

**Major Project 10\_0076  
'Kirrawee Brick Pit' Concept Plan  
566 – 594 Princes Highway, Kirrawee**

**Response to Submissions &  
Preferred Project Report**

**November 2011**

## CERTIFICATION

This Preferred Project Report (PPR) has been prepared by City Plan Strategy & Development and relates to a Concept Plan Application to construct a mixed used development, park and associated facilities on land at the former Kirrawee Brick Pit at **566-594 Princes Highway, Kirrawee** (Lot 1 DP 179075, Lot 1 DP 589977 and Sec 2 Lot 5 588977).

The Preferred Project Application includes specialist reports by consultants appointed by Henroth Investments Pty Ltd (the proponent).

City Plan Strategy and Development Pty Ltd, in preparing the Environmental Assessment and the Preferred Project Report, has relied on information from the respective specialist consultants engaged by the proponent and does not accept responsibility for any errors or omissions in the material prepared and provided by the specialist consultants. Each of the specialist consultants was issued with the key issues raised by Department of Planning and Infrastructure (D&PI) and, where relevant, has prepared amended or supplementary reports in response to these issues.

This Preferred Project Report has been prepared in accordance with **Section 75H(6)(b)** of the Environmental Planning and Assessment Act, 1979. The proponent requests that the Minister determine the proposal under **Section 750** of the Environmental Planning and Assessment Act, 1979 (as applicable to this application).

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**Date: 3 November 2011**

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**Date: 4 November 2011**

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3	Revised architectural drawings	Woodhead Architects
4	Revised Urban Design Report	GMU
5	Revised Traffic Management & Accessibility Plan	Halcrow
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8	Independent Certification: Overshadowing and Cross Ventilation	Steve King Consultant Architect
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## 1 INTRODUCTION & EXECUTIVE SUMMARY

The Environmental Assessment ("EA") prepared in support of Major Project Application MP 10\_0076 was lodged with the Department of Planning and Infrastructure ("the Department/D&PI") on 13 December 2010.

The application by Henroth Investments Pty Ltd is for the approval of a Concept Plan to construct a mixed use development comprising residential, retail and commercial uses. The proposal also involves basement car parking, landscaping, services and the provision of a major new 0.9 hectare public park. The original application also involved a commuter car park.

The Environmental Assessment was publicly exhibited from 15 December 2010 and 11 February 2011.

This report responds to the Department's letter of advice dated 14 April 2011 in relation to the outcome of its review of submissions, and presents the '*Preferred Project*' for which approval is sought, in accordance with **Section 75H(6)** of the Environmental Planning and Assessment Act 1979 ("*The Act*"). The report has been prepared by City Plan Strategy & Development with strategic input and advice from the consultant project team.

Specifically, this PPR includes the following:-

1. Responses to submissions received pursuant to **Section 75H(6)** of the Act;
2. Responses to the key assessment issues identified by the Department;
3. Revisions to the Concept Plan;
4. Additional information required by the Department to complete its assessment;
5. A Preferred Project Report describing proposed amendments to the proposal in response to the above issues; and
6. An amended Statement of Commitments.

This report should be read in conjunction with the Environmental Assessment (EA) dated December 2010 and which forms part of the Concept Plan.

## 2 SUBMISSIONS

In total, 185 submissions were received in response to the exhibition of the Concept Plan as follows:

State authorities and agencies:	4
Sutherland Council:	1
Non Governmental:	4
Residents:	176 (62 in support, 106 objections)

Comprehensive responses to all of the various issues raised in the submissions are provided in **Appendix 2**.

In the letter dated 14<sup>th</sup> April 2011, the Department of Planning requested that Henroth Investments address a number of key issues arising from the submissions and the Department's assessment as follows:

- Retail Floor Area Analysis;
- Urban Design;
- Traffic;
- Car Parking and Servicing;
- Voluntary Planning Agreement (VPA);
- Environmental; and
- Ecological Sustainable Development.

The applicant's response to these key issues is detailed in **Section 3** of the PPR.

### 3 RESPONSE TO KEY ISSUES

For ease of reference, **Section 3** of this Preferred Project Report (PPR) follows the order; structure and content of the Department of Planning's letter dated 14 April 2011 outlining the key issues (refer **Appendix 1**).

A comprehensive response to the submissions made by the relevant Government Agencies, members of the public and other consultancies can be found at **Appendix 2**.

The Department's letter identifies the following key issues arising from the submissions and the Department's assessment as follows:-

#### 3.1 Retail Floor Area Analysis

##### Issue raised by D&PI:

*"The PPR shall provide a comprehensive response to the submissions received that specifically address the Retail Assessment prepared by Hill PDA. Given the level of concern raised by the Council and submissions, the Department has commissioned an independent review of the Retail Assessment that formed part of the EA. Once completed, the review will be forwarded to you and should be carefully considered as part of the PPR"*

##### Response

Taking the Peer Review undertaken by Leyshon Consulting firstly, we note that the Review generally agrees with the conclusions reached by Hill PDA in its original Retail Assessment with respect to the economic need and impact of the proposal, and in particular that the suburbs surrounding Kirrawee are currently under-supplied with retail floorspace and specific to supermarket floorspace by almost exactly the amount proposed by this application.

In particular, Hill PDA notes that the Review concludes that the impacts of the proposal do not warrant the refusal of the application and that no evidence was provided by any of the objections to the retail impact of the proposal that suggests a contrary opinion.

In addition, we note that the Review suggests that where legitimate retail needs can be identified, they should be accommodated within existing centres, and in locations that are well serviced by existing public transport services. To this end, the Review points out that the subject site is well serviced by public transport and is located "immediately adjacent" to the centre, concluding that:

*"we consider the economic impact of the project is acceptable and that it will increase competition and choice for residents of Kirrawee and immediately adjacent suburbs.....we do not consider the proposed retail component should be 'scaled down' given our view on the acceptability of its likely impact"*

Whilst the conclusions of the Peer Review are generally favourable of the scheme, Hill PDA has prepared a response to the Review and this is attached at **Appendix 15**. This response simply seeks to address a number of the comments raised in relation to trade areas, the

impact assessment methodology and the impacts of the proposal on Sutherland. Refer to **Appendix 15** for further information.

Turning to the consultant submissions, Hill PDA has prepared a response that specifically relates to its original Retail Assessment (refer **Appendix 14**), as well as a supplementary response to the independent review of the HillPDA Retail Assessment commissioned by the DOPI (“Peer Review”) undertaken by Leyshon Consulting (refer **Appendix 15**).

In response to the submissions,, it is noted that Hill PDA believes that the issues raised do not necessitate an amendment to the reports as submitted with the original application. Indeed, Hill PDA considers that none of the submissions made were able to challenge the core assumptions upon which its original findings were made.

