



566-594 Princes Highway, Kirrawee

RESPONSE TO SUBMISSIONS

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

RESPONSE TO SUBMISSIONS

566-594 PRINCES HIGHWAY, KIRRAWEE

Modification of Approved Envelopes (MOD 3)

July 2014

Prepared under instructions from
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1.0 INTRODUCTION

This report provides a response to the issues raised by the Department of Planning and Environment, other government agencies and the public in response to 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.

The response is accompanied by amended indicative and envelope plans which have been developed as a response to the various issues which have been raised. The amended configuration of buildings on the site has been specifically designed to achieve the following:

- significantly reduced scale to Flora Street to reduce overshadowing to the sites on the southern side of Flora Street and to provide an improved transition in height from the subject site to the surrounding context;
- increased separation to the eastern adjoining site to preserve its full development potential;
- reduction in height of some buildings to improve solar access to the podium level common open space areas;
- increase in height along the Princes Highway to signal a threshold to the Kirrawee Station Town Centre and provide an acoustic barrier to the site; and
- improved streetscape activation and connectivity to Flora Street.

The amended proposal does not result in any increase to the overall height of the approved Concept Plan and the massing of the buildings more closely aligns with the approved Concept Plan with lower buildings along Flora Street.

The amended application is accompanied by the following documentation:

- Amended indicative architectural plans and elevations including shadow diagrams, cross ventilation and solar access analysis - Turner
- Amended envelope plans and elevations - Turner
- Flora Street Activation Study - Turner
- Amended Massing Model - Turner
- Massing and Sunlight Shade Analysis - Turner
- Amended landscape concept drawings and principles - Aspect Studios
- Amended STIF comparison - Aspect Studios
- Additional traffic discussion and response to submissions - Traffix
- Revised Stormwater Management Plan and response to submissions - Northrop
- Revised Compensatory Water Habitat Body - Supply and Quality - Northrop
- Economic Impact Statement - Leyshon Consulting

The amended application has resolved the issues of concern provided by the Department of Planning and Environment and has responded to the issues raised by Sutherland Shire Council as well as other government agencies and the public.

The amended application represents a more sensitive response to the context of the site as well as an 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 character of the locality and restore a critical relationship with the Oak Road commercial strip.

2.0 AMENDED MODIFICATION

2.1. Amendments to S75W Application

The S75W scheme has been amended as follows:

- reduction in height of Building F adjacent to Flora Street from 14/8 storeys down to 9 storeys;
- amendment to Building E to relocate the north-south 14 storey element from Flora Street to the north and a corresponding reduction in height from 14 storeys down to 9 storeys adjacent to Flora Street;
- increased separation of 1 metre for all buildings located adjacent to the eastern boundary to provide a minimum 9 metre setback from the eastern adjoining site;
- increase of majority of east-west bar on Building D from 7 storeys to 8 storeys, and reduction in one element from 7 storeys to 6 storeys;
- increase in height of Building A from 8 storeys to 13 storeys;
- increase in height of Building B from 8 storeys to 9 storeys; and
- increase in eastern portion of Building C from 7 storeys to 8 storeys.
- decrease in the size of the smaller supermarket from 1,475.35 to 1,451 square metres
- increase to the size of the larger supermarket from 4,644.1 to 4,740 square metres
- decrease in car parking numbers from 1,566 to 1,521.

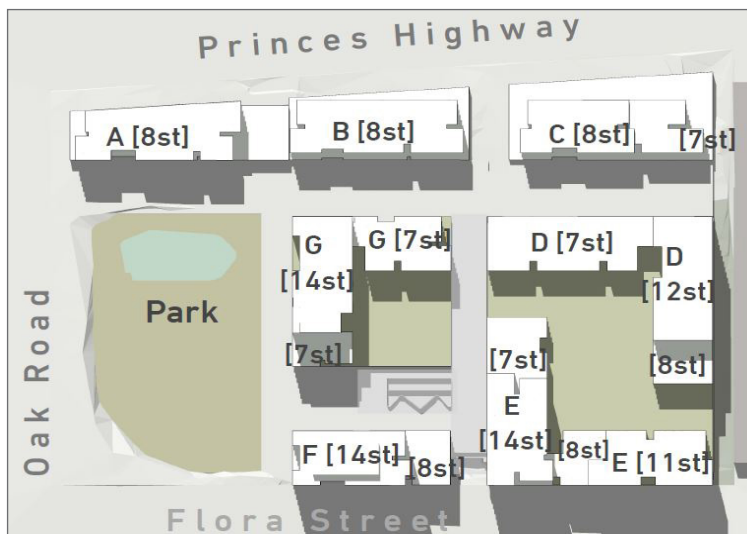


Figure 1:

Originally submitted S75W application

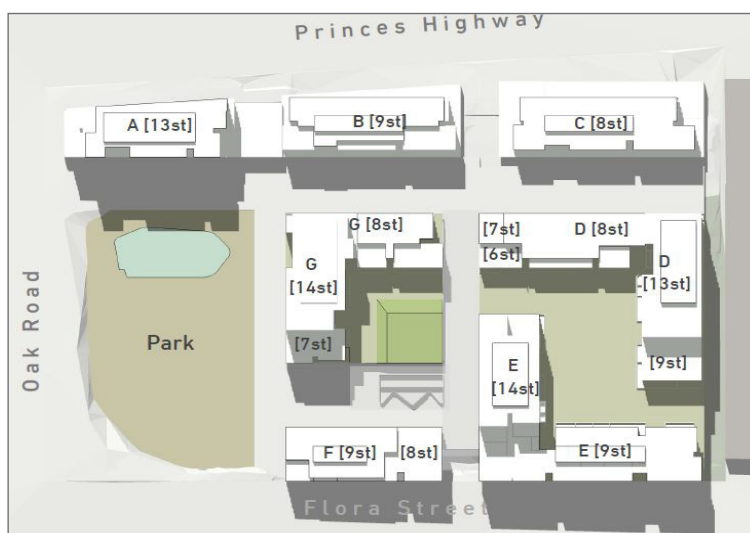


Figure 2:

Amended S75W application

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Other amendments to the illustrative plans and landscape plans are as follows:

- removal of boardwalk from around the lake and relocation of the children's playground;
- the replacement of the switch-back stair from Flora Street to the plaza which a grand stair case incorporating escalators and planters;
- improvements to the activation of Flora Street; and
- introduction of additional residential cores in Building G and E extended through to the ground floor podium, parking and street.

2.1.1. Overview

The amendments to the scheme result in a minor change to the description of the proposed S75W modification application with a decrease in the size of the smaller supermarket, increase to the size of the larger supermarket, and decrease in car parking numbers from 1,566 to 1,521. The amended description is as follows:

- 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 14,191 square metres of retail/commercial floor space comprising one full line supermarket and one smaller discount supermarket, speciality stores and a number of cafés with seating as part of a proposed piazza ;
- Basement, ground and above ground car parking (indicatively 1,521 cars);
- Road layout to support the development;
- Public park (9,000 square metres) with lake and surrounding forest; and
- Landscaping areas throughout the site.

2.1.2. Numerical Overview and Comparison

The amendments to the scheme do not alter the numerical overview of the proposed S75W modification application which remain as follows:

Element	Approved	Amended MOD 3 proposal
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/Commercial	15,230 square metres	14,191 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	1,521 car spaces
Solar access for apartments	73% achieve 2 hours on 21 June	77% achieve 2 hours on 21 June
Cross-flow ventilation for apartments	63%	68%

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Element	Approved	Amended MOD 3 proposal
Landscaped Area	20,112 square metres (47%)	24,236 square metres (57%)
Deep soil	Unknown	11,867 square metres (28%)

2.2. Modification of Description of Concept Approval and Conditions

The above amendments require some update to the conditions of consent and Statement of Commitments in relation to the references to correct plans. For completeness, a complete list of conditions and Statement of Commitments which require amendment as a result of the proposed S75W amendment is detailed below.

2.2.1. 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 14,191** square metres of retail/commercial floor space (including a **3,900 4,740** square metre supermarket and **1,470 1,451** 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.

2.2.2. 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 14,191** square metres of retail/commercial floor space (including a **3,900 4,740** square metre supermarket and **1,470 1,451** 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.

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 except where varied by the Response to Submissions prepared by Sutherland & Associates Planning Pty Ltd dated July 2014 including all associated documents and reports; the Revised Statement of Commitments prepared by City Plan Services; and the following drawings:

Architectural Drawings Prepared by Woodhead 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

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Architectural Drawings Prepared by Woodhead Turner			
0300	G	<i>Indicative Sections East West (Masterplan)</i>	15/05/12
0301	G	<i>Indicative Sections North South (Masterplan)</i>	15/10/11
0500	B	<i>Indicative Elevations North & South</i>	04/10/11
0501	B	<i>Indicative Elevations West & East</i>	04/10/11
0600	B	<i>Indicative Staging – Lower Ground Stage 1</i>	19/10/11
0602	B	<i>Indicative Staging – Upper Ground Stage 1</i>	19/10/11
0603	B	<i>Indicative Staging – Upper Ground Stage 2</i>	19/10/11
0604	B	<i>Indicative Staging – Upper Ground Stage 3</i>	19/10/11
A-SK-700-001	J	<i>Envelope Plan Diagram</i>	10/7/14
A-SK-700-002	J	<i>Envelope Elevation Diagrams</i>	10/7/14
A-SK-700-003	J	<i>Envelope Elevation Diagrams</i>	10/7/14
A-SK-700-004	J	<i>Staging Diagram</i>	10/7/14

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

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~~ 14,191 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 **10 July 2014** ~~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 **10 July 2014** ~~11 May 2012~~.*

Reason: To reflect the amended Concept Plan.

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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 ~~10 July 2014 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 A11 - Public Park

The **final** development application ~~for the first substantive stage of the development~~ must provide for the design, management and tenure of the public park on the land within Zone 13.

The public park must:

- a) Be designed generally in accordance with the plans and documents referred to in Condition A2; and
- b) Provide for the conservation of the Sydney Turpentine Ironbark Forest; and
- c) Be publicly accessible

The public park may be provided in accordance with the terms of a planning agreement offered by the proponent and the subject of a Council resolution referred to in Appendix 16 of the Preferred Project Report.

