



566-594 Princes Highway, Kirrawee

Section 75W Modification (MOD 3)
to Concept Plan MP10_0076

Section 75W Modification to Concept Plan MP10_0076 **566-594 PRINCES HIGHWAY, KIRRAWEE**

Modification of Approved Envelopes (MOD 3)

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1.0 INTRODUCTION

This Statement has been prepared in support of an application to modify an approved Concept Plan pursuant to Section 75W and Clauses 2(1)(a) and 3(1) of Schedule 6A of the Environmental Planning and Assessment Act, 1979.

On 23 August 2012, as delegate of the Minister for Planning and Infrastructure, the Planning Assessment Commission (PAC) approved Concept Plan MP10_0076 for a mixed use development at 566-594 Princes Highway, Kirrawee. The Concept Plan provides for the following:

- Indicative building envelopes for 9 buildings to a maximum height of 14 levels;
- 60,735 square metres of gross floor area, comprising 45,505 square metres of residential floor space (432 dwellings) and 15,230 square metres of retail/commercial floor space (including a 3,900 square metre supermarket and 1,470 square metre discount supermarket);
- Basement, ground and above ground car parking;
- Road layout to support the development;
- Public pedestrian and cycle pathway;
- Public park with lake and surrounding forest; and
- Landscaping areas throughout the site.

The site layout and arrangement of building of the approved Concept Plan has been examined in detail. Detailed consideration of the approved site configuration has determined that the Concept Plan can be significantly improved in relation to:

- site permeability and legibility;
- connectivity with the Oak Road shopping strip;
- delineation between the public and private domain;
- separation of vehicle and pedestrian activity and isolation of loading vehicles;
- separation of residential towers to provide appropriate separation distances and amenity;
- reduction in retail floor space to reduce impact on Oak Road shops and reduce traffic generation; and
- increased residential density commensurate with the strategic significance of the site and consistent with the remainder of the Oak Road sites.

The proposed modification retains the fundamental elements of the approved concept plan however seeks consent for a rationalised site layout and reconfiguration of buildings. The amended arrangement of buildings also increases the gross floor area of the development by 24,265 square metres for a floor space ratio of 2:1 which is identical to the floor space ratio provided for the remainder of the sites along Oak Road, Kirrawee in the zone under the Draft Sutherland Shire Local Environmental Plan 2013. Notwithstanding the increase in total gross floor area, the amended scheme reduces retail floor area by 1,040 square metres.

The amended proposal does not result in any increase to the overall height of the approved development. The massing of the buildings is broadly similar in concept with lower buildings defining the edge of the development to the Princes Highway and taller buildings located behind. However, the massing of the amended arrangement of buildings is based on a regular grid pattern, will introduce permeability and fine grain as well as improved separation distances between buildings in preference to the clustering of towers as originally approved.

1.0 INTRODUCTION

The application is accompanied by the following documentation:

- Comparative Analysis of approved and amended concept plan - Turner
- Indicative detailed architectural plans and elevations including shadow diagrams, cross ventilation and solar access analysis - Turner
- Envelope plans and elevations - Turner
- SEPP 65 principles statement and Residential Flat Design Code Assessment - Turner
- Landscape concept drawings and principles - Aspect Studios
- Traffic assessment - Traffic
- Amended CIV estimate prepared by Rider Levett Bucknall
- Comparative Impacts on STIF - Aspect Studios
- Water Quality Statement - Northrop
- Revised Stormwater Management Plan - Northrop

The Statement provides an assessment of the proposed modification having regard to the relevant legislative context, social, economic and environmental impacts, potential amenity impacts of the development on the surrounding locality and the measures proposed within the application to mitigate such impacts. In particular, the Statement discusses the floor space, built form, retail provision, amenity and traffic considerations of the proposed modifications.

Sydney is a rapidly growing city and forecasts suggest that more than 1.3 million additional people will be living in Sydney by 2031, requiring 545,000 more homes and 625,000 more jobs (Source: Department of Planning & Infrastructure – Urban Activation Precincts). This means that it is of critical importance to ensure that where the limited opportunities are available to accommodate this growth, that they are properly managed to fulfill their role in satisfying the growing demand for homes and jobs.

The significance of the Brick Pit site and the broader Sutherland/Kirrawee/Loftus area in meeting the growing demand for housing and jobs in Sydney has been recognised by the Sutherland Shire Council as it is particularly well served by public transport, employment lands as well as a wide range of other services. This has led to the Council nominating the location as an Urban Activation Precinct. This recognition by the Council of the capacity of Kirrawee village in accommodating growth is also evident from the proposed uplift in FSR for the commercial strip along Oak Road to 2:1 under the Draft Sutherland Shire Local Environmental Plan 2013.

The proposed increase in density on this site is consistent with the aims and objectives of Metropolitan Plan for Sydney 2036, the Draft South Subregional Strategy and the Sutherland Shire Housing Strategy 2031 to locate the majority of new homes within the walking catchment of existing and planning centres with good public transport.

The proposed increase in density will also provide for a further 630 construction jobs associated with the development which is a significant employment contribution.

The amended proposal represents an especially positive outcome for the site and Kirrawee village as it has achieved an appropriate increase in density for this important site as well as a significantly improved urban design response to the opportunities and constraints of the site and a development which has improved compatibility and connectivity with the existing context and will contribute positively to the

2.0 SITE DESCRIPTION AND LOCATION

2.1. Site Description

The site is located within the suburb of Kirrawee, which is located within the Sutherland Shire Local Government Area. The site is approximately 25km south west of the Sydney CBD and 1.5km east of Sutherland Town Centre.

The site is legally described as Lot 1 DP 179075, Lot 1 DP 589977 and also Lot 2 DP 589977, 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 42,542 square metres.

The land slopes from the south-western corner down approximately 5 metres to the north-western corner and 10 metres to the eastern boundary. The site contains a large excavated pit along the southern side of the site which is up to 20 metres deep and filled with water.



Figure 1:

Site (Source: Six Maps, Department of Lands 2013)

Photograph 1:

View of the site facing south-east from the corner of Oak Road and the Princes Highway



2.0 SITE DESCRIPTION AND LOCATION



Photograph 2:

View of the site from Flora Street facing east

Photograph 3:

View Oak Road frontage of the site facing south



Photograph 4:

View of existing brick pit in the site from Flora Street

2.0 SITE DESCRIPTION AND LOCATION

2.2. Surrounding Development

Surrounding development includes light industrial units to the south across Flora Street, immediately adjacent to the east and to the north of the site across the Princes Highway. To the south-west of the site along Oak Road are the Kirrawee village shops and Kirrawee train station is located beyond the shops approximately 250 metres to the south. A variety of residential flat buildings of between one and three storeys in height are located to the west of the site along Oak Road.



