



**Planning &
Infrastructure**

**MAJOR PROJECT ASSESSMENT
KIRRAWEE BRICK-PIT CONCEPT PLAN
566-594 Princes Highway, Kirrawee
Proposed by: Henroth Investments Pty Ltd
MP 10_0076**



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

June 2012

ABBREVIATIONS

CIV	Capital Investment Value
Council	Sutherland Shire Council
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
The Act	<i>Environmental Planning and Assessment Act 1979</i>
Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning & Infrastructure
OEH	Office of Environment & Heritage
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
Plan	Sutherland Shire Local Environmental Plan 2006
PPR	Preferred Project Report
Proponent	Henroth Investment Pty Ltd
RMS	NSW Roads and Maritime Services
RTA	NSW Roads and Traffic Authority
SRDAC	Sydney Regional Development Advisory Committee
SSC	Sutherland Shire Council
STIF	Sydney Turpentine Ironbark Forest
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement

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NSW Government

Department of Planning & Infrastructure

EXECUTIVE SUMMARY

This is a report on a Major Project application pursuant to Part 3A of the *Environmental Planning and Assessment Act*, 1979 (the EP&A Act). The site is located within the Sutherland Shire Local Government Area, approximately 25 km from the Sydney CBD. The Proponent is Henroth Investments Pty Ltd.

The transitional Part 3A application seeks Concept Plan approval for the redevelopment of the site for a mixed use development comprising a mixture of commercial, retail and residential uses, public park and underground car parking in a complex including two residential towers of 14 and 11 storeys respectively and seven smaller buildings of 3 to 7 storeys in height.

The Environmental Assessment (EA) was exhibited for a 59 day period from Wednesday 15 December 2010 to Friday 11 February 2011. The Department received 6 submissions from public authorities and 188 submissions from the public, 68 supporting the development.

The site is zoned 7 (Kirrawee Mixed Use) and 13 (Public Open Space) under the Sutherland Local Environmental Plan 2006, and commercial, some retail and residential uses are permitted within Zone 7. Only recreational works are proposed within Zone 13 (Public Open Space). Hence, all proposed land uses are permissible within the zones. Sutherland Shire Council sought to rezone the Brick Pit area under Amendment No.10 from Zone 13 (Public Open Space) to Zone 7 (Kirrawee Mixed Use), however this draft plan is now on hold.

On 8 November 2011, the Proponent submitted a Preferred Project Report (PPR). Key changes within the response included:

- reduction in width and height of proposed residential towers;
- reduction in proposed FSR from 1.52:1 to 1.43:1;
- reduction in on-site car parking by 200 spaces from 1350 to 1150;
- reduction in proposed residential floor space by 4,152m² (18 apartments);
- improved visual presentation to street fronts and for entry points to towers; and
- improved open space and lake design outcomes.

The Preferred Project has a Capital Investment Value of \$238 million and will create 513 direct retail/commercial jobs and 488 indirect jobs upon completion and provides for 432 residential apartments on the land.

Key issues considered in the Department's assessment include the impact of the proposed retail floor space on the surrounding centres, traffic generation, height, bulk and scale and environmental impacts. The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposal have been satisfactorily addressed within the EA, PPR and the Department's recommended modifications of approval and further assessment requirements.

The proposed development provides for renewal of an old brick pit site and achieves an appropriate level of design that will satisfactorily maintain the amenity of future residents, the locality and surrounding development. In addition, the proposal would assist in contributing towards long term housing targets nominated within the Draft South Sub-Regional Strategy. For the above reasons, the project is supported, subject to recommended modifications and future assessment requirements.

The Minister for Planning and Infrastructure is the approval authority for the proposal. However, the Planning Assessment Commission may determine the application on the Minister's behalf under delegation dated 14 September 2011 as the proposal has received more than 25 public submissions objecting to the development and Sutherland Shire Council objects to the Concept Plan.

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1. BACKGROUND

1.1 Site Description

The site is known as the Kirrawee Brick Pit and is located on the southern side of the Princes Highway at the intersection of Oak Road, Kirrawee (**Figures 1 & 2**). The site is located within the Sutherland Local Government Area approximately 25 km south-west of the Sydney CBD and, approximately 250 metres north of the Kirrawee train station on the north edge of the Kirrawee village centre. The site is legally described as Lot 1 DP 179075; Lot 1 DP 589977; and Lot 2 DP589977, and is known as No. 566-594 Princes Highway, Kirrawee.

The site is located on the southern side of the Princes Highway and east of the Oak Road intersection. The site is rectangular in shape with frontages of 252.13 metres to the Princes Highway to the north, 160.75 metres to Oak Road to the west, 251.66 metres to Flora Street to the south, and 177.85 metres to the existing industrial area located immediately east. The site, which comprises three lots, has a total area of 42,542m².

The land slopes from the south-western corner down approximately 5 metres to the north-western corner and 10 metres to the eastern boundary.

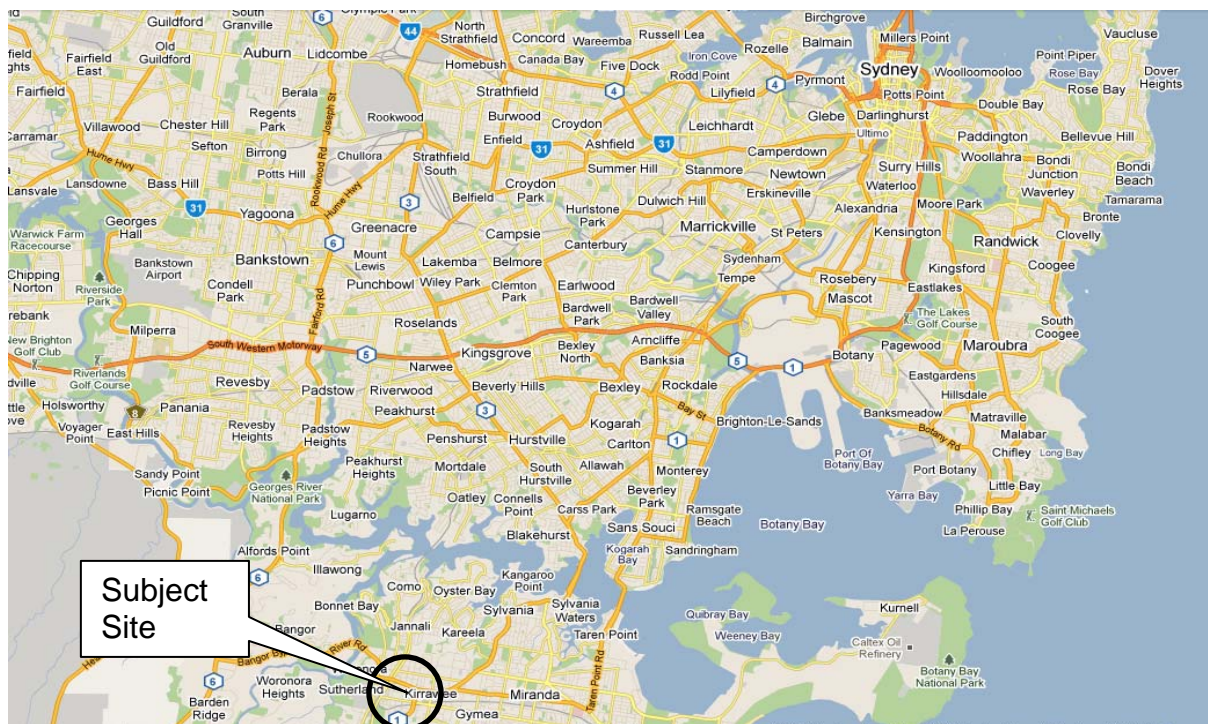


Figure 1 – Location Site (Source: Google Maps)

1.2 Existing Site Features

The site is rectangular in shape and covers an area of 42,542m² and is presently free of permanent development. The land slopes from the south-western corner down approximately 10 metres to the eastern boundary.

The most prominent feature of the site is the large water filled brick pit which extends along the southern boundary of the site (**Figure 3**). The water is up to 20 metres deep, 18,000m² in area and has a volume of approximately 150,000m³.

The former kiln associated with the brickworks is located on the northern part of the site and is of local heritage significance. The site is largely disturbed, vacant, cleared and provides a water source for native fauna, including two threatened species, the Grey-Headed Flying-fox and the Eastern Bent-Wing Bat. Remnant vegetation to the west of the pit is identified as Sydney Turpentine Ironbark Forest (STIF), an endangered ecological community.

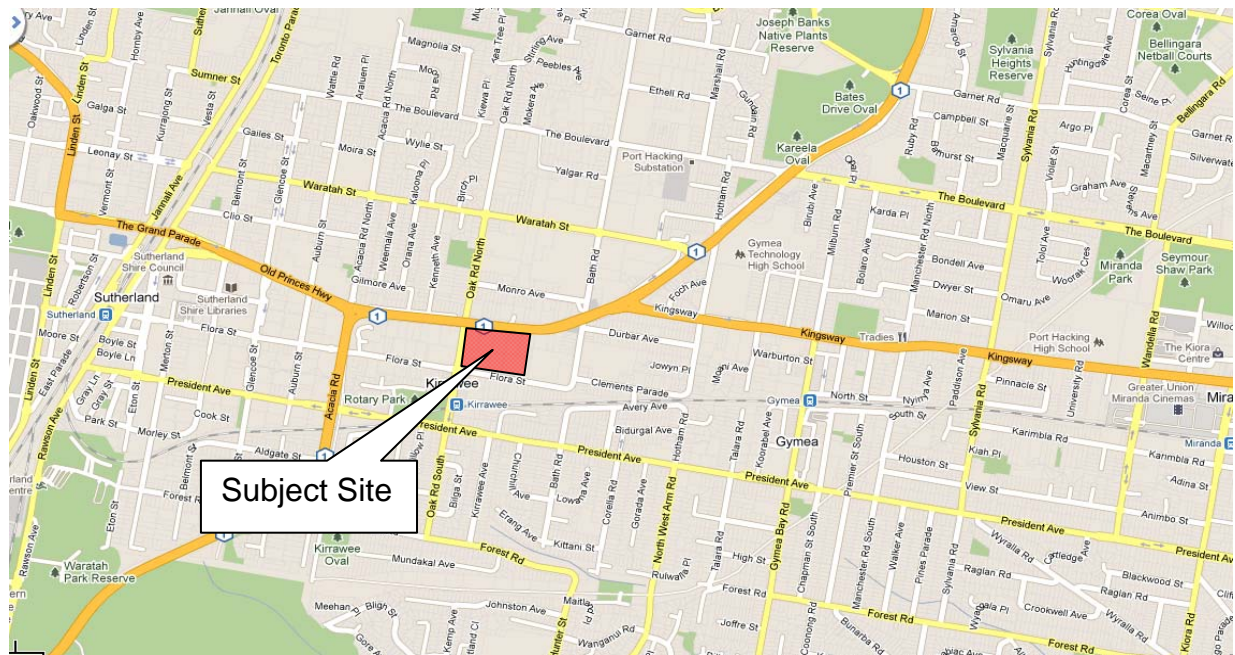


Figure 2 – Subject Site (Source: Google Maps)

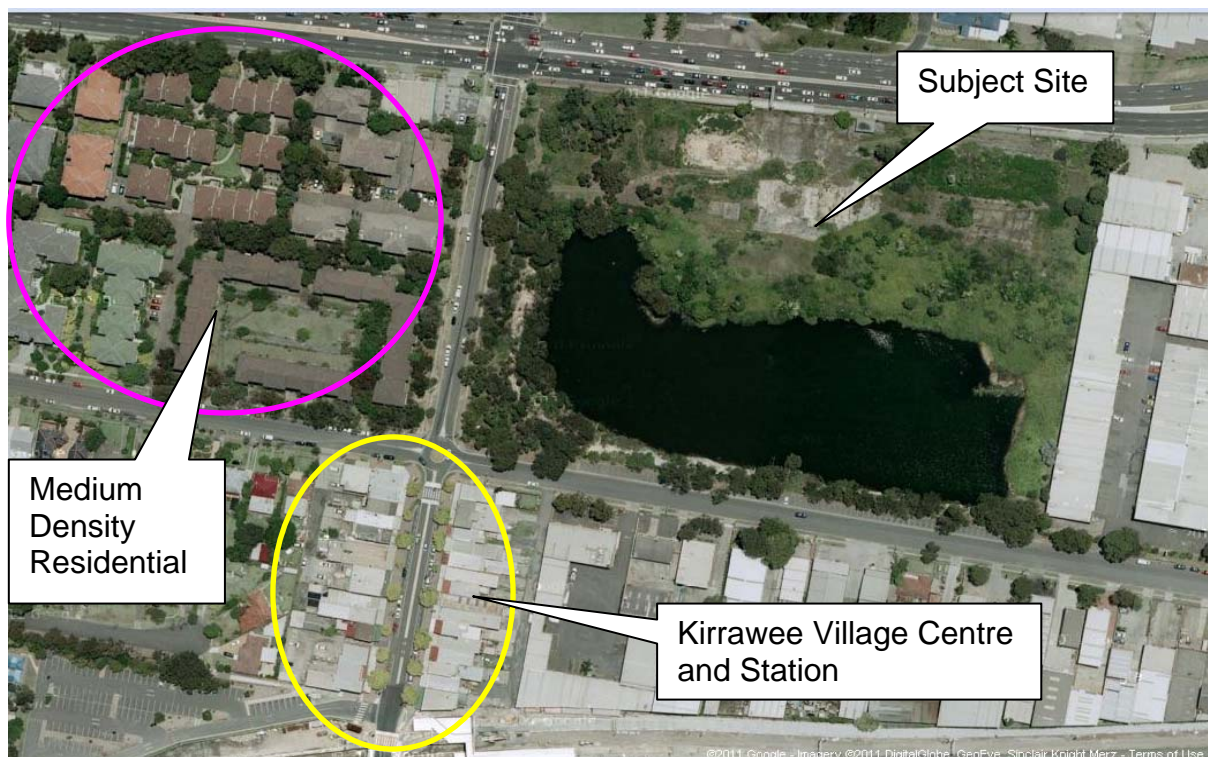


Figure 3: Subject Site and Surrounding Land Uses (Source: Google Aerial Maps)

1.3 Surrounding Development

Surrounding development includes light industrial units to the south, east and north of the site. Kirrawee village shops are located to the south-west of the site with the Kirrawee train station location approximately 250 metres to the south. Housing and residential flat buildings of between 1 and 3 storeys are located to the west of the site along Oak Road.

