



File Ref: DN18/0003

23 February 2018

Emma Butcher
Department of Planning & Environment
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SYDNEY NSW 2001

Email: Emma.Butcher@planning.nsw.gov.au

Dear Ms Butcher

Development Referral No. DN18/0003

Proposal: Section 75W Modification (MOD 6) to Concept Plan for Kirrawee Brick Pit (MP10_0076) - amend Condition 14 to clarify that future non-residential uses are not to be constrained by the non-residential car parking provision

Property: 580 Princes Highway, Kirrawee

Thank you for the opportunity to make a submission regarding the Section 75W modification referred above.

The approval of the Concept Plan by the Planning Assessment Commission in August 2012, and the subsequent approval of the detailed development application by the Joint Regional Planning Panel in December 2017 were more than 5 years apart. Out of due respect for those authorities, Council assumes that their decisions were well considered and properly made. It may be that contextual changes, like the gazettal of a new local environmental plan in June 2015 that increased development potential in Kirrawee, were relevant factors in the JRPP's determination in regard to parking.

Regardless, council does not raise any objection to the proposed amendments to Condition 14 of the Concept Approval in terms of clarifying the maximum vs minimum aspect.

The condition does not, however, account for a range of other land use activities permitted with consent, as these were not proposed or perhaps envisaged back at that time. Permissible land uses such as child care centres, entertainment facilities, function centres, and recreation facilities, create a higher demand for car parking and higher traffic generation than was taken into consideration during the assessment of the Concept Plan and subsequent applications.

It is likely that these land uses would create a higher demand for parking than could be absorbed within the allocated 541 non-residential parking spaces.

For example, Council recently received, but did not support a development application for a child care centre which took up the whole ground floor of one building. At the time of the assessment, issues were raised with additional parking demand and traffic movements.

The proposed modifications to the condition that seek to bind the future assessment of development applications by prohibiting the consideration of parking demand, particularly for uses that are not covered in condition 14, are inconsistent with the obligations of a consent authority under s.79C.

For example, if an application for a function centre is received, the condition essentially says that parking generation and the impact of it cannot form part of the assessment of the application – yet the impact of such a use was not assessed at concept plan stage and is not addressed in condition 14.

Perhaps the condition ought to be modified so that uses outside those listed in it are considered on their merit at the time of application with regard to parking.

It is noted that the intention of the condition is to 'encourage other forms of transport' to cater for parking shortfalls. Council is of the opinion that the applicant cannot default to 'other forms of transport' as a means to justify variations to Council's Development Control Plan parking rates. A more likely outcome of under-provision of parking in a suburban area is pressure being increased on the limited supply of on-street parking in the adjacent residential and employment areas, which would be inequitable.

It is imperative that the applicant submit documentation to satisfy Condition 14(b) so that allocation and use of parking can be monitored over time.

If you need further clarification of the above comments, please contact Daniel Lukic, Development Assessment Officer on 9710 0668 or email dlukic@ssc.nsw.gov.au and quote the application number in the subject.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P. Barber', with a stylized flourish at the end.

Peter Barber
Director Shire Planning