Photograph 5:

View of the southern side of Flora Street opposite the site which contains light industrial uses

Photograph 6:

View of the Oak Road shops to the south of the site



2.0 SITE DESCRIPTION AND LOCATION



Photograph 7:

View of the typical residential flat buildings opposite the site to the west across Oak Road

Photograph 8:

View commercial and light industrial buildings to the north of the site across the Princes Highway



Photograph 9:

View of the western adjoining Hudson Building Supplies site

3.0 BACKGROUND

3.1. Major Project MP10_0076

On 23 August 2012, as delegate of the Minister for Planning and Infrastructure, the Planning Assessment Commission granted approval for Concept Plan MP10_0076 for the subject site.

The Concept Plan provides for a mixed use development of the site comprising the following:

- Use of the site for a mixed use development with associated public open space;
- Indicative building envelopes for 9 buildings to a maximum height of 14 levels above podium;
- 60,735 square metres of gross floor area, comprising 45,505 square metres of residential floor space (432 dwellings) and 15,230 square metres of retail/commercial floor space (including a 3,900 square metre supermarket and 1,470 square metre discount supermarket);
- Basement, ground and above ground car parking;
- Road layout to support the development;
- Public pedestrian and cycle pathway;
- Public park with lake and surrounding forest; and
- Landscaping areas throughout the site.

In addition, the PAC issued future environmental assessment requirements for subsequent stages of the development pursuant to section 75P(1)(a) of the Environmental Planning and Assessment Act 1979 (EP&A Act), and determined that all future stages will be subject to the provisions of Part 4 of the EP&A Act, as provided for under section 75P(1)(b).

The design of the Concept Plan is based on a super-lot approach which is inwardly focused and predominantly reliant on cars for shoppers to arrive at the centre and has a somewhat removed relationship from the existing Oak Road commercial shops.



Figure 2:

Approved Plan Concept Plan

3.0 BACKGROUND

3.2. Major Project MP10_0076 (MOD 1)

The Concept Plan was subsequently modified on 17 January 2013 to amend the wording of Environmental Assessment Requirement No. 18 so that the design excellence provisions only relate to above ground works.

3.3. Major Project MP10_0076 (MOD 2)

On 1 November 2013, MOD 2 to MP10_0076 was lodged with the Department of Planning and Infrastructure and is currently under assessment. The proposed modification is essentially a housekeeping amendment and seeks consent for the following:

- amended of several of the conditions of consent to defer their satisfaction to allow the commencement of early works on the site as soon as possible including dewatering, bulk excavation and remediation.
- a minor amendment the methodology for dewatering including an addendum to the Biodiversity Management Plan, addendum to the Geotechnical Report and an updated Dewatering Report.

4.0 PROPOSED MODIFICATION

4.1. Description of Amended Concept Plan

This application seeks to modify the approved Concept Plan (MP07_0076 MOD 1), pursuant to S75W of the Environmental Planning and Assessment Act 1979 and the amended Concept Plan is described as follows.

4.1.1. Overview

The amended Concept Plan is illustrated in the architectural package provided by Turner architects which accompanies this application and provides for a mixed use development of the site comprising the following:

- Use of the site for a mixed use development with associated public open space;
- Indicative building envelopes for 7 buildings to a maximum height of 15 levels;
- 85,000 square metres of gross floor area (2:1 FSR), comprising 70,810 square metres of residential floor space (indicatively 749 dwellings) and 14,190 square metres of retail/ commercial floor space comprising one full line supermarket and one smaller discount supermarket, specialty stores and a number of cafés with seating as part of a proposed piazza ;
- Basement, ground and above ground car parking (indicatively 1,566 cars);
- Road layout to support the development;
- Public park (9,000 square metres) with lake and surrounding forest; and
- Landscaping areas throughout the site.

4.1.2. Numerical Overview and Comparison

Element	Approved	Proposed
Site Area	42,542 square metres	
Gross Floor Area Total	60,735 square metres	85,000 square metres
Gross Floor Area Residential	45,505 square metres	70,810 square metres
Gross Floor Area Retail	15,230 square metres	14,190 square metres
Floor Space Ratio	1.43:1	2:1
Height	50 metres max	50 metres max
Levels	5 - 15 levels	6 -15 levels
Apartments	Indicative 432	Indicative 749
Dedicated Park	9,000 square metres	9,000 square metres
Car Parking	1,150 car spaces	1,566 car spaces
Solar access for apartments	73% achieve 2 hours on 21 June	73% achieve 2 hours on 21 June
Cross-flow ventilation for apartments	63%	65%
Landscaped Area	20,112 square metres (47%)	24,236 square metres (57%)
Deep soil	Unknown	11,867 square metres (28%)

4.0 PROPOSED MODIFICATION

4.1.3. Concept

The approved Concept Plan adopts a super-block approach where the arrangement of buildings and uses is internalised in a resort style complex. The stand-alone nature of the design has limited permeability and also a particularly limited relationship to the existing Oak Road commercial shopping strip.

The amended Concept Plan has been designed as an alternative conceptual response to the site to create a series of urban blocks to break up the scale of the site and to ensure that the development will integrate with the pattern of the existing road network and street blocks in the locality. A fundamental element of this is the introduction of a linear street and pedestrian network through the site. The network comprises a new east-west street which can eventually extend into the eastern adjoining site upon its redevelopment; a new north-south street which creates a proper delineation between the public and private domain and in particular allows the park to be properly understood as a public facility; and a new north-south open pedestrian high street parallel to the north-south street.

The new vehicle and pedestrian streets serve to break the site up into four distinct blocks as follows:

- the northern block adjacent to the Princes Highway which contains buildings A, B and C
- the eastern block which has a frontage to Flora Street and contains buildings D and E
- the southern block which lies centrally within the site and contains an open plaza around which is located buildings F and G
- the western block which is bound by Oak Road and Flora Street and contains the 9,000 square metre park



Figure 3:

Amended Concept
Plan

4.0 PROPOSED MODIFICATION

4.1.4. Northern block

The northern block adopts similar proportions and configuration to that of the approved Concept Plan and defined by the Princes Highway along its northern boundary, the adjacent site along its eastern boundary, the new east-west street along its southern boundary and Oak Road along its western boundary.

The northern block is proposed to be occupied by three buildings which present their long axis to the Princes Highway with the ground floor occupied by showroom and retail uses to take advantage of the exposure to the highway and with residential apartments located above. Buildings A, B and C are all low scale and step in height from west to east with 8 levels for Building A, 7 levels for Building B, and part 7 and part 6 levels for Building C. All three buildings have a generous landscaped setback from the Highway and Buildings B and C are separated by a deceleration lane for cars.

4.1.5. Eastern block

The eastern block is defined by the new east-west street along its northern boundary, the adjacent site along its eastern boundary, Flora Street along its southern boundary and the new north-south pedestrian high street along the western boundary.

