

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, we approve the modification application referred to in schedule 1, subject to the conditions in schedules 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

### MEMBER OF THE COMMISSION

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Sydney

2014

#### SCHEDULE 1

<b>Application Number:</b>	MP10_0076
<b>Proponent:</b>	Sutherland & Associates
<b>The Authority:</b>	Minister for Planning
<b>The Land:</b>	Kirrawee Brick Pit, 566-594 Princes Highway, Kirrawee
<b>Concept Approval:</b>	Kirrawee Brick Pit Concept Plan granted on 23 August 2012 by the Planning Assessment Commission
<b>Project:</b>	Mixed use retail/commercial and residential development and associated public open space
<b>Modification:</b>	<p><b>MP 10_0076 MOD 3:</b> modification includes:</p> <ul style="list-style-type: none"><li>• 21,287.5m<sup>2</sup> increase of GFA (from 60,735m<sup>2</sup> to 82,022.5m<sup>2</sup>), comprising:<ul style="list-style-type: none"><li>• 67,832.5m<sup>2</sup> of residential; and</li><li>• 14,191m<sup>2</sup> of retail/commercial (including 4,740m<sup>2</sup> supermarket and 1,451m<sup>2</sup> discount supermarket).</li></ul></li><li>• reduction of the total number of building envelopes from nine to seven and reconfiguration and amendment of building envelope locations, footprints, heights, separation distances and setbacks;</li><li>• amended construction staging and timing of the delivery of the open space; and</li><li>• removal of the car parking cap and imposition of car parking rates.</li></ul>

The Concept Plan for MP10\_0076 is modified as follows:

**SCHEDULE 2  
TERMS OF APPROVAL  
PART A – ADMINISTRATIVE CONDITIONS**

- (a) Schedule 2 Part A – Term of Approval A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

**A1 DEVELOPMENT DESCRIPTION**

Concept Plan approval is granted to the development as described below:

- 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 Storeys;
- c) ~~60,735~~ **82,022.5**m<sup>2</sup> of Gross Floor Area, comprising ~~45,505~~ **67,832.5**m<sup>2</sup> of residential (~~432 749~~ dwellings) and ~~15,230~~ **14,191**m<sup>2</sup> of retail/commercial floor space (including ~~3,900~~ **4,740**m<sup>2</sup> supermarket and ~~1,470~~ **1,451**m<sup>2</sup> discount supermarket);
- d) Basement level, 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.

subject to compliance with the modifications of this approval.

- (b) Schedule 2 Part A – Terms of Approval A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

**A2 DEVELOPMENT IN ACCORDANCE WITH THE 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 including all associated documents and reports;
- the Revised Statement of Commitments prepared by Sutherland & Associates Planning Pty Ltd, dated October 2013; and
- Section 75W Modification to Concept Plan MP 10\_0076 MOD 2, prepared by Sutherland & Associates, dated October 2013 (as amended February 2014);
- **Section 75W Modification to Concept Plan MP 10\_0076 (MOD3), prepared by Sutherland & Associates, dated November 2013 as amended by Response to Submissions dated July 2014 and Response to Department of Planning & Environment Correspondence dated 3 September 2014; and**
- the following drawings:

Architectural Drawings prepared by Woodhead			
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	<b>Basement 2 Plan</b>	19/10/11
0160	B	<b>Basement 3 Plan</b>	19/10/11
0180	B	<b>Floor Plans Buildings A to C – Sheet 1</b>	19/10/11
0180A	B	<b>Floor Plans Buildings A to C – Sheet 2</b>	19/10/11
0181	B	<b>Floor Plans Building D1, D2, E</b>	19/10/11
0182	B	<b>Floor Plans Building F, G &amp; H</b>	19/10/11
0190	B	<b>Roof Plan with indicative plant rooms</b>	11/05/12
0300	C	<b>Indicative Sections East West (Masterplan)</b>	15/05/12
0301	C	<b>Indicative Sections North South (Masterplan)</b>	15/05/12
0500	B	<b>Indicative Elevations North &amp; South</b>	04/10/11
0501	B	<b>Indicative Elevations West &amp; East</b>	04/10/11
0600	C	<b>Indicative Staging – Lower Ground Stage 1</b>	31/10/13
0602	B	<b>Indicative Staging – Upper Ground Stage 1</b>	19/10/11
0603	B	<b>Indicative Staging – Upper Ground Stage 2</b>	19/10/11
0604	B	<b>Indicative Staging – Upper Ground Stage 3</b>	19/10/11
<u>A-SK-700-001</u>	<u>L</u>	<u>Envelope Plan Diagram</u>	<u>23/09/14</u>
<u>A-SK-700-002</u>	<u>L</u>	<u>Envelope Elevation Diagrams</u>	<u>23/09/14</u>
<u>A-SK-700-003</u>	<u>L</u>	<u>Envelope Elevation Diagrams</u>	<u>23/09/14</u>
<u>A-SK-700-004</u>	<u>L</u>	<u>Staging Diagram</u>	<u>23/09/14</u>
<u>13066-S75W 07</u>	<u>B</u>	<u>STIF Comparison Plan</u>	<u>August 2014</u>