Whilst Hill PDA’s detailed response to each of the submissions is provided at **Appendix 14**, we would note the following conclusions reached in response to the issues raised:

- Hill PDA considers that Kirrawee will remain as a “Village” as defined in the Metropolitan Plan and Draft Sub-Regional Plan should the proposal be approved. To this end, Hill PDA note that, whilst both strategies should be used as guides only, once completed, the total retail area of the Kirrawee centre as a whole will still remain smaller than a number of other village centres;
- Hill PDA disputes that the proposal will undermine the vitality of the existing Kirrawee shopping centre. In particular, Hill PDA notes that Kirrawee is currently one of the poorest performing centres in the Sutherland LGA and in particular lacks parking and an anchor tenant. The subject proposal will enhance the role of the existing village centre, improve the retail offer and bring additional shoppers into the centre. It will not create a new centre with the proposal located on a pedestrian friendly road which will allow easy access on foot from the site to the existing shops and station. In addition, the ‘dumbbell’ effect of the existing station coupled with the proposed development will result in considerable foot traffic past the existing Oak Road retail strip;
- Several of the retail based objections relate to the assessment of Sutherland in terms of availability and feasibility for additional development as ‘poor’. In response to this, Hill PDA’s methodology and assumptions for assessing Sutherland were based on the current situation within the centre, which includes a lack of suitable sites in Sutherland, with the exception of the Council owned Flora Street car park, as mentioned in the Centres Study and the Mitre 10 site. This makes securing additional feasible development schemes problematic. In addition, the existing retailers in Sutherland are in small fragmented ownerships with no real opportunity to expand;
- The Brick Pit site comprises one of only a limited number of opportunities (the Council owned Flora Street car park and Mitre 10 site in Sutherland being amongst the others) to make a substantial contribution to meeting the targets of the metropolitan and the sub-regional strategies and of meeting the growing retail needs of the residents and workforce of Sutherland Shire.

Refer to the Hill PDA response at **Appendix 14** for further information.

**Issue raised by D&PI:**

*"In addition, the PPR shall also provide additional information on the intended retail/commercial split and the impact of the proposal upon the type of employment opportunities within the Sutherland Shire. The information should justify why the proposed split does not accord with the guidelines outlined within the Kirrawee Local Area Masterplan"*

**Response**

The amended retail/commercial floorspace split is provided in **Table 5** of the PPR. We note that the LAM refers to a 'split' of floor space between "employment" and "residential" and not a "retail/commercial split." In very broad terms the proposed employment/residential split or ratio in the LAM (and DCP) is roughly 1 to 3. On the basis that retail is legitimately and positively "employment" space, the employment/residential split in the proposed concept remains roughly 1 to 3. The main difference between the LAM and the proposal is therefore the quantum of floor space involved, which is justified below.

In terms of the impact of the proposal on the type of employment opportunities within the Sutherland Shire, Hill PDA has prepared a response at **Appendix 15** (page 2). Specifically, this refers back to Report B of the original Hill PDA – 'Part of the Solution' Report submitted with the EA (refer Appendix 11 of the EA). Within this report, Chapter 3 assesses the demand for commercial office space in Kirrawee, concluding that it is "*poor in this location*". In particular, it notes that market rents are too low to enable a reasonable return on investment whereas retail space is in strong demand (due to the present undersupply), is far less risky and provides a much stronger return on investment.

In addition, retailing is one of the highest forms of employment generating development, significantly more than typical business park and light industrial uses.

Indeed, and by way of an employment comparison, Pitney Bowes noted that, as part of research undertaken for the previous development proposal for the site, commercial floorspace will normally accommodate one employment position for approximately every 15 sq.m of leasable floorspace, while retail floorspace will typically generate 4 – 6 employment positions (comprising full-time, part-time and casual) for every 100 sq.m of floorspace.

In comparison, for industrial uses, this is usually less than 1 full-time equivalent position per 100 sq.m of floorspace. Indeed, for much industrial floorspace it can be as low as 1 FTE position per 300 sq.m floorspace, or around 30 jobs per hectare.

This is backed up by Hill PDA which, at Table 6 within Part B of 'A Centres Study for Sutherland Shire' (Appendix 11 of the EA), notes that employment yields for retail uses are comparable to office uses.

Table 6 - Former Brick Pit Site Development Potential and Employment Yield						
Potential Use	Floorspace GLA/Sqm	Employment Yield / Sqm	Direct Jobs	Multiplier***	Indirect Jobs	Total
Supermarket*	5,270	21.3	247	0.95	235	483
Other Retail*	7,150	30	238	0.95	226	466
Offices*	840	30	28	0.95	27	56
Residential	44,551					
<b>Total</b>	<b>57,811</b>		<b>514</b>		<b>488</b>	<b>1,002</b>

\* Source: ABS Retail Survey 1998-99  
 \*\*The ground floor area of the commercial buildings fronting Princes Highway may be used for showroom space.  
 Source: Australian National Accounts: Input and Output Tables 96-97; \*Pitney Bowes Map Info

**Figure 1: Table 6 from Hill PDA 'A Centres Study for Sutherland Shire'**

Furthermore, and as Hill PDA also note, for development to work on the site, the use mix needs to be attractive which in this location means a suitable anchor such as a supermarket. Development is not feasible under “the DCP complying” scheme resulting in negative profit. Indeed, Council’s own Land Area Masterplan (LAM) notes the problem on Page 45 where it recognises that:

- “Securing finance for speculative commercial buildings is difficult;
- Suburban locations generally need to attract a major government tenant;
- Kirrawee is “too low” to attract a major tenant with Sutherland and Miranda being preferred locations;
- The area is “too low” to attract high tech research and development businesses;
- Even other better or more prestigious locations (such as Green Square) have difficulty attracting such tenants.”

Turning to the Kirrawee Local Area Masterplan (LAM), this document was adopted by Sutherland Council in 2003. It is therefore of some vintage and indeed this was noted by Sutherland Council which, as part of the consultation phase undertaken prior to the submission of the EA, confirmed Council’s preparedness to consider alternative physical forms that embody improved urban design outcomes (refer Section 6.16 of the EA).

The LAM provides for 10,470 sq.m of employment floor area and 27,320 sq.m of residential floor area on the site, controls which were given statutory expression within Council’s current planning controls, the Sutherland LEP 2006 and Sutherland DCP 2006 (DCP). Although urban design guidelines for the Project Site are provided within the current DCP, Amendment 4, it is again noted that this DCP is based on an urban design model that was prepared between 2001 and 2003 and which Council staff accept warrants review.

Furthermore, and as detailed within the EA, at the time of the formulation of the LAM, population and jobs targets were not at their current levels and concepts of transit oriented development were not as clearly recognised by the NSW government in its formal policy settings. The current local planning controls were therefore premised on the earlier planning context and the “block form” urban design principles in vogue at that time.

It is considered that the proposed scheme provides a more economically sustainable and improved urban design and built form outcome than the guidelines as proposed within the LAM and DCP. Indeed, Hill PDA, when assessing the economic viability of the original proposal concluded that in relation to a 'DCP compliant scheme' that:

*"The DCP compliant scheme provides a very poor return with a Development Margin of negative 8% and an internal rate of return of only 1.5% compared to 20% under the preferred scheme. Under this option it is evident that it would not be viable to develop the site even if the opportunity cost of the land was valued at zero. The resultant margin of 7.5% is still well below an acceptable level given the risks involved."*

Whilst economic return to a developer is not necessarily a planning consideration, in terms of the object of the Environmental Planning and Assessment Act to promote the "orderly and economic use and development of land" it is important to confirm that planning controls are not so restrictive as to inhibit the economic use of land.

The proposal presents an innovative solution to the economic use of the land and relies on utilising the existing brick pit 'hole' for productive floor space, thus reducing the need for introduced fill and concealing much of the bulk of the proposal below ground in the hole.

### 3.2 Urban Design

#### Issue raised by D&PI:

*"Given the scale of the proposal, the Department considered that a minimum of three independent architects should be engaged to design the 8 buildings. In particular, it is important that each tall central tower be designed by a different architect. Details should be included within the amended statement of commitments"*

#### Response

The Proponent is prepared to engage three separate architects to design each of the three central tower buildings (Block A, B and C) and as part of subsequent Project Application(s). This can be included within any approval as a condition of approval. As set out in the revised Urban Design Report, this approach will enable different architects to respond and interpret the overall design concept for the site whilst reflecting "diversity within an overall family of sculptural forms."