This block is proposed to contain a two level podium containing a full line supermarket, smaller speciality supermarket and also smaller speciality store which are located at the ground floor and open to the north-south pedestrian high street at the ground floor, and residential car parking on the level above. A generously landscaped setback from the eastern boundary is provided to the podium and buildings above. The roof of the podium is to be occupied by Building D and E which are 'L' shaped buildings along the perimeter of the podium allowing for a large landscaped common open space to serve the residents. Building D ranges in height from 7 levels to 12 levels, whilst building E ranges in height from 7 to 14 levels.

Access to the B1 basement level is provided from Flora Street as well as the loading facilities which are accessed from a single point at the south-eastern corner of the site under the eastern block.

4.1.6. Southern block

The southern block is defined by the new east-west street along its northern boundary, the new north-south pedestrian high street along its eastern boundary, Flora Street along its southern boundary and the new north-south vehicle street along the western boundary.

This block is proposed to contain an at grade open air plaza which separates Building F and G. Building G is located at the northern end of the block and comprises a two level podium containing several speciality retail shops presenting to the pedestrian high street and plaza and apartments presenting to the park at the ground floor. The first floor is occupied by residential car parking. The roof of the podium is to be occupied by an 'L' shaped building along the northern and western perimeters of the podium ranging in height from 7 to 15 levels and defining a large landscaped common open space area above the podium to serve the residents.

Building F is located on the southern side of the block and ranges in height from 7 to 14 levels. The ground floor of Building F is occupied by retail uses which provide activation to both the open air plaza to the north and Flora Street to the south. Residential apartments are located above the

4.0 PROPOSED MODIFICATION

ground floor retail. The plaza also contains a central kiosk style retail space and the orientation of the plaza provides a strong visual connection with the park to the west and the existing Oak Road commercial shops.

4.1.7. Western block

The western block is defined by the new east-west street along its northern boundary, the new north-south street along its eastern boundary, Flora Street along its southern boundary and Oak Road along its western boundary. The western block is completely occupied by a new 9,000 square metre public park which is to be embellished and dedicated to Sutherland Shire Council, as established by the approved Concept Plan. This arrangement of construction and delivery of the park is not proposed to be amended by the proposed modification.

However, the amended landscape design provides for considerable improvement to the functionality of the park and its capacity to provide a genuine public space for the benefit of the existing Kirrawee community. The amended landscape design for the park relocates the water body to the north and includes a much larger open grass area at the south-eastern side. This re-configuration provides for a primary and direct pathway along the desire line from the Oak Road commercial shops to the proposed development and forms a critical link. The open nature of the eastern side of the park reinforces this strong visual connection between the site and Oak Road commercial shops. Notwithstanding the re-configured landscape design, the park still provides the environmental benefits as originally approved including retention of the trees along the Oak Road frontage of the site and a drinking source for the bats which occupy the site.



Figure 4:

View of proposed retail plaza looking north-west

4.0 PROPOSED MODIFICATION



Figure 5:

View from Princes Highway
looking east

Figure 6:

View of site park and open
plaza from the south-western
corner of the site



4.2. Modification of Description of Concept Approval and Conditions

4.2.1. Amended Description

The following amendments are proposed to the description of the concept approval and the conditions of consent (amendments in bold italics and strikethrough):

- (a) Use of the site for a mixed use development with associated public open space;
- (b) Indicative building envelopes for **9** ~~7~~ buildings to a maximum height of **14** ~~15 levels~~;
- (c) ~~60,735~~ **85,000** square metres of gross floor area, comprising ~~45,505~~ **70,810** square metres of residential floor space (~~432 dwellings~~) and ~~15,230~~ **14,190** square metres of retail/commercial floor space (including a ~~3,900~~ **4,644.1** square metre supermarket and ~~1,470~~ **1,475.35** square metre discount supermarket);
- (d) Basement, ground and above ground car parking;

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- (e) Road layout to support the development;
- (f) Public pedestrian and cycle pathway;
- (g) Public park with lake and surrounding forest; and
- (h) Landscaping areas throughout the site.

4.2.2. Amended Conditions

The following amendments are proposed to the conditions of consent (amendments in bold italics and strikethrough):

Condition A1 - Development Description

- (a) Use of the site for a mixed use development with associated public open space;*
- (b) Indicative building envelopes for **9 7** buildings to a maximum height of **14 15 levels**;*
- (c) **60,735 85,000** square metres of gross floor area, comprising **45,505 70,810** square metres of residential floor space (~~432 dwellings~~) and **15,230 14,190** square metres of retail/commercial floor space (including a **3,900 4,644.1** square metre supermarket and **1,470 1,475.35** square metre discount supermarket);*
- (d) Basement, ground and above ground car parking;*
- (e) Road layout to support the development;*
- (f) Public pedestrian and cycle pathway;*
- (g) Public park with lake and surrounding forest; and*
- (h) Landscaping areas throughout the site.*

Reason: To reflect the amended Concept Plan. In addition, the Concept Plan is general in nature and the approval should not dictate a specific number of apartments based on indicative floor plans which may change upon final resolution of the detailed design.

Condition A2 - Development in Accordance With Plans and Documentation

The development shall be undertaken generally in accordance with:

*the Environmental Assessment dated December 2010 prepared by City Plan Services, except where amended by the Preferred Project Report dated 4 November 2011 **and the S75W Planning Report prepared by Sutherland & Associates Planning Pty Ltd dated November 2013** including all associated documents and reports; the Revised Statement of Commitments prepared by City Plan Services; and the following drawings:*

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Architectural Drawings Prepared by Woodhead Turner			
Drawing No	Revision	Name of Plan	Date
0040	B	Site Plan	19/10/11
0041	B	Landscape Plan	19/10/11
0100	B	Typical Top Level Residential Floor Plan	19/10/11
0110	B	Typical Residential Floor Plan	19/10/11
0120	B	Upper Ground Floor Plan	19/10/11
0130	B	Lower Ground Floor Plan	19/10/11
0140	B	Basement 1 Plan	19/10/11
0150	B	Basement 2 Plan	19/10/11
0160	B	Basement 3 Plan	19/10/11
0180	B	Floor Plans Buildings A to C - Sheet 1	19/10/11
0180A	B	Floor Plans Buildings A to C - Sheet 2	19/10/11
0181	B	Floor Plans Building D1, D2 E	19/10/11
0182	B	Floor Plans Building F, G & H	19/10/11
0190	B	Roof Plan with indicative plant rooms	11/05/12
0300	C	Indicative Sections East West (Masterplan)	15/05/12
0301	C	Indicative Sections North South (Masterplan)	15/10/11
0500	B	Indicative Elevations North & South	04/10/11
0501	B	Indicative Elevations West & East	04/10/11
0600	B	Indicative Staging - Lower Ground Stage 1	19/10/11
0602	B	Indicative Staging - Upper Ground Stage 1	19/10/11
0603	B	Indicative Staging - Upper Ground Stage 2	19/10/11
0604	B	Indicative Staging - Upper Ground Stage 3	19/10/11
A - SK - 700 - 001	00	Envelope Plan Diagram	N/A
A - SK - 700 - 002	00	Envelope Elevation Diagrams	N/A
A - SK - 700 - 003	00	Envelope Elevation Diagrams	N/A
A - SK - 700 - 004	00	Staging Diagram	N/A

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

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Condition A4 - Maximum Gross Floor Area

*The development of the site for a mixed use development shall have a maximum Gross Floor Area of ~~60,735~~ **85,000** square metres, including a maximum of ~~15,230~~ **14,190** square metres of non-residential floor space. (Note: Above ground parking area is not included in the total GFA).*

Reason: To reflect the amended Concept Plan. In addition, the Concept Plan is general in nature and the approval should not reference indicative or illustrative plans as the detailed design will likely change upon final resolution of each building.