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

- (c) Schedule 2 Part A – Terms of Approval A4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

#### **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 82,022.5**m<sup>2</sup>, including a maximum of **15,230 14,191**m<sup>2</sup> of non-residential floor space. (Note: Above ground parking area is not included in the total GFA).

- (d) Schedule 2 Part A – Terms of Approval A4A is added by the insertion of the **bold and underlined** words / numbers as follows:

#### **A4A DWELLING CAP**

**Future Development Applications shall provide for a total number of dwellings up to a maximum of 749 across the Concept Plan site.**

**Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap.**

- (e) Schedule 2 Part A – Terms of Approval A5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

#### **A5 BUILDING HEIGHT**

Roof heights on the site shall not exceed the levels (RL's) as identified on Concept Plan Drawings ~~0300 and 0304~~ **A-SK-700-002 and A-SK-700-003** prepared by ~~Woodhead Turner~~ Architects, dated ~~15 May 2012~~ **23 September 2014**. 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 (RL's) as identified on Drawings ~~0190~~ **A-SK-700-002 and A-SK-700-003** prepared by ~~Woodhead Turner~~ Architects, dated ~~11 May 2012~~ **23 September 2014**.

- (f) Schedule 2 Part A – Terms of Approval A7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

#### **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 & 0130~~ **A-SK-700-001** prepared by ~~Woodhead Turner Architects~~, **23 September 2014** ~~19 October 2011 and the Traffic Management and Accessibility Plan prepared by Halcrow Pacific Pty Ltd dated 27 October 2011 (Version 4), 10 July 2014~~ and as amended by the Future Assessment Requirements in Schedule 3.

- (g) Schedule 2 Part A – Terms of Approval A11 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

#### **A11 PUBLIC PARK**

**The future development application containing Building D or the fourth residential building (whichever is the sooner) must provide for the design, management and tenure of the public park on land ~~within Zone 13~~ shown as 'new park' on drawing A-SK-700-005.**

The public park must:

- a) Be designed generally in accordance with the plans and documents referred to in Condition A2. **Excluding the lake, which can be situated in the location as shown on drawing 13066-S75W 07B or in another location as may be agreed with Council:** and
- b) Provide for the conservation of the Sydney Turpentine Ironbark Forest; ~~and~~
- c) Be publicly accessible; **and**
- d) **Include a Vegetation Management Plan that is consistent with NSW Office of Water's Guidelines for vegetation plans on waterfront land.**

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.

## PART B – MODIFICATIONS

- (h) Schedule 2 Part B – Modification B1 is deleted by the ~~bold struck out~~ words/numbers as follows:

### ~~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 except applications for de-watering works, remediation works and earthworks.~~

- (i) Schedule 2 Part B – Modification B2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

### **B2 DEVELOPMENT DESIGN**

Future applications shall be designed to include that:

- a) roof terraces are setback a minimum of 1.5 metres from the buildings edge.**
- b) plant rooms, lift overruns and mechanical ventilation rooms provided on the roof of a building are appropriately screened and not exceed the heights approved by the Concept Plan.**
- ~~c) the reference to building depth of 24 metres is deleted.~~

~~The amended Development Designs shall be submitted to and approved by the Department prior to determination of any future application on the site, except applications for de-watering works, remediation works and earthworks.~~