#### Issue raised by D&PI:

*"Concern is raised regarding the height of the proposed central towers, particularly Block A. Reducing the height of the proposed central towers should be considered within the PPR response. The PPR should also provide further justification of the proposed height of the central towers with regard to Council policy and the Metropolitan Plan for Sydney 2036".*

#### Response

In response to the D&PI's concerns in relation to the height of the proposed central towers, the overall height of Block A has been reduced by one (1) level to 14 levels and mid-rise

levels have been removed from the middle of Blocks A and B. This is detailed on the extract from the original and revised GUM Urban Design Reports provided at **Figure 6** in **Section 4** of the PPR.

Further, the upper floor footprints of Blocks A, B C have all been significantly reduced in width at their northern ends from 26m to 14m to present a more “slender” appearance to the Princes Highway and to articulate the top of each of the buildings. This will ensure that the proposed central towers continue as “place markers” for the site.

It is considered that these amendments, amounting to a significant reduction in residential gross floorspace of over 4,000 sq.m, will achieve a significant reduction in the perceived built form, height and mass of the central towers whilst improving the potential visual impacts on the surrounding area. Refer to **Section 4** of the PPR for further discussion on this issue.

Turning to the Metropolitan Plan for Sydney 2036, “*Sydney Towards 2036*”, this updates the Sydney Metropolitan Strategy, prepared in 2005.

Of relevance to the subject proposal, Sydney Towards 2036 reinforces a number of the findings and strategies as detailed in the 2005 Metro Strategy.

In relation to height, whilst it is noted that page 107 of the Strategy sets out that high rise buildings should be located within larger local and strategic centre, it is also clearly noted that:

*“A key action of this Plan is the aim to locate 80 per cent of all new housing within walking distance of centres of all sizes with good public transport”*

And that:

*“This approach must adjust over time as many centres will grow into a different type of larger centre...”*

As clearly articulated throughout the EA, the proposal is located within easy walking distance of Kirrawee train station and adjoining the Princess Highway with regular bus services to and from the city.

In addition, page 65 of the Strategy (repeated in Action B1.3) states that:

*“centres that will grow and change over time to provide additional housing, employment and services. The main criteria for determining these centres will be the current and proposed level of public transport capacity and access. Other criteria will include the economic feasibility of development, land ownership patterns and the availability of large, well-located sites for redevelopment and the proximity of social infrastructure”*

Action B3.2 goes on to state that when considering whether potential exists for urban renewal to occur in a centre, a number of characteristics may exist to provide renewal and growth opportunities for that centre. These include:

- *“existing or planned public transport capacity*
- *availability of large, well-located sites, potentially available for redevelopment over time (public or private ownership)*
- *land ownership and subdivision patterns and*
- *opportunities for consolidation*
- *scale of existing built form within and surrounding the centre and scope for future redevelopment*
- *economic feasibility of redevelopment*
- *availability of social infrastructure including public school capacity and public open space (existing or future opportunities)*
- *role and function of a centre within the centres network”*

As detailed in the EA, the site represents a 42,500 sq.m vacant and degraded site in single ownership. As such, the development of the site is seen as a significant opportunity for achieving the Government’s urban consolidation and employment generation aims due to its proximity to the train line and the Princes Highway, the proximity of retail, commercial and residential development in the locality as well as the size of the site.

In this context, unless there are specific environmental or contextual impacts that would preclude higher buildings, imposing an arbitrary height limit would lead to an underutilisation of such a strategically important site and a requirement to ‘find’ other equally suitable sites to accommodate the ‘lost’ potential of this site. As outlined elsewhere in this report, there are no unacceptable impacts associated with the proposed height of buildings which would warrant any further reduction. The Urban Design report (**Appendix 4**) provides further support for the proposed building heights.

#### **Issue raised by D&PI:**

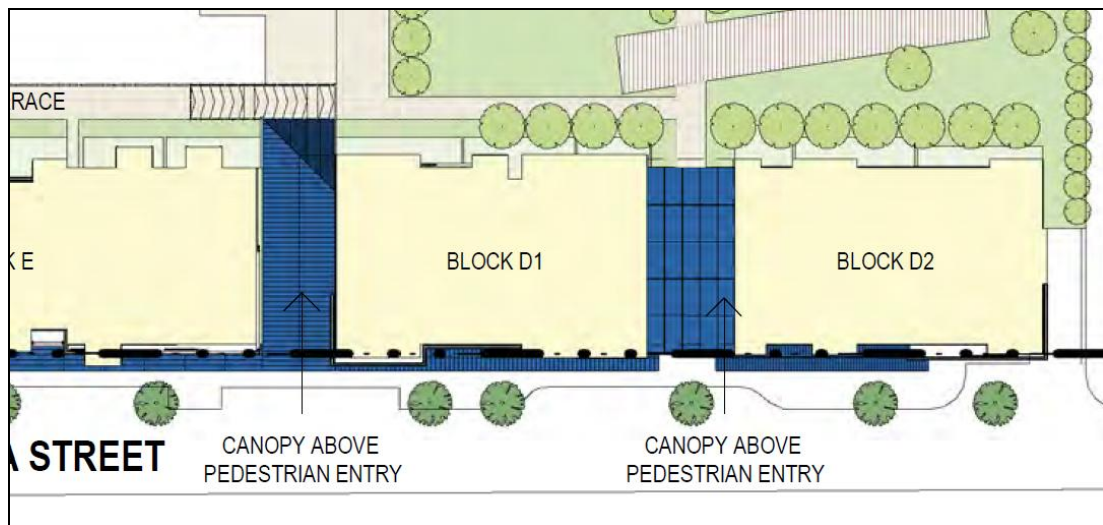
*“Concern is raised regarding the length of the proposed building envelopes fronting Flora Street. Consideration should be given to reducing/splitting the building envelopes to reduce the built form and provide greater articulation”*

#### **Response**

In responding to the D&PI’s concern in relation to the length of the proposed building envelopes fronting Flora Street, Block D, which presented the longest facade to Flora Street, has been divided into two (2) separate buildings, Block D1 and Block D2.

This change in length, along with further articulation to the buildings along Flora Street will ensure that the scale of the buildings along Flora Street relate better to the scale and grain on the opposite side of Flora Street.

Refer to the extract from Plan Ref: 0120 provided below and **Section 4** of the PPR for further discussion on this issue.