Condition A5 - Building Height

*Roof heights on the site shall not exceed the levels (RLs) as identified on Concept Plan Drawings ~~0300 and 0301~~ **A-SK-700-002 and A-SK-700-003** prepared by **Woodhead Turner Architects**, ~~dated 15 May 2012~~. Parapets, lift over-runs, vents plant rooms, chimneys, aerials (of whatever type), rooftop gardens and trees, etc, above the habitable roof heights shall not exceed the levels (RLs) as identified on Drawing ~~0190~~ **A-SK-700-002 and A-SK-700-003** prepared by **Woodhead-Turner Architects**, ~~dated 11 May 2012~~.*

Reason: To reflect the amended Concept Plan.

Condition A7 - Roadways

*New roadworks and internal roads are to be provided in accordance with the Concept Plan, and associated documents, set out in Drawings ~~0040 and 0130~~ **A-SK-700-001** prepared by **Woodhead Turner**, dated ~~19 October 2011 and Traffic Management and Accessibility Plan prepared by Halcrow Pacific Pty Ltd dated 27 October 2011 (Version 4)~~, and as amended by the Future Assessment Requirements in Schedule 3.*

Reason: To reflect the amended Concept Plan.

Condition B1 - Building Envelope and Separation Modifications

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

Reason: This condition is proposed to be delated as the amended Concept Plan has replaced the previous arrangement of buildings and the proposed building envelopes have been demonstrated to achieve the separation distances required under the Residential Flat Design Code.

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Condition B2 - Development Design

Future applications shall be designed to include that:

~~(a) roof terraces are setback a minimum of 1.5 metres from the buildings edge.~~

(b) plant rooms, lift overruns and mechanical ventilation rooms provided on the roof of a building are appropriately screened and not exceed the heights approved by the Concept Plan.

~~(c) the reference to building depth of 24 metres is deleted.~~

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

Reason: Elements of this condition are proposed to be delated as they do not relate to the Concept Plan as amended and are therefore redundant.

Condition B4 - Car Parking

~~(a) The maximum total number of car parking spaces shall not exceed 1,150 spaces~~

~~(b) Maximum car parking to be allocated for residential purposes shall not exceed 603 parking spaces, inclusive of 54 residential visitor spaces; and~~

(c) Development must comply with the Concept Plan's non-residential car parking rates identified in the Updated Traffic Management and Accessibility Plan prepared by Halcrow Pacific Pty Ltd, dated 27 October 2011 (Version 4), including the replacement of a minimum of 40 street car parking spaces displaced by the development.

Reason: The Concept Plan is general in nature and the approval should not dictate a specific number of car spaces as this figure will be the result of the final number and type of apartments which have been based on indicative floor plans are may change upon final resolution of the detailed design.

Schedule 3 - Condition 7 Ground Floor Usage

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

Reason: To reflect the amended Concept Plan.

Schedule 3 - Condition 14 Car Parking

Future applications shall address the following:

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~~a) The total amount of car parking to be provided as part of the development shall not exceed 1,150 spaces.~~

b) An updated schedule of parking allocations shall be prepared and submitted with each subsequent application.

c) Parking facilities (public, commercial and bicycle) shall be designed in accordance with relevant Australian Standards.

d) The design of the parking and commercial vehicle facilities shall be designed so that all vehicles, including commercial vehicles, enter and exit the development in a forward direction.

e) the provision and implementation of a car share scheme.

f) All loading and unloading associated with the use of the development shall take place wholly within the site from designated loading bays as identified in the Concept Plan. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.

g) Henroth Investments Pty Ltd shall enter into an agreement with Sutherland Shire Council that will delegate powers to Council to enforce regulatory parking signs within the internal road network.

h) Relocation of the Flora Street community bus and taxi drop off to the main central Flora Street pedestrian entry, in a location and of a design that achieves reasonable accessibility for people with mobility restrictions between vehicles and the retail shops.

Reason: The Concept Plan is general in nature and the approval should not dictate a specific number of car spaces as this figure will be the result of the final number and type of apartments which have been based on indicative floor plans and may change upon final resolution of the detailed design.

Schedule 3 - Condition 17 Staging

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

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

a) Demolition;

b) Earthworks;

c) Buildings and all other structures (including basements);

d) Any elements of the overall public domain plan to be dedicated or embellished;

e) Any site remediation works;

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f) Stormwater management works;

g) Any vehicular or pedestrian access to the site;

h) Measures to mitigate and manage nuisance caused by stages under construction to completed stages and clashes between stages including vehicle access, noise, parking and safety; and

i) Waste and Construction Management.

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

Reason: The construction process on site requires a materials and handling location in an area which does not conflict with the location of buildings under construction. On this site, this location is at the western end of the site which can be used for the loading and unloading of trucks as well as materials handling without conflict with any of the buildings under construction. The use of the western end of the site for this purpose for the duration of the project will significantly reduce the impact of truck movements on the surrounding streets as vehicles will be able to comfortably enter and exit in a forwards direction and manoeuvre on site rather than in the local street network. This approach also reduces the need for a works zone on the streets surrounding the site which will maintain the maximum amount of on-street parking for the duration of the construction.

In addition, it is a typical approach for large scale developments which include delivery and dedication of public parks and public domain that these works are undertaken at the conclusion of the project to minimise the possibility of damage to public domain by ongoing construction works should the public domain be delivered early. For example, this is the standard approach in the City of Sydney for projects which deliver public parks.

Finally, the use of the western zone of site for loading and materials handling will assist in relieving amenity impacts for new residents in newly completed apartments whilst other apartments within the development are continuing to be built.

In relation to the desire to deliver a retail precinct first, this is not practical or safe where residential apartments are located immediately above ground floor retail because the buildings need to be completed and the constructions works must cease before it is appropriate and safe for customers to be able to enter the site.