Reason: To reflect the amended staging of the project as discussed under Condition No. 17 below.

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.

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.~~

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(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.~~

a) Total number of car parking spaces for the residential component of the development shall be provided without exceeding the following car parking rates.

- One bedroom — 1 space per unit
- Two bedroom — 1.25 spaces per unit
- Three bedroom — 1.5 spaces per unit
- Visitor— 0.125 space per unit (1 space per 8 units)

b) Development must comply with the modified concept plan's (mod 3) non-residential car parking rates identified in the Traffic Impact Assessment report prepared by Traffix dated 22 November 2013 (Version 2) including the replacement 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. The amended B4 is consistent with the request from Transport for NSW.

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).*

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Reason: To reflect the amended Concept Plan.

Schedule 3 - Condition 14 Car Parking

Future applications shall address the following:

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

a) Total number of car parking spaces for the proposed development shall be provided without exceeding the car parking rates identified in the Traffic Impact Assessment report prepared by Traffix dated 22 November 2013.

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. The amended Condition No. 14 is consistent with the request from Transport for NSW.

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.***

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

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

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

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

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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.

2.2.3. Amended Statement of Commitments

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

Issues	Action
8. Drainage and stormwater management	Subsequent applications will be based on the stormwater concept design prepared by Northrop Engineers dated 29 October 2010 <i>except where amended by the Overview Report - Drainage and Stormwater & Water Management prepared by Northrop and dated 2 July 2014</i> with the exception of the proposed water quality standard for the compensatory water body for the threatened bat species which is dealt with in the revised Biodiversity Management Plan at Appendix 7 of the PPR and addendum by Sutherland & Associates Planning Pty Ltd dated 31 October and Equatica report at Appendix 19.
15. Developer Contributions	<p>The applicant will enter into negotiations with Sutherland Council, and relevant government agencies and use its best endeavours to enter into Voluntary Planning Agreements generally consistent with the Council resolution of detailed at Appendix 16 of the PPR, before the <i>final development application for the park time of the first substantive subsequent application.</i></p> <p>Should no VPA be entered into with Council:</p> <p>EITHER, the open space proposed within the Zone 13 land in this application will be retained by the proponent made accessible to the general public in lieu of any contributions applicable to the development of the site under any subsequent application OR ordinary contributions applicable to any element of the development of the site will be levied on the relevant subsequent application for that element.</p>

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The Department of Planning and Environment raised issues in relation to the subject S75W application on 5 May 2014. A response to each of the issues is provided below:

3.3. Landscaping and Open Space Areas

Concern is raised that the proposed intensification of uses within the proposed public open space area may cause additional impacts on the environmental significance of the site. The department acknowledges some merit in activating the southwestern corner of the site through carefully managed pedestrian access, however it is requested that the location of the play equipment and pedestrian pathways be reviewed.

Justification should be provided for the location of boardwalks across the proposed water body and further consideration of the impact on the surface area requirements of the water body (to address issues raised by the former Office of Environment and Heritage).

In the first instance it is noted that the landscape plans are illustrative only and provided for the purposes of illustrating a desired landscape treatment for the park and the final design of the park will be the subject of a Part 4 application. However, the concerns are acknowledged and the landscape plan has been amended to:

- provide an alternative location for the playground area which is not within the area of remnant STIF on the site;
- rationalise the boardwalk arrangement and removes all of the boardwalks which previously surrounded the lake; and
- remove all of the paths which previously traversed the STIF areas.

3.4. Increased Floor Space

Further justification should be provided for the merits of the proposed increase in Gross Floor Area and Floor Space Ratio having regard to Draft Local Environmental Plan 2013, noting the points raised in Council's submission.

A Part 3A application (and accordingly any S75W amendment to the Part 3A application) is not constrained under the Act in the same manner as a Part 4 application, in relation to the development standards contained within a Local Environmental Plan. The reason for this is because a Part 3A application is of such a value and scale that it is considered to be of significance to the State. This significance means that the site has a broader role to play within the context of the State and the capacity to achieve the economic, employment and housing objectives of State and regional planning policies. Whilst it is important to ensure the proposal is compatible with the local context, it is also of paramount importance to ensure that the full potential within the environmental capacity of the site can be realised.

Due to the State significance of the site and development, the Planning Assessment Commission has the capacity to approve an alternative built form than that which is provided by the local controls contained with the current and Draft LEP if it is satisfied the proposal has merit and particularly where a proposal has been demonstrated to be consistent with the various State or regional planning objectives. This is evidenced by the approved Concept Plan which has an FSR of 1.43:1 which exceeds the 1:1 FSR

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provided for the site under the current Sutherland Shire LEP 2006.

Nonetheless, the objectives for the density/FSR control in both the current Sutherland Shire LEP 2006 and the Draft Sutherland Shire LEP 2013 provide assistance in the consideration of the proposed density for the subject S75W modification to the Concept Plan. A combination of these objectives with the State planning objectives, provides the basis for the consideration of the proposed density, which should concern itself with the following:

- the capacity of the site to contribute towards the delivery of housing and employment to meet the identified targets for Sydney;
- the proximity of the site to a centre and existing transport infrastructure;
- the capacity of the road network to accommodate the vehicle traffic which the development will generate;
- the amenity within the development;
- the amenity of adjoining development and the public domain and impact on development potential of adjoining sites;
- the availability of infrastructure to service the site;
- the environmental constraints and values of the site; and
- to ensure that the bulk and scale is compatible with the context of the locality.

Capacity of the site to meet housing and employment targets for Sydney

The Metropolitan Plan for Sydney 2036 identifies that Sydney will need 770,000 additional homes by 2036. The Plan identifies a target for the South subregion, within which Sutherland is located, of 58,000 additional dwellings between 2006 and 2036.

In early 2013, the NSW Government released the Draft Metropolitan Strategy for Sydney 2031 which is intended to replace the Metropolitan Strategy for Sydney 2036. The Draft Metropolitan Strategy for Sydney 2031 differs from the existing strategy in that it prioritises housing and jobs growth across Sydney by increasing minimum housing and jobs targets, which are up 17% and 33% respectively on the previous strategy. The Draft plan identifies that Sydney will need 540,000 homes by 2031, which equates to 27,250 homes per year which is a significant increase to the 14,500 homes which have been delivered per year for the last 5 years.

The Independent review of the draft Sutherland Shire Local Environmental Plan 2013 coauthored by John Roseth and Meredith Sussex AM was released in April 2014. The review provides the following relevant observations in relation to housing targets in Sutherland:

The difficulty for the Council is that the new population projections for Sydney released by the ABS in 2013 show a much more rapid population growth than previously predicted. As noted earlier in this Report, Sutherland Shire cannot be isolated from this growth and it is likely that Sutherland Shire housing targets will be increased as a result of the projections.

This is not only because the Shire has potential for growth, but because the slow growth in the last 10 years has meant

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that there are fewer new developments which are unlikely to be redeveloped than in other municipalities a similar distance from the Sydney CBD. In these circumstances, it is likely that the Council's decision in LEP 2 to limit development around the Centres and railway stations of Engadine, Jannali and Woollooware will need to be revisited sooner rather than later. Greater development potential may also need to be considered in and around Sutherland Centre, regardless of the outcome of the proposal for an Urban Activation Centre.

..... Given the new population projections for Sydney released by the ABS in 2013, however, it is likely that Sutherland housing targets will be significantly increased.

The subject site is a significant landholding in particularly close proximity to the Sutherland Centre and has the capacity to provide a meaningful contribution to housing and employment targets, which has become especially important in light of the new population projections for Sydney released by the ABS in 2013. The site also has the capacity to deliver a 9,000 square metre public park to provide for the outdoor recreational needs of the new population as well as the existing population in the area.

As the proposed density is demonstrated in this report and the accompanying documentation to be within the environmental capacity of the site, it is imperative that the delivery of the proposed quantum of housing and employment generating uses is supported to ensure that the capacity of this site to contribute to the targets of Sydney is fulfilled.

Proximity of the site to existing transportation infrastructure and centres

A core objective of the Metropolitan Plan for Sydney 2036 is a target that 80% of all new homes should be located within the walking catchment of existing and planned centres with good public transport.

The site is located within an existing centre and is extremely well served by public transport. Kirrawee railway station is located approximately 250 metres to the south of the site and the site is also well located in relation to the main transport corridor along the Princes Highway adjoining the northern boundary.

In the assessment of the Concept Plan which is proposed to be amended, the Department identified the following:

Although the Kirrawee Centre is identified as a relatively small-scale "Village Centre" it is well positioned along the Princes Highway corridor and within 400 metres of Kirrawee railway station. Hence, it is well serviced by public transport and has high general accessibility. The proposed form of development, including a supermarket and higher urban densities, is more suited to the scale of a "Town Centre" under the Strategy. However, it is justified in this instance as the site is a unique large land holding, with excellent access to transport and other services which justifies the scale of the development proposed.

Given the location of the site and its capacity to deliver a meaningful quantum of housing and employment within a centre which is served by a train station, in the absence of detrimental impact, it would be inappropriate to arbitrarily limit the density of the scheme as this would be inconsistent with the objective of the Metropolitan Plan for Sydney 2036 to deliver additional housing in such a location.

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Capacity of the road network to accommodate the vehicle traffic the development will generate

The issue of the capacity of the local road network to accommodate the vehicle traffic generated by the Concept Plan was the subject of significant scrutiny during that assessment. The approved Concept Plan was considered to result in an acceptable impact to the local road network subject to the following upgrades:

- upgrade to the intersection of Oak Road and the Princes Highway including a slip lane on the Highway
- installation of traffic signals at the intersection of Bath Road and the Princes Highway
- installation of traffic signals at the intersection of Flora Street and Oak Road
- a left turn deceleration lane from the Princes Highway into the site

The same car parking rates as those approved in the Updated Traffic Management and Accessibility Plan prepared by Halcrow Pacific Pty Ltd, dated 27 October 2011 (Version 4) have been used to determine a new indicative car parking provision of 1,521 car parking spaces for the proposed modification, which is an increase of 371 car spaces.

Following the approval of the Concept Plan, the RMS updated the trip rates in the Guide to Traffic Generating Developments as outlined in Technical Direction TDT 2013/04a released in August 2013. The new rates for high density residential development generate about half the amount of traffic that would have been expected using the old (and now out-dated) RMS trip rates.

