

29 October 2012

NSW Department of Planning & Infrastructure
GPO Box 39
Sydney
NSW 2001

Attention: Chris King

Dear Chris,

**KIRRAWEE BRICK PIT CONCEPT PLAN APPROVAL (MP10-0076)
SECTION 75W REQUEST TO MODIFY SCHEDULE 3**

This submission is in support of the application to modify Schedule 3 - Environmental Assessment Requirement (EAR) 18 of the subject Approval.

Requested amendment

EAR 18 states:

The design outcomes for the final built form and landscape for each substantive stage of development shall exhibit design excellence. The proponent shall invite a minimum of three registered independent architects or firms with a reputation for delivering buildings and/or the public domain of the highest quality to tender and at each substantive stage the proponent shall demonstrate to the relevant approval body steps that have been taken to achieve design excellence.

The proponent requests that this is amended to read as follows (changes in red):

*The ~~residential and landscape~~ design outcomes ~~for the final built form and landscape~~ for each substantive stage of development shall exhibit design excellence. The proponent shall invite a minimum of three registered independent architects or firms with a reputation for delivering buildings and/or the public domain of the highest quality to tender **for the residential and major landscape elements of the development**, and at each substantive stage the proponent shall demonstrate to the relevant approval body steps that have been taken to achieve design excellence **for those elements**.*

Reasons for amendment

The proponent supports the concept of achieving design excellence for the major “visible” elements of its development and that an appropriate step to achieve this is a competitive tender involving appropriately qualified designers for the residential towers and public domain/park elements.

However, the first substantive stage of the development involves the car park and retail components. Whilst the park, which is also part of Stage 1, lends itself to a competitive landscape design process, the retail and parking components will not benefit from such a

requirement and it will be difficult to demonstrate “design excellence” for those latter components.

The retail and car parks are primarily below finished ground level or below the podium. Little will present itself above ground and those elements that do tend to be largely functional (retail shells, loading docks etc). It is difficult and we would suggest unnecessary for such utilitarian elements of the development to demonstrate “design excellence”.

Whilst it will be important to ensure that the elements of the retail scheme that will be visible after the final stage of the overall Brick Pit development will be well designed, this is a lesser assessment criterion than is required to achieve “design excellence” for the whole of the retail/car park stage (which, as indicated, will be principally underground).

The proposed amended condition therefore seeks to limit the assessment criteria of “design excellence” to only the residential and landscape elements of the proposal and not the retail/car park elements.

For the same reason, we submit that it is unreasonable and unnecessary to undertake a competitive tender to select the architect for the Stage 1 retail/car park scheme. The main design parameters of these elements are “set” in the approved Concept Plans. As indicated, much of the ‘design’ involves functional areas, principally at or below ground that will be ultimately subsumed by the residential towers in the subsequent stages of the site’s development.

It will be difficult for designers to express and differentiate design excellence in a competitive process.

We therefore request your favourable consideration of the proposed amendment to EAR 18.

The proponent is actively progressing with the first stage development application and hopes that what we consider is a relatively straightforward and largely procedural amendment may be determined expeditiously to provide it with certainty about the necessary process to move forward with formulating the DA.

Please do not hesitate to me should you require any further information to assist in your considerations of this application.

Yours Sincerely



David Ryan
Executive Director

CITY PLAN STRATEGY AND DEVELOPMENT