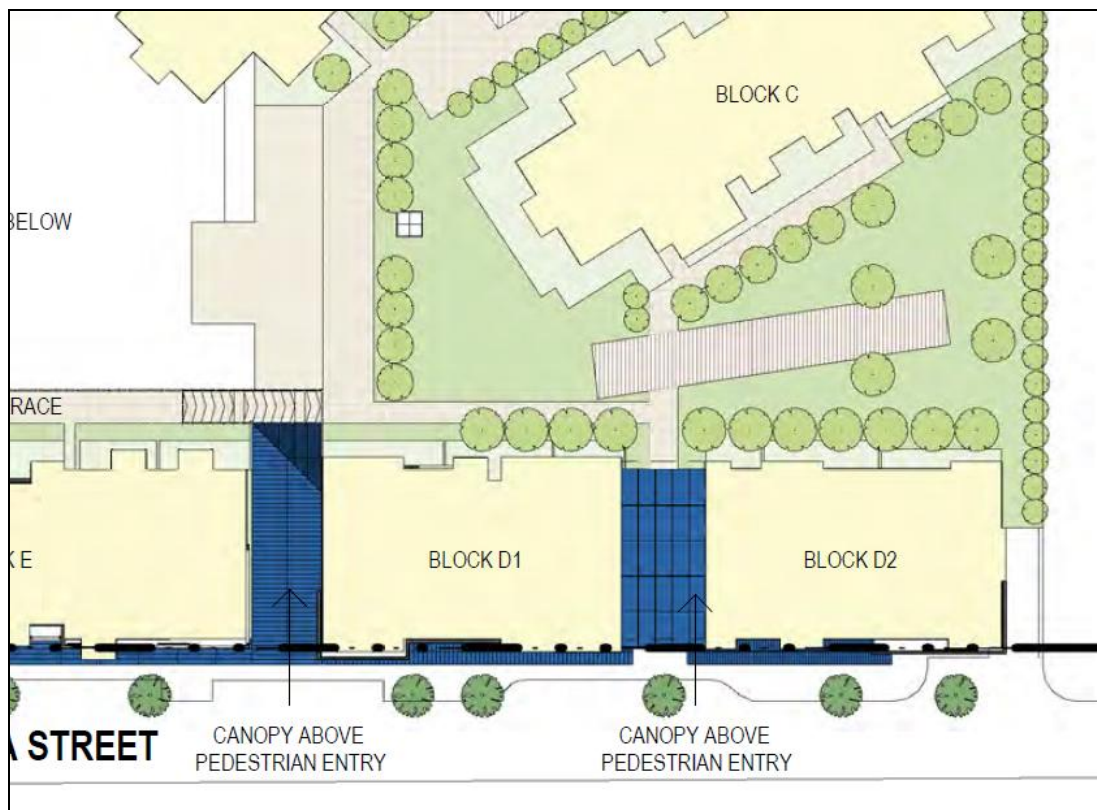
**Figure 2: Excerpt from Plan Ref: 0120 prepared by Woodhead Architects**

**Issue raised by D&PI:**

*“The location of the residential entry lobbies to towers B and C shall be clarified. Lobbies should be provided from local streets or the public plaza area and should be easily accessible and well defined”*

**Response**

With the splitting of Block D into two (2) buildings, the space between the two newly created buildings (D1 and D2), will be utilised as the street entry point to the residential private domain with direct access to the foyers for Blocks B and C. Refer to **Figure 2** below for further detail.



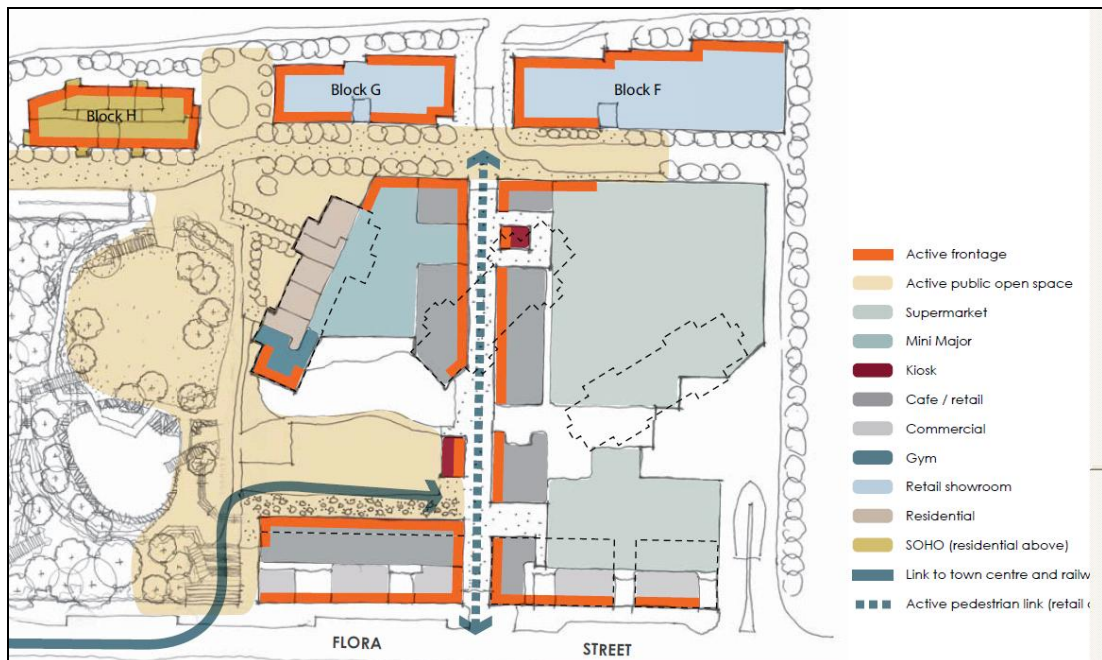
**Figure 3: Excerpt from Plan Ref: 0120 prepared by Woodhead Architects**

**Issue raised by D&PI:**

*"The proposal shall clearly demonstrate that all exterior elevations of the retail floor space have activated frontages"*

**Response**

As set out in Section 1.0 of the revised Urban Design Report, the ground level of the proposed public domain areas, the 'northern linking street' and the pedestrian link through the retail areas will all have active edges and frontages to the proposed retail uses. This will provide passive surveillance and activation during shopping hours. After hours, the retail units will shed light and provide an interface onto the public domain. These areas will be further overlooked by residential uses above ground level. Refer to the extract from the ground floor activation plan provided at page 58 of the revised Urban Design Report below:



**Figure 4: Excerpt from Amended Concept Plan – Ground Level Activation Strategy prepared by GMU**

**Issue raised by D&PI:**

*“Additional details of the treatment and finishes proposed for building elevations fronting Flora Street and the Princes Highway should be submitted for consideration”*

**Response**

Section 7.0 of the revised Urban Design Report provides a review of the amended proposal against various planning documents and strategies as well as the ten SEPP 65 principles. Principle 10 of SEPP 65 looks at aesthetics with the revised Urban Design Report providing character images of facades and the following commentary in relation to the treatment and finishes for the building envelopes:

*“The architecture of the central built forms would be derived from the following principles:*

- *Stepped tower forms graduating to slender towers for the highest levels*
- *Palettes of natural materials and finishes evoking the local and organic nature of the STIF*
- *Protruding balcony forms with significant planter areas.*
- *Slender roofscape forms at the tower apex.*
- *A definitive set of design principles would be developed as part of the brief requirements for each tower.*

*It is anticipated that this approach will provide an environment that highlights the unique qualities of the site and its history.....*

*.....on the basis that the Concept Design develops to achieve the intent of the design statement the proposal has the potential to satisfy this principle.”*

Refer to Section 7.0 of the revised Urban Design Report for further information.

**Issue raised by D&PI:**

*“The proposal shall demonstrate that the building envelopes fronting the Princes Highway are sufficiently setback to provide an adequate buffer from the Highway”*

**Response**

Whilst the final boundary line of the northern edge of the proposed buildings along the Princes Highway will be determined once the final design for the deceleration lane and the road dedication is finalised, the proposal will ensure a setback to the building line (excluding balconies and private open spaces) in the order of 10m. This will ensure adequate amenity and separation from the highway.

