

## ASSESSMENT REPORT

### MIXED-USE DEVELOPMENT, KIRRAWEE BRICK PIT MP 10\_0076 MOD 5

#### 1. INTRODUCTION

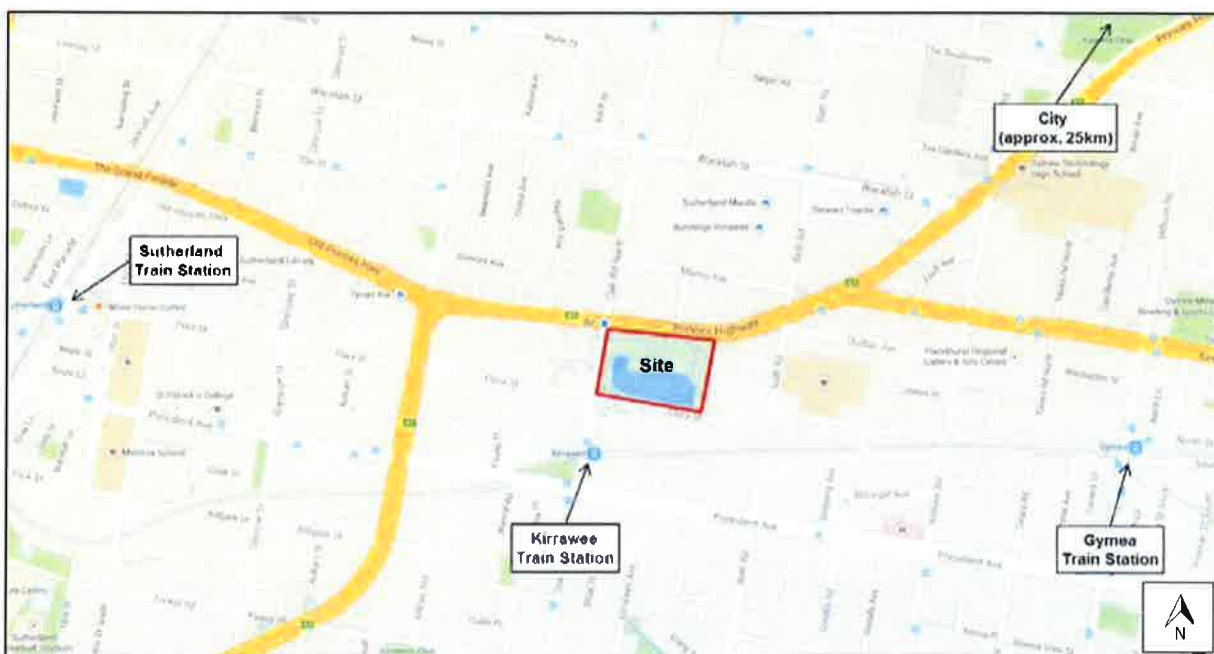
This report is an assessment of a request to modify the Concept Approval (MP 10\_0076) for a mixed-use development at the former Kirrawee Brick Pit in the Sutherland Shire local government area.

The request has been lodged by Sutherland Planning & Associates on behalf of South Village Pty Ltd (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to amend Term of Approval A4A to modify the apartment mix which would increase the number of apartments from 749 to 808.

#### 2. SUBJECT SITE

The subject site is located at 566-594 Princes Highway in the suburb of Kirrawee, approximately 25 kilometres (km) south-west of the Sydney CBD, on the southern side of the Princes Highway and east of the Oak Road North intersection (see **Figure 1**).

The site is located approximately 250 metres (m) to the north of Kirrawee Village Centre and Kirrawee train station. The site was formally used as a brickworks. Construction of the approved development has commenced.



**Figure 1:** Site location (Base source: Google Maps)

The surrounding land uses to the site are mixed and include industrial/warehouse buildings, commercial/retail buildings and medium and low density residential housing (see **Figure 2**). The surrounding industrial areas to the east and south have been identified by Sutherland Shire Council (Council) as areas for transition from traditional warehouse and industrial uses to higher density mixed use development.



