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File Ref: DN14/0007

17 April 2014



Mt Sam Haddad  
Director General  
Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Fiona Gibson

Dear Mr Haddad

**Development Referral No. DN14/0007**

**Proposal: Section 75W Modification (MOD 3) to Concept Plan for Kirrawee Brick Pit (MP10\_0076) - Modification of Approved Envelopes**

**Property: 566-594 Princes Highway, Kirrawee**

I refer to the exhibition of MP10\_0076 MOD 3 submitted by South Village Pty ATF South Village Trust seeking submissions in relation to the modification of the approved Concept Plan at the Kirrawee Brick Pit site.

A review of the proposal has identified a number of concerns with the amended Concept and Council wishes to object to the proposal in its current form.

While the amendments have addressed some of the site design and amenity issues of the approved Concept Plan, Council is concerned that the significant increase in scale and mass as well as changes to the open space creates additional problems and uncertainties.

The proposal significantly exceeds the approved Concept as well as Council's Draft Local Environment Plan in terms of residential density. This results in various undesirable impacts and rather than basing density, design and massing on a thorough site analysis, the residential development appears to have been designed from the top down and in isolation of its surroundings.

The massing will dominate the local streetscape as well as alter the skyline as viewed from outside of the Shire. The distribution of the built form overshadows the private open spaces within the development and potentially limits the development potential of surrounding properties.

The interface with Flora Street has been poorly resolved and includes just a single retail tenant fronting Flora Street and a series of steps and switchback ramps to access the remaining retail level over 3m above. The most recent addition of two residential lobbies on Flora Street (March 2014) is considered to be a positive step.

While the retail level has been raised to the same level as the public park, its orientation and distribution internalises this space and disconnects it from the park and the Kirrawee centre.

In terms of the significant changes to the public open space, the very formal and urban treatment of the corner entrance is inconsistent with the natural qualities of this location, which

are further diminished by the relocation of the lake to the northern edge of the park. It is also uncertain as to how water quality is to be maintained within the lake.

Uncertainty also remains as to the management of stormwater. The location of proposed detention tanks appear to conflict with the plans and while many comments refer to 'water sensitive urban design' and water reuse potential, no commitments are made either diagrammatically or in writing.

Based on building mass, amenity, interface with surrounding streets and development and uncertainty in relation to stormwater impacts, Council raises objection to the proposed amendments currently before NSW Planning and Infrastructure.

### Background

In 2008 an application for a significantly smaller mixed use development on the old brick pit site was refused by Council. A subsequent appeal to the Land & Environment Court was dismissed due to the scale and intensity of the proposal and its impact on remnant Sydney Turpentine Ironbark Forest (STIF) and two (2) threatened bat species.

In 2010, Henroth Investment Pty Ltd submitted an application for a Concept Plan for a mixed use development to the Department of Planning under Part 3A which proposed almost twice the residential floor space and more than double the retail floor space of that refused by the Court. The Concept Plan approved by the Planning Assessment Commission (PAC) included minor modifications including the reduction in height from a maximum of 15 storeys to 14 storeys and a reduction of floor space of more than 4,000m<sup>2</sup>.

The current application to modify the approved Concept Plan seeks to almost double the approved residential floor space. The section 75W request comprises of the following modifications:

- Increasing the maximum height of buildings from 14 storeys to 15 storeys.
- Increasing floor space ratio from 1.8:1 to of 2.5:1. Including an increase of residential floor area from 45,505m<sup>2</sup> to approximately 70,810m<sup>2</sup> and a decrease of retail/commercial floor area from 15,230m<sup>2</sup> to approximately 13,959m<sup>2</sup>.
- Revised site layout design to create a series of urban blocks through a linear street and pedestrian network.
- Basement, ground and above ground parking for a total of 1,566 cars.
- Redesign of the retail loading area.
- Creation of three (3) separate entrances for each of the residential basement parking, retail basement parking and loading dock.
- Deletion of the wetland/pond system and relocation of the public lake.
- Raising of the site levels of the park and retail area to RL 100m.
- Redesign of the south western corner of the park to include a prominent corner entry and children's playground.

### **Urban Design**

Council previously raised significant concerns about the scale and intensity of the development, building form and height and how the proposal will integrate with the existing Kirrawee Town Centre.

### Density and building height

The proposed reduction of retail floor space from 15,230m<sup>2</sup> to what now appears to be 13,959m<sup>2</sup> on the latest plans (a 8.3% decrease) is offset by a substantial increase in the

number of residential apartments from 432 to 749, which will see the residential Gross Floor Area (GFA) of the development rise from 45,505m<sup>2</sup> to 70,810m<sup>2</sup> (a 55.6% increase).