An amended Traffic Impact Assessment prepared by Traffix accompanies this Response to Submissions and has considered in detail the impact of the provision of 1,521 car parking spaces on the performance of surrounding intersections and the local road network by using the current trip generation rates provided by the RMS. (It is noted that whilst Sutherland Shire Council do not accept that the new rates should be used for the traffic assessment of the proposed S75W amendment, all traffic assessment must be undertaken in accordance with the current rates provided by the RMS at the time of assessment).

The analyse of the S75W modification indicates that whilst there has been an increase in the indicative number of apartments from 432 to 749, the traffic impacts will actually be commensurate with what was anticipated to result from the approved Concept Plan at the time that it was determined. Accordingly, the approved infrastructure and intersection improvements remain an appropriate infrastructure upgrade response to the traffic generating potential of the Kirrawee Brick Pit. The proposed density of the S75W scheme is therefore acceptable in relation to the capacity of the local road network to accommodate the vehicle traffic generated by the modified development.

Amenity within the development

The amended S75W scheme demonstrates that the proposed density does not prevent the ability to achieve an acceptable level of residential amenity which will be delivered as follows:

- All separation distances between buildings comply with the minimum required distances under the Residential Flat Design Code. The amended illustrative plans have clarified that an appropriate separation between buildings E and F can be achieved and that the design of apartments at the eastern end of Building F do not contain habitable windows;

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- In excess of 70% of apartments in each building will enjoy a minimum of 2 hours solar access on 21 June;
- In excess of 60% of apartments in each building will enjoy cross flow ventilation;
- Over 50% of the podium common open space area for Buildings E and D will enjoy over 2 hours solar access on 21 June. Whilst marginally less than 50% of the podium common open space area for Building G will enjoy over 2 hours solar access on 21 June, the solar access to this area has nonetheless been improved by the amended S75W scheme and solar access for the redevelopment of the site needs to be considered holistically taking into account the 9,000 square metre park which is being developed as part of the proposal, which will also enjoy well over 50% solar access for 3 hours on 21 June; and
- The internal and external areas of all apartments are capable of meeting the minimum suggested sizes in the Residential Flat Design Code.

Whilst the Concept Plan does not seek consent for detailed floor layouts, the illustrative floor plans prepared by Turner architects adequately demonstrate that the proposed density does not compromise the ability to achieve a high level of amenity within the proposed amended Concept Plan.

Amenity of adjoining development and the public domain and impact on development potential of adjoining sites

A consideration of the proposed density of the S75W amendment must concern itself with an examination of the impact of the proposal on the amenity of adjoining development, including the potential impact of the proposal on the reasonable development of adjoining sites, as well as the amenity of the public domain.

The originally submitted S75W amendment considered the current uses on the eastern adjoining site and the sites to the south across Flora Street in their current state and within this context the S75W proposal does not result in an acceptable impact due to their current industrial uses. However, when considered having regard to the possible future context, the original S75W proposal required amendment to achieve an acceptable outcome. This is discussed further below.

Eastern Adjoining Sites

There are two eastern adjoining sites. Facing Flora Street is 3-11 Flora Street which is a strata subdivided light industrial complex, whilst facing the Princes Highway is 558-562 Princes Highway which contains Hudson Building Supplies. Under the current Sutherland Shire LEP 2006, the eastern adjoining sites can only be developed to a height of 3 storeys however under the Draft Sutherland Shire LEP 2013 it will be possible to develop the sites to a height of 16 metres which is the equivalent of approximately 5 residential storeys.

The separation distance required under the Residential Flat Design Code between two 5 storey buildings is 18 metres. Where a 5 storey building is proposed in close proximity to a site boundary, it is standard practice to share the separation distance by providing a 9 metre setback from the boundary.

The originally proposed S75W scheme only had a setback of 8 metres from the eastern boundary and the S75W scheme has been amended to provide a 9 metre setback and therefore an appropriate sharing of the required separation distance. The amended S75W no longer results in a detrimental impact to the

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eastern adjacent sites as it does not have an impact to the development potential of the eastern adjoining sites.

The amended S75W scheme also achieves an improved interface for the eastern adjoining site in comparison to the approved Concept Plan as it introduces 1,360 squares metres of new STIF planting along this boundary.

Sites to the south across Flora Street

The sites to the south across Flora Street are currently used for light industrial purposes. However, the future desired character for these sites is identified as a mixed use precinct with ground floor retail uses at street level and residential above in both the current Sutherland Shire LEP 2006 and Sutherland Shire DCP 2006. The DCP in particular provides a Kirrawee Town Centre Urban Framework which provides a specific urban block structure for the southern side of Flora Street. It is noted that whilst the height is proposed to increase from 3 storeys to 6 storeys for these sites under the Draft Sutherland Shire LEP 2013, the FSR remains at 1:1 and so it is not possible to deliver any higher than 3 storeys on these sites with this FSR.

In order to comprehensively examine the impact of the S75W modification to the properties on the southern side of Flora Street, Turner Architects have modelled the future desired character for these sites consistent with the maximum achievable FSR and the structural plan provided in the current Sutherland Shire DCP 2006 for these sites. The impact of the shadow resulting from the S75W modification was tested and the results indicated that it would not be possible to develop the sites on the southern side of Flora Street as anticipated by the planning controls and achieve an adequate amount of solar access to the residential component due to the overshadowing from the proposed S75W modification.

In order to address this issue, the S75W modification has been amended to remove the 14 storey elements from Flora Street so that there is now only 9 storey buildings proposed adjacent to Flora Street. The amended S75W scheme the subject of this report was again tested and the reduction of 5 storeys along Flora Street has resulted in a significantly reduced shadow such that it will now be possible to develop the sites on the southern side of Flora Street as anticipated by the planning controls and achieve an adequate amount of solar access to the residential component as illustrated in Figure 3 below. Accordingly, the amended S75W no longer results in a detrimental impact to the sites on the southern side of Flora Street.

The Public Domain

The approved Concept Plan achieved a significant contribution to the public domain of Kirrawee by including the delivery of a new 9,000 square metre public park. The amended S75W modification improves on the contribution to the Concept Plan to the public domain by significantly improving the relationship of the park to the existing public domain and by improving the usability of the park.

In addition, the S75W scheme removes the super-block approach of the approved Concept Plan and creates a series of urban blocks to break up the scale of the site and to ensure that the development achieves a much better integration 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

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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 S75W scheme also includes an at grade open air plaza which will provide a natural extension to the existing pedestrian network surrounding the site.

The S75W scheme provides a significant contribution to the existing public domain surrounding the site by properly defining and activating the street edge and creating an urban environment where none currently exists. The redevelopment of the site will involve the upgrade of all footpaths surrounding the entire site which will benefit the community as well as upgrades to the existing footpath within the Oak Road shopping strip.

Notwithstanding the increased density proposed in the S75W amendment to the Concept Plan, the modified scheme provides a significantly improved outcome in relation to the public domain of Kirrawee.



Figure 3:

Solar access to south Flora Street

Availability of infrastructure to service the site

The proposal will increase supply and broaden the choice of building types in the housing market, make more efficient use of infrastructure and services, and reduce consumption of land on the fringe. The site is particularly well served by public transport and is located within 250 metres of the Kirrawee train station and the proposed density under the S75W modification will ensure that the redevelopment of the site will make an efficient use of this existing infrastructure. The local road network is capable of accommodating the traffic generated by the proposed development on the site. Utilities either have sufficient capacity to serve the S75W modification or will be augmented at the expense of the developer where necessary.

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Environmental constraints and values of the site

The S75W modification retains the commitment to the environmental values of the site. The reconfigured arrangement of buildings under the S75W modification results in no change to the environmental character of the portion of the site which will contain the buildings. In relation to the proposed amendments to the design of the park, the S75W modification is considered to provide either an equal or improved response to the environmental constraints of the site as follows:

- the S75W modification will retain a greater amount of existing STIF on the site and introduces new areas of STIF to be planted within the overall site far beyond the approved Concept Plan;
- the alternate design for the park will retain a water body in excess of 800 square metres as a source of drinking water and therefore continue to provide for the protection of the Grey-Headed Flying Fox and Eastern Bent-Wing Bat; and
- the alternate design for the park will 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 increase in density under the S75W modification will not compromise the response of the development to the environmental constraints of the site and has in fact provided the opportunity to improve the provision of vegetation and therefore support for biodiversity at the site.

Compatibility of the bulk and scale with the context of the locality

A consideration of the proposed density of the S75W amendment must concern itself with an examination of the compatibility of the proposed bulk and scale within the context of the locality. Consideration of the issue compatibility is guided by the Land & Environment Court Planning Principle detailed in the judgement for Project Venture Developments v Pittwater Council [2005] NSWLEC 191. Relevant excerpts from the judgement are provided below:

There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings....

Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked:

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

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The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective.

For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment.....the most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping.

Buildings do not have to be the same height to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.

The issue of physical impact of the proposal to the eastern adjoining site and the properties on the southern side of Flora Street has already been discussed earlier in this report. The buildings have been setback in relation to the eastern adjoining site, and as a result of testing the shadow impacts associated with the proposal upon the development potential of sites on the southern side of Flora Street a significant reduction in height along Flora Street has been provided. Specifically, the 14 storey element of Building E was re-located further to the north, whilst the additional storeys from Building E and Building F have been relocated to Buildings A, B and C. The amended S75W modification has resolved the physical impacts in relation to adjoining sites.

The resolution of physical impacts has also assisted greatly in achieving a development which is more harmonious with the desired future character of the area. The approach under the Concept Plan to achieve harmony with the surrounding context was to locate the taller buildings centrally within the site and to locate the lower buildings along the boundaries of the site to transition into the future desired character of surrounding sites. The revised arrangement of buildings in the amended S75W modification with 8 and 9 storeys to the Princes Highway (with the exception of Building A which is discussed further) and 9 storeys to Flora Street, adheres to this approach.

