



Evan Phillips - 9710 0569
File Ref: DN19/0016

19 June 2019



Department Of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Att: Emma Butcher - Planning Officer, Regional Assessments

Dear Ms Butcher

No: DN19/0016

Property: 580 Princes Highway KIRRAWEE NSW 2232

Proposal: Section 75W Modification (MOD 10) to Concept Plan for Kirrawee Brick Pit (MP10_0076) - Install louvres and glass to part of the southern end of the shopping centre, which would increase the GFA by 104m²

Thank you for the opportunity to make a submission regarding the Section 75W modification application. Council raises the following matters for the Department's consideration.

The proposal seeks approval to increase the Gross Floor Area (GFA) in the development by 104m² by enclosing the open southern end of the shopping centre. A separate modification application has been lodged with Council detailing the installation of the louvres and glass to the southern elevation, which is ultimately dependent on the outcome of this subject 75W application.

The applicant's calculation of proposed additional GFA is questionable, along with the actual 'as-built' commercial GFA within the development as a whole. The additional calculable GFA appears to be significantly larger than 104 m². The enclosure of the southern façade effectively makes the entire horizontal circulation space enclosed and therefore calculable as GFA. Openings in the roof originally approved have not been built and proportionally there is very little of this space that is not enclosed.

Detailed plans should be prepared for the entire development to clarify the actual amount of commercial GFA built so that the cumulative change, and consequential impacts, can be assessed against the original concept approval.

From observing the 'as built' form, it is acknowledged that the internal environment would be improved with some form of additional weather protection, particularly the area immediately adjacent to the southern façade / Flora Street. Notwithstanding this, Council has consistently raised concern that the overall land use has been

continuously intensified through each modification approved, and the current proposed modification has potential to result in the same outcome.

The plans submitted by the applicant to the Department for consideration in the original Concept Plan proposal showed the area in question as open horizontal circulation space with openings at the ends and openings to the sky. It was not assessed as enclosed or included as GFA or lettable floor space. There was no parking provided to support commercial use of this space and no traffic generation attributed to it.

Whilst the applicant indicates in the supporting Statement that there would be '*no increase in retail/commercial floor space/lettable area*', there is nothing that would prevent this occurring in future once the area is essentially fully enclosed, suitable for commercial use, and meets the definition of gross floor area. Council's concern is that additional active commercial space will increase traffic generation and parking demand beyond that anticipated in the original approval.

Since construction and occupation of the commercial floor space component, there has been a number of 'kiosk' spaces (amounting to an additional 125m² of leasable commercial floor space) and outdoor dining areas (amounting to 585m²) approved within the horizontal circulation space. Whilst not technically GFA, these additional uses do comprise lettable floor area resulting in an intensification of the total use not envisaged under the Concept Approval.

Additional external impacts or strain on the surrounding road network with increases in patronage and vehicles trips (particularly at peak AM and PM times) is not supported. There is a significant amount of development potential already zoned into this locality and very limited spare capacity in the surrounding road network. It would be inequitable to allow this development to consume a further amount of this capacity, as the end result may negatively impact on uses on nearby sites.

While Council supports the provision of improved amenity in the shopping centre, it does not support provision of additional enclosed space that could facilitate lettable area due to the potential for intensification of commercial activity beyond that which the site was approved to accommodate. The way to achieve this would be to make clear by way of a coloured plan incorporated into a condition of consent that clearly delineates which areas are available to be leased for retail/commercial activity and which areas are to be kept for circulation and ancillary uses such as seating.

If you need any clarification of the above comments, please contact Council's Development Assessment Officer Evan Phillips on 9710 0569 or email ephillips@ssc.nsw.gov.au and quote the application number in the subject.

Yours faithfully

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

Peter Barber
Director – Shire Planning