intersection on Princes Highway at Oak Road shall be reconfigured as follows;

- a) Three northbound lanes shall be provided on Oak Road on the southern leg of the intersection and each lane shall be a minimum of 90 metres in length.
- b) An 80 metre long left turn slip lane shall be provided on the westbound carriageway of Princes Highway into Oak Road.
- c) Two southbound lanes shall be provided on Oak Road on the southern leg of the intersection.
- d) Half closure of the Oak Road northern approach to the Princes Highway involving the discontinuation of southbound lanes with northbound lanes remaining open.
- e) A raised central concrete median island shall be installed on Oak Road in front of the proposed left in/left out driveway and the median shall extend from the stop line at the Princes Highway intersection to an appropriate point to the south of the proposed driveway. This median shall be a minimum of 900mm wide.

The above requirements are subject to the outcomes of the Road Safety Audit at Condition 8h<sub>7</sub> and may be modified with the agreement of RMS and Council.

#### **8b. Traffic Signals on Princes Highway at Bath Road Intersection**

Traffic control signals shall be provided at the intersection of Princes Highway and Bath Road and shall consist of the following works:

- a) Left in/left out only for the Bath Road southern approach. The left turn out would be signalised.
- b) No through movements across Princes highway (ie no north-south traffic from Bath Road)
- c) Signalised left and right turn out of Bath Road northern approach with the following lane configuration (L/R/R).
- d) No right turns permitted from Princes Highway from either direction to Bath Road.

The above requirements are subject to the outcomes of the Road Safety Audit at Condition 8h<sub>7</sub> and may be modified with the agreement of RMS and Council.

#### **8c. Traffic Signals at Oak Road and Flora Street Intersection**

The applicant shall upgrade Oak Road and Flora Street intersection to a signalised intersection generally in accordance with the attached sketch (Note that sketch is indicative only and subject to change upon development of a detailed signal design plan). The provision of traffic signals at this intersection shall be designed and constructed in accordance with Austroads and RMS supplements.

#### **8d. Traffic Management Plan**

The redistribution of traffic associated with the closure of the Oak Road north approach to the Princes Highway will require a Traffic Management Plan, including a Green Travel Plan (GTP), to be submitted to Council and referred to RMS for review, prior to commencement of the roadworks. Further, this partial road closure will also require monitoring (post closure) to determine if any further remedial works are required. This monitoring period shall consist of a detailed traffic report, which examines the traffic impact on the local road network associated with the redistribution of the traffic caused by the road closure and shall be submitted to Council and referred to RMS for review 6 months after the road closure. Upon review of the traffic analysis, the applicant may be requested to undertake some further remedial works within reason.

#### **8e. Operational Fee for Traffic Signals**

The Applicant will be required to provide an upfront 10 year operational fee for the abovementioned traffic control signals. The amount of this fee will be advised following the submission of the detailed signal and civil design plans to the RMS for construction approval. The approved plans will not be released until the fee is fully paid.

#### **8f. Deceleration Lane on the Princes Highway**

The left turn deceleration lane into the subject site from Princes highway shall be a minimum of 60 metres in length (including taper) and shall be designed and constructed in accordance with Austroads and RMS requirements.

#### **8g. Works Authorisation Deed**

The developer will be required to enter into a "Major Works Authorisation Deed" (WAD) with RMS for the abovementioned signal and civil works. In this regard the developer is required to submit detailed design plans and all relevant additional information, as may be required in the RMS's Works Authorisation Deed documentation, for each specific change to state road network for RMS assessment and final decision concerning the work. The detailed design plans submitted shall be in accordance with Austroads and RMS requirements.

#### **8h. Road Safety Audit**

Road safety concerns are raised with regard to the close proximity of the proposed left in/left out driveway on Oak Road to the proposed left turn slip lane on Princes Highway into Oak Road and the subsequent potential for rear end accidents. In this regard, prior to any 'Construction Certificate' being issued for any stage of the proposed development, an independent Road Safety Audit shall be undertaken that investigates this issue and is to be undertaken by a certified Road Safety Auditor. The Audit shall be completed in accordance with Austroads: *Guidelines for Road Safety Audits*.