Sutherland town centre is located approximately 1.2 km to the west of the site with Kirrawee industrial estate located immediately to the south. The subject land is listed as a heritage item under the schedule to the Sutherland Shire Local LEP2006, being Item A034 known as the “former brickworks”, and is near local heritage Item B114, being the building at No.455

President Avenue. The building at No.455 President Avenue is located on the southern side of the railway line and is unlikely to be directly impacted by the proposal.

Below are various perimeter/boundary photographs of the subject land.



View east along Princes Highway frontage of site.



View of western boundary off Oak Road



View of existing Brick Pit Lake



View of Brick Pit Lake from Flora Street



View of 3 storey apartments on west side of Oak Rd



View north to Oak Rd/Highway intersection



View south over roundabout to Kirrawee Centre



View east along Flora Street Industrial Estate.

1.4 Previous Applications

Development Application No.08/0347

In 2008 a development application (DA08/0347) was lodged with Sutherland Shire Council for development of the Kirrawee Brick Pit site. The proposal entailed the following:

- two supermarkets totalling 7,053m² floor space and mini-major occupancy for 513m²
- approximately 3,500m² floor space of specialty and non-specialty retail outlets;
- car parking for 927 vehicles on site;
- 250 residential dwellings; and
- height of up to 6 storeys and FSR of 1.52:1.

The application was not determined by Council as the Applicant appealed the application on the basis of the deemed refusal provisions under the EP&A Act, 1979.

Land and Environment Court Ruling 2009

In August 2009, the Land and Environment Court refused the modified application which included a masterplan to accommodate:

- 250 dwellings (27,112m²);
- commercial component of 4,581m²;
- retail component of 11,000m² (with one supermarket of 4,500m²);
- car parking for 927 spaces; and
- a 0.9 hectare public park.

Various matters were discussed as part of the judgement, however a number of key issues remained unresolved, including whether the locality could accommodate a large supermarket, whether the park/lake could be agreed to by both parties and whether the traffic management measures proposed were adequate for the development.

The Court determined that:

- (a) In its opinion, Kirrawee Town Centre together with the development of the Brick Pit site is envisaged to remain a local centre;
- (b) No assessment of the economic impacts of a 4,500m² supermarket had been undertaken;
- (c) In its opinion the size of the supermarket and retail component has the potential to impact on the sustainability of Kirrawee and Sutherland Centres in terms of their strategic regional role which had not been fully assessed; and
- (d) It was not satisfied that the park and pond design can be resolved as a deferred commencement condition given its inter-relationship with the ecological issues on the site.

In principle, the Court determined that there was insufficient information to support the development. This position was further clarified in the determination which stated as follows:

- *There was general support for the residential and commercial component of the development, and, through the process of amendments, the urban design and traffic issues between the parties are largely resolved;*
- *While a supermarket and retail use of the site is appropriate there is concern about the size of the 4,500m² supermarket;*
- *The placement of a large supermarket in Kirrawee may compete with and delay the development of Sutherland. In particular, the experts agreed that it is difficult to provide a supermarket in Sutherland due to the amalgamation pattern, cost of land and ease of access within the road systems; and*
- *The proposed retail component of the development is inconsistent with the strategic framework and the role for Zone 7 and the Brick Pit precinct established by LEP2006 and DCP2006 and on this basis the appeal must be dismissed.*

Although the bulk and scale of the proposed buildings and traffic management were raised as issues in the Court there was a general agreement that these issues were resolvable as part of staged applications and conditions of consent.

These key issues raised by the Court, including the strategic context, retail justification, economic impacts and environmental issues remain relevant to the current application and are addressed in detail at **Appendix D** and **Sections 5.1** and **5.2** of this Report.

It is noted that the issue relating to the suitability of the park/lake open space has been resolved through negotiations between the Proponent and Council and it is likely that a Voluntary Planning Agreement will be agreed between both parties subject to the outcome of this application.

2. PROPOSED PROJECT

2.1 Project Description

The Concept Plan application (as exhibited) for redevelopment of the site included the following:

- site works including the dewatering of the existing brick pit, cut/fill and levelling of the site, tree removal and minor site remediation;
- the construction of eight residential buildings ranging in height from five to fifteen storeys and accommodating 450 units;
- a retail shopping centre at ground level that includes a full line supermarket, one small discount supermarket, a mini major, speciality stores and cafes;
- basement car parking including a 200 space commuter car park and new internal roads;
- showrooms and commercial floor space; and
- a large public piazza, pocket parks and a 9,000m² public park including a new water feature.

2.2 Preferred Project Report

Following the public exhibition of the Environmental Assessment (EA), the Department advised the Proponent of a number of issues which required further consideration, and requested the submission of a Preferred Project Report (PPR).

The Proponent submitted a PPR addressing those issues raised in submissions (See **Appendix B**) and proposed modifications as identified in **Table 1** below. The design changes included the following amendments:

- **Building layout and external design**
 - the Tower Block A has been reduced in height by one floor to 14 storeys;
 - the upper levels of the mid-range towers of Blocks A and B have been removed to reduce building footprints and reduce overall bulk;
 - the upper levels of Tower Blocks A and B have reduced footprints from a width of 26 metres to 14 metres to promote a slimmer building form;
 - Block D, fronting Flora Street has been split into two in order to provide an improved access point to internal towers and removed street front walled appearance;
 - the Flora Street frontage has been further activated with commercial/retail ground level occupancies; and
 - improved access points and view lines across the site have been promoted to ensure the complex is customer/resident friendly.
- **Site layout and landscaping modifications**
 - the Sydney Turpentine Ironbark Forest (STIF) area has been formally defined along the south-western boundary adjacent to the lake; and
 - the final lake form has been defined and is to be included under the Voluntary Planning Agreement (VPA) proposed with Council.
- **Traffic management modifications**
 - the proposal includes a modification of the intersection of Oak Road and the Princes Highway by the closure of southbound traffic along Oak Road at this intersection; and
 - all servicing of the retail/commercial component would be accessed off Flora Street.

The PPR proposal reduced the number of apartments proposed by 18, to a new total of 432 units, and also the footprint and general width of the proposed residential towers to present a slimmer building form for the towers when viewed along the Princes Highway. This bulk and scale reduction also provides for improved separation between the towers and breaks up the walled appearance of the towers when viewed from different distant vantage points.

Table 1 : Comparison between Original and Preferred Projects.

Development Statistics	Original Application	As amended PPR	Difference
Commercial Floor Space	840m ²	860m ²	+ 20m ²
Retail Floor Space	14,340m ²	14,370m ²	+ 30m ²
Residential floor Space	49,657m ²	45,505m ²	- 4,152m ²
GFA	64,837m ²	60,735m ²	- 4,102m ²
FSR	1.52:1	1:43:1	- 0:09:1
Apartments	450	432	- 18
Building Height	5 to 15 Storeys	5 to 14 storeys	- one storey
Vehicle Parking	1,349	1,150	- 199
Public & Communal Open Space	20,450m ²	20,450m ²	= unchanged

2.3 Project Need and Justification

NSW 2021

NSW 2021 aims to achieve improved urban environments and ensure sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport.

The project includes a number of environmentally sustainable practices including grey water recycling and use of energy efficient devices, contributing positively to reducing the production of greenhouse emissions within the site.

The site is also located within 250 metres walking distance of Kirrawee train station which provides direct links to local centres including, Cronulla, Miranda, Sutherland and the Sydney CBD, thereby reducing future residents needs to undertake extensive travelling by private motor vehicle.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036, is a strategic document that guides the development of the Sydney metropolitan area towards 2036. The Metropolitan Plan sets out housing and employment targets for the Sydney region at 769,000 additional dwellings and 760,000 new jobs, by 2036. At least 70% of new dwellings are to be located within existing urban areas.

The proposal is consistent with the aims of the Metropolitan Plan and will contribute towards meeting new dwelling targets for the metropolitan area. The proposal is an urban renewal development, maximising the unique opportunities to redevelop the old brick pit within an established urban area for high density residential development. The proposal will also provide a significant number of construction jobs and on-going jobs in the retail and commercial components.

Draft South Sub-Regional Strategy

The Draft South Subregional Strategy identifies Kirrawee as a "Village Centre", defined as:

"A strip of shops and surrounding residential area within a 5 to 10 minute walk contains a small supermarket, hairdresser, take-away food shops. Contain between 2,100 and 5,500 dwellings."

The strategy also identifies the Princes Highway, fronting the subject land, as being a Renewal/Economic Corridor with potential for redevelopment as stated:

".....corridors of existing development declining in age and use that have the potential for additional growth due to their existing or proposed infrastructure investments...."

Although the Kirrawee Centre is identified as a relatively small-scale "Village Centre" it is well positioned along the Princes Highway corridor and within 400 metres of Kirrawee railway station. Hence, it is well serviced by public transport and has high general accessibility.

The proposed form of development, including a supermarket and higher urban densities, is more suited to the scale of a “Town Centre” under the Strategy. However, it is justified in this instance as the site is a unique large land holding, with excellent access to transport and other services which justifies the scale of the development proposed. This matter is addressed in detail at **Section 5.1** of this report.

As the site is located along the Princes Highway Renewal/Economic Corridor it is considered that there is reasonable potential for a site of this scale and form to be utilised for a higher form of development than that identified as part of the “Village Centre” description.

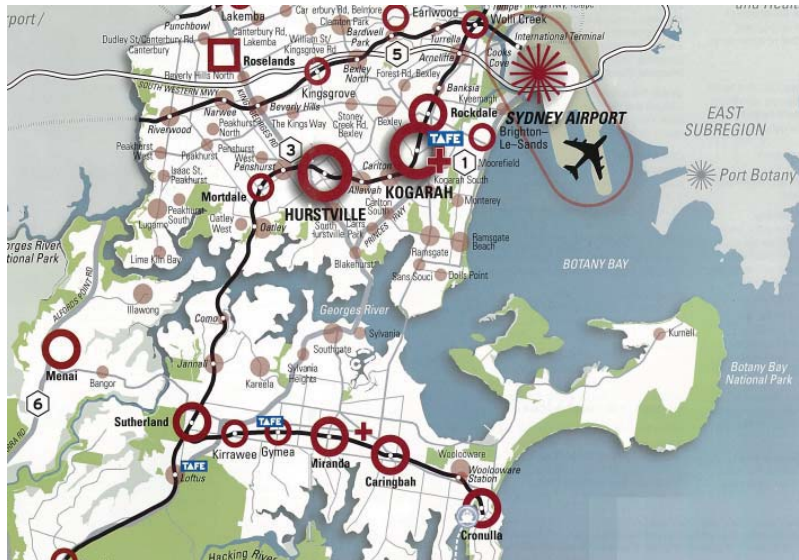


Figure 4 Centres Strategy
South Subregional Centres
Map identifying the hierarchy of
centres including Kirrawee
(Source: Department of
Planning)

Sutherland Shire Local Environmental Plan 2006

The aim of the Sutherland Shire Local Environmental Plan 2006 (LEP) is to promote the economic revitalisation of the Sutherland Shire. The LEP also aims to protect and enhance the vitality, identity and diversity of the shire and promote it as a pre-eminent centre in Sydney by promoting employment, residential, recreational, arts, social, cultural and tourism opportunities in an appropriate and sustainable manner. In order to achieve this, the LEP encourages building design excellence, improved quality of urban design, the enhancement of the public domain and public transport, the protection of the cities heritage and the implementation of more sustainable social, economic and environmental outcomes.

The Proponent has agreed that the final design of the residential towers will be undertaken by different architects in order to create a unique and diverse building form that will be consistent with the principles of the LEP. The proposal will also include high quality finishes to the built form within the piazza and with active street frontages along the existing streets.

Sutherland Development Control Plan 2006 - Kirrawee

This document was adopted in 2006 by Council and, through site specific development provisions, outlined the direction for growth in the Kirrawee area. The original Kirrawee Master Plan development controls were subsequently repealed in 2011 when they were included in DCP 2006. The Plan identified that the site was part of the Kirrawee centre precinct, being less than 400 metres from the railway station, and was suited predominantly for redevelopment as medium rise residential apartments, two to six storeys in scale, with basement car parking and open space around part of the retained lake. Large-scale commercial development and some small scale retail uses were also envisaged to occur on the land.

The proposal will be inconsistent with the scale and form of development that was proposed under the Masterplan (due primarily to the proposed 14 storey height), although the Kirrawee Brick Pit land was identified to be an important element in the growth of the Kirrawee Centre.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A

Part 3A of the *Environmental Planning & Assessment Act, 1979*, (the Act) as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. Director-General's environmental assessment requirements (DGRs) were issued in respect of this project prior to 8 April 2011, and the project is therefore a transitional Part 3A project.

This report has been prepared in accordance with the requirements of Part 3A and associated regulations.

The project was declared a Major Project under the former provisions of the State Environmental Planning Policy (Major Development) 2005 (MD SEPP) as a commercial, retail and residential mixed use project with a Capital Investment Value (CIV) of more than \$100 million in accordance with Schedule 1 Clause 13.