**Figure 2:** Surrounding land uses (source: Nearmap)

### 3. APPROVAL HISTORY

On 23 August 2012, the Planning Assessment Commission (the Commission) granted Concept Approval for the redevelopment of the site for the following purposes:

- mixed use development with associated open space
- indicative building envelopes for nine buildings to a maximum height of 14 storeys
- 60,735 m<sup>2</sup> of gross floor area (GFA), comprising 45,505 m<sup>2</sup> of residential (432 dwellings) and 15,230 m<sup>2</sup> of retail/commercial floor space (including 3,900 m<sup>2</sup> of supermarket and 1,470 m<sup>2</sup> of discount supermarket); basement level, ground and above ground car parking (1,150 spaces)
- road layout to support the development
- public pedestrian and cycle pathway
- public park, lake and surrounding forest
- landscaped areas throughout the site.

The Concept Plan has been modified on four occasions, as summarised in **Table 1**.

**Table 1 – Modifications to the approved Concept Plan**

<b>MOD</b>	<b>Key Modifications</b>	<b>Approval Authority</b>	<b>Approved</b>
1	<ul style="list-style-type: none"> <li>Amend the wording of the Future Environmental Assessment Requirement (FEAR) 18, by removing the need for development below the finished ground level to exhibit design excellence.</li> </ul>	Deputy Director-General, Development Assessment and Systems Performance	17/01/13
2	<ul style="list-style-type: none"> <li>Amend FEARs B1 and B2 relating to building envelopes and building design modifications to enable the commencement of early works and amend the Statement of Commitments.</li> </ul>	Executive Director, Development Assessment and Systems Performance	16/05/14
3	<ul style="list-style-type: none"> <li>Increase GFA from 60,735 m<sup>2</sup> to 85,000 m<sup>2</sup> and reduce the total number of building envelopes from nine to seven</li> <li>Reconfigure envelopes, footprints, heights, separation distances and setbacks</li> <li>Amend construction staging and timing of delivery of open space</li> <li>Removal of car parking cap and imposition of car parking rates.</li> </ul>	Planning Assessment Commission	20/11/14
4	<ul style="list-style-type: none"> <li>Defer requirements for the execution of works authorisation deed, construction traffic management and control plans to enable early works to proceed.</li> </ul>	Executive Director, Infrastructure and Industry Assessments	30/01/15

#### **4. PROPOSED MODIFICATION**

The Proponent lodged a section 75W modification request (MP 10\_0076 MOD 5) seeking approval to amend Term of Approval A4A to modify the approved apartment mix which would increase the number of apartments from 749 to 808.

The proposal involves converting 59 three bedroom apartments into 118 one bedroom apartments. No increase in car parking is proposed.

The Proponent seeks to modify the approval on the basis that the provision of more one bedroom apartments will satisfy market demand and assist with housing affordability.

#### **5. STATUTORY CONSIDERATION**

##### **5.1 Section 75W**

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application as it would not change the use, design or building envelopes of the approved mixed-use development.

##### **5.2 Approval Authority**

The Minister for Planning is the approval authority for the application. However, the Commission, may determine the application under delegation as Council objects to the proposed modification.

## 6. CONSULTATION

The modification request was made publicly available on the Department's website and referred to the Council and Roads and Maritime Services (RMS) for comment. Letters were also sent to adjoining owners/occupiers.

**Council** objected to the request due to potential traffic impacts. The following concerns were raised:

- assessment of traffic impacts should be based on parking rates used in the 2011 assessment of the original approval
- traffic generation rates used for the supermarket and other retail components calculated from a development in Zetland (the East Village Development (EVD rates)) do not accurately reflect the Kirrawee development
- the proposed child care use (being assessed by Council under a section 96 application) should be considered for traffic generation
- impacts of the proposal on the President Avenue and Oak Road intersection are unsatisfactory.

**RMS** did not object to, or raise any concerns about the proposal.

There were 18 public submissions received, objecting to the proposal. Key issues raised in public submissions are outlined in **Table 2** below.