A Copy of the findings of the Audit shall be submitted to Council and the RMS for review. Should the Audit recommend any remedial measures, then the developer shall be required to implement such measures at no cost to the RMS, Council or DoP&I.

#### **8i. Excavation of the Site and Support Structures**

The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment (Prior to the approval of any Construction Certificate). The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- a) The impact of excavation/rock anchors on the stability of the Princes highway and detailing how the carriageway would be monitored for settlement.
- b) The impact of the excavation on the structural stability of the Princes Highway.
- c) Any other issues that may need to be addressed (Contact: Sydney Asset Management Project Engineer, Suppiah Thillainadesan on Ph: 8837 2114 for details)

#### **8j. Construction Certificate**

The Construction Certificate for any stage of the proposed development shall not be released until such time that the abovementioned WAD has been executed, the detailed design drawings and geotechnical reports for the excavation of the site and support structures have been assessed by the RMS and all the detailed signal and civil road design plans have been approved by the RMS construction approval.

Further to the above, no Construction Certificate shall be approved for any stage of the development until such time that a detailed Construction Traffic Management Plan (CTMP) and associated Traffic Control Plan (TCP) is submitted to Council and the RMS for review and acceptance. The CTMP and TCP shall be undertaken in accordance with the RMS's Traffic Control at Worksites Manual and the author shall be certified.

#### **8k. Occupation Certificate**

The Occupation Certificate for any stage of the proposed development shall not be released until such time that all the abovementioned signal and civil works are fully constructed and operational to RMS satisfaction.

#### **8l. Relocation of Public Utilities**

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

#### **8m. Land Dedication**

To facilitate the provision of the left turn deceleration lane on the Princes Highway and left turn slip lane into Oak Road, the developer shall provide a 3.5 metre wide land dedication along the subject site's Princes Highway frontage for the full length of the left turn deceleration lane into the site and slip lane into Oak Road.

In addition, the applicant shall provide land dedication along the Oak Road frontage of the subject site to provide the additional lanes on the southern leg of the Princes Highway intersection, the 900mm raised central concrete median island on Oak Road and the deceleration lane into the entry driveway on Oak Road.

This public road land dedication from the subject site shall be executed, prior to the release of any Occupation Certificate for the proposed development. The land dedication shall be at full cost to the developer.

#### **8n. Stormwater**

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works.

Details should be forwarded to:  
Sydney Asset Management  
PO Box 973  
Parramatta CBD NSW 2124

A plan checking fee will be payable and a performance bond may be required before the RMS's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax 8849 2766.

#### **8o. Road Noise**

There is potential for road traffic noise to impact on future residential development on the subject site. In this regard, the developer, not RMS is responsible for providing noise attenuation measures in accordance with the Environmental Protection Authority's Environmental Criteria for road traffic noise.

#### **8p. Off-Street Parking**

Off-Street parking shall be designed and constructed in accordance with AS 2890.1-2004 and AS 2890.2-2002.

#### **8q. Swept path**

The swept path of the longest vehicle entering and exiting the subject site shall be in accordance with Austroads.

#### **8r. Cost of Works**

All road works and traffic control signals associated with the proposed development shall be at full cost to the developer.

### **9. SYDNEY WATER**

Future development applications shall demonstrate that the Sydney Water requirements have been met in relation to:

- **Water servicing:** To service the proposed development the 200mm potable water main on the corner of North Oak Road is required to be extended underground from the northern side of the Princes Highway to the southern side of the Highway. In addition the 100mm potable water main located in the Princes Highway will need to be upsized to a 200mm drinking water main along the frontage to the subject land. The proposed potable water infrastructure must be designed and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002).
- **Wastewater servicing:** In order to justify the use of 2 x 225mm gravity wastewater mains the Proponent will be required to provide a flow analysis, consistent with the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002), for the two systems to determine its capability in providing a satisfactory service.
- **Trade waste:** All customers discharging trade waste must have written permission for Sydney water. A permit or agreement must be obtained from Sydney Water before discharging any trade waste into Sydney Water's wastewater system.
- Submitted infrastructure designs should be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-20002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).
- The Proponent should engage the services of a Water Servicing Coordinator to attain a Section 73 Certificate and to manage the servicing aspects of the development.