Under section 75J of the Act the Minister for Planning & Infrastructure (or his delegate) is the approval authority for the proposal. The Minister has delegated his functions to determine Part 3A applications to the Planning Assessment Commission (PAC) where:

- the local council has made an objection,
- a political disclosure statement has been made, or
- there are 25 or more public submissions received in the nature of objections.

The application is being referred to the PAC for determination as Sutherland Shire Council objects to the proposal, the proponent has declared a reportable political donation (**Appendix F**) and there have been 108 submissions by way of objection received from the public during exhibition of the Concept Plan.

3.2 Permissibility

Under the Sutherland Shire Local Environmental Plan 2006 (Plan) the site is zoned 7 Mixed Use-Kirrawee and Zone 13 Public Open Space. The scheme is permissible under the Plan. The land zonings are depicted in the Plan extract within **Figure 5**.

It is noted that Council previously submitted a Planning Proposal with the Department for the site. The proposal was to rezone the land designated for Public Open Space (Zone 13) to Mixed Use-Kirrawee (Zone 7). Council has subsequently resolved to not proceed with the rezoning at this time.

The Department considers the proposed land uses to be appropriate as residential, retail and commercial activities are permissible within Zone 7 and the public park facility is permissible within the Zone 13.

3.4 Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The Department's consideration of relevant SEPPs and EPIs is provided in **Appendix C**.

The proposal is considered to be generally consistent with the intent of the zone and the EPIs which apply to the site as discussed within **Section 5** of this report.

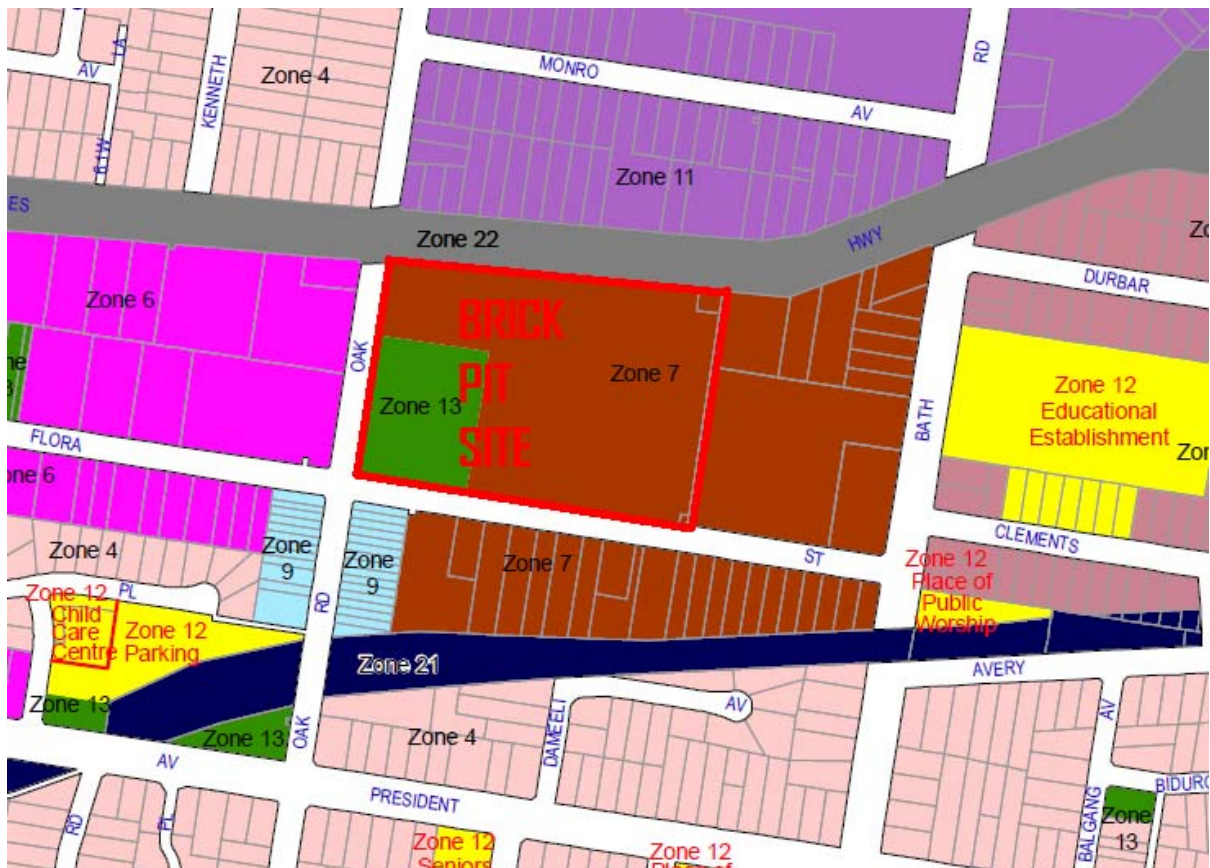


Figure 5 : Land Use Zoning Extract of Sutherland Shire Local Environmental Plan 2006

3.5 Objects of the Environmental Planning & Assessment Act 1979

Decisions made under the Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The development concept is considered to be consistent with the objectives of the Act on the following basis:

- the proposed redevelopment of the site will increase housing densities to a suitable level allowing for a more appropriate utilisation of the site;
- although the proposed housing densities are greater than surrounding residential areas, the site is relatively unconstrained, will provide sufficient public open space and community facilities and will have excellent access to public transport, in particular rail transport;
- the increased areas of useable open space, retention of the existing water body and the planting of replacement STIF are likely to encourage native flora and fauna to be retained and/or attracted to the locality;
- the redevelopment will renew a disused brick pit;
- the redevelopment will implement ecologically sustainable technologies; and
- the proposal will provide a range of housing types to accommodate Sutherland residents with greater housing choice.

3.6 Ecologically Sustainable Development

The Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The ESD principles as they apply to this proposal are addressed in the Department's assessment in **Appendix D** and the Proponent's EA. The proposal is considered to be generally consistent with the principles for ecologically sustainable development.

3.7 Statement of Compliance

In accordance with Section 75I of the Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75H(3) of the Act, the Director-General is required to make the Environmental Assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from 15 December 2010 until 11 February 2011, a period of 59 days, on the Department of Planning and Infrastructure's website, the Department's Information Centre and at Sutherland Shire Council. The Department also advertised the public exhibition in the Sydney Morning Herald, Daily Telegraph and the St George Sutherland Shire Leader on 15 December 2010 and notified landholders and relevant State and local government authorities in writing.

The Department received 197 submissions during the exhibition of the EA - 6 submissions from public authorities and 191 submissions from the general public. Of the 191 public submissions, 108 objected to the proposal, 12 raised concerns and 71 supported the proposal.

A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

Sutherland Shire Council

Council does not support the proposal as it considers the proposed scale and built form (including FSR and height) is not compatible with the existing surrounding development and the desired future character for this part of the shire. In opposition to the proposal, the Council also raised the following concerns:

- the design should promote a commercial/retail link with Kirrawee Centre particularly at ground level along Flora Street;
- the visual impact of the tower elements will be significant and should be restricted to 6 storeys or 20 metres;
- the Council requests that the Minister and chairperson of the PAC hold an open inquiry where residents and Council can appear before it and that Council be allowed input to every amended proposal submitted by the proponents;
- the proposed retail floor space will impact upon the Kirrawee Centre, traffic, public transport capacity, useability of parks/open space and ecology;
- the proposal is contrary to the draft sub-regional strategy as it will change Kirrawee from a village to a town centre, thereby undermining the existing *Town/Village* centres hierarchy;
- lack of employment (office) floor space;
- the site does not have a public drainage connection and thus is likely to create drainage problems;
- the proposal will not provide the type of housing needed for an aging population (seniors housing);
- the traffic report uses flawed methodology with regard to the retail component and significantly underestimates peak traffic generation (Council's report estimates approximately 50% higher at peak times). The traffic modelling does not include SCATES modelling. Access and egress and residential parking is considered insufficient. The loss of 67 on street car parking spaces has not been addressed;
- concern that the commuter car park will be used as additional residential/retail parking;
- the design of the park will provide little benefit to the community;
- the council would not accept the park in its current form and submitted a planning proposal to rezone the land to Zone 7 (mixed use). This rezoning proposal has now been deferred by council pending a decisions on the subject project application;
- the council would not agree to a VPA that offered the park as per the original proposal. As such, section 94 contributions will be between \$2.38 and \$4.3 million;

- entrance to the park should be on the corner of Oak Road and Flora Street;
- the park will be an extension of the development rather than a public park, and will disenfranchise the development from the existing community;
- adverse impact upon threatened species (Bats and STIF);
- the plans were reviewed by the Council's Architectural Review Advisory Panel on 22 December 2010. The panel concluded that:
 - the proposal is too dense, forms no clear connection to the existing retail centre or nearby residential neighbourhoods, and lacks a clear access, circulation and servicing strategy;
 - the proposal has opportunity to retain and reinforce the existing Turpentine/Ironbark forest as a feature on the site;
 - the proposal in its current configuration is seen as undermining the viability of the existing Kirrawee shopping centre;
 - planning limitations within the proposal would significantly limit any future capacity to raise environmental performance standards at future design development stage;
 - poor solar access is provided to many parts of the site;
 - the scheme is not designed to create an easy connection from the residential buildings to the Kirrawee railway station;
 - the retail component relates poorly to the existing Kirrawee shopping centre;
 - the present scheme creates inappropriate, poorly proportioned building form and struggles to provide adequate amenity;
 - the circulation system is poorly resolved for residents and visitors;
 - the orientation and massing of the towers are considered inappropriate as they will read as a large building mass;
 - the proposal raises concerns over physical impacts of the entrance and exit driveways and the difficulties for motorists; and
 - the introduction of a single 15 storey tower on the site could be considered acceptable.
- the basic layout and design of the development is poor resulting in a development which cannot achieve a high quality design outcome envisaged by SEPP 65; and
- in terms of heritage, the scale of the development is not consistent with the history of the site and strong interpretation and display strategies should be put in place to ameliorate the loss of context.

Council engaged Don Fox Planning to undertake a review of the economic assessment prepared by Hill PDA. Don Fox Planning raised the following key issues:

- the proposed level of retail floor space is more than the retail floor space refused by the Land and Environment Court;
- the Shire-wide Centres Study prepared by Hill PDA for the proponent, seeks to justify the proposal from a strategic and economic feasibility perspective which is self-serving and lacking in strategic integrity;
- the proposal is inconsistent with the established and planned hierarchy of centres in the area;
- the proposal turns it's back on the Kirrawee Local Centre;
- the proposal is likely to have significant local impacts on the Kirrawee and GyMEA Centres;
- the proposal would be out of character and scale in terms of the regional retail network and hierarchy;
- the proposal could impact on Sutherland town centre by providing a threat to continuation of supermarkets in Sutherland; and
- the site is not an appropriate location for the scale of retail development proposed.

The final PPR response to submissions resulted in changes to the form and operation of the proposed development, partly responding to issues raised by Council, particularly relating to:

- final design has removed the proposed commuter car park;
- forty (40) additional public car spaces have been provided on site to off-set the claimed 67 car spaces lost on the surrounding streets;
- the park design will provide for pathway links through to the retail/commercial complex and as a link to the existing shopping area at Oak Road. The detail of this connection would be developed as part of any future application;
- the Proponent's traffic modelling has included the SCATES methodology and the design modified to include the Stage 2 recommendations by the RMS, being part closure of Oak Road, which was also reflected in the Kirrawee Local Master Plan;
- the public park design is, as acknowledged by Council and the Proponent, now mostly resolved and will be controlled through a suitable VPA; and
- the final building form has been modified by reducing overall height and width of the towers, setting back the buildings, introducing additional street front opening to reduce bulk and providing clear and identifiable pedestrian links through to the central residential towers.

The Department considers that these modifications are positive responses to the issues raised by the Council as well as many public submissions. The proposed modified concept is an improved form of development from that originally proposed and will mitigate various concerns raised by Council relating to bulk, scale and amenity concerns. These issues are discussed in more detail in **Section 5.5** of this report.

Sydney Water

Sydney Water states that the potable water mains in the vicinity of the site will need to be upsized to support the development. With regard to connection to Sydney Water's sewerage system, some amplifications and adjustments will be required. All works are to be in accordance with the "*Sewerage Code of Australia*" and "*Guidelines for Building Over or Adjacent to Sydney Water's Wastewater Mains*".

As part of the submitted PPR, the proponent has provided details that demonstrate that they are able to undertake required works in a manner that is compliant with relevant regulations. It has also been illustrated, through the original survey plan, that the subject land has an existing stormwater connection to the public system in the south-east corner of the site.

Transport for NSW (formerly NSW Department of Transport and Infrastructure and RailCorp)

Transport for NSW (TfNSW) supports developments that facilitate greater use of public transport and reduces the need for car parking. TfNSW suggested that on-site car parking be reduced and that car share and car pooling be encouraged. The PPR proposal has reduced on-site car parking by 200 spaces overall and it is recommended to be further reduced as discussed in **Section 5.7**.

Details on the demand and need for the commuter car parking was also required. It is noted that the commuter car parking has been deleted as part of the PPR.

The bicycle parking indicated in the Traffic Management and Accessibility Plan (TMAP) is supported. However additional visitor cycle parking should be considered near entrances. A Workplace Travel Plan (WTP) for the workforce and a Transport Access Guide (TAG) for residents and employees should also be prepared prior to project approval.

TfNSW supports the inclusion of visitor bicycle parking, cross site linkages and the adoption of a Green Travel Plan (GTP). It was recommended that the GTP be finalised prior to the approval of any development application and this has been required as a future requirement under any development application supporting the Concept Plan. This has been reiterated at **Requirement 8d** of the recommended Instrument of Approval.