Whilst the heights of buildings along the streets (Buildings B, C, E and F) are several storeys higher than the previous 6 storeys, the difference in scale between the subject site and the future desired height for surrounding sites is minor and an acceptable transition will occur such that sufficient harmony will be achieved between the proposed development and the future development of surrounding sites. As outlined in the judgement above, "buildings do not have to have the same height to be compatible" and the amended response to Flora Street has removed the 14 storey elements which may have been considered to be "offensive, jarring or unsympathetic" and replaced them with buildings that have a much smaller difference in height to the future desired character of 5 and 6 storeys on surrounding sites. Accordingly, the conclusion in the Department's assessment report in relation to the approach to locate height centrally with lower buildings at the street edge remains true in relation to the amended S75W modification:

The design proposal ensures that the central high-rise towers do not dominate the streetscape by being setback within the allotment with the smaller low-rise buildings on the boundaries.

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Building A adopts an alternative to this approach as it proposes a 13 storey building at the north-western corner of the site specifically in response to advice from the Architecture Review Advisory Panel. In their report, the Panel identified concern with the 14 storey scale of the proposed buildings on Flora Street and suggested the following solution:

To address this, ARAP suggest that a range of other built form options that include locating taller buildings in other locations on the site should be considered.

Tower locations could be used to express significant nodes and places, to increase urban legibility and more clearly refer to the site's local and greater context. For example, it could be that a taller building on the corner of Oak Road and the Princes Highway would signal a threshold to the Kirrawee Station Town Centre.

The relocation of height to Building A at the corner of the site is consistent with the advice from the Architecture Review Advisory Panel to provide a building which signals the threshold to Kirrawee Station Town Centre and represents a conventional and appropriate urban design approach to emphasis and reinforce this important corner in Kirrawee. The increased height of Building A does not unreasonably overshadow the 9,000 square metre park with the vast majority of the park enjoying solar access for at least 3 hours throughout the afternoon period on 21 June.

The proposed additional height for Building A is considered desirable to ensure that the site provides an appropriately robust solution commensurate with its gateway location and is consistent with the proposition in the judgement that “there are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings”.

Accordingly, the proposed increase in density under the S75W modification has been accommodated in an arrangement of buildings with a bulk and scale that remains compatible with the future desired character surrounding the site.

Council submission in relation to FSR

The Council have objected to the method by which the FSR for the S75W modification has been expressed, and have also suggested that the proposed density should not be supported because it exceeds the FSR provided for the site under the Draft Sutherland Shire Local Environmental Plan 2013.

The FSR for the S75W modification has been expressed as 2:1 across the entire site to provide a like-for-like comparison with the approved Concept Plan, which also had its FSR of 1.43:1 expressed across the entire site in the Department's assessment report.

The approach suggested under the Draft Sutherland Shire Local Environmental Plan 2013 to now exclude the “park” (which currently remains in private ownership) from the site area should be rejected as a matter of principle because it departs from the approach currently adopted for the site by Council under the current Sutherland Shire Local Environmental Plan 2006:

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

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land occupied by the proposed park. This approach has traditionally facilitated the dedication of land at no cost to Council.

There has been no change in circumstance which would warrant an alternative approach to how FSR is applied to the site under the Draft Sutherland Shire Local Environmental Plan 2013 and the “park” is still a portion of the site which remains in private ownership and is undeveloped.

Notwithstanding Council’s suggestion of strict adherence to the 2:1 FSR excluding the “park”, the Council have confirmed 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.

In the absence of any strategic analysis to inform the FSR figure in the Draft Sutherland Shire Local Environmental Plan 2013, it is largely irrelevant whether the FSR is calculated using the entire site or the site minus the “park”, as the FSR figure has not been informed by the result of detailed analysis of the site. Instead, the merits of the amended building envelopes should determine whether the proposed density is acceptable.

The subject application is governed under Part 3A of the Act and is not constrained in the same manner as a Part 4 application, in relation to the development standards contained within a Local Environmental Plan. Provided that the proposal meets the objectives for the density/FSR control and is found to be compatible with the local context, the proposed increase in density should be supported to ensure that the site’s environmental capacity is realised to optimise its contribution to the economic, employment and housing objectives of State and regional planning policies.

Conclusion

The amended S75W scheme has been demonstrated in this Response to Submissions and the revised architectural package to meet the objectives for density as well as the relevant State and regional planning policies. The proposed increase in density under the S75W modification has been accommodated in an arrangement of buildings with a bulk and scale that remains compatible with the future desired character surrounding the site and accordingly the proposed density is acceptable and capable of support.

3.5. Flora Street Frontage

- Concern is raised with the potential increased visual and solar access impacts associated with the increased height and bulk of the proposed building envelopes along the Flora Street frontage. Further analysis should be provided that outlines any justification for additional impacts or that informs an amended design that provides an acceptable impact to these properties.
- Details are to be provided on how future applications will activate the Flora Street frontage when considering the uses along this frontage.
- Perspective diagrams should be provided along Flora Street that demonstrates the indicative form and future presentation of buildings along this frontage.

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The issue of physical impact of the proposal to the properties on the southern side of Flora Street has already been discussed earlier in this report. As a result of testing the shadow impacts associated with the original S75W proposal upon the development potential of sites on the southern side of Flora Street a significant reduction in height along Flora Street has been provided. Specifically, the 14 storey element of Building E has re-located further to the north, whilst the additional storeys from Building E and Building F have been relocated to Buildings A, B and C.

A solar access was undertaken by Turner Architects and the results illustrated in Figure 3 which demonstrate that the sites on the southern side of Flora Street can be developed with a complying level of solar access to the residential apartments.

The resolution of solar access impacts to Flora Street has also assisted greatly in achieving a development which is more harmonious with the desired future character of the area. The approach under the Concept Plan to achieve harmony with the surrounding context was to locate the taller buildings centrally within the site and to locate the lower buildings along the boundaries of the site to transition into the future desired character of surrounding sites. The revised arrangement of buildings in the amended S75W modification to address solar access impacts to Flora Street has also resolved the concerns regarding visual impact as the 9 storeys to Flora Street is now visually compatible with the future desired character of the surrounding sites.

The amended S75W modification is accompanied by more detailed illustrative documentation prepared by Turner Architects which demonstrates that a high level of activation will be achieved along Flora Street. The illustrative floor plans have also been amended to optimise street activation through the introduction of a lower level to retail tenancy 10 to allow pedestrian access into the tenancy from Flora Street. In addition, the switch-back stair from Flora Street to the plaza has been replaced with a grand stair case incorporating escalators and planters to provide an improved visual connection at this point from the street to the plaza. Having regard to the fall of the site along Flora Street, the proposal is considered to provide a high level of activation with multiple retail tenancies and building lobbies accessed directly from Flora Street.

Perspective diagrams along Flora Street prepared by Turner Architects accompany the amended S75W architectural package which demonstrates the indicative form and future presentation of buildings along this frontage.

3.6. Residential Amenity

Concern is raised that the revised building envelopes and increased height of Building G and D results in poor amenity of open space areas by virtue of significant overshadowing in midwinter. Options to modify the height, massing and setbacks of the envelopes should be considered to provide a reasonable level of solar access in winter .

Details demonstrating acceptable building separation distances between Building E and F in accordance with SEPP 65/ Residential Flat Design Code should be provided.

The solar access to the two podium level common open space areas has been improved by the amended S75W scheme. Over 50% of the podium common open space area for Buildings E and D will enjoy

4.0 SUTHERLAND SHIRE COUNCIL

4.1. Sutherland Shire Council

The Sutherland Shire Council raised issues in relation to the subject S75W application in correspondence dated 17 April 2014. A summary of the issues raised and a response is provided below:

Issue	Response
Urban Design	
Density and Building Height	
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.	The Concept Plan does not mandate the dedication of the park to the Council, rather it provides a possible mechanism for this to occur. The future park is not yet in the ownership of Council, the VPA has not yet been entered into and there are a variety of options and avenues available to the owner of the site, including surrender of the current Part 3A approval and commencement of an entirely different Part 4 Stage 1 Development Application for the site. As the "park" is not yet in Council ownership, the "special provision" with FSR across the entire site should remain.
Residential development is prohibited in the Public Open Space zone and as such is excluded from the site for purpose of calculating density.	The development does not include any prohibited uses (residential in the residential zone, and open space in the open space zone) and therefore this part of the site must be included in site area.
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.	Noted. The FSR figure is therefore arbitrary and the merits of the amended building envelopes should determine whether the proposed density is acceptable.
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.	The highest buildings in the amended S75W scheme are not clustered together. On the contrary, the taller buildings are distributed across the site and remove the central conglomeration of buildings evident in the approved Concept Plan. The highest buildings will not present as one single building. The amended S75W scheme provides a more regular grid pattern of buildings which is more familiar to the existing context than the approved Concept Plan.

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Issue	Response
The development would be highly visible from the ridgelines and vantage points within neighbouring localities. The development would effectively create a new skyline within the Shire that is visually heavy and bulky compared to the Concept Plan.	Distant views of the proposed S75W amended scheme are unlikely to differ substantially in comparison to the approved Concept Plan and certainly not in any way that could be described as significantly more bulky or which would cause offense to views from ridgelines in neighbouring localities.
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.	Agreed. The S75W proposal has been amended to reduce impacts to surrounding and adjacent sites and to integrate more successfully with the context of the site.
Impacts on Immediate Context	
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. A building setback of 12 metres from the eastern boundary is recommended.	This issue is discussed in detail above. Under the Draft Sutherland Shire LEP 2013 it will be possible to develop the eastern sites to a height of 16 metres which is the equivalent of approximately 5 residential storeys. The separation distance required under the Residential Flat Design Code between two 5 storey buildings is 18 metres. The S75W scheme has been amended to provide a 9 metre setback and appropriate sharing of the required separation distance.
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.	Modelling of the shadow impacts to the likely future buildings on the southern side of Flora Street indicated that it would not be possible to develop these sites as anticipated by the planning controls and achieve an adequate amount of solar access to the residential component due to the overshadowing from the proposed S75W modification. The S75W modification has been amended to remove the 14 storey elements from Flora Street so that there is now only 9 storey buildings proposed adjacent to Flora Street. The amended S75W scheme has resulted in a significantly reduced shadow such that it is demonstrated in the architectural package that it will now be possible to develop the sites on the southern side of Flora Street as anticipated by the planning controls and achieve an adequate amount of solar access to the residential component.
A convincing interface with Flora Street is yet to be provided, as the development appears to predominantly face the internal spaces.	The Flora Street interface has been refined and better expressed in the amended documentation which illustrates that a high level of street activation to Flora Street will be achieved.