Documentation relating to the above, can be submitted to Sydney Water via the following email address : [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au)

## 10. BIODIVERSITY OFFSET

A Biodiversity Offset Package shall be adopted which is consistent with the Principles for the use of biodiversity offsets in NSW which can be found at the following website: <http://www.environment.nsw.gov.au/biocertification/offsets.htm>

The Biodiversity Offset Package (BOP) shall include, but not necessarily be limited to:

- The final biodiversity offsets selected and to be secured;
- The management and monitoring requirements for the offsets and other ecological measures proposed to ensure the outcomes of the BOP are achieved;
- Timing and responsibilities for the implementation of the provisions of the Package over time.

The BOP shall be secured by one of the following mechanisms:

- A conservation agreement under the National Parks and Wildlife Act, 1974;
- A biobanking agreement under Part 7A of the Threatened Species Conservation Act, 1995;
- A planning agreement under the Environmental Planning & Assessment Act, 1979, where the agreement provides for the conservation and/or enhancement of the biodiversity values of an area of land to which the agreement relates; A Trust agreement with the Nature Conservation Trust; or
- A legally binding agreement that provides for the conservation and/or enhancement of the biodiversity values of an area of land.

The Sydney Turpentine Ironbark Forest (STIF) off-site biodiversity offset, proposed under the Biodiversity Management Plan, prepared by Cumberland Ecology, dated November 2011, shall be included as part of any Voluntary Planning Agreement and be amended to:

- provide replacement plantings at a ratio of 2:1 equating to a minimum of 5,300m<sup>2</sup>;
- establish the new plantings on preferably one site with vegetation preferably of the same type as that in the STIF or on a site/s that is/are acceptable to Council and subject to the agreement of the NSW Office of Environment and Heritage;
- formulate a suitable legal mechanism for securing the offset; and

- adopt a schedule of works for the implementation of the offset over a period of a minimum of five (5) years.

The biodiversity offsets as identified in the approved BOP shall be secured by the Proponent prior to the clearing of any of the Sydney Turpentine Ironbark Forest.

## **11. FLOODING**

Future applications shall ensure that:

- A flood evacuation plan is to be prepared for relevant stages. The plan is to include warning alarms and evacuation routes. The approved flood evacuation plan is to be updated every five (5) years and copies are to be provided to Sutherland Shire Council and the local State Emergency Service (SES).
- Underground car parking areas are to be flood proofed upon completion of the development and are to incorporate flood warning alarms and designated evacuation routes. The flood proofing system is to be independent of the stormwater drainage system.
- The habitable floor level and entry to the underground areas is to be constructed to a minimum of 500mm above the 0.5% Annual Exceedence Probability (AEP) flood. These levels are to be certified by a registered surveyor prior to pouring of slabs.
- All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level.

## **12. ACCESS**

Future applications shall address the following:

- A positive covenant in favour of Sutherland Shire Council shall be created providing for full free public access to the lake and it's surrounding areas of open space and public transport facilities.
- A Management Plan shall be prepared for any future Community Title or co-operative owned land over the site to provide for the following:
  - responsibility for the maintenance of all the internal road network infrastructure in perpetuity.
  - responsibility for the cleaning of all internal roads and footpaths in perpetuity.
  - responsibility for the cleaning of all drainage pipelines, gully pits and gross pollutant traps in perpetuity.
  - responsibility for ensuring an adequate standard of maintenance of open space spaces and plazas.