Under the Draft Sutherland Shire Local Environmental Plan 2013 (DSSLEP2013), the part of the site on which the development is permissible is subject to a maximum FSR of 2:1. The application states that the Floor Space Ratio (FSR) of the development will rise from 1.43:1 to 2:1 and therefore complies with DSSLEP2013. However, the proponent has arrived at these figures via the inclusion of the park in the total Site Area.

While the area of the proposed park has long been zoned for this use, SSLEP2006 provided a special FSR value of 1:1 for the entire site (including the park) to provide flexibility to the eventual use of the brick pit site. In the event that the park came under Council's ownership, the park area would be removed from the calculations to allow a maximum FSR of 1.27:1. As the approved Concept Plan included the condition to dedicate the park to Council under a Voluntary Planning Agreement (VPA), the draft plan does not include this special provision and unmistakably provides a density control for the developable part of the site only.

Residential development is prohibited in the Public Open Space zone and as such is excluded from the site for purpose of calculating density. The following table compares Council's current and proposed Density controls with the approved and proposed development.

	<i>FSR (if including the park in the Site Area):</i>	<i>FSR (excluding the park from the Site Area):</i>
<i>Max FSR under SSLEP 2006</i>	<i>1:1</i>	<i>1.27:1</i>
<i>Max FSR under DSSLEP 2013</i>	<i>1.58:1</i>	<i>2:1</i>
<i>Approved Concept Plan</i>	<i>1.43:1</i>	<i>1.8:1</i>
<i>Proposed Development</i>	<i>2:1</i>	<i>2.5:1</i>

The modified proposal will therefore exceed the density of development permitted by the draft plan.

It should be noted that the development standards in the draft plan simply reflect the approved project, rather than being the result of any strategic analysis of the Kirrawee town centre. No work has been carried out to determine how the development will integrate with surrounding development or the town centre as a whole. The Kirrawee Living Centres Project which produced the Kirrawee Local Area Masterplan (LAM) envisaged approximately 290 new dwellings within predominantly 3-4 storey buildings and an employment floor area of approximately 10,000m<sup>2</sup>.

The LAM identified that the form of future housing would need to meet the changing needs of the Shire's population, in particular in providing housing for older persons and people with disabilities. The LAM also identified that the proposed employment uses would support the retail strip, possibly inspiring different retail uses to evolve over the years. The planning provisions of the LAM were subsequently incorporated into objectives and development controls in SSDCP2006 and SSLEP2006. However the State Government subsequently approved the Concept Plan at a significantly increased density.

The approved Concept Plan comprises three buildings centrally located on the site in a "finger" style arrangement, with varying heights of 7, 11 and 14 storeys. Along the perimeter of the site fronting Princes Highway are three buildings each having a height of 6 storeys. Generally, the smallest buildings front Flora Street at heights of 5 and 6 storeys. Centrally locating the tallest towers on the site served to minimise their visual impact from the surrounding streets. Additionally, the towers were focused in specific strategic locations on the site to break up the massing of the development.

Though the proposal maintains compliance with the 50 metre height limit under DSSLEP2013 (albeit with the tallest approved tower increasing from 14 to 15 storeys), the aforementioned increase in density to 2.5:1 would result in a consistently higher built form across the site. The highest buildings proposed within the development are clustered together (generally within the south-eastern quadrant of the site) and would present visually as one single building mass from the Princes Highway and from vantage points across the Sutherland Shire. This development outcome will be alien in the context of the Shire.

Moreover, in addition to the adverse local visual impact that the modified development would have on the area, the development would be highly visible from the ridgelines and vantage points within neighbouring localities, including suburbs such as Blakehurst and Oatley that have distant views to the ridgeline of Kirrawee and Sutherland. The development would effectively create a new skyline within the Shire that is visually heavy and bulky compared to the Concept Plan.

An alternative distribution of built form could result in a better outcome, minimising impact on neighbouring sites and improving the amenity of the proposed development.

#### Impacts on Immediate Context

There is no question that development of the Brick Pit will significantly change the planning context of the area and vastly alter the character of the surrounding area.

The development standards in DSSLEP2013 for adjoining land has largely remained as initially proposed by the LAM. The adjoining land has a 20m height limit and a 1:1 FSR limit, the shops in Oak Road have an FSR limit of 2:1 and land surrounding Fauna Place is proposed to have a 1.2:1 FSR limit (shown in Figures 1 and 2 below).



Figure 1: Draft SSLEP2013 Height Map



Figure 2: Draft SSLEP2013 FSR map

The negative impacts of the proposed modifications on surrounding development are detailed below.