A new staging plan is included in the architectural package which accompanies this application and demonstrates the preferred approach to staging which is governed by practical considerations as well as a desire to present new facades to the Princes Highway as early as possible to achieve a significant improvement of the presentation of the site to the Highway corridor and also to allow the buffer landscaping along the highway to develop as soon as possible.

5.0 STATUTORY PLANNING FRAMEWORK

5.1. Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the Environmental Planning and Assessment Act 1979 (EP&A Act), Section 75W as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

5.2. Modification of the Minister's Approval

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project, as modified, would be consistent with the original approval. As the proposed modification seeks an amended site layout and building configuration the modification will require the Minister's approval.

5.3. Environmental Assessment Requirements

Section 75(3) of the EP&A Act provides the Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be complied with before the matter will, be considered by the Minister. Given the general nature of the proposed amendments, it is considered that new or amended DGRs are not required as this application sufficiently addresses the key issues relevant to the modification request.

5.4. Strategic Planning Controls

5.4.1. New South Wales 2021 (The State Plan)

NSW 2021 is a 10 year plan based around five broad strategies to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability and strengthen the State's local environment and communities.

One of the goals in relation to rebuilding the economy is to place downward pressure on the cost of living. The target in relation to this goal is to facilitate the delivery of 25,000 new dwellings in Sydney per year by continuing to set dwelling targets for local councils outlined in subregional strategies and to partner with local councils to ensure that targets for housing and growth are reflected in relevant planning proposals and in local planning instruments.

The amended proposal seeks to ensure that an appropriate quantum of housing is delivered commensurate with the environmental capacity of the site and consistent with the density control which is proposed by the Sutherland Shire Council under the Draft Sutherland Shire Local Environmental Plan 2013 for the remainder of the Oak Road shops which are also within the same zone. The delivery of an appropriate quantum of housing, within the environmental capacity of the site, is critical to achieving the target of 25,000 new dwellings in Sydney per year to assist in placing downward pressure on the cost of living.

5.4.2. Metropolitan Plan for Sydney 2036

In 2005, the NSW Government released the Metropolitan Strategy—City of Cities: A Plan for Sydney's Future—to support growth while balancing social and environmental impacts over 25 years. In 2011 that Strategy was updated and integrated with the Metropolitan Transport Plan

5.0 STATUTORY PLANNING FRAMEWORK

to known as the Metropolitan Plan for Sydney 2036. The Metropolitan Plan for Sydney 2036 integrates land use, urban and funded-transport planning together and incorporates the targets in the updated NSW State Plan.

The plan identifies that Sydney will need 770,000 additional homes by 2036— a 46% increase on the city's current 1.68 million homes. The delivery of these targets is to be through subregional strategies and Local Environmental Plans. The Plan identifies a target for the South subregion, within which Sutherland is located, of 58,000 additional dwellings between 2006 and 2036.

The amended proposal provides for an increased delivery of new housing consistent with the aims of the Metropolitan Plan and will contribute towards meeting new dwelling targets for the metropolitan area. The amended proposal seeks to provide an improved response which will contribute more positively to the Kirrawee village and maximise the delivery of housing within the environmental capacity of the site. This represents proper management of this resource and relieves the burden for the delivery of increased housing within other parts of the Sutherland Shire.

5.4.3. Draft South Subregional Strategy

The Draft South Subregional Strategy was released in 2007 and provides further detail to fulfill the goals and objectives outlined in the Metropolitan Plan for Sydney 2036. The Draft South Subregional Strategy was released prior to the updated Metropolitan Plan, which explains why the Metropolitan Plan has an increased housing targets for the South area.

The Draft South Subregional Strategy targeted 35,000 new houses and 29,000 new jobs within the South Sydney Subregion by 2031. Of these, 10,100 additional dwellings and 8,000 jobs are to be provided within the Sutherland LGA. The strategy also requires that 80% of dwelling growth should occur within the defined radii of identified centres.

Kirrawee is defined as a “village” within the Draft South Subregional Strategy and is also located adjacent to the Princes Highway which is identified as a Renewal/Economic Corridor with potential for redevelopment as stated. Whilst the scale of the proposal is more akin to a “town centre”, the Department of Planning and Infrastructure have previously identified that in the circumstances of the subject site which is a particularly large landholding within very close proximity to a train station, that a greater scale of development is appropriate. The amended Concept Plan is consistent with this view and ensures the appropriate management of this valuable resource.

It is important to note that the proposed FSR of 2:1 for the amended proposal is identical to the density control which is proposed by the Sutherland Shire Council under the Draft Sutherland Shire Local Environmental Plan 2013 for the remainder of the Oak Road shops which are also within the same zone. The delivery of an appropriate quantum of housing, within the environmental capacity of the site, is critical to achieving the target of 35,000 new dwellings in the South area by 2031.

5.4.4. State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes. In order to satisfy these aims and improve the design quality of residential

5.0 STATUTORY PLANNING FRAMEWORK

flat buildings in the State, the plan sets design principles in relation to context, scale, built form, density, resources, energy and water efficiency, landscaping, amenity, safety and security, social dimensions and aesthetics.

SEPP 65 requires any development application for residential flat development to be assessed against the 10 principles contained in clauses 9-18 of SEPP 65 and the matters contained in the Residential Flat Design Code (RFDC).

Whilst the Concept Plan does not seek consent for detailed floor layouts, Turner architects have provided illustrative floor plans as well as an assessment against the 10 principles of SEPP 65 and the Rules of Thumb of the Residential Flat Design Code in conjunction with the amended Concept Plan.

The illustrative floor plans demonstrate that the proposed amended concept plan is capable of accommodating detailed residential flat buildings which can satisfy the 10 principles of SEPP 65 and exceed all of the measures within the Residential Flat Design Code.

5.4.5. Sutherland Shire Local Environmental Plan 2006

The Sutherland Shire Local Environmental Plan 2006 provides two zones for the subject site, being Zone 7 - Mixed Use - Kirrawee for the majority of the site and Zone 13 - Public Open Space for the south-western portion of the site. The proposed amended Concept Plan is permissible in the two draft zones and consistent with the objectives of both zones.

The Sutherland Shire Local Environmental Plan 2006 provides a floor space ratio of 1:1 and a heights ranging from 3 to 6 storeys for the subject site. The proposed amended Concept Plan exceed these controls, however, the approved Concept Plan has established that these controls are outdated and no longer represent an appropriate response to the opportunity provided by the site in delivering the various housing targets identified under the Metropolitan Plan. New controls are proposed for the site under the Amended Draft Sutherland Shire Local Environmental Plan 2013, as discussed below.

5.4.6. Amended Draft Sutherland Shire Local Environmental Plan 2013

The Amended Draft Sutherland Shire Local Environmental Plan 2013 was placed on exhibition until 1 November 2013 and Council is currently considered submissions received during the exhibition period.