- (j) Schedule 2 Part B – Modification B2A is added by the insertion of the **bold and underlined** words / numbers as follows:

### **B2A BUILDING ENVELOPES 'E' AND 'F'**

**Future development application(s) shall provide a minimum 3 metre setback to the 7<sup>th</sup> storey of building envelopes E and F fronting Flora Street to achieve an appropriate scale of development.**

- (k) Schedule 2 Part B – Modification B4 is deleted by the ~~bold struck out~~ words/numbers as follows:

### ~~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 visitors 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 displaced by the development.~~

### SCHEDULE 3 FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

- (l) Schedule 3 – Future Environmental Assessment Requirement 7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

#### 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).

- (m) Schedule 3 – Future Environmental Assessment Requirement 8s is added by the insertion of the **bold and underlined** words / numbers as follows:

#### **8s. BUS LOCATIONS**

**The proponent shall 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. Safe and efficient pedestrian connectivity to bus stops in the vicinity of the development should be provided.**

- (n) Schedule 3 – Future Environmental Assessment Requirement 14 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

#### 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.~~ **Total number of car parking spaces for the proposed development shall be provided without exceeding the following car parking rates:**
- i. **residential component of the development:**
    - **1 space per 1 bedroom unit;**
    - **1.25 spaces per 2 bedroom unit;**
    - **1.5 spaces per 3 bedroom unit; and**
    - **0.125 visitor space per unit (1 space per 8 units).**
  - ii. **non-residential component of the development (including the replacement of 40 street car parking spaces displaced by the development):**
    - **Supermarket – 4.5 spaces per 100m<sup>2</sup>;**
    - **Mini-Major (faster trade retail) – 4.0 spaces per 100m<sup>2</sup>;**
    - **Speciality Retail (incl. secondary retail, kiosks) – 4.2 spaces per 100m<sup>2</sup>;**
    - **Showroom – 2.4 spaces per 100m<sup>2</sup>;**
    - **Office – 2.5 spaces per 100m<sup>2</sup>; and**
    - **Medical – 0.9 spaces per 100m<sup>2</sup>.**
- 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~~ **South Village** 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 A~~ community bus and taxi drop ~~off to the main central Flora Street pedestrian entry,~~ **shall be provided** in a location and of a design that achieves reasonable accessibility for people with mobility restrictions between vehicles and the retail shops.
- (o) Schedule 3 – Future Environmental Assessment Requirement 17 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

## 17. STAGING OF DEVELOPMENT

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

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

- a) Demolition;
- b) Earthworks;
- c) Buildings and all other structures (including basements);
- d) Any elements of the overall public domain plan to be dedicated or embellished;
- e) Any site remediation works;
- 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.

**The park / open space (including the lake) referred to in Term of Approval A11 shall be constructed/provided prior to the issue of the first Occupation Certificate of the last residential building on site**

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.

- (p) Schedule 3 – Future Environmental Assessment Requirement 17 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

## 20. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Future applications shall ensure all design and treatment recommendations as identified in the report titled Crime Prevention through Environmental Design – Overview of Concept Plan & Stage 1 Proposed Development prepared by Environmental Resources Management Australia and dated May 2009 shall be incorporated into the relevant Stage. In addition:

- i. The location of street furniture on internal streets and thoroughfares shall be identified on the plans for each stage. Street furniture shall be positioned to take advantage of well lit and open areas to minimise crime.

- ii. The landscape design shall provide adequate sight lines between the shopping centre entry and the community bus, taxi drop off and bike parking locations and avoid places of concealment within the adjoining public park.
- iii. Lighting shall be provided for the bus and taxi drop off area in accordance with the AS/NZS 1158.3.1:2005 Lighting for Roads and Public Spaces.
- iv. **the eastern planted strip shall be designed to maximise safety in accordance with CPTED principles including lighting, clear sightlines, access control and other measures as necessary.**
- v. **An Access and Management Plan shall be submitted to Council confirming how the eastern planted strip, located between the podium and the eastern boundary, shall be managed and/or general access prevented to ensure that it does not become a place of concealment and to minimise the potential for crime. The Access and Management Plan shall include any necessary mitigation measures.**

**End of Modifications to MP10\_0076**