#### *(i) Eastern Adjoining Site*

The adjoining site to the east, which is proposed to have a 20m (6/7 storey) height limit in the draft plan, will abut development on the Brick Pit site of 11/12 storeys (40m). This has come about by the approval of the Concept Plan and clearly needs to be reviewed. This is particularly important given that the adjoining sites to the east complete the large urban block that contains the Brick Pit.

Development of the brick pit site should not constrain good planning outcomes and further development opportunities on adjoining sites. State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP65) requires a total separation of 24



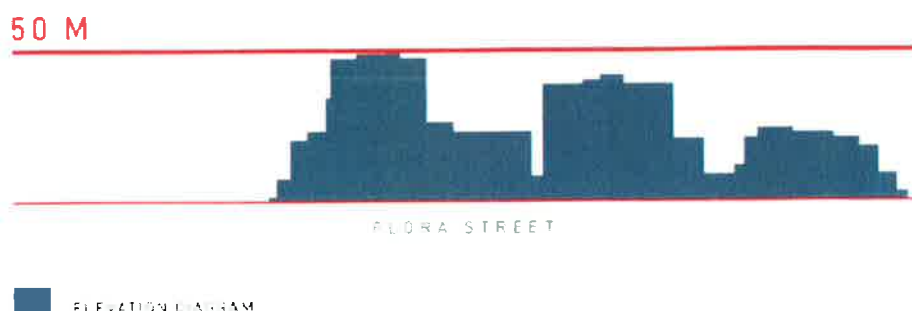
metres between buildings that exceed 25 metres in height on adjoining sites. The proposal has a uniform setback of 8-9 metres from the eastern boundary, and therefore the burden of building separation is not proposed to be equally shared by this site.

On this basis, the proposal will limit the development potential of the site to the east. Achieving a greater separation from the eastern boundary of the site could also potentially facilitate a more cohesive street network and help to create a pattern of building form that is more cohesive with the surrounding centre. A building setback of 12 metres from the eastern boundary is recommended.

*(ii) Flora Street*

Similarly, it is noted with concern that the height of the built form fronting Flora Street has increased from 5 and 6 storeys to 8, 11 and 14 storeys. These buildings will be situated opposite 6 – 7 storey (20 metres) development on the southern side of Flora Street. Again, there is no planning strategy for such a significant change.

The proponent has provided a diagrammatic indication of approved building heights on the site viewed from Flora Street. Refer to Figure 3 below.



**Figure 1: Portrayed heights of approved buildings (Flora Street elevation)**

This diagram is misleading as it is not a true representation of the approved heights of buildings that front Flora Street. The tallest of the buildings shown are in fact centrally located on the site and as such will be visually recessive and not read from Flora Street. Figure 4 below is considered to be a more accurate representation of the heights of the approved buildings that front Flora Street. The impacts to Flora Street of increasing these 5 and 6 storey buildings to 8, 11 and 14 storeys have largely been ignored within the application.



**Figure 2: Approximate actual extent of approved buildings fronting Flora Street**

The impact of increased building heights upon future developments on Flora Street should be demonstrated. It is unclear if the proposal will allow sufficient solar access (compliant with SEPP65) to be achieved by future developments on the southern side of Flora Street.

While the proponent has provided a shadow analysis of the proposal, only a three-dimensional diagram will accurately depict the level of impact that the proposal will have on likely mixed use development on the southern side of Flora Street. There is potential for the development to sterilise sites across the road. At this point in time there is simply not enough information to determine the full extent of its impact.

*(iii) Kirrawee Centre*

Should this proposal be approved, the best planning outcome would be for Flora Street to become an extension of the centre and function as a 'high street' that can be integrated with future development along the street. Flora Street may become a key pedestrian link between Sutherland and Kirrawee centres as pedestrians move between the supermarkets and speciality shops of Kirrawee and the civic services, open spaces and better public transport options offered by Sutherland centre.

Previous concern was also raised as to the ability of the development to integrate with the existing Kirrawee town centre. It is critically important to create a meaningful connection to the existing centre. It is considered that a convincing interface with Flora Street is yet to be provided, as the development appears to predominantly face the internal spaces.

The very eastern end of the Flora Street frontage accommodates a small retail space fronting the street. The main retail space, while termed as 'ground level', is some 3m or more above this end of Flora Street. The ground level tenancies adjacent to Flora Street all face into the site, providing little activation of Flora Street. While the inclusion of additional residential lobbies on Flora Street is a positive step, it is recommended that this frontage be further developed and made more active and attractive.