**Table 2 – Issues raised in public objections**

Issue Raised in Objections	Number of submissions that objected or raised concerns	Percentage
Traffic congestion	12	67%
Insufficient Parking	7	39%
Public transport capacity	4	22%
Capacity of schools	4	22%
Road safety	2	11%
Pressure on infrastructure and services	3	17%

The Proponent lodged a Response to Submissions (RTS) responding to issues raised by Council and in public submissions (**Appendix B**). The RtS confirmed:

- the traffic analysis submitted with the proposal applies current trip rate data based on current RMS guidance (RMS Guide Update)
- Council used out of date traffic generation rates based on surveys undertaken by RMS in 1990
- the child care and high density residential uses were assessed using the RMS trip generation not the EVD rates
- analysis of the intersection using the updated RMS rates demonstrates the proposal would have a negligible impact
- the overall traffic and safety impacts would be mitigated by the required road improvements.



## 7. ASSESSMENT

The Department considers the key issue associated with the proposal is traffic generation. All other issues are considered in **Table 4**.

### 7.1 Traffic Generation

The Proponent submitted a Traffic Impact Report (the Traffic Report) to assess the impacts of the additional 59 residential apartments, based on current RMS Guide Update trip generation rates.

The Traffic Report found the proposal would not have a detrimental impact on the operation or function of the surrounding road network. The analysis demonstrates the additional apartments would result in a negligible increase in peak hour traffic generation with nine additional vehicle trips in the AM and PM weekday peaks, and 15 additional vehicle trips in the Saturday midday peak. The Traffic Report also found the proposal would not result in any significant impact on the performance of the Oak Road and President Avenue intersection, as it would generate only three to four additional movements during peak hours.

A summary of the approved and proposed traffic generation for the entire development is provided at **Table 3**.

*Table 3 – Comparison between approved and proposed modified traffic generation*

Peak Hour Period	Original Traffic Generation (Concept Approval 2011 rate)	Original Traffic Generation (Updated RMS rates)	MOD 3 Traffic Generation (Updated RMS rates)	Proposed Modification (Updated RMS rates)	Comparison between approved (MOD 3) and proposed traffic generation
Thursday (pm)	1,117	1,019	1,056	1,065	+ 9 (0.85%)
Saturday (midday)	1,213	1,161	1,193	1,208	+ 15 (1.24%)

Council raised concern about the trip generation rates used in the Proponent's Traffic Report. It indicated the assessment of traffic impacts should be based on the rates used in the 2011 assessment of the original approval. Council also raised concern regarding the operation of the President Avenue and Oak Road intersection. Council advised it has undertaken new modelling (using the 2011 rates from the original Concept Approval) which indicates the proposal would result in a delay of 90 seconds at the intersection, which is unsatisfactory.

Public submissions raised concern about the additional traffic impacts within the locality as a result of the proposal.

The Proponent responded, noting the rates recommended by Council were from the RMS Guide, last published as Version 2.2 in October 2002, and rely on survey data from as early as 1990. The rates were updated by RMS in 2013 and indicate peak hour trip generation for key uses has reduced. In particular, the Department notes the trip generation rate for high density residential development has reduced from 0.29 trips per apartment during both peak hours, to 0.19 and 0.15 trips per apartment during the AM and PM peak hours, respectively.

These updated rates were used for the assessment of MOD 3, which established the current approved floor space and land use mix for the site. The Department's assessment of MOD 3 concluded that the likely traffic generation was acceptable, noting the original Concept Approval requires the following works/road improvements be undertaken to mitigate impacts on the local road network:

- upgrade and reconfiguration of the Princes Highway and Oak Road North intersection
- installation of traffic signals at the Princes Highway and Bath Road intersection

- installation of traffic signals at the Oak Road North and Flora Street intersection
- provision of a deceleration lane into the site from the Princes Highway.

Council raised concern about the traffic generation rates used for the assessment of MOD 3, stating the average rate used for residential development may not be representative of the location. However, the Commission accepted the findings of the Department's assessment of MOD 3 and concluded that the traffic impact would be acceptable.

The Department considers the application of the current RMS Guide Update trip generation rates, as adopted in MOD 3, is therefore the current accepted standard for traffic impact assessment, and can be relied upon for the assessment of this modification. As such, the Department accepts the findings of the Traffic Report and considers the proposal would not result in a significant increase in peak hour traffic generation (less than 1.25%) or materially impact on the performance of the Oak Road and President Avenue intersection.