Zones

The Amended Draft Sutherland Shire Local Environmental Plan 2013 proposes two zones for the subject site, being a B4 Mixed Use zone for the majority of the site and an RE1 Public Recreation zone for the south-western portion of the site which is proposed to be dedicated to Sutherland Shire Council as a component of the redevelopment of the site.

The proposed amended Concept Plan is permissible in the two draft zones and consistent with the objectives of both zones.

5.0 STATUTORY PLANNING FRAMEWORK

Floor Space Ratio

The Amended Draft Sutherland Shire Local Environmental Plan 2013 provides a floor space ratio of 2:1 for the portion of the site which is proposed to be zoned B4 Mixed Use, which is the same floor space ratio proposed for the remainder of the Kirrawee shops along Oak Road which are also proposed to be zoned B4 Mixed Use. However, the portion of the site which is to eventually be dedicated as public open space no longer has any floor space ratio attributed to it.

This represents a departure in the current approach under the Sutherland Shire Local Environmental Plan 2006 which provides a floor space ratio control over the entire site, notwithstanding that site is also governed by two zones under the Sutherland Shire Local Environmental Plan 2006 being Zone 7 - Mixed Use - Kirrawee for the majority of the site and Zone 13 - Public Open Space for the south-western portion of the site.

Council staff have previously acknowledged the principle of providing a floor space ratio across the entire site in the presentation to the Special Meeting of the Environment & Planning Committee on 23 August 2010 which states:

- Under SSLEP2006 the floor space ratio for the Brick Pit site is based on the entire site area.
- This approach was taken so that the developer would extract the value out of the land occupied by the proposed park. This approach has traditionally facilitated the dedication of land at no cost to Council.

The absence of a floor space ratio under the Amended Draft Sutherland Shire Local Environmental Plan 2013 for the south-western portion of the site effectively means that a floor space ratio of only 1.58:1 is provided for the entire site, which is below that proposed for the other sites in Kirrawee within the B4 Mixed Use zone. As a matter of principle, whilst the entire site remains in private ownership the same approach as that currently provided for in the Sutherland Shire Local Environmental Plan 2006 with the application of the floor space ratio control over the entire site should remain in place.

It is considered likely that the absence of the application of the floor space ratio control to the entire site under the Amended Draft Sutherland Shire Local Environmental Plan 2013 is an anomaly and that a 2:1 FSR has inadvertently only been applied to a part of the site, rather than the entire site, perhaps due to the two different zonings which apply to the site.

The proposed amended Concept Plan has a floor space ratio of 2:1 which is consistent with the floor space ratio proposed under the Amended Draft Sutherland Shire Local Environmental Plan 2013 for sites within the Kirrawee mixed use zone along Oak Road.

Height

The Amended Draft Sutherland Shire Local Environmental Plan 2013 provides a maximum height of 50 metres for the portion of the site which is proposed to be zoned B4 Mixed Use. The proposed amended Concept Plan does not exceed this height.

6.0 ENVIRONMENTAL ASSESSMENT

6.1. Gross Floor Area

The proposed modification to the Concept Plan seeks consent for an increase of gross floor area from 60,735 square metres to 85,000 which is an increase from a floor space ratio of 1.43:1 up to 2:1.

6.1.1. Sutherland Shire Housing Strategy 2031

Council's analysis of the zoning, height and FSR controls under the Sutherland Shire Local Environmental Plan 2006 (SSLEP2006) indicates that only 56% of the anticipated new dwellings in Sutherland Shire in the period to 2031 will be located within centres.

This falls short of the 80% target set by the Department of Planning and Infrastructure and accordingly Council has prepared the Housing Strategy to identify changes to the planning controls to assist in revitalising existing town centres and providing additional housing within defined radii of centres.

Given the location of the Brick Pit site within the Kirrawee village and its very close proximity to the Kirrawee Railway Station, an FSR of 2:1 is considered a minimum which should be supported on the site, with other sites with similar characteristics in nearby centres such as Sutherland and Carringbah having proposed FSRs of 3:1, 3.5:1 and 4:1.

6.1.2. Urban Activation Precinct Nomination

Urban Activation Precincts are a new initiative of the State Government that seeks to facilitate growth in housing and jobs through a strategic, precinct based approach to planning. The aim is to create capacity for significant growth in locations that benefit from public transport and to deliver quality living environments and more employment opportunities. Growth will be backed up by State investment in infrastructure and grants to local government to meet local infrastructure needs.

At the Council meeting on 18 March 2013, it was resolved to nominate Sutherland, Kirrawee and Loftus as an Urban Activation Precinct. The Council report provided the following commentary in relation to Kirrawee (emphasis added):

Kirrawee Centre is a small centre which is undergoing dramatic change. The Planning Assessment Commission (PAC) recently approved a mixed use development at the Kirrawee brick pit site adjacent to the centre. This development is expected to provide more than 500 additional jobs through a supermarket focused shopping centre and provide around 430 additional dwellings. The project also includes a new park that is one hectare in size. Kirrawee Centre is also adjacent to an area of Zone 11 Employment, which is a strategically important source of local employment in manufacturing and car sales.

.....the approval of the Kirrawee brick pit development will provide a supermarket focused shopping centre. This will be a major drawcard for residents in a wide catchment. Residents of Sutherland will use the Kirrawee shops. Similarly the future

6.0 ENVIRONMENTAL ASSESSMENT

concentration of residents at Kirrawee will use some of the schools, specialty shops, restaurants and business services within Sutherland centre. It is also likely that future residents of Kirrawee will walk to Sutherland to access higher frequency train services. This tends to suggest that with the development of the brick pit site the two centres will begin to become more functionally linked over time.

The centres of Sutherland, Kirrawee and Loftus together provide a wide range of services and employment opportunities that can be built upon. The centres are also close to a range of recreational facilities and areas of public open space which could serve an increased population. The precinct benefits from three railway stations, with Sutherland being a main transport interchange location at the junction of two lines. The residential flat zones adjacent to Sutherland and Kirrawee centres are largely developed. There are few opportunities for new development.

In considering the nomination of the Sutherland/Kirrawee/Loftus Urban Activation Precinct, Council has acknowledged the significance of the area as being particularly well served by public transport, employment lands as well as a wide range of other services. However, it has also been acknowledged that there are few opportunities for new development in the area.

Sydney is a rapidly growing city and forecasts suggest that more than 1.3 million additional people will be living in Sydney by 2031, requiring 545,000 more homes and 625,000 more jobs (Source: Department of Planning & Infrastructure – Urban Activation Precincts). This means that it is of critical importance to ensure that where the limited opportunities are available to accommodate this growth, that they are properly managed to fulfill their role in satisfying the growing demand for homes and jobs.

The merit of an FSR of 2:1 for the site is consistent with Council's identification that the characteristics of the subject site and surrounding area make it suitable for accommodating the growing demand for housing and employment. An FSR of less than 2:1 would significantly undermine this potential to the detriment of employment opportunities and housing affordability and represent mismanagement of this valuable asset.