In addition to a seeming lack of retail address to Flora Street, the inclusion of a switchback ramp between Retail Shops 8 and 10 is considered a poor resolution of the change in levels and results in a disconnection between the public footpath and the internal mall.

An orthogonal circulation framework has been established that has the potential to create a positive connection to Kirrawee Centre. However, it is a concern that the current proposal creates an exclusive enclave, with public areas presenting as a roofless shopping centre, rather than creating a continuation of the surrounding street network. The appointment of a public domain advisor to focus on creating appropriate public spaces and streets is recommended.

On a positive note, the general organisation of buildings and potential street network within the development have set up a framework that could be developed to better interface with the existing centre (compared to the previous strategy).

Residential Amenity

It appears that compliance with the minimum requirements (for solar access and ventilation) of the Residential Flat Design Code can be achieved. However, this is dependent upon the development being classified as a dense urban environment, reducing solar access requirements to a minimum of 70% of apartments achieving a minimum of 2 hours solar access between 9.00am and 3.00pm in mid winter. Sufficient solar analysis needs to be provided to confirm this.

It appears that solar access is limited to the communal podium courtyards. This is particularly true of that of Building G which receives almost no direct solar access in winter.

No direct street access has been provided to the eastern portion of Building D. Residents of those apartments would need to access the podium level and then negotiate this, via an

indirect pathway, to access their dwellings. Each apartment block should be provided with its own residential entrance at street level, allowing residents and visitors to access each building directly from street level.

#### Architectural Review Advisory Panel

The proposal was considered by Council's Architectural Review Advisory Panel (ARAP) on 25 February 2014. The report subsequently prepared by the ARAP is provided as an addendum to this submission. Many of the concerns held by the ARAP and detailed within the attached report reflect those detailed herein, albeit with greater exposition.

In summary, the ARAP has formed a view that an overall development proposal of this scale and density is not appropriate for this site and, given that the proposed envelopes and development density substantially depart from the approval, should not be considered as an amendment to the Planning Assessment Commission (PAC) approved Concept Plan. In the view of ARAP, many weaknesses of the approved scheme are still present in the amended proposal.

#### **Local Heritage**

The Concept Plan approval required the proponent to demonstrate consistency with previous Heritage Reports/Assessments and engage a conservator to monitor the conservation of the Pipe Kiln as well as prepare a Conservation Management Plan.

As the site has been recently somewhat cleared, concern is raised as to the current status of heritage items located on site. Furthermore, the extent of the kiln may be greater than indicated on the plan, especially underground, and concern is raised that insufficient curtilage may have been provided for its protection. The proposal provides no details on how the kiln will be presented to the public or what interpretive information will be provided. The modified proposal provides no additional details regarding heritage conservation and it is considered that as a minimum the concept approval conditions remain.

#### **Economic Impacts**

Under DSSLEP2013, the land is proposed to be partly zoned RE1 Public Open Space (over the proposed park) and partly B4 Mixed Use. The B4 zone requires any proposal to facilitate the revitalisation of the Kirrawee Town Centre and railway, and ensure that expansion of retail activity maintains the role and function of the centre and does not adversely impact the sustainability of other centres. Shops must integrate and support the existing centre. There is concern as to the ability of the modified proposal to achieve these objectives.

In the past, concern has been raised that the scale and nature of the retail component is contrary to the LAM. Furthermore, the development does not propose a live/work environment envisaged by the LAM. Concerns were also previously raised by Council that the proposal could threaten the viability of both the Kirrawee and GyMEA centres, as well as the supermarkets in Sutherland Centre.

The modified proposal still includes two supermarkets - a somewhat bigger full line supermarket of 4,740m<sup>2</sup> (previously 3,900m<sup>2</sup>) and a slightly smaller discount supermarket (previously 1,470m<sup>2</sup>, now 1,344m<sup>2</sup>). The minor loss of retail floor space is predominantly from the 'shopping centre', which is now proposed to have a more 'high street' feel fronting the internal roads/spaces within the development. Retail floor space now extends to the northern block fronting the Princes Highway up to Oak Rd (three buildings with residential apartments above), including two levels occupied by showroom. This type of retailing was required as a condition of the concept approval.

The proponent contends that the changes are minor and, as the proposal includes increased housing numbers, there will be additional customer base. However, the employment generated by the proposal does not improve the Shire's employment self containment, as the development will provide predominantly low skilled retail jobs. This specific matter remains a concern as the proposal is essentially the same. The proposal does not significantly reduce the amount of retail floor space on site, nor does the proposal provide employment opportunities to match the skills of the local population.