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Issue	Response
The inclusion of a switchback ramp between Retail Shops 8 and 10 is considered a poor resolution.	The switchback ramp has been replaced with a grand staircase, including planters and escalators.
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 amended Concept Plan has been specifically designed to remove the enclave potential evident in the approved Concept Plan and this is considered one of the key strengths of the amended scheme. A “roofless shopping centre” can be otherwise described as a shopping street, which is a far better urban design outcome as evident in the successful Rouse Hill Town Centre.
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).	Agreed. The more regular organisation of the buildings and streets in the S75W scheme is a key strength and improvement in relation to the approved Concept Plan.
Residential Amenity	
It appears that compliance with the minimum requirements (for solar access and ventilation) of the Residential Flat Design Code can be achieved.	Agreed. The illustrative floor plans demonstrate that the solar access and ventilation requirements under the RFDC can be met.
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.	Over 50% of the podium common open space area for Buildings E and D will enjoy over 2 hours solar access on 21 June. Whilst marginally less than 50% of the podium common open space area for Building G will enjoy over 2 hours solar access on 21 June, the solar access to this area has nonetheless been improved by the amended S75W scheme and solar access for the redevelopment of the site needs to be considered holistically taking into account the 9,000 square metre park which is being developed as part of the proposal, which will also enjoy well over 50% solar access for 3 hours on 21 June.
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.	The indicative floor plans have been amended to illustrate direct street access to all of Building D from the new northern street, in addition to access via the podium common open space area.

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Issue	Response
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.	The ARUP report is addressed further in this Response to Submissions.
Heritage	
As the site has been recently somewhat cleared, concern is raised as to the current status of heritage items located on site.	This is irrelevant to the subject assessment. Notwithstanding, the removal of weeds and general clean up of the site did not involve the kiln which remains as it was when the site was purchased from the former owner.
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.	An identical curtilage is provided to the kiln under the amended S75W scheme to what has been approved under the Concept Plan.
The modified proposal provides no additional details regarding heritage conservation and it is considered that as a minimum the concept approval conditions remain.	The amended S75W scheme provides the same relationship to the kiln as the approved Concept Plan and no further details concerning heritage conservation are therefore required with this proposed amendment.
Economic Impacts	
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.	The amended S75W scheme is considered likely to have a similar impact to the Kirrawee Town Centre in comparison to the approved Concept Plan, as discussed in the Economic statement prepared by Leyshon Consulting which accompanies this Response to Submissions.
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 Gynea centres, as well as the supermarkets in Sutherland Centre	This issue was comprehensively examined during the assessment of the approved Concept Plan where the Department of Planning and the Planning Assessment Commission concluded that the Concept Plan would not threaten the viability of both the Kirrawee and Gynea centres, as well as the supermarkets in Sutherland Centre. The Economic statement prepared by Leyshon Consulting which accompanies this Response to Submissions confirms that this conclusion remains valid in relation to the subject S75W scheme.

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Issue	Response
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. 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.	Retail Trade is the largest employer in Sutherland Shire, making up 16.3% of total employment (Source: Australian Bureau of Statistics (ABS) – Census 2006 and 2011 – by place of work). The suggestion that jobs in the retail industry are low skilled and do not match the skills of the local population is disrespectful to those people employed in this industry in the Shire and factually incorrect as this sector is the largest employer in Sutherland Shire.
Public Open Space	
Design of Public Open 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.	The new location of the water body remains within the boundary of the existing water body and accordingly retains the connection of the site to its past use. The water body has been relocated to improve visual connectivity between the park and the development, and also to locate the passive open portion of the park at the southern end where it will receive the most sunlight to the benefit of the community.
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.	Agreed.
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. 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 amended S75W scheme has removed the wide paved pathway.
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.	The playground has been relocated to the more level grass area as suggested.

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Issue	Response
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 initial view down Flora Street is of a conventional glass retail facade to the street. The initial view down through the park is of Retail tenancy No. 10 and the open retail plaza as illustrated in the photomontages submitted with the S75W application. The amended S75W scheme has improved the relationship with Flora Street and the retail element does not read as a private space, but is rather a very obvious outdoor public retail plaza. The amended S75W Concept Plan provides a vastly improved outcome with respect of permeability of the site.
Sydney Turpentine Ironbark Forest	
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.	Noted. In addition, the amended S75W scheme has removed the playground and the footpaths from within the existing STIF area at the western end of the site and retains parity with retained STIF in this area in comparison to the approved Concept Plan. The amended S75W scheme also introduces an additional 1,360 square metres of new STIF along the eastern boundary of the site.
Compensatory Water Feature	
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. Council experience indicates that an area of macrophytes (wetlands) 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.	The Equatica Report dated 16/11/2011 which was submitted with the Preferred Project Report for the approved Concept Plan deals with the issue of the required size of the wetland to maintain water quality. Section 6.2.5 of the report states that " <i>An initial conservative estimate of the area for the wetland is provided at this stage of 800 m2. This area will need to be refined during the detailed design phase and modelled in further detail to ensure a suitable water quality is able to be achieved. It is likely that during the detailed design phase the area of this wetland will be able to be reduced</i> "

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Issue	Response
	Therefore, the size of the wetlands does not need to be three times the area of the pond in this circumstance. The Northrop indicative design for the pond area and wetlands corresponds with this provision and provides 800m2 of wetland.
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”. 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	An additional report from Northrop accompanies this Response to Submissions which illustrates the specific proposed method of water circulation within the water body to maintain water quality.
Section 94- Voluntary Planning Agreement	
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.	Noted.
Traffic, Car Parking & Transport	
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.	The parking provision has been calculated using the approved parking rates for the Concept Plan. These rates were determined by the Department of Planning and Infrastructure and NSW Transport and it is not proposed to vary from the approved car parking rates.

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Issue	Response
Traffic generation	
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 m2 and replaced with an increase of Mini-Major GLA of 1220 m2. Applying a much lower traffic generation rate to the mini major is the reason that a lower overall generation is claimed.	A detailed response to this issue is provided in a report prepared by Traffix which accompanies this response to submissions. In summary, the Traffix report confirms that even when adopting the supermarket rate for the mini-major that the proposal still does not have a detrimental impact on the surrounding street network due to the extensive upgrades the development will deliver.
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.	Agreed. The Traffix response concludes that there is negligible difference between traffic associated with the approved and proposed retail component.
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.	Council acknowledge that the RMS has issued new rates, which appropriately form the basis of the traffic assessment of the amended S75W scheme. The Traffix response which accompanies this Response to Submissions confirms that it is conventional and appropriate to adopt the Sydney Metro average, however it is noted that this average includes many sites across Sydney which do not such a close proximity to a train station and that a rate which is "truly representative for this location" would likely be less again than the average.
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.	The Traffix response which accompanies this Response to Submissions confirms that it is inappropriate to calculate trip generation per car space, as it is the occupancy of the dwelling which determines trip generation, not car spaces.
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.	In response to this issue, the area referred to by Council was extensively investigated to find a suitable candidate site to survey. However, none of the existing sites in the area provide the same mix of high density residential development and quality retail uses as that proposed at the brick pit site. Furthermore, none of the sites had dedicated residential only car park accesses which made determining residential traffic impossible. In the absence of suitable comparables, it is appropriate to rely on the RMS rates.

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Issue	Response
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.	The methodology adopted was consistent with the approach used in the approved Halcrow report. Notwithstanding this, the Traffix response which accompanies this Response to Submissions has used the raw RMS data to determine a Saturday morning peak and provides a revised assessment which concludes that the increase in traffic using this methodology is minor and will not result in an unacceptable impact to the performance of the surrounding road network.
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.	This loss of on street parking fronting the existing retail shops in Oak Road has already been approved under the Concept Plan. The communication of this is not relevant to the subject S75W scheme. Notwithstanding this, Payce have been actively working toward a solution to resolve this issues and allow on street parking to be retained along Oak Road, which is testament to their commitment to achieve a significant improvement for the local community in comparison to the approved Concept Plan.
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.	The subject application is a proposed S75W modification to an approved Concept Plan and does not represent a detailed scheme. This detailed issue will be addressed through the future Part 4 development applications.
Servicing & Internal Layout	
<p>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:</p> <ul style="list-style-type: none"> • The close proximity 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. 	<p>The proposed servicing arrangement for the amended S75W scheme represents a significant improvement in relation to the approved Concept Plan.</p> <p>Whilst one of the lobbies to the Building E is located adjacent to the loading dock entry, this is not considered an unreasonable outcome in the circumstance for the following reasons:</p> <ul style="list-style-type: none"> • There are multiple options for accessing the apartments in Building E which face Flora Street other than this lobby, such as via the plaza and podium level.

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Issue	Response
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> The modified concept plan provides separate access driveways on Flora Street for standard car traffic and truck traffic which is a positive outcome for the site. The loading dock arrangement has been rationalised with only one entry/exit point which has improved the overall proximity of service, public and residential entries across the site. The occurrence of service vehicles accessing the loading dock will be infrequent. <p>The only design solution for avoiding service vehicles accessing the loading dock from crossing onto the opposite side of the road is with a significantly larger opening to the loading dock, which results in a poor urban design outcome for Flora Street and an unacceptably wide vehicle cross-over for pedestrians to negotiate. The proposed arrangement is consistent with the relevant Australian Standard as discussed in the Traffix response which accompanies this Response to Submissions.</p> <p>There is no evidence to suggest that the grade of the ramp is undesirable for ongoing use by heavy vehicles. There are no servicing and loading shortfalls for the showroom component.</p>
Internal Layout	
<p>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 vehicles specified. This includes, turning paths, aisle widths and provision of adaptable/accessible parking spaces.</p>	<p>The proposal is for an amended to Concept Plan and not a detailed Part 4 development application. Notwithstanding this, the internal design of the parking areas in the illustrative plans has been examined by Traffix who have concluded in the Traffic Impact Assessment which accompanied the S75W application that the internal basement car park generally complies with the Australian Standard requirements of AS2890.1 (2004) Part 1: Off-street car parking, AS2890.2 (2002) Part 2: Off-street commercial vehicle facilities and AS2890.6 (2009) Part 6: Off-street parking for people with disabilities. Given the nature of the proposal as a Concept Plan, sufficient detail has been provided to demonstrate that it is possible to accommodate the likely number of vehicles within the development.</p>

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Issue	Response
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	Kirrawee train station was recently rebuilt as part of the duplication of the remaining single track sections of the Cronulla line, under the CityRail Clearways Project. The duplication was completed in 2010 which increased the capacity of the rail network. There is no evidence to suggest that the rail network does not at capacity to cater for an additional 317 apartments.
Stormwater Management & Flooding	
Stormwater	
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.	The proposal is for an amendment to a Concept Plan and not a detailed scheme and consent is sought for building envelopes only. It is not necessary or reasonable to suggest that a detailed stormwater design is required as there are no impediments which would prevent the design of a suitable stormwater drainage system with the detailed development of the site. The Drainage and Stormwater and Management Plan prepared by Northrop dated 2 July 2014 outlines in sufficient detail the drainage and stormwater management measures which will be implemented in the detailed design of the site. Council has raised concern that the measures in this document may be abandoned. An amendment to Statement of Commitment No. 8 is proposed to reference this document.
Groundwater	
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.	This is not a relevant matter for consideration of the proposed amendment to the Concept Plan. Payce are currently working with Council in relation to a Part 4 Early Works development application which is the appropriate forum for discussion concerning the detail for the dewatering report and any amendments considered necessary.