In addition, the Department notes no additional car parking is proposed and the site has excellent access to public transport, with Kirrawee train station located 200 m away from the site. This will reduce the reliance on private vehicle use and encourage the use of public transport.

The Department's assessment therefore concludes the proposal would not result in any significant traffic impacts beyond those already assessed and approved.

## 7.2 Other Issues

**Table 4:** Assessment of other issues

<b>Issue</b>	<b>Consideration</b>	<b>Recommendation</b>
<i>Parking</i>	<ul style="list-style-type: none"> <li>• Despite the proposed change to the number of apartments, no change in parking is proposed.</li> <li>• A total of 1,023 residential parking spaces would be retained under the modification.</li> <li>• Council initially raised concern the proposal would result in parking provision inconsistent with the Concept Approval rates, and generate unacceptable impacts within the locality.</li> <li>• Council assumed the parking rates outlined in the Concept Approval were minimum rates, and therefore the proposal would result in a shortfall of 36 spaces.</li> <li>• The Department notes the Concept Approval provides maximum parking rates for the site given its proximity to the Kirrawee train station.</li> <li>• Based on the Concept Approval, a maximum of 1,059 residential parking spaces is permissible on the site.</li> <li>• The Department therefore considers the proposed parking provision would be acceptable as it is consistent with the Concept Approval, and would ensure an appropriate level of parking for a site located close to a train station.</li> </ul>	No additional conditions or amendments necessary.
<i>Infrastructure demand</i>	<ul style="list-style-type: none"> <li>• Public submissions raised concern about the ability of surrounding schools and infrastructure to cater for increased demand generated by the increase in the number of apartments.</li> <li>• Despite the increase in the number of apartments, the reduction in the number of three bedroom apartments and increase in the number of one bedroom apartments (which are typically not used by families with children) is likely to reduce the demand for education services.</li> <li>• The Department therefore considers the proposal would not result in an increased demand for schools beyond that already assessed.</li> <li>• The potential impact on other infrastructure is also considered to be negligible, as the conversion of three bedroom apartments to one bedroom apartments without any changes to overall floor space would be unlikely to significantly change the overall number of occupants within the building.</li> <li>• The Department therefore considers the proposed modification would not affect infrastructure demand.</li> </ul>	No additional conditions or amendments necessary.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
<i>State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development</i>	<ul style="list-style-type: none"> <li>• The proposal seeks approval to increase the number of one bedroom apartments to be provided within the approved building envelopes. No external changes to the approved building envelopes are proposed.</li> <li>• The detailed design and amenity of the apartments would be subject to separate development applications to be assessed and determined by Council.</li> <li>• Given there are no proposed changes to the approved building envelopes, the Department considers the residential amenity of the approved building envelopes would remain the same.</li> <li>• The Department also notes Condition A6 requires future DAs to demonstrate consistency with the Residential Flat Design Code. The <i>Residential Flat Design Code</i> has been superseded by the <i>Apartment Design Guide</i>. The Department has therefore recommended Term of Approval A6 be updated accordingly.</li> <li>• Subject to the updated condition, the Department considers future apartments would be capable of complying with the Apartment Design Guide subject to detailed design.</li> </ul>	Term of Approval A6 is amended to replace Residential Flat Design Code with Apartment Design Guide.

## 8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that:

- it would not result in traffic generation greater than originally envisaged under the Concept Approval
- the provision of parking is consistent with the Concept Approval and exceeds the requirements under State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- it would not alter the approved design or building envelope of the development
- it would contribute towards the provision of housing within walking distance of local centres and public transport.

Following its assessment of the project, the Department considers the project is approvable subject to any conditions (outlined in **Appendix B**). This assessment report is hereby presented to the Commission for determination.

Recommended by:



**Anthony Witherdin**  
Director  
Modification Assessments



**Anthea Sargeant**  
Executive Director  
Key Sites and Industry Assessments

## **APPENDIX A: NOTICE OF MODIFICATION**

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A copy of the notice of modification can be found on the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8315](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8315)



## **APPENDIX B: SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8315](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8315)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8315](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8315)

3. Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8315](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8315)