### **Public Open Space**

An area of 9000m<sup>2</sup> in the south-west corner of the site is zoned 13 Public Open Space in SSLEP 2006. Council's intention in zoning the land public open space was to develop a town centre park for use by shoppers and workers in the Kirrawee shopping strip and to provide an accessible public park for the surrounding unit complexes as well as the proposed development.

Council's vision for a public park within the Brick Pit site is that it will become a sustainable, easily accessible, highly visible and safe public open space providing all members of the community with space and facilities for passive recreation.

Council's requirements for the public park have always been:

- Conservation of the Sydney Turpentine Ironbark Forest (STIF);
- Accessibility of the site for the public including an access point located on the corner of Oak Road and Flora Street;
- Accessibility for maintenance;
- Water quality of the lake for human contact;
- Water quality of lake for consumption by bats; and
- Amount of useable recreation space.

The initial concept plan application failed to satisfy Council's requirements. Council determined that, due to issues of accessibility and connectivity to Kirrawee town centre, the open space offered little benefit to the general public and that Council would not accept the public open space.

The approved concept plan resolved many of Council's concerns. The provision of an informal access point on the corner of Oak Road and Flora Street improved the parks connectivity while both retaining and integrating the STIF. A small increase in the level of the park, while not optimal, enable disabled access to the various features of the park and further improved its perception as a public park.

### **Design of public open space**

The modification proposes to relocate the required waterbody north towards the Princes Highway and raise the level of the park by 3m. A large formal entry is proposed from the corner of Oak Rd and Flora Street which leads to an open paved area and child's playground, and then in a direct line to the retail space.

It is unclear why the lake has been relocated to the northern side of the park. The existing water body is a key element that gives the brickpit its strong character and retains the sites connection to its past use. By locating it on the northern side it becomes alienated from the corner where many pedestrians arrive and from the pedestrian ways inside the development. Further, there are urban design and environmental benefits in retaining these provisions and scope exists to provide adequate provisions within this modified development.



Raising the level of the park and the corresponding retail component is a positive step in providing a better connection of the both these elements to the western end of Flora Street and consequently Kirrawee. It also provides an accessible entrance at the eastern end of the park from Flora Street. However, the wide paved pathway from the Oak Road corner and through the park to the new development is harsh in its form, directness and stair requirements.

The design shows little regard to this areas unique ecology or topography, choosing to conquer it rather than respect it. While it may provide a visual connection to the development and reflect pedestrian desire lines, the large number of steps will prevent some and deter many from using this as the desired 'direct route' when the footpath now provides a more gradual connection in a similar distance. A more informal, meandering path/boardwalk through the trees, similar to that approved, is more suitable given the characteristics of the south west corner.

The playground is proposed to be a 'more wild play zone, using existing site features', however, its depiction of being surrounded by broad areas of paving appears to be contrary to this description. The more level grass area below the playground may be a more suitable location if a seating/ congregating area is sought. Further resolution of this corner would provide the desired connection in a less urbanised form.

#### Interface between public and private

While the increased levels physically connect the park and retail space to Flora Street via a new road between the two, the connection to Kirrawee has still not been fully recognised. From the corner of Oak Road and Flora Street, the initial view down both Flora Street and through the park is of a residential lobby and residential dwellings respectively. Apart from one small retail tenancy beyond the basement entry, the development turns it back on Flora Street. To the general public outside of the site, the retail element continues to read as a private space.

The new street between the park and the built form helps to better define the park as a public space. However, the retail component is now more internalized and removed even from the park. Providing ground floor dwellings fronting the park is considered a lost opportunity. This is an ideal location for 'street side' cafes/restaurants receiving afternoon sun and overlooking the park. These would also be visible from Oak Road and the corner of Flora Street therefore better integrating the new retail to greater Kirrawee.

#### Sydney Turpentine Ironbark Forest

The site contains areas of Sydney Turpentine Ironbark Forest (STIF), which is listed as an Endangered Ecological Community (EEC) under the NSW Threatened Species Conservation Act 1995. The original proposal involved the clearing of some areas of STIF, the retention of others primarily within the western and south-western area of the site, and the compensatory offsetting of the loss of the cleared STIF through revegetation works both on and offsite. Through these combined measures, it was concluded that the proposal was unlikely to result in a significant impact upon STIF and the proposal was supported.

The assessment of the amended proposal by Cumberland Ecology provides an adequate comparison between the impacts of the original approved development versus the current proposed amendment. Council agrees with the conclusions of this report, namely that "The proposed modification is not likely to result in a negative ecological outcome with regards to the STIF and the threatened bat species known to use the waterbody". Further, Council agrees that increased retention and replacement of STIF within the site represents a better overall outcome for biodiversity.