Roads and Maritime Services and Sydney Regional Development Advisory Committee

The Roads and Maritime Services (RMS) reviewed the Transport Management and Accessibility Plan (TMAP) that accompanied the EA. The Sydney Regional Development Advisory Committee (SRDAC) considered the proposal at its meeting of 9 February 2011.

The RMS and SRDAC agree with the traffic generation figures provided within the EA. However, in terms of intersection modelling, it was considered that the assessment method (SIDRA) did not accurately reflect actual traffic conditions in the locality. It was recommended that the TMAP be amended to reflect the findings of the RMS SCATES model for the area which indicated that at certain periods throughout the week, the Princes Highway/Oak Road intersection is already at capacity and that this intersection would be unable to accommodate the additional traffic. This would increase the potential for queuing from the Oak Road entrance onto Oak Road and through the Princes Highway intersection.

In terms of access, concern was raised with:

- the use of a deceleration lane from the Princes Highway as the primary vehicular access to the site, entering into a shared vehicle/pedestrian zone;
- this arrangement creates a pedestrian safety issue, whereas traffic should have an uninterrupted flow into the site; and
- Flora Street should be a secondary access, however all service vehicles should use this entry. No heavy vehicles shall enter from the deceleration lane off the Princes Highway.

The RMS and SRDAC noted the following further issues with the project:

- the proposal may result in traffic impacts on the local road network;
- further details are required on the staging of the development;
- the removal of the shared zone would allow uninterrupted traffic flow into the site;
- the loading bays should only be accessed by the Flora Street entry; and
- amended modelling is required to indicate reduced flow into the Oak Street entry.

As part of the PPR, the proponent revised the TMAP in response to the concerns raised by government authorities, including the following modifications:

- reduction in total car parking on site by 200 spaces;
- provision on site of 40 replacement car parking spaces for the street parking displaced;
- removal of the proposed commuter parking facility;
- amended the vehicular access to the site to reduce potential conflicts between service and customer vehicles and pedestrians; and
- a restrained residential car parking provision (less than the standard Council requirement) to encourage use of public transport.

Traffic management is discussed in further detail in **Section 5.2** of this Report

Heritage Council

The Heritage Branch, as delegate for the Heritage Council, generally supported the recommendations of the site Conservation Management Plan (CMP) and Heritage Impact Statement (HIS) relating to the preservation of the remnants of the pipe kiln and brick pit operations. The Heritage Branch recommended that:

1. a qualified conservator, experienced in the conservation and long term management of in situ archaeological remains, be involved in planning, on site works and long term conservation to ensure the conservation of Pipe Kiln 1; and
2. a CMP be prepared which addresses the long term management policies for Pipe Kiln 1;
3. the Statement of Commitments be amended to reiterate the recommendations of the CMP/HIS rather than simply making reference to the report's recommendations.

It is recommended that points 1 and 2 be reiterated as part of the Instrument of Approval (see **Term of Approval A12**) to be considered as part of any future development application for the staged development of the site.

With regard to Point 3, it is considered that to reiterate the recommendations made by the CMP/HIS is unnecessary as long as suitable reference is made to the relevant documents.

Office of Environment and Heritage

The Office of Environment and Heritage (OEH) reviewed the submitted environmental reports and requested that:

- additional information be provided on the provision of and location of Sydney Turpentine Ironbark Forest (STIF) for off-setting;
- the project provide a minimum water body with an area not less than 800m² including a 40 metre 'landing area' throughout and after the construction period. Details of the design, ownership, management and zoning of the park and water body are required to ensure that threatened species and the endangered ecological community are protected in the short and long term;
- the water quality of the water body should be maintained according to ANZECC Water Quality Guidelines for Freshwater Lakes and Reservoirs;
- the two year rehabilitation plan should be extended to five years to allow appropriate time to ensure that weed removal, regeneration and monitoring occurs; and
- greater investigation be undertaken of what other native species use the existing pond.

As part of the PPR the Proponent provided information concerning additional native species within the site, flora and fauna habitats supported through a stagwatch survey and general agreement was reached with Council with regard to the parkland and the STIF biodiversity arrangements. The revised report provides an amended Biodiversity Management Plan which responds to issues of on-going management of the site and also acknowledges the presence of the "grey-headed" flying fox.

The PPR was referred to the OEH which advised that:

- the STIF offset should preferably be in one location adjacent to an existing reserve;
- the location should preferably accommodate vegetation of a similar nature; and
- the proposal should illustrate how the proposal will comply with the requirements of Section 3.5.5 of the Biobanking Assessment Methodology.

The OEH agrees that these matters can be resolved and they have been suitably addressed through future requirements for subsequent development applications as expressed in **Future Assessment Requirement 10** of the Instrument of Approval.

The Department considers that the actions taken by the proponent now adequately respond to OEH's initial concerns and will provide for suitable on-going management of biodiversity for the site.

4.3 Public Submissions

188 public submissions were received from the public. 120 submissions either objected (108) or raised concerns (12) with the proposal and 71 supported the proposal. The key issues raised in public submissions are listed in **Table 2**.

Table 2 : Compilation of Objectors Primary Issues.

Issue Raised in Objections	Number of submissions (120) that objected or raised concerns	Percentage (%)
Parking and Traffic	95	79
Retail Impact	53	44
Height	50	42
Character	35	29
Amenity (Privacy, Noise & Overshadowing)	30	25

Flora and Fauna	19	16
Infrastructure	19	16
Density	13	11

The overwhelming majority of those objecting to the proposal raise impacts from traffic and parking as their primary concern with the redevelopment of the site. A number of submissions also raised concern with the proposal's impact on existing retail floor space in the area and the development's height. General amenity, impacts upon the locality's flora and fauna, infrastructure constraints and the project's density were also raised.

Three submissions raised concerns regarding specific retail floor space providers in the area. These submissions provided their own retail impact assessment and considered that the retail component of the scheme would have a detrimental impact upon retail floor space in the Sutherland region.

The submissions in support were broadly of the view that the redevelopment of the site will provide much needed retail development for local residents, will revitalise this area of Kirrawee and remove an unsightly scar on the locality.

The issues raised by objectors are addressed in **Section 5** of this report.

4.4 Submissions from Economic Experts

The Department also received submissions from Ingham Planning, Milestone Planning, Urbis and BBC Consulting Planners in response to the EA and PPR. These submissions were made on behalf of retail landholders within the surrounding centres including Westfield Miranda, Superbarn Sutherland and Gynea and Menai Market Place.

The submissions raised the following key concerns:

- the proposal is contrary to the established hierarchy of centres in Sutherland;
- the proposal is inconsistent with the role identified for Kirrawee Shopping centre;
- the proposal is inconsistent with the definition of a Village Centre;
- the proposal is inconsistent with Subregional and Metropolitan Strategies;
- the Draft Centres Policy and Draft Competition SEPP should be given little weight;
- the proposal is inconsistent with the zoning and provisions of the Sutherland LEP DCP;
- the objectives of the Mixed Use zone seeks to ensure that the type of retail permitted on the site does not undermine the existing shops in Kirrawee or adversely impact on other centres;
- the previous court judgement is an imperative consideration as part of the assessment of the current application;
- the proposal will have consequential impacts on the retail function of other centres;
- the proposal will impact on the viability of existing shops in Kirrawee;
- the proposal will have significant repercussions for the future growth and revitalisation of Sutherland Town Centre and other strip centres, contrary to advice provided by Hill PDA;
- approval of the proposal would pre-empt the outcome of further strategic retail planning studies for additional retail floor space in the Sutherland LGA/subregion;
- the approval of the proposal would set a precedent for other developments; and
- the proposal will increase traffic movements.

In order to ensure that a full and accurate retail assessment occurred, the department engaged an independent advisor, Leyshon Consulting, to review and make comment on the submitted retail assessment, which formed part of the EA, and those submissions received as a result of the public consultation process.

The issues raised in these submissions have been considered by Leyshon Consulting as part of their independent assessment of economic impacts of the proposal. These issues are discussed in greater detail in **Sections 5.1** and **5.2** of this report.

5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- strategic justification for additional retail floor space;
- economic impacts;
- traffic and parking;
- parkland, habitat conservation and lake water quality;
- built form (height, density and design); and
- residential amenity.

5.1 Strategic Justification for Additional Retail Floor Space in Kirrawee

The appropriateness of locating the proposed quantum and type of retail floor space in Kirrawee is a key issue in the Department's assessment.

The site is located approximately 250 metres to the north of Kirrawee Railway Station and immediately adjacent to the main street of Kirrawee along Oak Road, between Flora Street and the station. The site is currently zoned 7 Mixed Use (Refer to **Figure 5**) and within the Kirrawee Town Centre boundaries as identified by Council in its LEP and DCP. The town centre extends beyond the main street to include the land to the east zoned for mixed uses (the Flora Street East Precinct, the Brick Pit Precinct (the subject site) and the area east of the Brick Pit Precinct) and to the west zoned for medium density housing (Flora Street West Precinct). The Brick Pit site therefore lies within the boundaries of the Town Centre, as identified in **Figure 6**.



Figure 6: Kirrawee Town Centre precincts (Base Image Source: Sutherland Council, 2006)

Council considers that the disused Brick Pit site provides the potential for a mixed use development close to public transport and shops and is the main focus for future development within the Kirrawee Town Centre. The LEP zones the site for mixed uses and seeks to encourage a range of employment and residential uses to revitalise the town centre and station precinct. It also seeks to ensure that new development is compatible with the surrounding area and that any new retail floor space integrates with and supports the existing Kirrawee Town Centre.

The DCP provides controls for a mixed use development of the site with 27,320m² of residential floor space and 10,470m² of employment (commercial/retail) floor space, with a maximum of 20% of the total employment floor space being retail floor space (2,094m²).

The DCP also seeks to ensure that:

- any shops on the site do not create a second centre (by virtue of their size or intensity), undermining the function of the main street as the town centre for the locality;
- any shops on the site activate the public domain and enhance the predominately residential character of the locality; and
- the design and siting of any shops has clear, direct accessible pedestrian links to the main street so that it supports the revitalisation of the retail function of the main street.

The proposal involves a level of retail floor space which is approximately 12,000m² above that envisaged for Kirrawee within Council's LEP and DCP, with a total retail floor area of 14,370m² GFA including a full line supermarket, a discount supermarket, a mini major and speciality shops within an internalised shopping centre layout.

Approximately 860m² of commercial/office floor space is proposed, compared to a minimum of 8,376m² identified within the DCP (80% of 10,470m²).

5.1.1 The Proponent's justification

The proponent engaged Hill PDA to provide advice on opportunities for growth in all Sutherland centres and specifically the Kirrawee Town Centre. Hill PDA considers that an additional 100 hectares of land will be required to accommodate the likely demand for residential, retail and commercial floor space in the Sutherland Shire to 2036 and seeks to make recommendations on where this floor space may be accommodated.

In relation to retail and commercial floor space, Hill PDA advises that there is a significant existing retail undersupply in the Sutherland LGA and that there is a need to plan for an additional 95,500m² of retail floor space by 2036. The retail requirements include a substantial future demand for supermarkets, grocery and speciality non-food retailing.

However, although there is a modest demand for commercial floor space up to 2036, Hill PDA considers that there is limited actual demand from existing or potential occupiers for additional commercial floor space at this time. Further, it argues that commercial floor space should be encouraged closer to existing concentrations in centres such as Sutherland, Caringbah and Miranda.

Hill PDA considers that only six of the nine centres within Sutherland Shire have the realistic potential to grow by 2036. Kirrawee, which includes the 4.2 hectare brick pit site is one of these six centres and has the ability to contribute significantly to this additional retail floor space requirement.

Hill PDA considers that the site's vacant status, single ownership and accessibility to public transport make it desirable for redevelopment to accommodate a significant sized shopping centre. Further, the ability for car parking and retail uses to make use of the existing pit allows for the viable redevelopment of the site.

5.1.2 Council's consideration

Council has raised concerns that the proposed scale and intensity of the proposed retail uses is unacceptable as:

- it would be inconsistent with the character of the Kirrawee Town Centre and its future role and function in the Sutherland Shire;
- Kirrawee Town Centre would no longer be classified as a village and therefore the proposal is inconsistent with the hierarchy of centres in the Sutherland LGA;

- the impact on the Sutherland Centre is in the medium-high category with a projected trade loss of 8.3%;
- the majority of trade loss would be borne by the existing two supermarkets at Sutherland Centre;
- the trade impact on Kirrawee, being 14.3% initially, is also significant;
- should the requested level of retail trade be approved then no more than one supermarket should be permitted within the development; and
- any retail accommodated on site should provide a practical ground link to the existing Kirrawee shopping centre by established retail activities along the Flora Street frontage.

5.1.3 The Department's consideration

The Department notes that the subject site is identified within the boundaries of the Kirrawee Town Centre in the Sutherland LEP and DCP. Council has identified that the site provides an opportunity for a mixed use residential and employment development, but is concerned about the scale and intensity of the development.

In response to earlier submissions which disputed the findings of the Hill PDA retail assessment prepared for the Proponent, the Department commissioned an independent review of the report by Leyshon Consulting.

The Leyshon Consulting Review identified the following parameters as reasonable:

- There is an under-supply of retail floorspace within Sutherland local government area;
- The undersupply of retail floorspace has created an above average retail trade turn-over generally within the LGA;
- the projected population growth of 26,000 equates to an additional retail floorspace demand of 52,000m² by 2036;
- theoretically there is adequate capacity within the trade area to support a supermarket;
- there are no compelling arguments that similar forms of retail development can be accommodated within the Sutherland or Kirrawee shopping centres; and
- the Brick Pit site is a suitable site for the development as it is well serviced by public transport and is a consolidated property holding sufficient to accommodate the development.