Whilst the proposal is for a Concept Plan, any future applications for the site will take into consideration the Department of Planning's "*Development Near Rail Corridors and Busy Roads - Interim Guideline*". In particular, the location and orientation of the internal layouts will be considered in the final acoustic design for these buildings.

This is likely to involve maximising the separation between the road noise sources and noise sensitive area(s). For example locating sleeping areas at the rear of the units away from the Princes Highway. The orientation of the units, with living rooms having a northerly aspect naturally assists this configuration. Similarly, the commercial podium/ground level of Buildings B and C provides a buffer to the residential levels, consistent with the principles in the Interim Guideline.

Please refer to the architectural drawings and to Chapter 6 of the revised Urban Design Report for further information.

**Issue raised by D&PI:**

*“Given the scale of the residential component of the proposal, the Concept Plan must demonstrate how individual residential buildings can achieve compliance with the SEPP 65, and particularly the Residential Flat Design Code guidelines. The Department requires further detailed information on the following:*

- *How proposed buildings C and D can comply with the solar access requirements at midwinter;*
- *That a minimum of 60% of apartments within each residential building are naturally cross ventilated;*
- *That the depth of the proposed building envelopes will support a high level of residential amenity for future occupants;*
- *That less than 10% of all units within each residential building are south facing; and*
- *Building separation between Buildings E and D is consistent with the RFDC requirements.”*

## Response

In responding to issues relating to the ability of the proposed residential buildings to achieve compliance with SEPP 65 and the Residential Flat Design Code, Steve King, Consulting Architect, was engaged to provide an independent expert evaluation of the shadow diagrams, overshadowing and cross ventilation analysis submitted in support of the application. This assessment is provided at **Appendix 8**.

Taking each of the issues raised by the D&PI, we comment as follows:

### ***How proposed buildings C and D can comply with the solar access requirements at midwinter.***

Section 5.1 of Steve King's assessment confirms that the solar modelling undertaken by Woodhead Architects can be relied on and is accurate "to a suitable degree compatible with the graphical information of the provided plans."

Table 1, Section 4.3.2 of Steve King's report summarises the projected solar access to each of the proposed residential buildings, noting that the RFDC requires that a minimum of 70% of apartments benefit from solar access for at least three hours between 9am and 3pm on June 21. This table is provided below:

<b>Table 1: Summary of solar access compliance</b>		
<b>Building</b>	<b>Minimum 3 hour period complying (see 4.1.3)</b>	<b>% Dwellings achieving &gt;3hours</b>
Block A	12-3	70%
Block B	11.30-2.30	75%
Block C	10.30-1.30	70%
Block D1	11.30-2.30	81%
Block D2	9-12	70%
Block E	10-1	77%
Block F	9-12	80%
Block G	9-12	76%
Block H	9-12	78%

**Table 1: Table 1 from Steve King Report**

As such, the report concludes that all the residential blocks can be designed to achieve compliance with the required solar access.

### ***That a minimum of 60% of apartments within each residential building are naturally cross ventilated***

In relation to cross ventilation, Section 5 of Steve King's report notes that:

*"Blocks F, G and H, being lowrise buildings accommodating a disproportionate number of smaller apartments, achieve between 54% and 57% conventional cross ventilation. It is self-evident that these proportions could be manipulated by amalgamation of the smaller apartments into a lesser number of larger apartments. In my considered opinion, such a strategy would be an inappropriate artifice."*

*On the other hand, I note that a significant number of upper level apartments which are conventionally classified as single aspect, would in reality enjoy significantly enhanced patterns of ventilation. Such enhanced single sided ventilation is likely due to a combination of accelerated wind velocities at the greater heights, and the detailed facade design — where significant facade ‘relief’ is associated with multi-room, shallow plans. Such apartments would in reality achieve natural ventilation patterns comparable to the cross ventilation achieved by deep crossover, or deep through apartments.”*

And concludes;

*“The apartment mix proposed for the overall site can be provided with a minimum of 60% of the apartments achieving full cross ventilation.”*

***That the depth of the proposed building envelopes will support a high level of residential amenity for future occupants***

As detailed above, amendments to the overall bulk and scale of the central taller blocks have resulted in a reduction in the overall depth of the residential units to an average of 14m. This, in combination with dual aspect, corner units as well as the overall orientation of the buildings, will ensure high amenity and adequate solar access and natural ventilation for all units.

In addition, we are advised by Woodhead Architects that the proposed single aspect apartments will be a maximum of 8 metres deep with all cross-through apartments a maximum of 16 metres deep and 4.2 metres wide. This is in accordance with the RFDC/SEPP 65 principles. Refer to the letter prepared by Woodhead Architects at **Appendix 10** and Section 7.0 of the revised Urban Design Report at **Appendix 4** for further information.

***That less than 10% of all units within each residential building are south facing***

As detailed in the Residential Area Schedule at **Appendix 18**, Blocks A and B contain no south facing units, with the remaining blocks ranging between 7% and 9%.

Therefore, less than 10% of the proposed apartments will be south facing. Refer to the letter prepared by Woodhead Architects at **Appendix 10** for further information.

***Building separation between Buildings E and D is consistent with the RFDC requirements***

Woodhead Architects has advised that the building separation between blocks D1 and D2 will be 10.2 metres and between block D1 and E will be 10.3 metres. This separation will be between non habitable rooms as habitable rooms within both blocks would invariably face north and south.

Given that Blocks D1 and D2 are four levels above the podium and Block E is five levels above the podium, the separation distances fully comply with the RFDC/SEPP 65.

Refer to the letter prepared by Woodhead Architects at **Appendix 10** and Section 7 of the Revised Urban Design Report at **Appendix 4** for further information.

### 3.3 Traffic

#### Issue raised by D&PI:

*“Given the level of concern relating to traffic impacts associated with the development, further consideration of the intersection modelling and method of calculating traffic generation, site access, the layout of the basement car park and shared zones is required. The issues outlined within the RTA submission must be clearly addressed to ensure that the RTA are satisfied with the traffic flow and movement throughout the site and on the surrounding road network”*

#### Response

A revised TMAP (**Appendix 5**) has been prepared by Halcrow and reviewed by the RTA with whom positive detailed discussions are ongoing. The revised TMAP takes into account the reduction in residential floor space proposed and fully addresses the issues raised by the D&PI and RTA with further analysis undertaken and reported separately in Section 3 of Part 1 of the updated TMAP.

As requested by the RTA, the revised TMAP includes:

- Incorporation of RTA supported traffic generation rates;
- Assessment of redistributed traffic effects of the RTA’s Stage 1 and Stage 2 road improvement schemes;
- Assessment of the effects of the additional traffic on the Princes Highway with these improvements in place using the RTA’s SCATES traffic model as requested;
- Investigation of traffic effects in the area north of the Princes Highway; and
- Confinement of all service vehicle access to the proposed Flora Street site access.

Halcrow’s investigations found that the local road system would be able to satisfactorily accommodate the extra development subject to implementation of the RTA’s Stage 1 and Stage 2 works.

Section 3 of the revised TMAP prepared by Halcrow specifically addresses the RTA’s issues as set out in its letter dated 28 February 2011. In particular, the revised TMAP looks at issues relating to traffic generation, site access, development staging, and intersection modelling.

Taking each of these issues in turn, we would note the following:

#### 3.3.1 Traffic Generation and Princes Highway Improvements

Since the application was lodged, traffic generation and trip rates, have been agreed with the RTA.

As a result of the revised and agreed trip rates, the revised traffic generation for the proposal are now forecast to be:

- 1,117 vehicles per hour during the Thursday evening peak period, and
- 1,213 vehicles per hour during the Saturday midday peak period.