#### Compensatory Water Feature

The existing brick pit pond has previously been identified as a known water source for two threatened fauna species, the Eastern Bentwing Bat and the Grey-headed Flying Fox. During the previous court case and major project application, an agreement was reached that under the provision that suitable quantity and quality of water could be made available for use by both species, the proposal to drain and fill in the brickpit pond would not result in a significant impact upon threatened species. These conclusions are still valid with respect to the current modification application however sufficient information has yet to be provided outlining that this can be adequately achieved under the proposed changes.

Under the previously approved major project, the ability to supply appropriate quality and quantity of the water within the proposed compensatory water body was clearly demonstrated. This was through the connection of the large water body to a number of water bodies and linear wetlands located within the site which were designed to maintain the water within the compensatory pond.

The Northrop letter of 27 March 2014 provides an indication of the mechanisms to be used to maintain water quality within the ornamental/habitat lake within the park. Some of these mechanisms (such as the size of the detention tank) can be sized appropriately at the detailed design phase and the minimal detail does not represent a problem. However other key components of the design that are critical to maintaining water quality are needed at the concept stage as the detailed design may preclude some of these options.

One of these elements is the perimeter planting which is to be relied upon to maintain water quality. Council experience indicates that an area of macrophytes approximately three times the size of the open waterbody is required to maintain adequate water quality. Such an area may not be readily incorporated into the detailed design. Also of concern are statements such as "it is anticipated a system to promote recirculation and movement of water within the lake through perimeter planting will maintain water quality". It is unclear how perimeter planting will promote recirculation and movement of water. Often planting within a lake has the opposite effect, and slows flows and reduces movement. While movement and circulation of water through the lake is critical to maintaining water quality the applicant has not demonstrated how this will be achieved.

Serious concerns are raised that the proposal will not be adequate to maintain the required water quality within the lake and that when dedicated to Council, Council may inherit a system that will not meet the necessary water quality objectives and we will need to undertake extensive work to augment the system. This concern regarding the transfer of responsibility is further reinforced by statements such as "water quality monitoring by Council, will address any risk of health concerns for habitat or persons coming into contact with the water" (Northrop letter of 20th March 2014).

The approach in relation to the compensatory waterbody/lake has always been that both the applicant and Council have a responsibility under the Threatened Species Conservation Act to provide an appropriate waterbody post development to minimise impacts on threatened and other fauna. In order to fulfil this obligation Council has agreed to host the waterbody on its park, and the applicant is to provide the mechanism to ensure that water quality is maintained within the waterbody. Council is not satisfied that the applicant has done this and therefore cannot conclude the necessary water quality will be maintained and that it will not have an adverse impact on the threatened species utilising the site.

It is recommended that the applicant be requested to provide further information demonstrating how the required water quality will be maintained within the lake. This

information should also demonstrate how these features can be incorporated within the lake and park area without compromising the amenity and usability of the park.

#### **Section 94 – Voluntary Planning Agreement**

Following consideration of a detailed proposal for the park, Council resolved (EAP069-12) to enter into a Voluntary Planning Agreement with the applicant for the provision of the park and associated facilities, in lieu of a contribution toward open space and community facilities. It was considered that the VPA should include:

- i. Geo-technical and environmental design schedules, and appropriate easements and covenants.*
- ii. An appropriate sinking fund for the maintenance of the water body for 20 years to be managed by Council.*
- iii. Appropriate mechanisms to ensure that the park is delivered to Council's satisfaction.*

The Concept Approval enabled the applicant to enter into a VPA for the provision of the park as per Council's resolution. As the modification proposes to construct a public park and it is considered that should the development be approved, similar provisions should be imposed.

#### **Traffic, Car Parking & Transport**

Generally, insufficient information is provided to demonstrate that the development is of an intensity and nature that is suited for the site and the surrounding environment. By adopting traffic generation rates that differ from the approved concept the applicant claims that the new modified proposal will provide a better outcome with respect to the traffic impacts. This notion should be rejected in the absence of further supporting data. Using the adopted rates from the approved concept indicates that the modified proposal will result in an increase in traffic generation to and from the site

#### Parking Provision

Parking provision for the additional dwellings within the residential component has been increased at the same rate as that accepted in the approved concept DA to a total of 1013 spaces. The applicant justifies the increase on the basis that unconstrained parking at origin will not result in an increase in traffic generation. This is based on surveys undertaken at high density housing in the proximity of Circular Quay railway station. The comparison between the Sydney CBD and the Kirrawee Brick Pit location is not considered valid and should be rejected unless other supporting data can be provided from surveys undertaken nearby, higher density developments in similar proximity to a railway station.