The general findings of the Leyshon Consulting review of the Hill PDA report were:

- Reservations over the Hill PDA analysis were not sufficient to alter fundamental conclusions;
- Retail impacts are likely to be greater than identified by Hill PDA but are not of such a level as to warrant refusal of the proposal;
- Major long term impact on Sutherland Centre is that it is unlikely to accommodate a major retail (supermarket) development, due to site amalgamation and competition issues;
- The Brick Pit site development scale is unlikely to be accommodated in the existing Kirrawee or Sutherland Centres, and is thus well positioned to provide the services proposed; and
- The Hill PDA economic analysis is considered to be acceptable for the subject proposal.

As discussed in **Section 2.3** of this report, Kirrawee is identified as a Village within the Draft South Sub-regional Strategy although located along a high usage highway. It is acknowledged that the proposed level of retail floor space is consistent with that found in a Town Centre and involves an intensification of retail uses which will alter the existing character of Kirrawee. Due to its position on the Princes Highway and walking distance to the railway station, the site is considered to be ideally located to accommodate a mixed use development of this nature and scale.

The Department's Draft Centres Policy aims to create vibrant centres that cater for the needs of business and provide the community with places to live work and shop. The policy is based on 6 key planning principles including:

- locating new development near transport and other infrastructure;
- allowing centres to grow and new centres to form,
- regulating location and scale of development,
- supplying adequate floor space to meet market demand, promoting competition, and ensuring high quality urban design.

The Draft Centres Policy provides the scope for lower-order centres to expand and take on a greater importance. Based upon the conclusions of the Hill PDA and Leyshon Consulting retail assessment reports, there is an identified high demand for retail services in the LGA and that limited suitable land (requiring minimal allotment amalgamation) is available to meet this demand. The Draft Centres Policy also provides preference for locating new retail development within existing centres, followed by the expansion or creation of new centres.

The Department, having given due consideration to the findings of the Leyshon Consulting review of the Hill PDA retail assessment, considers that the proposal is generally consistent with the key principles within the Draft Centres Policy given that:

- the proposal is located within an existing centre which is identified by Council in its LEP and DCP as a centre;
- the proposal will utilise existing public transport and includes measures to improve accessibility to the centre and the relationship to the surrounding public domain;
- existing centres are currently unable to accommodate major retail development without expensive allotment amalgamation, as reported by Hills PDA and Leyshon consulting;
- the proposal would provide an increased variety of retail opportunities in the area and increased competition; and
- the proposal has been assessed on its merits and the location and scale is considered appropriate.

Council is also concerned that the limited amount of commercial floor space does little to improve employment self containment within the LGA, noting that there are already sufficient retail jobs in the LGA to accommodate local retail workers. However, the Department considers that the proponent's argument that commercial floor space should be encouraged closer to existing concentrations in centres such as Sutherland, Caringbah and Miranda is sound.

The previous use of the site as brick pit and adjacent industrial and manufacturing uses would have provided a local source of employment for residents. While it is appreciated that Council seeks to retain a level of employment uses in the area and increase employment self containment, it is unlikely that commercial and office uses would establish in Kirrawee. It is more likely that new commercial development will be focused in larger centres of Sutherland, Caringbah and Miranda.

In summary, the Department considers that the site is a highly suitable location to allow the expansion of the Village Centre to a Town Centre given:

- its location within an existing centre, and within 250 metres of a railway station, will allow for efficient use of transport and other infrastructure;
- the site is a large landholding occupied by a disused brick pit which provides an excellent opportunity for urban renewal and revitalisation of the Town Centre; and
- the site benefits from good vehicular access and connections to the arterial road network.

The Department also considers that the existing main street retail shops which are located between the railway station and the proposed shopping centre may benefit from additional pedestrian through traffic adding to the vibrancy of the centre. The Department considers that the proposed ground level connections across the site and the open space in the western portion of the site will encourage patronage to the main street. It is also noted that the proposal will provide a different "offering" to the shops on the main street and that main

street shopping strips can retain and create competitive strengths in terms of convenience services, cafes/restaurants and boutique shopping.

Noting the above, the Department considers that the proposal is acceptable and supports the expansion of Kirrawee Town Centre.

5.2 Economic Impacts

The Department received submissions from Sutherland Council, retailers in surrounding centres (including Menai Marketplace, Miranda Fair and Superbarn) and the community which raised concern with the proposed amount and type of retail floor space and its potential economic impacts upon existing shops within Kirrawee Village Centre and surrounding centres.

The economic impacts of the proposal on the existing shops along the main street of Kirrawee and in surrounding centres is a key consideration in the Department's assessment.

5.2.1 The Proponent's justification

The application was accompanied by *A Centres Study for Sutherland Shire* prepared by Hill PDA. The Study was divided into two parts, Part A "Sutherland Shire in Context" and Part B "Part of the Solution – the Former Kirrawee Brick Pit Site".

Part B of the report provides an analysis of the impact of the proposal on other centres within the Sutherland LGA. Hill PDA identifies the following short term impacts, being 2-4 years:

- 10.3% loss of trade at Kareela;
- 7.6% loss of trade at Sutherland;
- 6.2% loss of trade at Gymea;
- 5.2% loss of trade at Taren Point;
- 5.1% loss of trade for existing shops in Kirrawee;
- 4.1% loss of trade at Jannali;
- 3.4% loss of trade at Miranda;
- 3.1% loss of trade at Southgate;
- 3.1% loss of trade at Caringbah;
- 1.9% loss of trade at Menai;
- 1.8% loss of trade at Engadine;
- 1.0% loss of trade at Cronulla.

Hill PDA considers that impacts under 10% are not significant and notes that all affected centres are expected to experience growth in turnover over time as a result of population growth and increasing affluence. In particular Hill PDA estimates that Sutherland will increase in trade by approximately 36% (between 2007 and 2014), notwithstanding the 7.6% loss in sales which are redirected towards the proposed shopping centre. In summary Hill PDA noted that by 2014 the existing centres, apart from Kareela (-0.6%) and Kirrawee (-4.6%), would rebound to trade at similar returns to those reported for the 2007 financial year.

In relation to impacts on the existing shops in Kirrawee, Hill PDA importantly notes that Kirrawee presently lacks any anchor retailer. It is argued that large supermarkets can serve an important anchor function, stabilising the centre and attracting additional expenditure from a wider trade area. On this basis, Hill PDA considers that the proposal will provide an anchor at the northern end of the centre, complementing the anchor provided by Kirrawee Railway Station at the southern end of the centre to the benefit of the existing retailers on the main street in between the two anchors.

5.2.2 Independent economic assessment

The department has reviewed the economic impact assessments undertaken by the Proponent and on behalf of objectors to the proposal. Noting that each report came to

different conclusions, the department considered it appropriate to commission an independent review of economic impacts to inform its assessment.

The department commissioned Leyshon Consulting to undertake an independent review of the economic impacts of the proposal, including a peer review of the Hill PDA assessment and consideration of submissions received from BBC Consulting Planners, Don Fox Planning, Ingham Planning and Milestone. The report by Leyshon Consulting is provided in **Appendix E**. As part of the review Leyshon Consulting consulted with the Proponent's economic consultant and Sutherland Council.

Although Hill PDA relied upon an undefined "Locality" assessment (generally encompassing an assumed supermarket trading area of 3-5 kilometres) and did not consider it necessary to identify a trade area, Leyshon Consulting considered that a defined trade area should have been identified to determine the likely extent of influence of the proposal and the supply and demand parameters existing within the trade area.

In this regard, as part of its review Leyshon Consulting identified a trade area which extends approximately two kilometres in all directions, primarily encompassing the suburbs of Kirrawee, Sutherland, Gymea, Gymea Bay, Grays Point, Kareela, Loftus and Bonnet Bay and has an estimated population of 39,236 people (refer to **Figure 7**). This includes both the primary and secondary trade areas.

Leyshon Consulting estimates that the total retail spending generated by residents within the trade area is approximately \$487.7 million per annum with available supermarket expenditure estimated at \$156.1 million per annum.

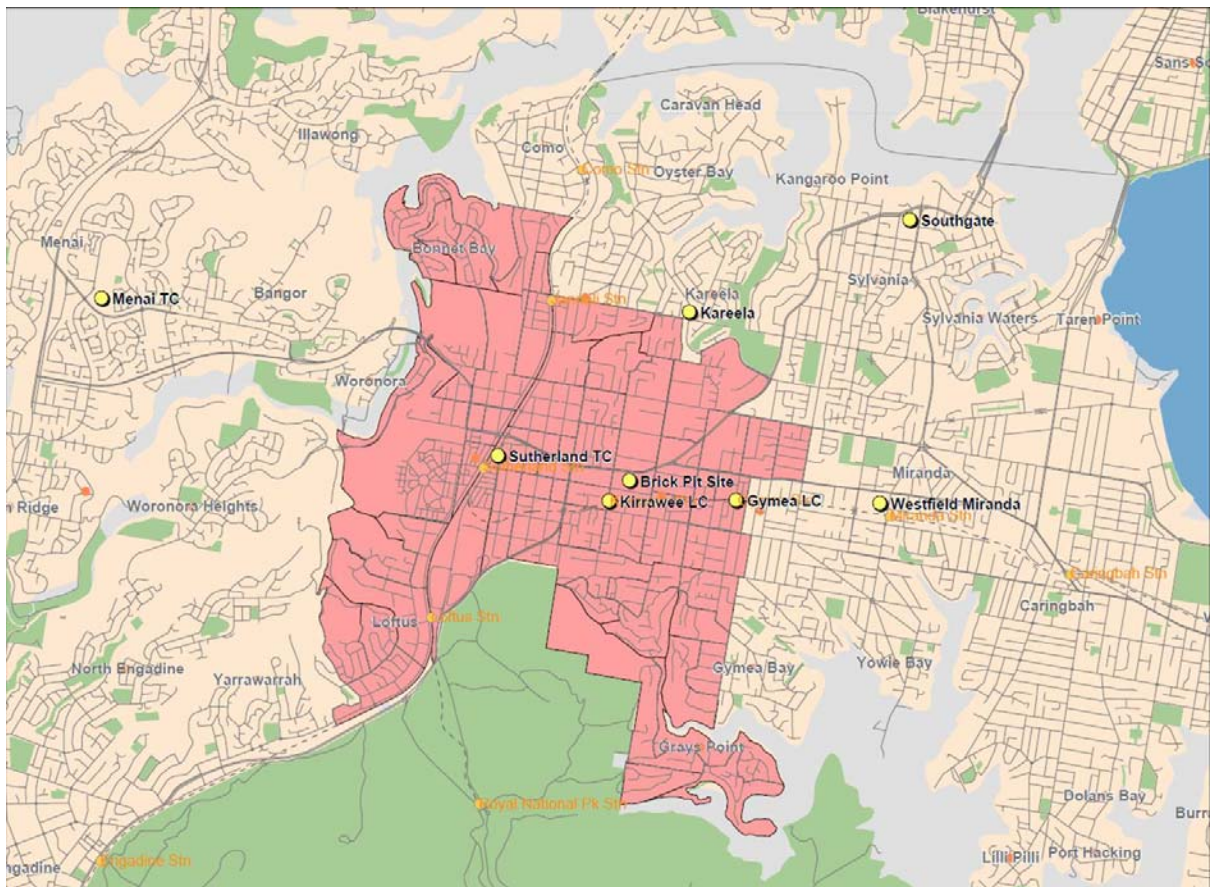


Figure 7: Trade Area identified by Leyshon Consulting (includes the primary and secondary trade area)

Assuming an average supermarket sales rate of \$10,000 per m², Leyshon Consulting considers that spending in the trade area generally could support approximately 15,600m² of

supermarket floor space. Given that the current supply of supermarket floor space totals approximately 7,000m², there is an estimated shortfall in the order of 5,285m² based upon a realistic level of self containment of 80% within the trade areas.

Leyshon Consulting therefore consider that there appears to be adequate capacity within the trade area to support the proposed supermarket floor space without any adverse impacts on existing supermarkets in the area.

In relation to the impacts on other centres, Leyshon Consulting questions the severity of impact on centres such as Taren Point, Cronulla and Caringbah given the distance between these centres and Kirrawee. Leyshon Consulting considers that the most significant impacts of the proposal will fall on the centres of Sutherland, Gymea, Kareela and the local shops at Kirrawee. As these centres are relatively small, they have less ability to absorb impacts.

Leyshon Consulting estimates that the Sutherland Town Centre will experience a downturn of approximately 8.3% (compared to 7.6% estimated by Hill PDA). The impact on the existing Supabarn and Franklins supermarkets is considered unlikely to threaten their viability. In relation to the future growth of Sutherland Town Centre into a Major Centre, Leyshon Consulting notes that notwithstanding this proposal, there are difficulties in providing additional retail development in Sutherland due to existing land use, ownership and feasibility constraints, including lack of appropriately sized land holdings to accommodate supermarket area requirements of a minimum of one hectare.

Leyshon Consulting estimates that the centres of Gymea and Kareela may experience downturns in the order of 6.1% and 10.9%, respectively. These impacts are similar to those estimated by Hill PDA, and in this regard, Leyshon Consulting agrees that the impacts will not be significant to threaten the viability of these centres.

In relation to the existing shops in Kirrawee, Leyshon Consulting considers that the impact is likely to be in the order of 14% downturn, compared to 5.1% estimated by Hill PDA. However, it is noted that the precise impact is difficult to analyse given the small size of the centre and the absence of a supermarket as an anchor. The extent of impacts is affected by a number of unknown factors including:

- the extent to which tenancies in the main street are replicated in the proposed shopping centre;
- the loyalty of shoppers to existing retailers; and
- the level of foot traffic between the railway station and the proposal.

Notwithstanding that the impacts would be considered in the high category, Leyshon Consulting considers that there would be no overall loss of retail facilities currently enjoyed by the community, and notes that the threat of competition between individual retailers is not a planning consideration.