## **13. PUBLIC DOMAIN**

Future applications shall address the following:

- The cost of all street works, including the provision of roads, footpaths, services, traffic management, traffic and parking signage, landscaping, lighting and street furniture within the development and where it connects to adjacent roads shall be provided by the developer at no cost to Sutherland Shire Council or the Roads and Maritime Services.
- The development shall provide pedestrian and cycle linkages through the development in accordance with the approved Concept Plan, suitable for use by persons with disabilities, and in accordance with relevant Australian Standards.
- Future Development Applications, in consultation with Council and the State Rail Authority, shall provide for new and/or upgraded:
  - pedestrian connections across the site which are well illuminated and sign-posted;
  - Way finding signage between the site and Kirrawee railway station.

## **14. CAR PARKING**

Future applications shall address the following:

- a) The total amount of car parking to be provided as part of the development shall not exceed 1,033 spaces.
- b) An updated schedule of parking allocations shall be prepared and submitted with each subsequent application.
- c) Parking facilities (public, commercial and bicycle) shall be designed in accordance with relevant Australian Standards.
- d) The design of the parking and commercial vehicle facilities shall be designed so that all vehicles, including commercial vehicles, enter and exit the development in a forward direction.
- e) the provision and implementation of a car share scheme.
- f) All loading and unloading associated with the use of the development shall take place wholly within the site from designated loading bays as identified in the Concept Plan. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.
- g) Henroth Investments Pty Ltd shall enter into an agreement with Sutherland Shire Council that will delegate powers to Council to enforce regulatory parking signs within the internal road network.

## **15. STORMWATER AND DRAINAGE**

Future applications shall address the following:

- a) The design of stormwater drainage facilities shall be detailed in future applications and will generally be consistent with Sutherland Shire Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD) having regard to the existing stormwater pipe servicing the site.. Water recycling facilities may be considered in lieu of any Council rainwater tank requirements.
- b) A stormwater drainage system shall be designed and implemented through the site and shall comprise pipe or culvert underground conduits and overland flow paths. Any overland flow paths must convey the design flows while maintaining design freeboard at all times.
- c) A Positive Covenant is required, binding all present and future owners of the property to the following:
  - i. Submission to Sutherland Shire Council of a structural check of any pipeline/culvert every ten (10) years;
  - ii. Responsibility for maintenance of any pipes/culverts in perpetuity and their replacement when required;
  - iii. Submission to Council of a report every 3 years certifying that any overland flow path through the site remains clear of obstructions.

## **16. GROUNDWATER AND CONTAMINATION**

Future applications are to demonstrate that the development does not impact upon the health of the groundwater dependant ecosystems and that where basements intercept groundwater, the basements are to be tanked. Monitoring of ground water levels is to commence prior to basement design and continued throughout the construction.

Site contamination is to be monitored and controlled in accordance with the findings and recommendations of the *Site Contamination Management Plan* prepared by Environmental Investigation Services.

## **17. STAGING OF DEVELOPMENT**

Future applications shall provide details of the final form of staging of the development are to be submitted with the first application to ensure the orderly and coordinated development of the site. The initial stages of the development should include the construction of the retail precinct and lake and neighbourhood park within the southwestern portion of the site.

Each stage described shall provide full details of inclusions in respect of:

- a) Demolition;
- b) Earthworks;
- c) Buildings and all other structures (including basements);
- d) Any elements of the overall public domain plan to be dedicated or embellished;
- e) Any site remediation works;
- f) Stormwater management works;
- g) Any vehicular or pedestrian access to the site;
- h) Measures to mitigate and manage nuisance caused by stages under construction to completed stages and clashes between stages including vehicle access, noise, parking and safety; and
- i) Waste and Construction Management.

An access application shall be made to Council to obtain footpath crossing and boundary alignment levels before commencing the detailed design of internal driveways, paths and car park area.

## **18. DEVELOPMENT DESIGN GUIDELINES**

Future applications for the site shall be generally consistent with the Modifications in Part B and Future Assessment Requirements in Schedule 3 and shall address the following:

- a) the built form will comply with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002, except where modified by this Concept Plan approval.
- b) sufficient building modulation/articulation is provided to achieve an acceptable built form.
- c) solar access to future apartments shall be consistent with the approved Concept Plan and as modified to achieve compliance with the requirements of the Residential Flat Design Code.
- d) future applications shall ensure that the internal residential amenity of the proposed apartments are not unduly affected by the noise and vibration impacts from the Princes Highway and should comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning and Infrastructure's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.