It is also evident from existing developments in similar locations that parking demand (and traffic generation therein) is not governed by the number of off street parking spaces provided per unit and that the demand is transferred to surrounding on street areas. As such, it is considered that regardless of the off street parking quota, the increase in the number of units will increase traffic generation to and from the site.

#### Traffic generation

In general, it cannot be accepted that the new proposal with an increase in FSR of approximately 40%, 317 additional dwellings (73% increase) and 416 additional car spaces (36% increase) can report that there will be a 9% reduction in overall traffic generation.

Retail - The report is somewhat misleading with regard to its assertion that the new proposal will result in a less intensive retail use, thereby resulting in a decrease in traffic generation. The Traffic report indicates that the overall Gross Leasable Area (GLA) for the retail areas has actually increased. The claimed reduction in traffic generation is only attributable to the change in the breakdown of the retail area whereby Supermarket GLA has been decreased by 1050 m<sup>2</sup> and replaced with an increase of Mini-Major GLA of 1220 m<sup>2</sup>. Applying a much lower

traffic generation rate to the mini major is the reason that a lower overall generation is claimed. However, there is no clear definition within the RMS Guide to traffic generating developments as to what type of retail constitutes a mini-major and it is possible that the particular tenant (possibly a smaller supermarket), could have a traffic generation similar to a supermarket as was allowed for in the approved concept.

It is Councils view that the total traffic generation accepted for the retail area for the Approved Concept is unlikely to change under the modified proposal.

Residential - Whilst it is correct that RMS have issued new traffic generation rates for high density residential living, these vary significantly in range between surveyed sites. The Traffix report has adopted the average rate for the Sydney Metropolitan area which is approximately half the previously used residential generation rate. It is questionable whether this is an appropriate rate for this facility. In this regard it is noted that there is a significant range in the new RMS rates which needs to be considered and simply adopting the average may not be truly representative for this location.

It should also be noted that calculating the trip generation using the new RMS average rates per car space results in an increase in trip generation to that of the approved concept. To determine a more robust rate, surveys should be undertaken of more recently constructed, nearby, higher density developments in similar proximity to a railway station. An example would be in Sutherland on the corner of Gray Street and President Avenue. The surveys should determine rates per unit and rates per car space.

Furthermore, the newly released RMS rates do not include the critical Saturday morning peak period, yet the report adopts the same rate as the weekday PM peak. Again, this needs to be validated by undertaking further surveys of existing housing.

In summary it is the view that the increase in the number of units will result in an increase in traffic generation from what was accepted in the concept approval.

#### Proposed Traffic Signals at Flora Street and Oak Road

The proposed traffic signals will result in the loss of significant existing on street parking fronting the existing retail shops in Oak Road, the details of which should be communicated to the affected shop owners by the applicant.

#### Access and Egress

All entry/exit points to the site (including the surface roads) shall be access driveways with laybacks and meet the requirements of Section 3 and APPENDIX D of AS/NZS 2890.1. In this regard all entry/exit points must be analysed with regard to capacity and level of service.

#### Servicing & Internal Layout

The segregation of the service entry from the general public and residential entries is supported. The following concerns are raised regarding the overall capacity and design of the service and loading dock arrangement:

- The close proximities of the service, public and residential entries along Flora Street.
- Servicing of all retail areas will only be via service elevators between the loading dock on basement 2 and ground floor retail.
- The sweep paths indicate that vehicles cannot enter or leave the dock without crossing into the opposing traffic lane in Flora Street
- The grade of the ramp for heavy vehicles may be undesirable for on-going use.
- Service and loading shortfalls are identified for the showroom component.



#### Internal Layout

Council is generally supportive of an additional roadway on the eastern side of the parkland and the provision of at grade parking within the roadways. The revised basement plan (20 March 2014) provides for continuous parking levels and removes the various internal ramps and level changes.

Certain detail and design analysis is required to ascertain whether there are fundamental issues with the function of the basement levels and ability to accommodate the full number of vehicles specified. This includes, turning paths, aisle widths and provision of adaptable / accessible parking spaces. The actual parking provision may be understated, or the full extent of proposed parking may be unable to be accommodated within the development. Concerns are raised regarding the manoeuvring and blind spots created at the location of the ramps given the location of parking spaces and potential for queuing given the limited entry / exit points. The configuration to Oak Road could also be further improved.

#### Public Transport

The increase in residential population and apartments (317) within the development is anticipated to place further loading, and stress on public transport modes within the proximity to the site including Kirrawee Train Station and bus service. The absence of supportive documentation and detailed analysis addressing these issues provides uncertainty as to the adequacy and capacity of this network, or the need to place additional services to avoid congestion.