On balance, Leyshon Consulting concluded that the proposal is acceptable as:

- it will increase competition and choice for residents of Kirrawee and surrounding suburbs;
- the scale of development proposed is unlikely to be able to be accommodated in the existing Sutherland LGA centres; and
- the economic impacts of the proposal are unlikely to threaten the viability of other centres or the level of retail facilities currently enjoyed by the community.

5.2.3 Department's consideration

The Department has reviewed the economic assessments provided by the proponent, objectors and Council. Leyshon Consulting was engaged to provide an independent review of the economic impacts of the proposal. The Department considers that Leyshon Consulting has provided a detailed review and critique of the Hill PDA and other assessments and provided a justified analysis of the likely economic impacts of the proposal.

The Department has therefore made an informed assessment of the proposal and considers that it will provide increased and improved shopping facilities to residents of Kirrawee and surrounding suburbs. The redevelopment of this site is an integral part of the growth and development of the Kirrawee Town Centre.

The Department is satisfied that the impact on surrounding centres will be at acceptable levels which are unlikely to threaten the viability of these centres or the level of retail facilities provided to the community.

The Department notes that there is a significant unmet demand for retail floor space within Sutherland LGA and that this will increase over time. The issue of lack of suitable sites for a large scale complex, due to fragmented land holdings, is also acknowledged by the Proponent, Council and the objectors. What is in dispute, however, is whether a mixed use development of this scale and form is appropriate within the Kirrawee Village Centre and whether it stifles development of similar facilities within established Town Centres, in particular Sutherland.

In response, the Department notes that the current design and layout would enable only one full size supermarket to establish in the centre. It is therefore likely that either Coles or Woolworths would take up this floor space and that the other retailer would have the opportunity to establish at neighbouring centres, should a suitable site become available. The Department also notes that Aldi has provided written confirmation of their interest in being a future tenant in the complex. The Proponent has also advised that the mini-major site is likely to accommodate a mid-range store.

The Department accepts that, as with any new retail development, there will be some level of initial negative trading impacts upon existing retailers' financial returns, however, in the long term these existing operators would, in general, remain competitive.

In relation to the impacts on the existing main street retailers in Kirrawee, it is considered likely that the existing main street retail facilities will develop as part of a larger "*Town Centre*" with an essential and busy link role between the railway station and the Brick Pit development. While the retail trading of this strip may decline in the short term, the centre will continue to function in an evolving role. It is likely that the shopping strip will take on a greater role for commuters and specialist services, including food services, restaurants and cafes.

The Draft Competition SEPP outlines that commercial viability of a proposal and the impact of a proposal on the commercial viability of another commercial development are not relevant planning considerations. However, consideration must be given to the overall impact on facilities available to the community.

The Department considers that the proposal is likely to result in a positive impact on the overall retail facilities available to the community given that:

- competition between retailers is encouraged with resultant potential impacts on pricing;
- the overall level of retail facilities in the locality will be increased;
- the proposal will provide an anchor to the northern edge of the town centre which in conjunction with the railway station acting as the southern anchor may help to encourage the vibrancy of the existing Kirrawee Centre;
- the proposal will assist in preventing economic leakage by making Kirrawee more attractive to shoppers, meaning that the centre will become more attractive in the long term; and
- local shopping strips can adapt over time and provide a different offering to a shopping centre (eg restaurants, cafes, boutique shops).

The Department has also received an application for a major redevelopment of the Cronulla Sharks site in the eastern portion of the Sutherland LGA which includes approximately 13,900m² of retail floor space, including 6,000m² of supermarket. This site lies approximately 8 kilometres from Kirrawee.

The likely trade area for the Sharks proposal is primarily local, including Kurnell Peninsula and parts of Woollooware and Cronulla, whereas the Kirrawee Brick Pit trade catchment is considered to be primarily within a 2-3 kilometre radius. Hence, the two developments will have minimal overlap in terms of trade catchments.

Further, there is such an undersupply of retail floor space in the Sutherland LGA (see analysis at Section 5.1 of this report) and demand for supermarket floor space, that these two developments will not even meet the existing demand requirements for the LGA. Therefore, there is still scope for future retail development within existing centres and alternate sites within the LGA.

Based on the retail assessments undertaken for both the Sharks proposal and the Kirrawee Brick Pit proposal it is concluded that the development of both centres is acceptable considering the strong trading performance of existing centres which would have the ability to absorb the impact of these proposals without jeopardising their economic viability.

On balance, it is considered that the benefit arising from the proposal in terms of increased and improved retail facilities outweighs any likely impacts on existing centres.

5.3 Traffic, Access and Parking

5.3.1 Traffic and Access

The proposed residential and retail uses will generate additional traffic on the local road network, in particular on Thursday evenings and Saturdays which are generally the peak periods for large format shopping centres. The proponent submitted a Traffic and Transport Assessment by Halcrow which estimates that the likely traffic generated by the proposal would be some 1117 vehicle trips during the Thursday evening peak and 1213 trips during the Saturday midday peak.

The PPR involves the following key works to provide vehicular access to the site and cater for the increase in traffic generation:

- Upgrade and reconfiguring the intersection of the Princes Highway and Oak Road;
- Provision of traffic signals at the intersection of the Princes Highway and Bath Road;
- Provision of traffic signals at the intersection of Oak Road and Flora Street; and
- Provision of a deceleration lane into the site from the Princes Highway.

The RMS and Council initially raised concern with the project's impact upon the traffic conditions in the locality. The SRDAC originally noted the following issues with the project:

- the proposal will result in traffic impacts for the local road network;
- further details are required on the staging of the development;
- the removal of the shared zone would allow uninterrupted traffic flow into the site;
- all loading and unloading should be via the Flora Street entry; and
- amended modelling is required to indicate reduced flow into the Oak Road entry.

As part of the PPR, the proponent revised the TMAP in response to the concerns raised by government agencies, including the following:

- all service deliveries to be made via Flora Street with no heavy vehicle use of the Princes Highway entry;
- implementation of Stage 1 and Stage 2 traffic works originally recommended by the RMS;
- reduction in total car parking on site by 200 spaces to 1150 spaces;
- removal of the proposed commuter parking facility;

- provision on site of 40 replacement car parking spaces for street parking displaced; and
- residential car parking rate should be restricted (rate of 1.4 spaces per dwelling) below the standard Council requirement to encourage use of public transport.

The RMS reviewed the amended TMAP and advised that the modified TMAP had adequately responded to the issues raised by SRDAC. It was noted by the RMS that the traffic signalisation of the Oak Road and Flora Street intersection raised the issue of removal of street car parking for residential and business related activities around this intersection.

RMS recommended that the loss of on street parking should be notified to interested parties if this proposal had not been publicly notified previously. This is not considered warranted in this instance as:

- the traffic signals at this intersection were part of the original EA submission and thus the public has been suitably notified of this potential traffic management outcome;
- the Proponent agrees to replace displaced street car parking within the development; and
- the submission is a Concept Plan proposal and affected properties will have a further opportunity to comment on this issue as part of any subsequent application.

A number of future assessment requirements are recommended to ensure that RMS requirements are met and the required road upgrades are undertaken as part of the development (see **Future Assessment Requirement 8** of the Instrument of Approval).

5.3.2 Parking issues

The issue of parking numbers associated with the development has been addressed in the revised traffic management reports by the Proponent where it is noted that the retail/commercial car parking requirements now reflect that required by the RMS guidelines. The Proponent has undertaken to conditionally accept the replacement of any displaced street car parking resulting from the proposed works and this commitment is reflected in the final PPR (**Condition Modification B4**).

Sutherland Shire Council has advised that their concerns with carparking associated with the proposal relate to the provisions of additional carparking for the residential component and suitable replacement of street carparking that may be displaced. The increase in the proposed residential carparking provided on site would be contrary to the State policy position of reducing car dependency for residential development, particularly where the proposal is ideally located near a public transport centre.

The Proponent now seeks to accommodate 1,150 car parking spaces in a basement arrangement providing for 603 residential and visitor spaces, 40 street replacement spaces and 507 spaces for commercial/retail use.

With regard to the residential car parking component the Proponent seeks to provide car parking at the rate of 1.4 spaces per dwelling. The Department previously sought the Proponent to reduce residential car parking to one space per dwelling considering the site's proximity to public transport facilities. The Proponent contends that the 1.4 space rate is appropriate as:

- Sutherland Council would oppose a reduction in the residential parking numbers;
- reduced parking may not result in reduced car use/traffic generation; and
- lack of residential car parking may detrimentally impact the project viability as it may discourage future occupants who prefer higher levels of car parking.

The justification provided by the Proponent for a higher residential car parking rate is not supported for the proposal on the following basis:

- the site is located entirely within 500 metres and a casual 10 minute walk of the railway station;

- the provision of additional car parking on site increases traffic generation from the site, notwithstanding the consultant's view that traffic generation may be similar whether the proposal provides a lower or higher car parking availability;
- many variables can impact the viability of a project, however, in this instance at least one space could be provided per dwelling. Hence, each dwelling will have car parking potential and can be marketed in that manner;
- should a situation occur where future residents of the development utilise existing public street car parking Council has potential mechanisms, including resident only parking periods and fines for illegal parking, with which to control such a situation; and
- the proposed parking arrangement provides for an additional 117 car parks equating to only 27% of the dwellings achieving an additional car space, whilst noting there are 373 dwellings of 2 bedrooms or greater in size. The additional car parking would not create a significantly greater opportunity to provide for additional unit parking overall.

On the basis of the above comments, it is considered that insufficient justification has been provided by the Proponent to substantiate higher on-site car parking provision for the residential component of the development. It is recommended that the total on-site car parking be restricted to 1,033 car spaces (**Modification B4**), of which 486, including 54 visitor spaces, would be available for the residential component. This represents one car space per dwelling which is considered adequate for a site which has good public transport access.

NSW Transport has reviewed the Proponent's PPR and has concurred with all the recommendations apart from the number of car parking spaces provided to service the retail/commercial component. NSW Transport has recommended that the car parking for the retail/commercial component should be reduced and that this can be required to be assessed as part of a Workplace Travel Plan for any future application. The Department is supportive of this approach as the site is well located to utilise the existing public transport infrastructure and should be further considered at development application stage.

5.4 Parkland, Habitat Conservation and Lake Water Quality

The proposal seeks the partial retention of the existing lake in the south-east corner of the site and augmentation of the bushland surrounding the lake, including the Sydney Turpentine Ironbark Forest (STIF). The management of this large open space area (approximately 9,000m² including 1,973m² of STIF), treatment of the lake, improvement of water quality and augmentation of the STIF are matters that will be addressed in the Voluntary Planning Agreement (VPA) to be finalised between the Proponent and Council.

With regard to the Proponent's design for retention of the lake and bushland surrounds, the Council has advised that although the optimal ground level has not been achieved, the level of the park has been increased and finished ground levels are now suitable for disabled access to the water body, grassed area, and building forecourt.

With regard to the ecological concerns with water quality, fauna protection (Grey-Headed Fox), Eastern Bent-Wing Bat and STIF tree protection and plantings, the Council advised that the majority of environmental issues associated with the proposed development of the brick pit site have either been adequately resolved or can be resolved through the imposition of future assessment requirements.

The Office of Environment and Heritage has acknowledged that the treatment of the lake and protection of endangered species can be adequately addressed, however they have raised concerns with the provision of some 5,500m² of replacement STIF off-site at various Council park locations. OEHL considers that dispersing the STIF would place pressure on the remnant forests and that the best outcome is to place the forest on site or on one other Council property. This issue remains one for discussion between the Proponent, Council

and OEH but is a matter which can be adequately resolved as all parties are seeking a positive outcome for the STIF augmentation.

On this basis the Department's view is that matters relating to ecological and water quality concerns can be adequately managed through relevant future assessment requirements. Accordingly this issue will be addressed in detail at the development application stage through suitable responses to Terms of Approval, **Condition A11 and Condition 10 of Schedule 3** in the Concept Approval.

5.5 Built Form (Height, Density and Design)

The Department and Council raised concern over the proposed 15 storey height of the original proposal and the Proponent has reduced this by one storey in the PPR. In addition the proposed building footprints have narrowed in order to reduce the bulk and scale appearance of the towers, particularly when viewed along the Princes Highway. The Kirrawee Town Centre DCP places a five storey height control on the site. Council advises that a height limit of 6 storeys or 20 metres reflects the general height of the tree canopy across the Shire.

The Proponent's scheme has been designed to limit the overall building height facing the roadways to 6 storeys and positioning the higher elements at the centre of the site. This is illustrated in **Figure 8**. This concept is partly consistent with Council's repealed Kirrawee Masterplan which sought a maximum 5 storey height along the street frontages.

The design proposal ensures that the central high-rise towers do not dominate the streetscape by being setback within the allotment with the smaller low-rise buildings on the boundaries. Further, the positioning of the towers at angles, ensures that when viewed from the Princes Highway the appearance will be a changing one as people drive past with the separation between the buildings and building positioning providing a break in the bulk of the buildings. The proposed residential towers will be between 38 – 46 metres above ground level which is comparable to the height of the original brick kiln chimney stacks on the site (see **Figure 9**).

The height of the proposed towers will ensure they are prominent landmark buildings in the Sutherland Shire Area and will be particularly evident when travelling along the Princes Highway corridor. The towers would be visible as buildings set back away from the main transport corridor and this would, to some degree, soften the scale of the buildings when compared to surrounding forms of development, which ranges between two and five storeys in height.

The greatest visual impact of the proposal will be at street level along the Princes Highway as illustrated in the Proponent's photo-montages. This is illustrated in **Figures 10-12**.



Figure 8 – Proposal Building Heights (Source – GM Urban design & Architecture Pty Ltd)



Figure 9

Brick Pit chimney photograph from Princes Highway (Source: Edward Higginbottom & Associates)

Surveyed heights of the chimney towers ranged between 35 to 41m for the western tower and between 38 to 48m for the eastern tower.



