

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

18 October 2017

Dear Ms McNally

**Determination of the Modification to the Kirrawee Brick Pit Concept Approval
(MP 10_0076 MOD 5)**

Thank you for your Department of Planning and Environment's letter received 4 October 2017 referring the above modification request to the Planning Assessment Commission for determination under Ministerial delegation of 14 September 2011. Lynelle Briggs AO, Chair of the Commission, nominated Ms Abigail Goldberg, Prof. Zada Lipman and Mr Peter Cochrane to constitute the Commission to determine the modification.

Sutherland & Associates Planning Pty Ltd on behalf of South Village Pty Ltd seeks to amend Term of Approval A4A to modify the approved apartment mix which would increase the number of apartment from 749 to 808. The proposal involves converting 59 three-bedroom apartments into 118 one-bedroom apartments. The project does not modify the Gross Floor Area (GFA), approved building envelope or building design, and no additional parking spaces are proposed.

The Commission considered carefully the Department's assessment report, information provided by the proponent, objections from Sutherland Shire Council, the issues raised in public and agency submissions, and the matters of consideration under section 75W of the *Environmental Planning and Assessment Act 1979*.

As part of the Commission's assessment of the modification, the Commission also met with the Department, the proponent and Sutherland Shire Council. Notes of these meetings are attached in **Appendix 1**.

The Commission notes Council's objections to the modification included:

- concern about the traffic generation rates, including that the average rate used for residential development may not be representative of the location;
- that there would be an increase in traffic and consequent impact on local intersections; and
- that an increase in unit numbers would lead to a shortfall of car parking spaces.

The Commission has reviewed the Department's assessment, noting that the key issue for consideration was traffic generation, including impact on the key intersection of President Avenue and Oak Road, and that additional traffic associated with the modification application has been forecast to be negligible.

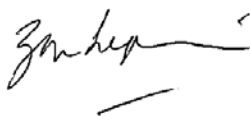
The Commission is satisfied with the Department's conclusion that the proposed modification is appropriate on the basis that:

- traffic generation under the proposal will not be greater than originally envisaged under the Concept Approval, and will not materially impact on the local road network;
- the retained 1,023 residential parking spaces are within the maximum parking rates for this development, as well as being consistent with the Concept Approval and exceeding the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- the development contributes to the supply of housing and provision of facilities within walking distance of Kirrawee train station;
- conditions of consent already require the proponent to undertake significant road improvement works to mitigate impacts on the local network and work on these improvements has substantially commenced.

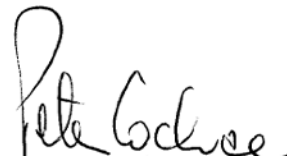
Consequently, the Commission has determined to grant consent to the modification request subject to the Department's recommended modifying conditions.



Abigail Goldberg
Member of the Commission (Chair)



Prof Zada Lipman
Member of the Commission



Peter Cochrane
Member of the Commission

cc. The Hon. Anthony Roberts, MP
Minister for Planning
GPO Box 5341
SYDNEY NSW 2001

APPENDIX 1
RECORDS OF COMMISSION MEETINGS FOR THE DETERMINATION PROCESS

Notes of briefing from the Department of Planning and Environment

This meeting is part of the determination process.	
Date: Monday 16 October 2017	Time: 11:00am
Project: Kirrawee Brick Pit Concept Approval MOD 5 (MP 10_0076)	
Meeting place: Commission Office	
<p>Attendees:</p> <p>Commission Members: Abigail Goldberg (Chair); Prof. Zada Lipman and Peter Cochrane</p> <p>Commission Secretariat: David Koppers (Team Leader) and Jorge Van Den Brande (Planning Officer)</p> <p>Department of Planning and Environment:</p> <p>Anthony Witherdin - Director Modifications Assessments</p> <p>Emma Butcher - Planning Officer</p>	
The purpose of the meeting was for the Department to brief the Commission regarding their assessment report.	
<p>The Department briefed the Commission on the following matters:</p> <ul style="list-style-type: none"> • The modification seeks to increase the quantum of dwellings by changing the unit mix; • The project meets the maximum parking space requirement; • The modification is forecast to cause negligible traffic impacts on the road network; and • The original Concept Approval applied RMS traffic guidelines dated 2002. However, the RMS guidelines have since been updated and the proponent has applied the updated guidelines in subsequent modifications appropriately. 	
Documents tabled at meeting: none	
Meeting closed at: 11:30 am	

Notes of Meeting with Sutherland Shire Council

This meeting is part of the determination process.	
Date: Monday 16 October 2017	Time: 11:30 am
Project: Kirrawee Brick Pit Concept Approval MOD 5 (MP 10_0076)	
Meeting place: Commission Office	
Attendees: Commission Members: Abigail Goldberg (Chair); Prof. Zada Lipman and Peter Cochrane Commission Secretariat: David Koppers (Team Leader) and Jorge Van Den Brande (Planning Officer) Sutherland Shire Council: Mark Adamson - Manager Major Development Assessment Luke Murtas - Team Leader - Development Assessment Bruce Powe - Senior Traffic Engineer Daniel Lukic - Major Projects Environmental Assessment Planner	
The purpose of the meeting was for Council to provide their comments to the Commission on the Department's assessment report and on the proposal.	
The following matters were discussed: Cumulative traffic impact <ul style="list-style-type: none">• Traffic generation rates used by the proponent for this modification are not representative of the development's location;• Traffic was not appropriately identified in the original application;• Proponent should not use traffic rates from the East Village Development in Zetland as demographics and zones are different;• Council undertook a revision of its traffic model, using rates from the original Concept Approval, and showed that the modification would increase traffic generation, adding to the cumulative traffic impacts on the road network;• The intersection of President Avenue and Oak Road is considered to be particularly under pressure;• The project will add to cumulative traffic impacts on the network, affecting residents and limiting capacity for other new developments;• The car parking rates for this modification are inconsistent with the original Concept Approval and there is a consequent shortfall of 36 parking spaces; and• RMS traffic generation rates guidelines do not appropriately represent the project area's local conditions.	
Documents tabled: none	
Meeting closed at: 12:00 pm	

Notes from Meeting with the proponent

This meeting is part of the determination process.	
Date: Monday 16 October 2017	Time: 12:00 pm
Project: Kirrawee Brick Pit Concept Approval MOD 5 (MP 10_0076)	
Meeting place: Commission Office	
Attendees: Commission Members: Abigail Goldberg (Chair); Prof. Zada Lipman and Peter Cochrane Commission Secretariat: David Koppers (Team Leader) and Jorge Van Den Brande (Planning Officer) The proponent: Aaron Sutherland - Sutherland & Associates (Planning Consultant) Piran Trethewey - Ason Group (Traffic Consultant) Chris Ryan - Payce (Developer) Dominic Sullivan - Payce (Developer) John Vamvakaris - Deicorp (Developer).	
The purpose of the meeting was for the proponent to brief the Commission on their modification application and to provide comments on the Department's assessment report.	
The proponent addressed the Commission on the following matters: <ul style="list-style-type: none">• There are no changes to the GFA or number of parking spaces;• RMS rates for traffic generation and parking provision are appropriately applied;• Traffic increase will be negligible overall;• The traffic impact on the intersection of President and Oak Avenue has been examined and found to be insignificant;• Parking spaces to be provided exceed requirements; and• Work has commenced on improvements to local roads and intersections as required by the Concept Approval. There is negligible impact on any other intersections.	
Documents tabled at meeting: none	
Meeting closed at: 12.30 pm	