## **19. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

Future applications shall ensure all design and treatment recommendations as identified in the report titled Crime Prevention through Environmental Design – Overview of Concept Plan & Stage 1 Proposed Development prepared by Environmental Resources Management Australia and dated May 2009 shall be incorporated into the relevant Stage. In addition:

- i. The location of street furniture on internal streets and thoroughfares shall be identified on the plans for each stage. Street furniture shall be positioned to take advantage of well lit and open areas to minimise crime.
- ii. The landscape design shall provide adequate sight lines between the shopping centre entry and the community bus, taxi drop off and bike parking locations and avoid places of concealment within the adjoining public park.
- iii. Lighting shall be provided for the bus and taxi drop off area in accordance with the AS/NZS 1158.3.1:2005 Lighting for Roads and Public Spaces.

## APPENDIX H

### STATEMENT OF COMMITMENTS

#### Statement of Commitments

The proponent commits to the following matters should approval be granted to this application (amendments shown in red):

ISSUES	ACTION
1. Subsequent applications	Applications (hereafter called "subsequent applications") consistent with the Concept Approval will be lodged with the relevant consent authority and will incorporate the following features.
2. Ecology	Subsequent applications will incorporate the recommendations of the revised Biodiversity Management Plan as described in <b>Appendix 7</b> of the PPR.
3. ESD	Subsequent applications will incorporate the ESD principles and features as described in Section 3.7 of the PPR.
4. Design quality	Subsequent applications will demonstrate a level of detailed design consistent with the design principles of SEPP 65.
5. Wind	Subsequent applications will incorporate the relevant and applicable measures recommended in the Pedestrian Wind Environment Statement by Windtech dated 18 October 2010.
6. Noise and vibration	Subsequent applications will incorporate the relevant and applicable measures recommended in the Acoustic Assessment prepared by Acoustic Logic dated 21 October 2010.
7. Traffic and accessibility	Subsequent applications will incorporate the relevant staged improvements (Stage 1) as detailed in the revised TMAP prepared by Halcrow and dated October 2011.
8. Drainage and stormwater management	Subsequent applications will be based on the stormwater concept design prepared by Northrop Engineers dated 29 October 2010 with the exception of the proposed water quality standard for the compensatory water body for the threatened bat species which is dealt with in the revised Biodiversity Management Plan at <b>Appendix 7</b> of the PPR and Equatica report at <b>Appendix 19</b> .
9. Dewatering	The dewatering of the existing pit will be undertaken in accordance with the management principles as set out in the Dewatering Report prepared by CM Jewell and dated October 2010.
10. Groundwater management	The management of the existing groundwater will be undertaken in accordance with the recommendations of the Long-Term Groundwater Management Plan prepared by CM Jewell and dated October 2010.
11. Geotechnical	Further geotechnical investigations of the site will accompany subsequent applications. These will include the engineering solutions as detailed in the Geotechnical Report prepared by Jeffrey and Katauskas and dated October 2010.
12. Contamination	Subsequent applications will address the management of unexpected contamination on the site in accordance with the recommendations of the Contamination Management

**14. Heritage**

Subsequent applications will incorporate the retention in situ of Brick Kiln 1, and in accordance with the recommendations of the Conservation Management Plan and Heritage Impact Statement prepared by Edward Higginbotham & Associates and dated 27 October 2010.

**15. Developer contributions**

The applicant will enter into negotiations with Sutherland Council, and relevant government agencies and use its best endeavours to enter into Voluntary Planning Agreements generally consistent with the Council resolution of detailed at Appendix 16 of the PPR, before the time of the first substantive subsequent application.

Should no VPA be entered into with Council:

EITHER, the open space proposed within the Zone 13 land in this application will be retained by the proponent made accessible to the general public in lieu of any contributions applicable to the development of the site under any subsequent application OR ordinary contributions applicable to any element of the development of the site will be levied on the relevant subsequent application for that element.