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Issue	Response
Flooding	
Significant On-Site Detention (OSD) will be needed to avoid worsening the current flood risk down stream of the site. The location where Northrop has drawn these facilities appears to conflict with other plans submitted with the application. 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.	The illustrative architectural plans have been amended and the location for OSD is now consistent with the Northrop design dated 2 July 2014. The proposal is for an amendment to a Concept Plan and not a detailed scheme and consent is sought for building envelopes only. It is not necessary or reasonable to suggest that a detailed stormwater design is required as there are no impediments which would prevent the design of a suitable stormwater drainage system with the detailed development of the site.

4.2. Architecture Review Advisory Panel

The Sutherland Shire Council Architecture Review Advisory Panel raised issues in relation to the subject S75W application in correspondence dated 25 February 2014. A summary of the issues raised and a response is provided below:

Issue	Response
ARAP do not believe that the new proposal should be considered as an amendment to the PAC approved Concept Plan, given that the proposed envelopes and development density substantially depart from the approval	The amendment is able to be considered a modification under the provisions of S75W of the Environmental Planning and Assessment Act, 1979.
The Kirrawee-Sutherland area has been previously considered as a possible Urban Activation Precinct by Council, and ARAP are very supportive of this stance given the proximity to both railway stations and the opportunities for higher density development in the immediate area.	The ARAPs support of the nomination of the area as an Urban Activation Precinct (UAP) recognises the necessity in ensuring the environmental capacity of the site is achieved due to the close proximity of the site to Kirrawee train station.
This proposed amendment better Integrates with street context, increasing visual and physical links across the site and establishing a new trafficable north south street along its new park edge. Importantly, the internal building geometry and layout has been made simpler and orthogonal, more legibly linking built form to the proposed street pattern and creating improved and more compliant distances and relationships between buildings within the site.	Agreed. The proposed amendment to the approved Concept Plan achieves many significant improvements which warrant support. The amended S75W scheme has addressed the other concerns of the Panel. The revised S75W scheme should be embraced as a positive outcome compared to the approved Concept Plan.

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Issue	Response
The scheme does not adequately address Flora Street with a continuous active street front. The central pedestrianised "link" remains below street level, accessed by a series of switchback ramps. This is poor design and disconnects the internal retail areas from Flora Street	The Flora Street interface has been refined and better expressed in the amended documentation which illustrates that a high level of street activation to Flora Street will be achieved. The switchback ramp has been replaced with a grand staircase, including planters and escalators.
The amendment proposes that a new diagonal pedestrian path and playground is built between the SW corner of the site and the new retail plaza, presumably to improve pedestrian connectivity with the Kirrawee commercial strip. Whilst this connectivity is a good principle, in this location it impacts on what remains of the significant landscape heritage of the site. Pedestrian connectivity to Kirrawee shops could and should be achieved along Flora St.	The amended S75W scheme and landscape plan have removed the playground and the pathways from the south west corner of the site. Pedestrian connectivity is achieved along Flora Street.
Many of the weaknesses of the approved scheme are still present in the amended proposal: <ul style="list-style-type: none"> the absence of considered design and clearly defined character in the public spaces; private car ramps disappearing down supposedly public streets; the lack of a sense of address for all dwellings to a public street and the difficulty in finding front doors to dwellings; and ultimately the sense of a large, homogeneous enclave, designed by one hand. 	These elements have already been approved by the Planning Assessment Commission. Notwithstanding, the proposed modification substantially improves the definition of the public park by defining its edges properly with roads. The streets within the development are not 'supposedly public streets'. The amended S75W scheme achieves a vastly improved connectivity with the existing urban fabric with a high level of permeability which will ensure that it will successfully integrate with the suburb of Kirrawee.
The approved scheme has seven entry lobbies at street level serving 45,505m2 of residential area, the proposed amendment has six lobbies at street level serving 70,810m2 of residential area. This is of significant concern.	Noted. The proposal has been amended to provide additional residential cores in Building G and E extended through to the ground floor podium, parking, and streets.
To avoid the development appearing as a private enclave the Council should provide the detailed design requirements for the public domain ensuring that it seamlessly integrates into the surrounding areas.	The alternative language of the internal streets does not prevent the new thoroughfares and public spaces from integrating with surrounding areas.
There is not yet enough evidence in the supplied documentation that integration of the public domain has been carried out with the necessary intent or rigour.	The proposal is for an amendment to a concept plan and is therefore conceptual in nature. It is unreasonable to expect detailed street design for an amendment to an approved concept plan.

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Issue	Response
The architects, for instance, conceptualise the proposed north/south retail street as a 'pedestrian high street' (contrasting it with the 'internalised retail arcade' of the approved scheme). The landscape architects refer to this space as a 'pedestrian lane' (coupling it with the adjacent 'public plaza'). These are very different urban types. The perspective provided of the retail plaza looking down this street presents it as neither a pedestrian high street nor a pedestrian lane. The street and the plaza merge and appear more as a shopping centre without a roof, with a somewhat ambiguous series of pergola type elements overhead	This comment concerns itself with semantics and opinion. Criticism of the illustrative pergolas as 'somewhat ambiguous' is unnecessary as the detailed design of the development has not yet been developed and the images are for illustrative purposes only.
The Panel made a recommendation for the previous scheme on this site that a public domain designer be engaged to concentrate on the environmental quality of these spaces. Regardless of who undertakes this work, the amended proposal would benefit immensely from a specific and cultivated consideration of the design and quality of the public domain and its integration into the scheme.	A respected and recognised landscape architect has been engaged to specifically design the public domain. Having regard to the nature of the application as conceptual, the detail provided is considered acceptable and represents a commitment to high quality public domain.
As to the question of what is a reasonable FSR for this entire site given its location, accessibility and potential to create a sustainable urban community for the future, ARAP have the view that the Draft LEP control of a maximum FSR of 2:1 applied to the developable site area (ie the Mixed Use Zone) is reasonable and consistent with many other medium density contemporary residential developments across Sydney.	The issues of density has been previously addressed in this Response to Submissions.
The proposed amendment more than doubles the height of buildings along the Flora Street frontage which results in substantial solar amenity impacts within the public street corridor and significant overshadowing of sites across the street.	The amended S75W scheme has removed the significant height increases originally proposed to Flora Street following a detailed review of the shadow impacts. The amended S75W scheme provides an acceptable impact in relation to solar access for adjoining sites and a more compatible transition to surrounding sites.

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Issue	Response
<p>Council have recently indicated that Flora Street may become a landscaped, pedestrian friendly connection between Kirrawee and Sutherland Town Centre. The proposed increase in street edge height to 8/11/14 storeys will have a major detrimental impact on this. There is a balance to be considered between amenity in the existing public domain and that proposed within the site. Buildings of this height without any significant upper level street-edge setback and change in architectural character will create a street with an over-scaled, quite oppressive northern edge that is without precedent in Sutherland Shire</p>	<p>The amended S75W scheme has significantly reduced the heights adjacent to Flora Street in response to this concern.</p>
<p>The proposal will reduce the development potential of the adjoining site to the east, as an insufficient building setback has been provided from the eastern boundary</p>	<p>This issue is discussed in detail above. Under the Draft Sutherland Shire LEP 2013 it will be possible to develop the eastern sites to a height of 16 metres which is the equivalent of approximately 5 residential storeys. The separation distance required under the Residential Flat Design Code between two 5 storey buildings is 18 metres. The S75W scheme has been amended to provide a 9 metre setback and therefore an appropriate sharing of the required separation distance.</p>
<p>There is a concern that the new retail (unspecified concession types) on the site will undermine the Kirrawee shops. The proposed supermarkets will presumably also attract supplementary retail that will compete directly with Kirrawee.</p>	<p>The Planning & Assessment Commission have previously concluded that the proposal will not result in adverse economic impacts to Kirrawee shops. Leyshon Consulting, who provided an independent assessment to the DoPI during the assessment of the Concept Plan have provided an Economic Statement which accompanies this Response to Submissions which concludes that the proposed S75W will have a similar impact to the Kirrawee Town Centre in comparison to the approved Concept Plan.</p>
<p>Removal of the large supermarket from this proposal should be considered, as it would reduce floor-space, reduce car-parking and dramatically simplify planning of the south-eastern development block</p>	<p>This suggestion is unreasonable as the large supermarket has already been approved, and the subject S75W scheme provides for an improved functionality of the supermarket.</p>