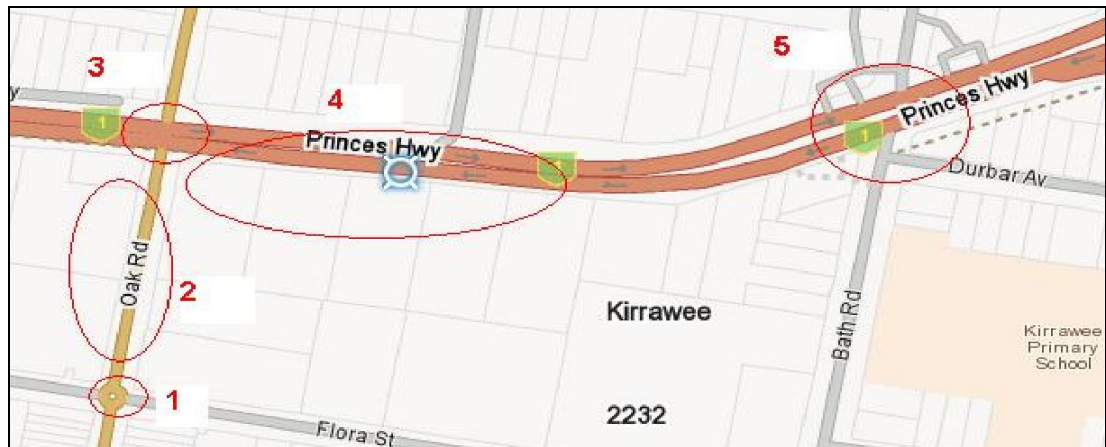
In terms of the improvements necessary to upgrade the existing road network and that are considered necessary to offset the impact of the forecast development traffic on the local road network, Henroth has agreed to implement the RTA's 'Stage 1 and Stage 2 Works', comprising of those works that were considered necessary to offset the impact of the forecast development traffic on the local road network as part of the 2009 Court Case. These works are detailed in the RTA's letter dated 29 June 2009 (Appendix C of the revised TMAP) and are referenced below and also on **Figure 5**:

#### Stage 1 works

- New traffic signals at the intersection of Oak Road and Flora Streets (1);
- Three northbound lanes on Oak Road on the southern leg of the intersection with each lane a minimum of 90 metres in length (2);
- An 80 metre long left turn slip lane on the westbound carriageway of Princes Highway into Oak Road (4);
- One southbound lane on Oak Road on the southern leg of the intersection (2); and
- A raised 900mm wide central concrete median island on Oak Road in front of the proposed left in/left out driveway with the median extending from the stop line at the Princes Highway intersection to an appropriate point to the south of the proposed driveway (2).

#### Stage 2 works

- Left in/left out only for Bath Road south approach, left turn out to be signalised (5);
- No movements across Princes Highway (i.e. no north-south traffic from Bath Road (5);
- Signalised left in/left & right out of Bath Road north approach with a double right turn lane (5);
- No right turns permitted from Princes Highway from either direction to Bath Road (5); and
- Oak Road North - Closure of Northern approach to Princes Highway (left in from Princes Highway only) (3),



**Figure 5: External Roadworks.**

### 3.3.2 Site Access

Further to the RTA's comments, a number of amendments to the Concept Plan have been made. These include the following changes:

- Amendment to the Flora Street access to make it a secondary access to the proposed development;
- The primary access driveway is now to be provided via the proposed deceleration lane on the Princes Highway;
- This access has been designed to allow an uninterrupted flow of traffic into the proposal site by relocating the basement level access ramp;
- Removal of the shared zone accessed from Oak Road (noting that this will remain as a 'shareway' with Council vehicles in and out of the park); and
- All service vehicle movements gain access via the Flora Street access and consequently, no heavy vehicles are to enter the site via the access off the Princes Highway.

### 3.3.3 Intersection Modeling

As requested by the RTA, the forecasted future traffic flows have been revised to account for the following:

- PPR scheme amendments;
- The reassignment of surveyed traffic flows as a result of the RTA's Stage 1 & 2 Road Works;
- The amended trip rate assumptions; and
- Pass-by trip diversions.

To model the revised flows, Halcrow has used both SIDRA and SCATES analysis, both of which indicate that the combination of the RTA's Stage 1 and Stage 2 works on the Princes

Highway would mitigate the effects of the additional traffic that would be generated by the proposed Brick Pit development.

### 3.3.4 Basement Car Park Layout

In relation to the basement car park layout, and as Halcrow point out in the original TMAP submitted with the EA, the application is for a Concept Application. As such, the architectural plans have been resolved to demonstrate that the proposed development can satisfactorily be accommodated on site. Accordingly, internal traffic and parking arrangements have been indicated to demonstrate feasibility only. Resolved designs will be prepared as part of subsequent Development Applications. In view of this, the internal layouts for car and bicycle parking and loading arrangements are not considered in detail as part of this application.

However, and notwithstanding this, Halcrow has advised that the intent of the application is that Australian Standards be adhered to when the subsequent Development Application(a) is prepared.

## 3.4 Car Parking and Servicing

### Issue raised by D&PI:

*“The Department considers the number of proposed residential car parking spaces to be excessive given the site’s excellent connectivity to public transport and services. One space per residential unit should be considered as a maximum rate with further consideration given to reducing this provision by the inclusion of car share and travel demand opportunities in line with Transport NSW comments. The retail and commercial parking requirement should be calculated using RTA rates and should include the replacement of those on-street parking space along Flora Street lost as part of the redevelopment of the site”*

### Response

Taking the residential parking element firstly, Section 2.2 of the revised TMAP (refer **Appendix 5**) addresses the residential parking proposed for the amended scheme, and in particular the D&PI’s suggestion that the provision of one space per dwelling should be considered.

In this regard, it is noted that the D&PI suggests that the parking provision should be reduced in line with Transport NSW’s recommendations.

However, it should be noted that Transport NSW’s (TNSW) submission related purely to the non-residential uses proposed on the site and did not comment on the residential parking allocation. Indeed, in relation to the non residential uses, TNSW recommended that Council’s DCP be used as a maximum for calculating car parking requirements.

In addition, it is noted that the RTA raised no objections to the residential, retail or commercial parking rates proposed.

Notwithstanding this, Halcrow has considered the implications of providing residential parking at one space per dwelling as requested by the D&PI, and in particular whether such a reduced provision would have any resultant impact on the number of trips generated by the residential element of the proposal.

In assessing this position, Halcrow notes that RTA guidance, confirmed by recent Halcrow surveys, do not advocate a relationship between parking provision in high density residential developments and traffic generation. Rather, it is the proximity of good public transport and good local facilities that best moderates traffic generation.

This conforms with the accepted view that parking restraint at trip origin (i.e. place of residence) does not discourage vehicle use as much as at trip destination.

Secondly, some owners, tenants and investors, who have demonstrated a willingness to use public transport, will not locate or invest in a transport friendly center if they do not have adequate car parking. This in turn can reduce the amenity, sale ability and attractiveness of a residential development because residents living in such areas still wish to own cars, even if they do not use them for their regular commute or to the same extent as other persons for social/recreation trips.

As such, it would be a pity if such persons with a low propensity for car use, were obliged to live in less transport friendly areas just because they wished to own a car.