Figure 10 – BEFORE : Looking South-west from Kingsway on Princes Highway - AFTER



Figure 11 - BEFORE - Corner of Princes Highway and Kenneth Avenue looking south east - AFTER



Figure 12 – BEFORE - Corner of Waratah Street and Oak Road looking south – AFTER.

The modified design, with slimmer tower forms and a slightly reduced height, will provide for a less intrusive building form as it will change shape and presentation as one approaches and drives past the site, appearing as one building and then separating into three as passed.

The Proponent contends that the height/scale of the complex is justified as:

- the original brick pit chimneys, now removed, were 35 to 41 metres in height (see **Figure 12**), compared to the proposal's tower heights of 38 to 48 metres;
- the tower forms are recessed within the site, being 42 metres from Princes Highway, 46 metres from Flora Street and 84 metres from Oak Road, which would lessen the perceived scale of the buildings;
- the height of the proposal will be similar in form and scale to other development sites across Sydney, ranging in heights from 9 to 21 storeys, and thus would not set a precedent or establish a unique form of development;
- the land slopes from the southwest to the northeast and the towers will be generally located within the lower portion of the site; and
- the perimeter 5 and 6 storey buildings will provide a stepped/staggered appearance of scale when viewed from the surrounding public roads.

The proposed residential towers are located in the eastern and central parts of the site (see elevations at **Figure 13**) where the nearest neighbouring properties are industrial or other non-urban land uses. To the west, the residential housing along Oak Road will be in excess of 100 metres from the towers. Given the location and distance of the nearest residential properties to the west it is considered that the height and orientation of the residential towers will not impact upon the privacy or access to daylight/sunlight of any nearby residential properties.

The density is considered acceptable as the site is located within an existing centre and is extremely well served by public transport, via Kirrawee railway station located approximately 250 metres to the south, or ten minutes walk from the furthest point of the development (northeast corner/450 metres). The site is also well located in relation to the main transport corridor along the Princes Highway adjoining the northern boundary.

The Department considers that the proposed heights of up to 14 storeys are acceptable within the context of an existing centre. Similar scales of development are provided around other nearby centres, such as those in Cronulla that extend up to 13 storeys in height. In addition, the proposed centre at Woolooware (the Cronulla Sharks proposal) also involves buildings up to 14 storeys in height.

The site is also able to accommodate additional height due to its separation from existing residential properties, location adjacent to the Princes Highway and large area of public open space. It is considered that the visual impact of the tower components of the development is diminished by slender building forms, the setbacks to surrounding streets and generous landscaped setting.

Considering the above, it is the Department's view that the proposal is an appropriate built form outcome for this unique site.

To ensure high quality design, the Department considers it necessary for the eight main buildings to be designed by at least 3 different architects. The Proponent has accepted this requirement as a reasonable design approach to a large site redevelopment and this requirement is reflected in Terms of Approval, **Condition A13** of the Concept Approval.



Indicative North elevation from Princes Highway



Indicative West elevation from Oak Road



Indicative East elevation



Indicative South elevation from Flora Street

Figure 13: Development elevations from each property frontage (Source: GM Urban Design & Architecture Pty Ltd)

5.6 Residential Amenity

Residential amenity was a key issue raised by the Department. It is essential that the project demonstrates that future stages can achieve a high standard of residential accommodation for residents. The Proponent contends that the proposal will adequately achieve satisfactory internal and external amenity standards and also satisfy ESD standards whilst achieving a high Green Star rating.

SEPP 65 and the Residential Design Flat Code (RDFC) provides guidance for assessing residential amenity. Consideration of the proposal against the RFDC guidelines is outlined in **Table 3** below.

Table 3 : Compliance Table under SEPP 65

Design Element	Guideline	Proposed	Complies
Building Separation	12-24 metres minimum	20 metres + (conditional compliance)	No, but can be made to comply
Building depth (general)	10-18 metres maximum	14-25 metres (acceptable built form)	No, but acceptable
Dwelling depth (single aspect)	8 metres Wall to opening.	7-11 metres	No, but acceptable
Open Space (OS)	25-30% (Of 4.3ha site area)	46% (2.45ha) (includes public/private)	Yes
Deep Soil Zone	25% of OS area (25% of 1.29ha)	25%+ (0.33ha)	Yes
Vehicle Access	6 metres	6 metres	Yes
Preferred Site Access	Vehicular entry off Secondary street	Yes For Residential	Yes
Kitchen rear to abode window	8 metres minimum distance	Achievable	Yes
Apartment size	50, 70 and 95m ² Guideline	Achievable	Yes
Balcony depths	2 metres minimum	Achievable	Yes
Ceiling Heights	2.4-2.7 metres preferred	Achievable	Yes
Internal Circulation	8 units off single corridor	7 – 15 (off dual lift corridors)	No, but acceptable
Storage	6m ³ to 10m ³	Achievable	Yes
Solar Access	70% with 3 hours between 9am-3pm	68.5% (296 of 432 dwellings)	No, but can be made to comply
Dwellings with southern aspect	10% maximum	14% (59 of 432 dwellings)	No
General Natural Ventilation	60% minimum	Achievable	Yes
Specific Natural Ventilation	Achievable for 25% of Kitchens	Achievable	Yes

The proposal generally meets or exceeds the RFDC guidelines and it has been demonstrated that compliance can be satisfied as part of design modifications accompanying a development application. The proposal however does not conform with the recommended requirements for building separation, building depth, internal circulation and solar access as discussed in more detail below:

- **Building Separation:** The identified non-compliances relate primarily to where balconies and habitable room windows are orientated towards each other in the

residential blocks. This can be adequately resolved through minor modifications which re-orientate these balconies and windows in order to achieve the minimum separation requirements (see **Term of Approval A6 and Modification B1**);

- **Building Depth:** Approximately 20% of the tower floor plans and 50% of the perimeter residential blocks (maximum of 19 metres depth) have a building depth exceeding 18 metres. In this instance the non-compliances are considered acceptable as the apartments have floor to ceiling heights of a minimum of 2.7 metres and a large number of the dwellings are two storey townhouse style or corner positioned in order to promote good air circulation and quality living amenity;
- **Dwelling Depth:** Similar to the Building Depth, there are a number of dwellings which will have depth exceeding the 8 metre standard, some by up to 3 metres. However, as stated above, this is acceptable in this instance as the dwellings have 2.7 metres floor to ceiling heights, are townhouses in design or have corner positions promoting good cross-flow air circulation;
- **Internal Circulation:** The RFDC recommends that circulation corridors provide access to a maximum of 8 dwellings, whereas the subject proposal services 7 to 15 dwellings. In this case the corridor arrangements are acceptable as the corridors are serviced by two separate elevator systems spread along the corridor; and
- **Solar Access:** The proposal provides 3 hours solar access to approximately 68.5% of the dwellings. This can be increased to minimum 70% by simply re-positioning windows. Minor design modifications to the dwelling layouts will ensure compliance with this standard (see **Term of Approval A6 and Modification B1**).

Given the above, it is concluded that the proposal can largely comply with the relevant standards through minor layout modifications of the dwellings and buildings, which would not result in an unreasonable modification to the overall development. Appropriate modifications have been recommended accordingly.

5.7 Other Issues

5.7.1 Open Space Issues

The proposal sets aside 2 hectares of the 4.25 hectare development site as open space. Generally 30% of the total site area would be adequate under the provisions of the RFDC. The subject proposal provides for a total of public and private open space equating to 48% of the site, as depicted in **Figure 14**.

This open space area includes the retained lake system, STIF forest, perimeter plantings and private residential communal spaces. These open space areas will provide variety for residents and visitors alike and will add to the screening effects that existing vegetation provides for this site. The mix in activities and recreational uses of these lands is considered to be a positive and supportable aspect of the development.

Previous issues of contention related to Council's view that the concept design as proposed did not provide public land suitable for transfer into Council ownership. This issue has been a matter of discussion between the Proponent and Council and it is understood that general agreement has been reached, whereby the transfer and management of the open space areas, including the STIF forests, both on site and those proposed on Council parkland off site, can be accommodated through a Voluntary Planning Agreement (VPA).

It is considered that the proposal provides adequate and useable open space to service the development and the local community. As discussed in greater detail in **Section 5.7.5**, the VPA offer has been formally submitted to Council. Council has indicated that it will support the offer but has deferred final consideration until this application is determined. The manner in which this will be managed and controlled will be determined by the VPA which will be finalised with Council and is required as part of **Term of Approval A11** of the Instrument of Approval.



FIGURE 14 : Landscaped Plan (Source: Woodhead Architects)

5.7.2 Flora and Fauna Impacts

Initially concerns were raised by OEH and Council's Environmental Science Section, relating to the following matters:

- that inadequate surveys had been undertaken of the flora and fauna on the site and additional surveys were requested;
- that insufficient details were provided on water quality and lake management;
- that insufficient detail had been provided on the management of the STIF forest and provision of replacement forests; and
- impacts on other wildlife around the water body.

The Proponent has responded to these issues and the surveys have now been completed. The majority of issues raised are proposed to be managed through the VPA currently under discussion with Council. It is acknowledged that the site accommodates the Eastern Bent-Wing Bat, Grey-Headed Flying Fox, as well as other water dependent fauna, and it is contended that the proposed modified lake, wetland and forest system will continue to accommodate the fauna. This issue will be managed directly through the administration of the VPA by the Proponent and the Council.

Concerns remain with OEH as to the viability of the STIF replacement plan where small stands of STIF will be established at various parks in the council area. OEH preference is for such biodiversity replacement plans to accommodate the STIF forest on one site to create the best option for survival rather than smaller stands of STIF exposed to the elements and other species intrusion. The OEH position on this matter is supported by the Department.

OEH has provided recommendations relating to this issue which deal with requirements as part of a Biodiversity Offset Package for the STIF which identifies the quantity of STIF to be replaced, preferred location for placement of STIF, legal mechanism for securing the offset

and guidelines for a schedule of works to be undertaken. OEH requirements are included as part of the Concept Approval, **Term of Approval A11** and **Future Assessment Requirement 10**.

5.7.3 Section 94 Contributions

Sutherland Shire Council has advised that where a Voluntary Planning Agreement (VPA) has been agreed to by both parties that the dedication of the lake and surrounds as public open space would be in lieu of any Section 94 contributions requirement.

Council has confirmed that the Section 94 Contribution charges applicable to the subject application would be \$3,973,657.01.

The Proponent concurs with Council's submission but notes that should, for reasons undisclosed, a suitable VPA not be prepared and signed, then the Proponent would be willing to pay the standard Section 94 Contributions.

It is recommended that should the Concept Plan be approved that it be conditional upon the payment of Section 94 Contributions or the provisions of any agreed VPA for the proposal. Suitable condition is proposed as part of the Concept Approval, **Condition 5 of Schedule 3**.

5.7.4 Voluntary Planning Agreement

The Proponent has been actively in discussions with Council relating to the finalisation of a VPA for the subject land which would deal with the dedication of the land currently zoned Open Space and equating to an area of 9,000m², accommodating a lake and the STIF forest. Council has resolved that it is prepared to enter into a Voluntary Planning Agreement for the construction and dedication of a park on the Kirrawee Brick Pit site. However, Council also resolved to defer the finalisation of the VPA until a decision is made on the project by the Planning Assessment Commission.

Council's submission on the proposal further noted:

- The PPR architectural plans indicate that the proposed park is subject to future design.
- The revised landscape statement and drawings generally satisfy Council's concerns regarding park design. However, it is important that Council has some certainty about the proposed park and landscape design specifications, detailing the methods of construction, planting and facilities, as agreed to by Council.
- The provision of the public park on the site would be in lieu of any Section 94 Developer Contributions.

On the basis of Council advice that the VPA, in principle, achieves its requirements and is likely to be supported, it is recommended that the VPA be required as a condition of approval (**Term of Approval, Condition A11**) and that this be acknowledged as payment in lieu for any Section 94 Developer Contribution charges that would be applicable for the subject development. However, in the event that the parties (Proponent, Council and OEH) cannot reach final agreement on the form, finish and/or management of the lake, open space and STIF replacements, the option remains that Section 94 contributions can be conditionally imposed as part of any future staged development application lodged with Council for determination.

6. CONCLUSION

The Department has assessed the merits of the proposal, taking into consideration the issues raised in public submissions, and is satisfied that the impacts have been addressed in the EA and PPR and related documentation (including the Statement of Commitments), recommended modifications to the Concept Plan and future assessment requirements. The Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region.

The key issues considered in the assessment of the proposal relate to:

- economic impacts on existing town and village centres in the locality;
- height, bulk and scale and finished form of the complex;
- traffic management, including intersection signalisation, and car parking on site; and
- environmental management, including protection of fauna habitats and vegetation.

The Department considers that the proposal offers an excellent opportunity to provide high density residential development adjacent to an existing shopping centre and public transport. The proposal is a genuine transit oriented development and meets the objectives of the Metropolitan Plan 2036 and draft South Sub-Regional Strategy.

The height and bulk of the proposed building envelopes are considered acceptable given the unique opportunities for urban renewal and increased residential densities immediately adjacent to public transport. The Proponent's modifications to increase building separation and reduce the residential tower footprints will result in a reduction in residential floor space and units, whilst achieving a slimmer building form to minimise impacts on local residential amenity. The Department is satisfied that the projected dwelling yield of approximately 432 units maximises the opportunities for development of the site as a transit oriented development whilst the building modifications provide for a significant improvement in residential amenity and visual appearance than that originally proposed as part of the EA.

The Department, based on independent advice, considers that the proposal will have acceptable impacts upon the existing retail centres in this locality in the long term. As with any new retail development, impacts upon existing retailers may occur in the short term, however, in the long term these existing operators would, in general, remain competitive.