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Issue	Response
<p>There is also concern with the basic nature and feel of the retail area - what is it, is it a mini-Mall, a Laneway or a small plaza? It feels disconnected from the street, and its retail relationship to Flora Street is unclear.</p>	<p>The retail plaza does not need to meet a preconceived notion of a specific retail typology in order to be successful. The retail arrangement in the proposed modification represents a significant improvement upon the approved Concept Plan, particularly in terms of its connectivity to Flora Street and is therefore worthy of support as an alternative to the current approval.</p>
<p>There are some important errors which ignore Sutherland's intention to connect this area to Sutherland Town Centre as well as contravening some relevant acts, in particular, the NSW Threatened Species Conservation Act 1995 (NPWS 2002a, NPWS 2002b) and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).</p> <p>The current amended proposal contravenes the EPBC Act {1999} in a number of ways</p> <ul style="list-style-type: none"> • It suggests access to Oak Road through the habitat • It has changed the relationship-of the excavated banks and associated root development and water regime by filling the lake and creating a new lake to the north. • It proposes a playground in the middle of this endangered habitat. 	<p>The amended S75W scheme has relocated the childrens playground and removed the walkways from the STIF area at the south western corner of the site. An amended STIF comparison which accompanies this Response to Submissions confirms that 2,792 square metres of STIF will be retained on site as per the current Concept Plan approval plus an additional 405 square metres of STIF will be retained beyond the approved Concept Plan. In addition, the amended S75W scheme will provide an additional 1,360 square metres of new STIF along the eastern boundary of the site, whilst still delivering the previously agreed 5,300 square metres of off site planting.</p> <p>An ecological impact statement prepared by Cumberland Ecology dated 20 March 2014 finds that "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".</p>
<p>The current proposal undermines Council's master plan for the Precinct which designates Flora Street as a major link to Sutherland Town Centre. The proposal undermines this master plan by creating a major link to Oak Street instead of Flora Street.</p>	<p>The proposal provides a high level of activation to Flora Street and is consistent with Council's vision for Flora Street.</p>

4.0 SUTHERLAND SHIRE COUNCIL

Issue	Response
The landscape report is inadequate. It does not indicate any site analysis and associated constraints. The requirement to protect the STIF vegetation and undertake bushland restoration needs to be addressed, including the location and plans for compensation planting. The sections are not informative. The tree species selection will NOT augment the STIF vegetation.	The landscape plan is indicative only as the application is for a concept, not a detailed design. Notwithstanding this, the design of the landscaping for the park has been amended and not only retains the 2,792 square metres of STIF in accordance with the approved Concept Plan, but also provides an additional 1,360 square metres of new STIF along the eastern boundary of the site.
Whilst the site is more "connected" to adjacent streets by the introduction of the northsouth Park-edge street, access points to the basement car-park ramps remain essentially as per the approved plan. This must be reviewed from a traffic management perspective, including impacts on the local street network of an additional 416 vehicles.	The entry points have been previously approved and objection on the basis that the amended concept plan has similar entry points is unjustified. Traffic management measures approved under the concept plan have been determined to be sufficient for the amended scheme, primarily due to new trip rates in accordance with the August 2013 RMS released Technical Direction TDT 2013/04a.
The upper level car park sandwiched between the proposed supermarkets and the upper level access courtyard below Buildings D and E is an unusual planning idea, and questionable in that it complicates resident access to the buildings and results in a loss of building identity at street level.	The use of upper level car parking areas is not an unusual planning idea and is a common practice in mixed use developments. Payce are currently constructing a building known as East Village in Zetland (also designed by Turner architects) and approved by the Central Sydney Planning Committee on which the Government Architect sits, which adopts this exact arrangement. This approach does not unreasonably complicate resident access or compromise building identity.
How are service and furniture removal vehicles to be accommodated? What is the garbage collection strategy? There appears to be one centralized basement garbage room, which presumably is for the supermarkets. There is no indication of how garbage for 750 new apartments is to be managed and collected.	There is also a centralised garbage collection area for residential waste in the basement.
The streets should be made more public in character and less like vehicular access paths. Ramps should be more integrated and relocated into buildings; 90 degree parking should be removed and replaced with parallel parking, footpaths and street-like landscapes; all links and side boundary setbacks should be considered as public streets either now or in the future.	There is no basis or reason offered for these suggestions. The design of the streets and the permeability of the site has been greatly enhanced in comparison to the approved Concept Plan. Notwithstanding, the streets are not approved as public streets, nor are they proposed as publicly owned streets although they will be publicly accessible.

4.0 SUTHERLAND SHIRE COUNCIL

Issue	Response
There does not appear to be a wide enough range of dwelling types for a development of some 750 housing units, resulting in a perception of pervasive uniformity for this development when diversity would yield a better and richer outcome.	The apartment layouts are for illustrative purposes only to demonstrate that the amenity requirements of the RFDC can be achieved in the proposed amendment to the concept plan.
Access to a great number of apartments is circuitous and obscure, and requires unprotected walking across upper podium levels around landscaping that seems not to recognise issues of way-finding, legibility, safety or comfort.	The amended S75W scheme has introduced additional residential cores in Building G and E extended through to the ground floor podium, parking and street level.
If the many buildings on the site are to be designed by the same architect this raises a major design issue for this development and others like it that will follow. Whilst the images and elevations are obviously preliminary and indicative, it is clear that the aesthetics of the development are likely to be too constant and repetitive in character, and lacking the true diversity and fine residential grain that comes from having a number of different designers engaged on the project.	The images are for illustrative purposes only. Sufficient variety will be achieved in the detailed design of the development.

5.0 OTHER GOVERNMENT AGENCIES

5.1. NSW EPA

The NSW EPA raised issues in relation to the subject S75W application in correspondence dated 12 March 2014 and 7 May 2014. A summary of the issues raised and a response is provided below:

Issue	Response
Noise	
The proposal does not include an assessment of potential noise impacts.	The proposal is an amendment to an approved Concept Plan. The detailed development applications will address noise attenuation measures to the future residential and commercial activities.
Potential noise impacts associated with the construction phase of the development should be assessed and any appropriate noise mitigation measures identified and implemented.	The proposal is an amendment to an approved Concept Plan. Construction related noise can be addressed as a condition of consent on the future detailed development consents.
Water Quality and Management	
A Soil and Water Management Plan should be developed and implemented prior to construction.	Agreed. This matter can be dealt with via a condition of consent on a detailed development.
The proposed development will be connected to an existing sewage reticulation system. Supporting information should be provided in what system it will be connected to and whether this existing scheme can cater for any new additional load.	The proposal is an amendment to an approved Concept Plan. The detailed development applications will include a requirement to obtain a Notice of Requirements from Sydney Water which will address the issue of sewer connection and embellishment for the eventual buildings.
Contaminated Land	
The Department of Planning and Environment should make sure that any site contamination issues have been considered and appropriately addressed.	The proposal is an amendment to an approved Concept Plan. The issue of site contamination was addressed during consideration of the approved Concept Plan and the proposed amendment has no bearing on those conclusions.
Waste	
The Department of Planning and Environment should consult the Waste Not Development Control Plan Guideline (EPA 2008) when assessing and determining the modification.	The proposal is an amendment to an approved Concept Plan. The issue of waste management will be addressed during consideration of the applications for the detailed design of the buildings.
Water Management Plan	
The EPA supports the Water Sensitive Urban Design approach and recommends a condition of approval that requires the design and implementation of a monitoring program to ensure that the treatment train is performing as predicted.	The proposal is an amendment to an approved Concept Plan. The Concept Plan references the Water Sensitive Urban Design commitment which will be implemented in the detailed stormwater design associated with the development applications for the buildings.

5.0 OTHER GOVERNMENT AGENCIES

Issue	Response
The EPA recommends a partnering arrangement with Council for a period of time post development to assist in transitional arrangements for the park water infrastructure.	Such an arrangement will be negotiated during the detailed design and development application stage.

5.2. NSW Office of Water

The NSW Office of Water raised issues in relation to the subject S75W application in correspondence dated 28 March 2014 and 11 April 2014. A summary of the issues raised and a response is provided below:

Issue	Response
Concern is raised in relation to reduced extent of the riparian area to the south of the proposed water body in comparison to the approved Concept Plan and whether this is consistent with the recommendation of the Flora and Fauna Assessment prepared by Cumberland Ecology to retain riparian areas where possible to allow for persistence of riparian habitats.	The amended S75W scheme provides the same size riparian/wetland area as proposed in the approved Concept Plan, consistent with the recommendations of the Equata report dated 16/11/2011. Cumberland Ecology provided a review of the proposed modification, dated 20 March 2014 and submitted with MOD 3 which confirms that <i>"A comparison of the impacts of the approved Concept Plan and the proposed amended Concept Plan indicate that they both similar ecological outcomes"</i> .
The updated landscape plan appears to show a greater length of boardwalk and concern is raised regarding the impact of the boardwalk on the water body.	An amended landscape plan accompanies this Response to Submissions and has removed all boardwalks around the water body.
It is unclear how perimeter planting will achieve recirculation and moves of water.	An additional report from Northrop accompanies this Response to Submissions which illustrates the specific proposed method of water circulation within the water body to maintain water quality.
Clarification is sought as to whether to proposed modification will result in any change to basement car park levels which may require additional assessment of groundwater impacts.	The modification reduces the basement car parking levels from three to two and therefore reduces excavation and groundwater impacts associated with the development.