Finally, it is noted that the RTA often defers judgment and advice on parking to the local Council. As such, it is important to note comments from Sutherland Shire Council in relation to the car parking proposed, and specifically that they consider the proposed parking to be an under provision. In particular, it is noted that Council's Traffic Consultant (McLaren Traffic Engineering) states that the on-site parking provision is, "*insufficient in terms of residential parking provision*".

Therefore, and as requested by the D&PI, residential parking provision of one space per dwelling has been fully considered. However, whilst the actual number of residential spaces proposed has been reduced, the residential parking rates applied to the original EA scheme have been maintained. These rates and the corresponding parking provisions are presented in **Table 2.1** of the revised TMAP (refer below) along with the Sutherland DCP rates and the corresponding parking provision if this standard was applied.

<b>Table 2.1 – Residential Parking Rates</b>					
Type	No.	Proposed		Sutherland DCP	
		Rate	Provision	Rate	Provision
1 x bed	59	1.00	59	1.00	59
2 x bed	277	1.25	346	1.50	416
3 x bed	96	1.50	144	2.00	192
Visitor Spaces	<i>for 432</i>	0.125	54	0.25	108
<b>Total</b>	<b>432</b>		<b>603</b>		<b>775</b>

**Table 2: Table 2.1 of the revised TMAP prepared by Halcrow**

As detailed in **Section 4** of the PPR, the revised scheme has reduced the number of residential units from 450 to 432. This has also resulted in a change to the mix of unit types. As a result of these changes, the proposed number of residential parking spaces has reduced from 650 spaces to 603 spaces. In addition, and as Table 2.1 above details, the proposal intends to provide significantly less residential parking than the DCP prescribes, due to the excellent connectivity of the site to public transport and services.

Indeed, Halcrow note that the amended proposal represents a 7% reduction on the original proposed provision of 650 residential spaces. This is compared to a strict application of the DCP rate which yields a Council code requirement for 775 residential spaces, 172 spaces more than the 603 spaces proposed.

In summary, the Director General EA requirements (DGRs) dated 24/08/2010 stated that the EA for the Brick Pit proposal would need to:

*“Demonstrate the provision of sufficient on-site car parking for the proposal having regard to local planning controls and RTA guidelines. (Note: the Department supports reduced car parking rates in areas well-served by public transport).”*

Halcrow consider that the proposed residential parking provision of 603 spaces provides a reasonable balance between the DCP requirement of 775 spaces requested by Council and the 432 spaces (one per unit) suggested by the DOP. In further justifying this position, it is noted that the proposed residential parking rates fully comply with the DGRs requirements in relation to parking by providing sufficient on-site parking for residents (based on census parking demand data) whilst achieving the objective of reduced parking rates for this area of Kirrawee, which is well served by public transport, in particular train services stopping at Kirrawee station.

Therefore, it is concluded that a provision of one space per dwelling:

- Would be opposed by Sutherland Council, which would have to deal with any subsequent issues that could arise from an under provision of residential parking;
- May not have the desired effect of reducing car use;
- Would have a severe impact on the viability of the scheme;

- Could potentially have a detrimental impact by discouraging people from residing in this location, which would be contradictory to current policies that seek to encourage population growth in areas that benefit from good access to public transport services.

In relation to the retail and commercial car parking requirement, the D&PI has requested that parking be provided at RTA rates and the existing parking displaced from Flora Street be provided on site.

Halcrow does not consider it fair or reasonable for the amended proposal to provide replacement car parking for all of the temporary rear to kerb parking that is currently provided in lieu of a footpath on Flora Street, as it is an overprovision relative to a normal saturation. Nonetheless, Henroth is willing to provide for the displaced on-street parking within the proposed basement car park for public use.

In terms of the office spaces, these will be allocated to tenants with the balance to be incorporated in the general public car park. To avoid long stay parking by commuters, this parking would be security controlled.

While obviously the secured car park is intended to primarily serve visitors to the site, by its very nature it would become a resource for the whole Kirrawee centre and would be used by persons cross shopping between the development and the rest of the centre.

As detailed in **Section 4** of the PPR, the proponent has reduced the car parking for the retail and commercial element of the proposal to RTA rates and will also be providing the replacement of the existing on-street parking space along Flora Street.

### 3.5 Voluntary Planning Agreement (VPA)

#### Issue raised by D&PI:

*"The Department raises concern with the proposed VPA, particularly with regard to the delivery and acceptance of the proposed public park and the commuter car park by Railcorp and Sutherland Shire Council. Given issues raised within submissions received by Council and Transport NSW, an alternative VPA or Section 94 contribution may be required."*

#### Response

As detailed in **Section 4** of the PPR, the previously proposed commuter car park has now been removed from the Concept Plan and no longer forms part of the subject application.

Turning to the proposed public park and the Voluntary Planning Agreement (VPA), the original application was supported by an offer to enter into a Voluntary Planning Agreement (VPA – provided at Attachment 24 of the EA) in which the proponent offered to fund and dedicate to Sutherland Shire Council a public park for the benefit of the local community. The park was to be provided within the south west of the site and on the part of the site zoned Zone 13 Public Open Space in the Sutherland Shire LEP 2006.

Whilst no detailed design of the park was proposed as part of the Concept Plan, a set of principles relating to the elements of the park to be included in any future detailed planning applications was included (Appendix 23). These principles were formulated in consultation with officers of Sutherland Shire Council during the preparation of the EA and included conservation initiatives which sought to ensure the retention and protection of the original STIF community and provision of a water body for threatened fauna species.

At the time of the lodgement of the EA, the principles were provided in draft form, since while it was thought that they largely reflected agreement reached with Sutherland Council officers, discussions were ongoing at the time of preparing this EA.

Following the submission of the application, and despite what was thought to be agreement with Council on these general principles, Council resolved to prepare a draft LEP, seeking to rezone the Public Open Space area to Mixed Uses. This was apparently due to concerns that Council had in relation to the suitability of the park as proposed in the EA.

Pursuant to the submission of the EA, the proponent has continued to meet with Council on a number of occasions to discuss the proposed park, and in particular Council's concerns and how they could be addressed as part of a revised VPA. As a result of these meetings, and following extensive and detailed liaison between the proponent's consultant team and Council, agreement on the broad terms of the VPA has now been reached.

To this end, it is noted that Sutherland Council Officers prepared a report to their Environment & Planning Committee on the 26 September 2011, seeking Councillor endorsement of the draft VPA for the delivery of the park.

A copy of this report is provided at **Appendix 16**. However, in summary, this report confirmed that agreement had been reached between the proponent and Council in relation to:

- conservation of the Sydney Turpentine Ironbark Forest;
- accessibility of the site for the public;
- accessibility for maintenance;
- water quality of the lake for accidental human contact;
- water quality of the lake for use by threatened bat species;
- water supply and treatment measures;
- amount of usable recreation space;
- landscape designs and specifications
- the configuration of the open space as an accessible public open space,
- engineering and geotechnical specifications,
- any associated legal instruments that may be required; and
- Section 94 contribution offset.