#### **Stormwater Management & Flooding**

There is no clear concept strategy which addresses stormwater management or commitment to WSUD opportunities. The locations and capacities of all stormwater infrastructure associated with the development such as the pipe network, rainwater tank(s), OSD facilities and stormwater quality improvement devices should be provided to demonstrate that the measures can be adequately incorporated into the design. The current level of information is insufficient to provide any level of certainty.

#### Stormwater

The (approximate) 43,000m<sup>2</sup> property is not serviced by the public drainage network. The land is undeveloped and drains internally to the brick pit. The proposed development will result in the need to discharge large quantities of both urban stormwater and groundwater off-site. Some of the downstream drainage systems are already subject to flooding and water pollution under existing conditions. The new proposal has the potential to exacerbate flooding and water pollution affecting both public and private assets.

Northrop contemplates a strategy to manage stormwater that is largely based on the principles of Water Sensitive Urban Design (WSUD) and generally consistent with SSDCP2006, associated Environmental Specification and urban design 'best practice'. No detailed plans are provided other than simple concept sketches, and no commitments are made in relation to the explored stormwater opportunities such as rainwater collection, re-use on-site, permeable paving, site discharge and water quality devices. Whether or not the ideas can be expanded into a viable stormwater management strategy or be integrated into the overall design of the development is largely unknown. Concerns are raised regarding the abandonment of such opportunities in the future detailed design phase.

#### Groundwater

A dewatering plan for the 'brick pit' was prepared by DLA Environmental for the previous property owner. The water is required to be treated prior to discharge off-site to protect the downstream environment. The property is now largely clear of vegetation such that the land is

subject to erosion and loss of soil (and possibly other pollutants) into the 'brick pit' which could have a detrimental effect on water quality. The dewatering plan must be revisited to determine whether or not the treatment method suggested is still valid.

Northrop intends to suspend the dewatering operation in periods of heavy rainfall. The catchments are subject to flooding downstream. Dewatering of the 'brick pit' is not permitted during periods of rainfall and/or when overland flow is occurring in the catchments. Further commitment to ensuring that water discharged from the site meets any required water quality guidelines should be provided.

#### Flooding

Northrop proposes discharging stormwater from the northern one third (1/3) of the site to the Oyster Bay catchment and the southern two thirds (2/3) of the site to the Dents Creek catchment. Northrop has not carried out an analysis of the public drainage network downstream to determine a permissible discharge rate. Significant On-Site Detention (OSD) will be needed to avoid worsening the current flood risk. The location where Northrop has drawn these facilities appears to conflict with other plans submitted with the application.

To provide certainty, an appropriate strategy of a conceptual nature should be developed which adequately addresses the above matters and provides an investigation into the WSUD opportunities so as to minimise potable water consumption, lower stormwater generation, maximise opportunities for stormwater harvesting & reuse and reduce the discharge of stormwater off-site should be undertaken. The locations and capacities of all stormwater infrastructure associated with the development such as the pipe network, rainwater tank(s), On Site Detention facilities, stormwater quality improvement devices and other structures should be provided.

#### **Conclusion**

The overall site planning has made some positive progress in terms of the developments integration with the existing Kirrawee centre, however, it has also introduced new problems and concerns.

The numerous shortcomings of the development are symptoms of a proposal that has given limited consideration to the history of the development of this site or to its interaction with surrounding development. In particular, its relationship to the Kirrawee centre as well as existing and future surrounding development, the lack of recognition of the sites natural and historic features and the lack of information which allows an accurate assessment of critical aspects such as stormwater management and maintenance of the lake. These failures relate directly to the concept as submitted.

On this basis, Council objects to the proposal and asked that the application be refused in its current form. Particularly because the proposal –

- Provides limited activation of Flora Street and internalises the development which is now also disconnected from the park. The proposal therefore fails to successfully integrate with the existing Kirrawee centre and surrounding residential neighborhood.
- Provides a highly visible residential component which is anomalous with the locality. The massing of residential towers will read as a large continuous building from a distance, particularly given the elevation of the site and the various locations from which the site will be visible.
- Limits the development potential of surrounding properties.
- Fails to provide sufficient detail to ensure the successful functioning of the

development in terms traffic, stormwater and water quality.

If you need any clarification of the above comments, please contact Council's Development Assessment Officer Annette Birchall on 9710 0846 or email [ABirchall@ssc.nsw.gov.au](mailto:ABirchall@ssc.nsw.gov.au) and quote the application number in the subject.

Yours faithfully



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