6.1.3. Consideration of the issues raised during the first exhibition of the DSSLEP 2013

The significance of the Kirrawee commercial area in providing for the growing demand for homes and jobs is reflected in the proposed uplift in height and FSR for this area. The Detailed Report on Public Submissions to DSSLEP 2013, available on Council's website, states the following:

The key changes under draft SSLEP2013 are that the commercial centre has been given increased development potential from three storeys to 16m (4 storeys) and an increased FSR from 1.27:1 and 1.34:1 to 2:1.

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The Detailed Report on Public Submissions to DSSLEP 2013 also states the following in relation to the Kirrawee Brick Pit site that (emphasis added):

The recently approved (NSW State Government) development on the "Kirrawee Brick Pit" site indicates that the area will achieve higher activity levels as a result of the retail / commercial and residential floor area approved. This particular development site will significantly expand the area of the centre, creating a size and capacity that will attract custom from outside the area. Added to this is the potential increase from possible mixed use development on properties adjoining/opposite the Brick Pit site. It is possible that the locality could develop into a larger scale regional centre catering to a much wider community group. The Brick Pit site is proposed to have a 2:1 FSR and a 50m building height in accordance with the approved Part 3A proposal.

It is appropriate for the Brick Pit site to have the same FSR of 2:1 as that which is proposed for the remainder of the commercial sites along Oak Road and the proposed amendment reflects this view as expressed by Sutherland Shire Council.

6.1.4. Environmental Capacity

It has been established that the proposed density on the site and floor space ratio of 2:1 is consistent with density proposed under the draft planning controls for the other sites in Oak Road and also considerably less than many other sites within Sutherland Shire with similar characteristics to the subject site. In terms of the strategic importance of the subject site and the ability of the site to deliver much needed housing, the proposed density is appropriate.

The proposed amendment to the Concept Plan has also been considered with respect to respect to traffic impacts to the local road network, amenity for future residents and an appropriate built form which also inform the environmental capacity of the site to absorb the proposed density. As discussed elsewhere in this report and demonstrated in the supporting documentation the proposal does not result in any further traffic impacts beyond the approved Concept Plan, results in improved residential amenity and an improved built form. Accordingly, the site has the environmental capacity to support a floor space ratio of 2:1 as proposed.

6.2. Traffic and Parking

The approved residential and non-residential car parking provision for the Concept Plan was based on rates identified in the Updated Traffic Management and Accessibility Plan prepared by Halcrow Pacific Pty Ltd, dated 27 October 2011 (Version 4).

The proposed modification to the Concept Plan includes a reduction in retail floor space of 1,040 square metres and an increase in residential floor space of 25,305. The same car parking rates as those approved have been used to determine a new indicative car parking provision of 1,566 car parking spaces for the proposed modification to the Concept Plan, which is an increase of 416 car spaces beyond those approved under the Concept Plan.

A Traffic Impact Assessment prepared by Traffix accompanies this application and has considered

6.0 ENVIRONMENTAL ASSESSMENT

in detail the impact of the provision of 1,566 car parking spaces on the performance of surrounding intersections and the local road network.

The trip rate assumptions which formed the basis for the forecast traffic generation associated with the approved Concept Plan were based on the RMS Guide to Traffic Generating Developments and rates which dated from 2001. However, since the Concept Plan approval the RMS have been undertaking an extensive review to inform an update of the trip rates and in August 2013 RMS released Technical Direction TDT 2013/04a, which provided revised trip generation advice for a number of land uses based on survey data obtained since 2009.

A number of the trip rates have now been reduced and in particular the new rates state that high density residential trip rates would generate about half the amount of traffic that would have been expected using the old (and now out-dated) RMS trip rates.

Accordingly, whilst there has been an increase in the indicative number of apartments from 432 to 749, the appropriate use of the new trip rates indicates that the actual trip generation associated with the proposed modification to the Concept Plan will actually be less than the trip generation which was considered likely to result from the approved Concept Plan. In addition, the reduction in the quantum of retail floor space has also contributed to a further reduction in trip generation which will result from the proposed modification to the Concept Plan.

In light of the above, the Traffic Impact Assessment prepared by Traffix concludes that:

The analysis above demonstrates that the modified concept plan development is anticipated to generate traffic demand volumes below that which were assessed (modelled) by the Updated Halcrow TMAP study. Accordingly, the proposed infrastructure and intersection improvements remain an appropriate infrastructure upgrade response to the traffic generating potential of the Kirrawee Brick Pit site.

It is therefore concluded that in terms of traffic generation, agreed intersection upgrades and future network performance, the modified concept plan has less impact on the surrounding road network than the currently approved concept plan and should therefore be supported.

6.3. Urban Design

The amended Concept Plan represents a superior urban design response to the constraints and opportunities of the site in comparison to the approved Concept Plan.

The amended design creates a series of urban blocks to break up the scale of the site and to ensure that the development will integrate with the pattern of the existing road network and street blocks in the locality. The introduction of a linear street and pedestrian network through the site creates a proper delineation between the public and private domain and in particular allows the park to be properly understood as a public facility. In addition, the open 'high street' approach to the retail offering within the development corresponds with the existing street character evident along Oak Road and ensures that the development has a significantly improved integration with the existing suburb and will form an extension of the existing street and pedestrian network within Kirrawee, rather than a 'big box' shopping centre which fails to adequately respond to its context.

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The relationship of the amended Concept Plan with the Oak Road shops is also significantly improved through the revised approach to the site which incorporates an alternative design for park with direct site lines and a path of travel from the Oak Road shops at the corner of Oak Road and Flora Street and the proposed open plaza. The intention is to encourage a dialogue and relationship between the existing and proposed retail offering in Kirrawee so that the redevelopment of the Brick Pit site will support and strengthen the existing Kirrawee shops to achieve a vibrant retail destination.

The proposed linear street and pedestrian network through the site dictates a more regular block pattern and buildings above which has generated the opportunity for generous separation of individual buildings which each have a much better defined street address for apartments and 'front door' in comparison to the approved Concept Plan.

Notwithstanding the introduction of a more regular urban pattern, the amended Concept Plan introduces significant modulation in scale of the buildings in response to their location within the site which achieves optimal environmental performance as well as serving to introduce visual interest which reduces the apparent scale of the development. The variation in scale combined with the variation in architectural language which will result following design of the individual buildings, will provide a fine grain for the development which will create the feeling of living within an integrated neighbourhood of Kirrawee, rather the more homogenous and super-block approach of the approved Concept Plan which has the potential to reduce integration and interaction with the broader Kirrawee community.