On balance, the proposed Concept Plan is considered appropriate for the following reasons:

- the renewal of a former industrial precinct represents a genuine transit oriented development located immediately adjacent to planned and existing public transport;
- the proposal will make a significant contribution to the housing stock of the Sutherland LGA, in a location which is highly accessible to transport, services, facilities and employment opportunities; and
- the proposal will deliver a significant area of publicly accessible open space and through site links, to the benefit of the wider community.

The submitted Concept Plan provides sufficient detail to establish that the future staged development will have a bulk and scale that is appropriate for the locality. The modified development, together with the Proponent's Statement of Commitments, will ensure that the final form of the project will achieve a high quality modern design providing efficient and environmentally sustainable accommodation for Sydney's growing population. Overall, the benefits of the scheme significantly outweigh any impacts that may occur during the construction and operational phases of the development. The works and final development form and land use mix are considered to be in the public interest.

The Department recommends that the Concept Plan be approved, subject to the modifications and future assessment requirements set out in the attached instrument.

7. RECOMMENDATION

It is recommended that the Planning Assessment Commission, as delegate for the Minister for Planning and Infrastructure:

- (A) consider the recommendations of this Report;
- (B) **Approve** the Concept Plan application under the repealed Section 75O of part 3A of the *Environmental Planning and Assessment Act. 1979*, and
- (C) **Sign** the attached Instrument of Approval (**Appendix G**).

Chris King
Assessment Officer
Metropolitan and Regional Projects South



Alan Bright
Acting Director,
Metropolitan and Regional Projects South



Chris Wilson
Executive Director
Major Projects Assessment



Richard Pearson
Deputy Director-General
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29.6.12

30/6/12

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3951

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3951

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3951

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

SECTION 5 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Minister's consideration and determination of an application under Part 3A must be informed by the relevant provisions of the Act, consistent with the objects of the Act. The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the application. The project does not raise significant issues with regards to the Objects under the Act.

Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*
In the application of the precautionary principle, public and private decisions should be guided by:
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The Department has considered the proposed development in relation to ESD principles and has made the following conclusions:

Precautionary Principle –The site is currently unoccupied. The site contains sensitive endangered or threatened environments, being the STIF and Grey Headed Flying Fox habitat, which have utilised the generally vacant site and established waterbody as a relatively protected environment.

The Proponent has sought to protect a portion of the existing STIF forest on site and to re-establish the remainder of the displaced forest on a public park within the Shire, subject to Council agreement through the adoption of a Voluntary Planning Agreement. This arrangement is considered suitable by the NSW Office of Environment and Heritage (OEH) where the STIF remnant forest located off site is established as one vegetated stand on one park site. These requirements have been included within the draft Instrument of Approval as **Term of Approval A11** and **Requirement 10 of Schedule 3**.

The Proponent had fauna surveys undertaken which confirmed the presence of the Grey Headed Flying Fox and the Eastern Bentwing Bat. It was noted that the primary reason for these species presence on site was due to the large water source but that it was not the primary habitat location. The Previous Court determination identified the need to preserve a lake of approximately 800m² area to be retained to service their habitat. It is noted that the negotiations for the transfer of the park to Council includes the retention of a lake of at least 800m² area and a minimum 40 metre length.

Inter-Generational Principle – The proposal represents a sustainable use of the site as the redevelopment will utilise existing infrastructure and make more efficient use of the site. The redevelopment of this site will also have positive social, economic and environmental impacts. The location of new residential development on a site with excellent access to public transport will enable residents to make sustainable travel choices which will protect the environment for future generations.

Biodiversity Principle – Following an assessment of the proponent's EA and Preferred Project Report (PPR) document it is considered with appropriate certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal. The majority of the site has been extensively developed for Brick Pit activities for some time and has a moderate level of environmental sensitivity which has been appropriately addressed by the Proponent.

Valuation Principle – The valuation principle is more appropriately applied to broader strategic planning decisions and not at the scale of this application. The principle is not considered to be relevant to this particular Concept Plan application.

The Proponent submitted an assessment of the ESD initiatives available to the development, including building materials, methods of heating and cooling, renewable energy and water conservation. It is recommended that a future assessment requirement be imposed which requires the development to incorporate best practice ESD measures. On this basis, the Department is satisfied that the proposal is consistent with the principles of ESD.

SECTION 75I(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The Kirrawee Brick Pit Major Project is detailed at the Departments website as follows:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3951

The DG's report to the Minister for the proposed project satisfies the relevant criteria under Section 75I of the Act as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report.	The Proponent's EA and Preferred Project Report are located on the Department's website address for this project as detailed above.
Any advice provided by public authorities on the project.	A summary of the advice provided by public authorities for the Minister's consideration is set out in Section 4 of this report.
A copy of any report of the Planning Assessment Commission in respect of the project.	No report by the Commission has been required at this time.
A copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project.	Each relevant SEPP that substantially governs the carrying out of the project is identified within this Appendix below.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division.	An assessment of the development relative to the prevailing environmental planning instrument is provided below in this Appendix.
Any environmental assessment undertaken by the	The environmental assessment of the project

Director General or other matter the Director General considers appropriate.	application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	In accordance with section 75I of the EP&A Act, the department is satisfied that the Director-General's environmental assessment requirements have been complied with.

The DG's report to the Planning Assessment Commission (Delegate of the Minister for Planning and Infrastructure) for the proposed project satisfied the relevant criteria under Clause 8B of the EP&A Regulation as follows:

Clause 8B criteria	Response
An assessment of the environmental impact of the project.	An assessment of the environmental impact of the proposal is discussed in Section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project.	The public interest is discussed in Section 5 of this report.
The suitability of the site for the project.	The site is considered to be suitable for this redevelopment for the reasons set out in Section 5 of this Report.
Copies of submissions received by the Director-General in connection with public consultation under Section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in Section 4 of this report and the public submissions are available at Appendix B .

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of Section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Major Development) 2005 and
- Sutherland Shire Local Environmental Plan 2006.

Other controls to be considered in the assessment of the proposal are:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55- Remediation of Land

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP - BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006 and require all new residential dwellings in NSW to meet targets of a 20% reduction in energy use and 40% reduction in potable water.

It is noted that the proposal is a Concept Plan only and that fine detail analysis of BASIX requirements would normally be undertaken at a future project application stage. Hence, the Proponent has not provided BASIX certificate documentation but a report prepared by Wallis & Spratt on ecological sustainability of the concept proposal has concluded that:

“future buildings, consistent with the proposed building envelopes, are capable of complying with BASIX, BCA Section J and Green star rating , and that details will be submitted with future development applications for those buildings”

On the basis of this advice it is considered that the subject proposal is likely to comply with BASIX requirements.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the Residential Flat Design Code

SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles. An assessment against these principles is given in the below table.

Although only a concept plan, a SEPP 65 Architectural Design Statement have been provided by Gm Urban Design & Architecture Pty Ltd and Woodhead Pty Ltd. The Statement outlines that the proposal has been designed having respect to the design quality principles.

Key Principles of SEPP 65	Department Response
Principle 1: Context	The site is located within an established area. Although buildings proposed are taller and bulkier than those in the immediate area, the buildings have been designed and setback in a manner that respects the context of its surrounds. The proposed buildings would not have unreasonable impacts on the amenity of surrounding development or the natural features of the locality
Principle 2: Scale	The proposed buildings will be higher than immediately surrounding development. To minimise impacts on the character of the locality, the scheme has been designed to incorporate a range of heights between 5 and 15 storeys with the higher elements positioned centrally on the site and away from the lower residential buildings that are located opposite the western boundary. The size of the subject site together, with the transition of building heights across the site, will ensure that the overall development scale does not directly conflict with the established lower density residential character of the western boundary area. The majority of the surrounding lands are industrial in nature.
Principle 3: Built Form	Although the scale of the buildings are greater than surrounding built forms, the proposed redevelopment of the site will not significantly alter the overall character of the Kirrawee village. The topography and size of the site allows for buildings to be positioned on the site in such a manner that they are not visually dominant from the Kirrawee Village centre. The new building envelopes allow for a variety of open space and building articulation to provide high levels of amenity for future residents and new areas of public open space for Kirrawee residents.
Principle 4: Density	The site is located within an established low density residential area. The development has been designed in accordance with the permissible uses for the site zoning. The density of the development will be greater than the surrounding residential zoning, however, the building layout, provision of large areas of open space and proposed traffic/parking controls ensures that the additional density will have minimal impact upon the locality. Additionally, the increased housing density will have excellent access to infrastructure, public transport, community facilities and environmental quality.
Principle 5: Resource, Energy and Water Efficiency	The Proponent has made modification of the Concept Plan to maximise solar access and natural ventilation opportunities to reduce reliance on artificial heating and cooling. A future assessment requirement has also been recommended to require ESD measures be incorporated into the future design, construction and operation of the development.
Principle 6: Landscape	The overall landscaping plan, as outlined within the Concept Plan,

	<p>demonstrates that the site provides large well lit areas of both communal and public open space. These areas will include the retention and reintroduction of endangered STIF vegetation and a water body for endangered fauna. The proposed plantings will include largely native species and is expected to enhance and encourage habitats for native fauna.</p> <p>Additionally, the Proponent has agreed to provide a Biodiversity off-set by provided additional STIF plantings on Council identified parkland to replace existing STIF plantings on site.</p>
Principle 7: Amenity	<p>The development would not result in any loss of solar access to surrounding residential development and will not result in adverse privacy or view loss impacts. The new development generally complies with SEPP 65 Design Quality of Residential Flat Development principles and the Residential Flat Design Code guidelines. Over 70% of living rooms within the buildings would achieve solar access for at least 3 hours between 9am and 3pm in mid-winter.</p> <p>The Concept Plan demonstrates that a range of unit sizes are proposed. All units will have appropriate room dimensions and layouts to comply with the RFDC.</p>
Principle 8: Safety and Security	<p>The proposal has been designed to activate the street frontages along the Princes Highway, Flora Street and the new internal road network. The middle to upper level residential units will provide passive surveillance to the surrounding streets and communal open areas located around the site. The scheme also provides a clear distinction between public and private spaces.</p> <p>External lighting will be required to ensure adequate pedestrian safety is achieved. The residences will have secure access arrangements in place and proposed public footpaths are wide and buildings are designed in a manner to minimise potential dark non visible areas.</p>
Principle 9: Social Dimensions and Housing Affordability	<p>The redevelopment of the Kirrawee Brick Pit site will provide much needed diversity of housing mix within the Sutherland Shire LGA. The introduction of various sized units ranging from 1 to 3 bedroom will provide increased housing choice for the local population.</p>
Principle 10: Aesthetics	<p>The building envelopes have been designed to include a range of varied and complimentary materials. To further ensure a high standard of design excellence the Proponent has indicated that a number of architects will be used to ensure a mix of building design, textures and colours to provide visual interest.</p>

An assessment of the proposal against the Residential Flat Design Code can be found at **Section 5** of the DG report. This assessment indicated that there are minor non-compliances with building separation and building/dwelling depth which are achievable through minor design modifications.

State Environmental Planning Policy (Major Development) 2005

The *Major Development SEPP* applies to the project as discussed in **Section 3** of this report.

Sutherland Shire Local Environmental Plan 2006

The *SSLEP2006* applies to the project as discussed in **Section 3** of this report. The mixed use form of development is permissible on the subject land, however, the height and floor space values proposed exceed those permitted as outlined below.

	<i>Permitted</i>	<i>Proposed</i>	<i>Compliance</i>
Site Area: 42,542m ² .			
Permissibility Zoning: "Zone 7 Kirrawee Mixed Use"	Residential, retail and commercial	Residential, retail and commercial	Yes
FSR	Max 1:1	1.43:1	No
GFA *	42,542m ² .	60,735m ²	--

Height	4-6 storeys	Up to 14 storeys	No
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* *Note: GFA is not an LEP control. It is included in the table to allow a comparison between the GFA permitted by the FSR control and the GFA proposed.*

The issues of FSR and height are addressed in the consideration of the overall bulk and scale of the proposal and the appropriateness of the development within the context of the surrounding area is discussed in **Section 5.5** of this report.

COMPLIANCE WITH OTHER CONTROLS

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires referral of applications for traffic generating development to the Roads and Traffic Authority (now the Roads and Maritime Services- RMS) for concurrence. The proposed works are not defined as traffic generating development. The proposal was referred to the RMS who raised concern with the adequacy of loading provisions, site accessibility, roadworks, turning paths for larger vehicles and general compliance with Australian road safety standards. The Proponent has stated that the internal road ways and entrances will comply with relevant Australian Standards and has revised the car park layout and traffic management procedures/measures to respond to these issues.

The preferred proposal adequately responds to the majority of issues raised by the RMS and the remainder are considered to be resolvable as part of a final Traffic Management and Accessibility Plan to be required as part of any future development application (see **Future Assessment Requirement 8**). This Plan is to be finalised prior to the issuing of any development consent for any future stage of the development.

The removal of the commuter car parking proposal has resolved various technical concerns raised with the initial EA proposal.

State Environmental Planning Policy 55- Remediation of Land

The SEPP requires the preparation of a report that specifies the findings of a preliminary investigation of the land concerned. The EA was accompanied by a *Site Contamination Management Plan* prepared by Environmental Investigation Services.

The plan concluded that the site is considered to be suitable for the proposed development provided that the management of potential contamination measures outlined in this CMP are successfully implemented as applicable. A validation report should be prepared on completion of site works to document all site contamination related activities undertaken during the site development works.

A future assessment requirement has therefore been imposed, requiring compliance with the recommendations as stated within the report (see **Future Assessment Requirement 16**).

APPENDIX F POLITICAL DONATION DISCLOSURES

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3951

APPENDIX G RECOMMENDED INSTRUMENT OF APPROVAL