5.3. Transport for NSW and RMS

Transport for NSW and RMS jointly provided a submission in relation to the subject S75W application in correspondence dated 18 March 2014. A summary of the issues raised and a response is provided below:

5.0 OTHER GOVERNMENT AGENCIES

Issue	Response
<p>TfNSW requests that Condition No. B4 - Car Parking is replaced with:</p> <p>B4 – Car Parking</p> <p><i>a) Total number of car parking spaces for the residential component of the development shall be provided without exceeding the following car parking rates.</i></p> <ul style="list-style-type: none"> • One bedroom — 1 space per unit • Two bedroom — 1.25 spaces per unit • Three bedroom — 1.5 spaces per unit • Visitor— 0.125 space per unit (1 space per 8 units) <p><i>b) Development must comply with the modified concept plan's (mod 3) non-residential car parking rates identified in the Traffic Impact Assessment report prepared by Traffix dated 22 November 2013 (Version 2) including the replacement of 40 street car parking spaces displaced by the development.</i></p>	<p>No objection is raised in relation to this amended condition.</p>
<p>TfNSW requests that Condition No. 14(a) - Car Parking is replaced with:</p> <p>14 - Car Parking</p> <p><i>Future applications shall address the following:</i></p> <p><i>a) Total number of car parking spaces for the proposed development shall be provided without exceeding the car parking rates identified in the Traffic Impact Assessment report prepared by Traffix dated 22 November 2013.</i></p>	<p>No objection is raised in relation to this amended condition.</p>
<p>TfNSW recommends that the proponent liaise with Council and the local bus operator to identify new locations for corresponding bus stops in close proximity to the main entrance of the development on the Princes Highway. Furthermore, safe and efficient pedestrian connectivity to bus stops in the vicinity of the development should be provided.</p>	<p>No objection is raised in relation to this request which will be addressed during the detailed design phase of the development.</p>
<p>A Construction Management Plan should specify any potential impacts to regular bus services operating on roads within the vicinity of the site from construction vehicles during construction of the proposed works. Potential impacts on pedestrian access to public transport infrastructure including bus stops must also be specified.</p>	<p>Noted. At the time that the Construction Management Plan is prepared, these issues will be addressed.</p>

5.0 OTHER GOVERNMENT AGENCIES

5.4. NSW Office of Environment and Heritage

The NSW Office of Environment and Heritage raised issues in relation to the subject S75W application in correspondence dated 3 March 2014 (Heritage), 13 March 2014 and 11 April 2014 (Environment). A summary of the issues raised and a response is provided below:

Issue	Response
The archaeology of pipe kilns which remain on site and which are supposed to be incorporated in the development have not been addressed in this documentation. Whether this is because the proposed modification does not impact on these items, or because there were not considered important enough remains unclear.	The proposed modification does not differ when compared to the approved Concept Plan in relation to its response to the pipe kiln. Accordingly, there is no need to provide further documentation in relation to this issue with the proposed S75W modification. The preservation and incorporation of the pipe kiln will be addressed in detail during the preparation of the detailed development applications for the site.
Concern is raised that the proposed modification to the Concept Plan attempts to remove more STIF than has been approved.	The indicative landscape plan has been amended and accompanies this Response to Submissions and now adopts the same approach as the approved landscape plan and has no intrusions into the existing STIF along the western side of the site and ensures that greater than 1,973 square metres of STIF will be retained on the site. A revised STIF comparison accompanies this Response to Submissions.
Concern raised about the impact of the proposed location of the childrens playground area in the STIF area.	The landscape plan has been amended and has relocated the childrens playground to the flat grass area to the east of the retained STIF.
Concern that the series of water bodies intended to provide water quality treatment have been removed.	The series of water bodies are not necessary to maintain water quality. The Northrop indicative scheme provides sufficient wetlands surrounding the proposed pond and a recirculation system to meet the requirements outlined in the Equatica report dated September 2011 for water quality.
Concern is raised concerning the impact of the boardwalk surrounding the water body on the ability of the water body to provide a habitat for microbats and the Grey headed flying fox.	The amended Landscape plan which accompanies this Response to Submissions has removed all boardwalks from around the water body.
Concern regarding the number of access points through the STIF area.	The amended Landscape plan which accompanies this Response to Submissions has removed all access points through the STIF area.

6.0 PUBLIC SUBMISSIONS

Eighteen public submissions were received during the exhibition of the S75W modification. Two submissions were in support of the proposal, and one submission requested that a pedestrian bridge be provided over the Highway. Fourteen of the submissions were objections from individual persons whilst two were objections from commercial competitors being Menai Market Place and Supabarn Supermarket, Sutherland.

A summary of the core concerns of the objections and a response is provided below:

Issue	Response
Concern is raised in relation to the impact of the proposed increase in density on the site to the performance of the local road network and potential for traffic congestion.	A detailed traffic impact assessment prepared by Traffix accompanied the subject S75W modification, and a further response from Traffix dealing with the specific issues in the submissions and in particular those raised in the McLachlan submission accompanies this response to submissions. The Traffix response concludes that the amended S75W modification will result in a commensurate traffic impact and that the embellishments to the local road network which will be undertaken as a component of this development will ensure that there is sufficient capacity in the local road network to accommodate the proposed modification.
Concern is raised that the proposed S75W modification is an overdevelopment of the site and will result in overcrowding within the development.	A detailed discussion has been provided earlier in this Response to Submissions which demonstrates, in conjunction with the amended architectural package, that the proposed modification does not exceed the environmental capacity of the site as it does not result in unreasonable adverse impact to adjoining properties, achieves a compatible built form with the existing context, and does not give rise to unacceptable traffic impacts. A sufficient level of amenity has been demonstrated for the future apartments within the development which are capable of complying with the standards in the Residential Flat Design Code. Accordingly, it has been demonstrated that the amended S75W proposal does not represent an overdevelopment of the site.

6.0 PUBLIC SUBMISSIONS

Issue	Response
Concern is raised in relation to the ecological impacts associated with the proposed S75W amendment.	The amended S75W scheme has reverted to the same approach to the STIF on the site as that which was previously approved under the Concept Plan, and provides a further substantial area of new STIF planting along the eastern boundary. The amended S75W scheme has also been demonstrated to retain the same ecological measures as those which were approved under the Concept Plan, as verified by Cumberland Ecology in their review of the proposed modification, dated 20 March 2014 which confirms that <i>"A comparison of the impacts of the approved Concept Plan and the proposed amended Concept Plan indicate that they both similar ecological outcomes"</i> .
Concern is raised regarding the visual impact of the proposed modification.	The proposed S75W amendment has been modified to respond to this concern, as explained in detail previously in the Response to Submissions. The amended S75W scheme provides a more sympathetic response to the context of the streets surrounding the site and has in particular reduced height to Flora Street. The amended S75W scheme is considered to achieve an acceptable visual impact which is compatible with the existing context of the site for the reasons detailed previously in this Response.
Concern is raised about the impact of the proposal on solar access to surrounding sites.	The proposed S75W amendment has been modified to respond to this concern, as explained in detail previously in the Response to Submissions. The amended S75W scheme results in reduced overshadowing to surrounding properties and does not prevent the provision of a reasonable level of solar access or the erection of residential development on adjacent and opposite sites complying with minimum solar access requirements.
Concern is raised in relation to the capacity of the existing gas, water and sewerage infrastructure in the area to service the proposed amended development.	Utilities either have sufficient capacity to serve the S75W modification or will be augmented at the expense of the developer where necessary.

6.0 PUBLIC SUBMISSIONS

Issue	Response
<p>Concern is raised in relation to the economic impacts associated with the proposed S75W modification. The following specific issues have been raised:</p> <ul style="list-style-type: none"> • The proponent's claim that the overall retail component has been decreased is based on information not made available during the public notification period and is contradictory to the retail GFA figures included on the Indicative Ground Level and Mezzanine Plan submitted with the Modification Application. • A comparison of the details provided on the plans shows the changes within the Ground Floor Level of MOD 3 will result in a 3,692.62m² increase of the retail GFA of the approved development. • We consider the DP&I cannot undertake a proper assessment of the Modification Application until the proponent submits an Economic Impact Assessment report that provides a detailed analysis of the impacts of the proposed increased floor area of the supermarkets on the Kirrawee Village, Sutherland Town Centre and other centres within the Sutherland Shire LGA. • The proposed increase in the GFA of the major supermarket of over 744m² of floorspace represents a significant increase in floorspace. 	<ul style="list-style-type: none"> • The Planning Statement submitted with the MOD 3 application inadvertently noted that the retail component has reduced from 15,230 square metres to 14,190 square metres. As a correction, it is confirmed that the combined retail and commercial GFA has reduced from 15,230 square metres to 14,191 square metres, however the retail component alone has increased by 1,861 square metres from 12,330 square metres to 14,191 square metres, as confirmed on the amended illustrative plans which accompany this Response to Submissions. • An Economic Impact Assessment prepared by Leyshon Consulting accompanies this Response to Submissions. The Assessment considers the 15.1% increase in retail GFA associated with the S75W modification and quantifies a revised impact of this increase on the nearby centres of Sutherland, Kirrawee, Gymea and Kareela. Leyshon concludes that <i>"In our opinion these impacts are not of an order that would undermine the viability of any existing centre in Sutherland LGA....it remains our view that the economic impacts of the project as proposed by Modification 3 are acceptable having regard to the existing shortfall in supermarket floorspace in the Kirrawee trade area and the benefits that the proposal will deliver in terms of increased competition and choice for residents of Kirrawee and immediately adjacent suburbs"</i>.

7.0 CONCLUSION

This report and the accompanying documentation provides a detailed and comprehensive response to the issues raised by all parties in relation to the application to modify the 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.

As a result of consideration of the issues and concerns which were raised in the submissions, the proposed modification to the approved Concept Plan has been amended to achieve the following:

- significantly reduced scale to Flora Street to reduce overshadowing to the sites on the southern side of Flora Street and to provide an improved transition in height from the subject site to the surrounding context;
- increased separation to the eastern adjoining site to preserve its full development potential;
- reduction in height of some buildings to improve solar access to the podium level common open space areas;
- increase in height along the Princes Highway to signal a threshold to the Kirrawee Station Town Centre and provide an acoustic barrier to the site;
- improved streetscape activation and connectivity to Flora Street; and
- amended landscape design to retain the same approach to retention of STIF as originally approved.

This Response to Submissions and the accompanying documentation has demonstrated that the amended application has resolved the issues of concern provided by the Department of Planning and Environment and has responded to the issues raised by Sutherland Shire Council as well as other government agencies and the public.

The amended proposal more closely aligns with the approved Concept Plan with lower buildings along Flora Street and represents a more sensitive and improved urban design response to the context of the site and has achieved improved compatibility with the existing and future desired character of Kirrawee.

The site has been demonstrated to have the environmental capacity to support the proposed density in the amended S75W scheme and contribute towards the delivery of housing and employment to meet the identified targets for Sydney because:

- it is in close proximity of the site to a centre and existing transport infrastructure;
- the local road network has been demonstrated to have sufficient capacity, once embellishment works are undertaken, to accommodate the vehicle traffic generated by the development;
- a satisfactory level of amenity will be achieved within the development;
- the proposal does not adversely affect amenity of adjoining development and the public domain or detrimentally impact on development potential of adjoining sites;
- there is sufficient available infrastructure to service the site;
- the development will protect and enhance the environmental qualities of the site; and
- the bulk and scale has been demonstrated to be compatible with the context of the locality.

This Response to Submissions and the accompanying documentation has demonstrated that the amended S75W modification is capable of support and appropriate for approval.