The Urban Design outcome of the amended Concept Plan is significantly improved in relation to:

- site permeability and legibility;
- connectivity with the Oak Road shopping strip;
- delineation between the public and private domain;
- separation of vehicle and pedestrian activity and isolation of loading vehicles;
- separation of residential towers to provide appropriate separation distances and amenity;
- reduction in retail floor space to reduce impact on Oak Road shops and reduce traffic generation; and
- increased residential density commensurate with the strategic significance of the site and consistent with the remainder of the Oak Road sites.

6.4. Amenity

Whilst the Concept Plan does not seek consent for detailed floor layouts, Turner architects have provided illustrative floor plans which demonstrate that apartments can be provided within the amended envelopes which achieve all of the amenity requirements of the Residential Flat Design Code including building separation, solar access, natural ventilation and the provision of open space and landscaping for residents. The indicative design demonstrates that a high level of amenity can be achieved within the proposed amended Concept Plan.

6.5. Economic Impacts

The proposed modification to the Concept Plan results in a very minor increase to the floor area of the discount supermarket from 1,470 square metres (GFA) up to 1,475.35 square metres (GFA), and a minor increase to the floor area of the full-line supermarket from 3,900 square metres (GFA) to 4,644.1 square metres (GFA). However, the proposed amendment results in an overall decrease

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in the total quantum of retail proposed to be provided on the site by 1,040 square metres.

Whilst there is a proposed minor (14%) increase in the floor area of the supermarkets, there is a significant and meaningful reduction in the total quantum of retail floor area proposed for the development.

The Department of Planning and Infrastructure and the Planning Assessment Commission were satisfied following a detailed consideration and peer review process that the proposed quantum of supermarket and retail floor space in the Concept Plan would not result in an unacceptable impact to the Kirrawee shops or retail offerings in surrounding centres. The proposed reduction in retail floor space within the amended Concept Plan will result in a reduction of the impact to the Kirrawee shops and surrounding centres and therefore an economic improvement for the Kirrawee and surrounding centres.

The proposed amended Concept Plan has been designed to significantly improve connectivity with the existing Oak Road shops which is likely to achieve an improved economic impact for Kirrawee as it will ensure that a cohesive relationship is achieved between the two retail offerings which will likely strengthen the performance of the existing shops. In addition, the proposed increase in density of approximately 317 households within the immediate vicinity of the Oak Road shops will increase the retail spend in the area.

The proposed increase in density will also provide for a further 630 construction jobs associated with the development beyond the approved Concept Plan, resulting in a total of approximately 2,800 construction jobs. This is a significant employment generation and will have broad and positive economic impacts including likely increased spending by construction workers in the retail shops within Kirrawee during the construction period.

The amended Concept Plan will achieve a positive economic impact for the location.

6.6. Parkland, Habitat Conservation and Lake Water Quality

The proposed modification to the Concept Plan results in an amended landscape design for the park which increases the levels of the park, relocates the water body to the north and includes a much larger open grass area at the south-eastern side. This re-configuration provides for a primary and direct pathway along the desire line from the Oak Road commercial shops to the proposed development and forms a critical link. The open nature of the eastern side of the park reinforces this strong visual connection between the site and Oak Road commercial shops.

STIF Comparison

A critical issue for the Concept Plan involved the consideration of retention, removal, embellishment and off site planting of Sydney Turpentine Ironbark Forest. A Comparative Analysis on STIF prepared by Aspect Studios accompanies this application which demonstrates that the proposed amended Concept Plan retains a greater amount of existing STIF on the site and introduces more new areas of STIF to be planted within the overall site, and therefore requires less compensatory STIF bushland planting off-site.

Lake Water Quality

A statement prepared by Northrop accompanies this application which advises that the relocation of the lake and removal of the previous smaller ponds does not negatively impact upon the water

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quality of the lake as the smaller ponds (which originally fed into the larger lake within the park) were not intended to manage water quality within the lake. A system will be implemented for the lake to provide recirculation and movement of water within the lake through perimeter planting which will maintain the water quality.

Fauna Protection (Grey-Headed Flying Fox and Eastern Bent-Wing Bat)

The proposed amendments to the design and layout of the park achieve the following:

- retain a greater amount of existing STIF on the site and introduces more new areas of STIF to be planted within the overall site
- retain a water body in excess of 800 square metres as a source of drinking water
- retain appropriate water quality within the lake through the implementation of a system of recirculation and movement of water within the lake through perimeter planting

Accordingly, the proposed amended design will achieve an improved outcome with regard to the protection of the Grey-Headed Flying Fox and Eastern Bent-Wing Bat in comparison to the approved Concept Plan.

6.7. Drainage and Stormwater Management

An amended drainage and stormwater management report has been prepared in support of the proposed modification to the approved Concept Plan by Northrop Engineers.

The original stormwater management plan involved harvesting of stormwater not only for re-use within the subject development, but also for embellishing water levels within the lake in the public park. In addition, the design included the use of the on-site detention tanks within the proposed development for the capture of stormwater from the public park.

As a matter of principle, this inter-reliance between the facilities within the public park which will be eventually owned by Council and the private development is considered unsatisfactory as introduces a raft of issues related to inter-reliance including the need for easements, maintenance requirements and burdens on both the public and private assets. To remove these issues, an alternative approach to stormwater management is proposed where both the public park and the private development will operate independently of one another. This is considered a superior approach for both Council and the future owners and body corporate of the proposed development.

The amended stormwater management report provides an updated assessment and recommendations in relation to stormwater management, water quality, site discharge, and the public domain. It concludes that the amended stormwater plans accompanying this application demonstrate the ability to adequately deal with water quantity and quality issues, having no adverse impacts on the adjoining properties or flooding downstream.

7.0 CONCLUSION

The proposed modification retains the fundamental elements of the approved concept plan however seeks consent for a rationalised site layout and reconfiguration of buildings.

The amended proposal has been demonstrated to achieve a positive outcome for the site and Kirrawee village with a significantly improved urban design response to the opportunities and constraints of the site and a development which has improved compatibility and connectivity with the existing context and which will contribute positively to the character of the locality and restore a critical relationship with the Oak Road commercial strip.

The proposed density on the site and floor space ratio of 2:1 is consistent with density proposed under the draft planning controls for the other sites in Oak Road and also considerably less than many other sites within Sutherland Shire with similar characteristics to the subject site. In terms of the strategic importance of the subject site and the ability of the site to deliver much needed housing, the proposed density is appropriate.

The site has also been demonstrated to have the environmental capacity to support the proposed amendment to the Concept Plan with respect to traffic impacts to the local road network, amenity for future residents and an appropriate built form and urban design outcome.

The modified design responds positively to the particular site circumstances, without adverse impact to the amenity of adjoining development generally. The proposed modification to the approved Concept Plan has been found to be consistent with the objectives of all relevant existing and draft planning provisions and in particular the Metropolitan Plan for Sydney 2036 and Draft South Subregional Strategy and it has been demonstrated that the proposed modification is appropriate for approval.