Following discussion at the Committee meeting, the recommendation of the Committee was

1. *"That the concept plan for a public park attached as Appendix 1 and 2 be endorsed by Council as the basis for the preparation of a draft Voluntary Planning Agreement."*

2. *That the property owner and Department of Planning and Infrastructure, be advised that:*
  - a. *Council will be prepared to enter into a Voluntary Planning Agreement for the construction and dedication of a park on the Kirrawee Brick Pit site as detailed in Appendix 1 and 2.*
  - b. *The VPA should include:*
    - i. *Geo-technical and environmental design schedules, and appropriate easements and covenants.*
    - ii. *An appropriate sinking fund for the maintenance of the water body for 20 years to be managed by Council.*
    - iii. *Appropriate mechanisms to ensure that the park is delivered to Council's satisfaction.*
3. *That no further action be taken on Sutherland Shire Draft Local Environmental Plan Amendment 10 to rezone part of the site from Zone 13 Public Open Space to Zone 7 Mixed Use - Kirrawee.*
4. *That a further report be presented to Council to obtain approval to proceed with the finalisation of the Voluntary Planning Agreement once information is received from the Planning and Assessment Commission in relation to its decision on the development proposal.*
5. *That the entering into VPA discussions on the public park or reaching agreement on the VPA should not be seen as an endorsement by Council or other elements of the development application."*

Appendix 1 of the Committee Report set out the inclusions of the draft VPA with the supporting reports in the Appendixes that follow.

This recommendation was supported by full Council at its meeting on the 10th October 2011. In addition, it is noted that Council has also resolved to proceed with preparing the VPA documentation only after determination of the Concept Application by the PAC.

### 3.6 Environmental

#### **Issue raised by D&PI:**

*The PPR is to confirm the total area of STIF located on the site and the total area of STIF to be removed from the site. The PPR should also provide specific details of the area and location of replacement STIF.*

## Response

A revised Biodiversity Management Plan (BMP) has been prepared by Cumberland Ecology (refer **Appendix 7**). The BMP has been revised following comments from DECCW and the various agencies during the exhibition process. The revised document also addresses the matters raised by the D&PI

In relation to the treatment of the existing STIF on the site, and as set out in **Section 4** of the PPR, an 'in principle' agreement has been reached with the Council in relation to the delivery of the public park on the south western part of the site.

As part of this agreement, Council has nominated a number of existing Council owned parkland reserves and has agreed to make these reserves available for the required compensatory STIF planting. In addition, Council has also expressed the desire to replant some of the compensatory STIF on-site in the park adjoining the retained STIF. This will be to the west of the active open space and water body.

In terms of STIF removal, some low quality STIF vegetation, primarily comprising regenerating STIF on the quarry walls, is to be removed to allow for the construction of the public park and new permanent water body. In addition to this, the majority of the low quality STIF vegetation along the southern boundary will be removed, except for the western end.

The total area of STIF to be removed, and as agreed by Council, will be 0.28 ha (2,792 m<sup>2</sup>) and the total area to be retained on site is 0.20 ha (1,973 sq.m). Further details of the amount of STIF to be removed is provided in Table 1.1 of the revised BMP at **Appendix 7** and included below:

<b>Table 1.1 Summary Of Proposed Extent Of Alteration Of Stif Community On The Kirrawee Brick Pit Site And Required Offset Based On VPA With Council</b>				
<b>Vegetation Category</b>	<b>Current Extent (m<sup>2</sup>)</b>	<b>Extent to be Cleared (m<sup>2</sup>)</b>	<b>Extent to be Retained (m<sup>2</sup>)</b>	<b>Extent of Offset Required (2:1 ratio) (m<sup>2</sup>)</b>
1 - STIF on original soil	3010.81	1038.01	1972.80	
2 - STIF regenerating on quarry walls	1264.74	1264.74	0	
3 - STIF trees with exotic dominated understorey	489.97	489.97	0	
4 - Exotic shrubs and understorey	427.08	304.17	122.92	
<b>Totals</b>	<b>5192.61</b>	<b>3096.89</b>	<b>2095.72</b>	
<b>Total STIF</b>	<b>4765.52</b>	<b>2792.72</b>	<b>1972.80</b>	<b>5585.45</b>

**Table 3: Table 1.1 from the revised BMP**

Aside from the limited amount of replacement STIF to be provided on site, the locations for offsite planting have been nominated by Council and are provided in Table 1.2 of the revised BMP (reproduced below). The total area to be replanted has been determined on the basis of the area of STIF to be removed and on a ratio of 2:1 (offset replanting: vegetation to be removed). As indicated in Table 1.1, the total area of offset required is therefore approximately 5585 sq m, with approximately 5.300 sq.m to be provided off site and within Council owned reserves.

<b>Table 1.2 Potential Locations For Compensatory Off-Site STIF Replacement/Rehabilitation</b>		
<b>Location</b>	<b>Approx Area</b>	<b>Works</b>
Willow PI, Kirrawee (adj No1.)	300m2	Mulching, tree planting, understorey planting
184 Oak Rd, Kirrawee (Bilga St)	500m2	Mulching, tree planting, understorey planting
32 Kirrawee Ave, Kirrawee (Erang Ave)	1,500m2	Some tree planting, mainly mulching and understorey planting
2R Hotham Road (Bowie Park)	400m2	Remove Erythrina sp, mulching, tree planting, understorey planting
459R President Ave, Kirrawee (Fauna PI)	600m2	Mulching, understorey planting
99R Acacia Rd, Sutherland	800m2	Weed control, mulching, some tree planting, understorey planting
131 Acacia Rd & 96R Glencoe St, Sutherland	200 + 200 = 400m2	Remove Erythrina & Jacaranda sp, mulching, tree planting, understorey planting
10R Laurel Grove, Menai	800m2	Mainly mulching, understorey planting
<b>Total</b>	<b>5,300m2</b>	

**Table 4: Table 1.2 from the revised BMP**

**Issue raised by D&PI:**

*The PPR shall demonstrate how the proposed ponds are of a sufficient size (area and length) to be effectively used by the threatened bat species, including during the construction phase of the development.*

**Response**

Taking the size of the proposed water body firstly, it is noted that, as part of the previous Development Application for the site, expert evidence on threatened species was provided to the Land & Environment Court. This evidence concluded that the:

*“provision and perpetual availability of a suitable drinking water source (800 sq metres) and a 40 metre landing area to enable bats to swoop was to be provided”*

It is therefore noted that DECCW in its response to the proposal recommends that, should the Concept Plan be approved, that the approval should include a requirement to provide a water body of not less than 800 sq.m, including a 40 metre landing area. A water body of this size is therefore considered acceptable.

In relation to the temporary water body to be provided during the construction phase, Section 5.10 of the revised BMP confirms that this temporary water body will also have an area of at least 800 sq.m, therefore ensuring that there will be no reduction in the size of the water body throughout the construction process.

### 3.7 Ecological Sustainable Development

#### Issue raised by D&PI:

*The PPR shall indicate the likely Green Star level that each building within the development will achieve, and what ESD principles will be incorporated to achieve the desired Green Star level. The desired Green Star level and those principles used to achieve the level shall be incorporated into the Statement of Commitments*

#### Response

Wallis & Spratt has prepared a report which seeks to identify the likely Green Star level that each building within the development will achieve, and what ESD principles will be incorporated to achieve the desired Green Star level. This report is provided at **Appendix 13**.

The report concludes that the proposed commercial and retail buildings have the potential of achieving a Green Star rating of **4 Star** which is recognised in the industry as “best practice”. Refer to the report at **Appendix 13** for further information.

## 4 PREFERRED PROJECT REPORT

### 4.1 Proposed Amendments

In response to the public submissions and key issues raised by the Department of Planning and Infrastructure in its letter dated 14 April 2011, a number of amendments have been made to the proposed scheme. A revised set of Architectural plans is attached at **Appendix 3**, which include the following key modifications:-

- Reduction in the overall height of Block A by one (1) level and of mid-rise levels of Blocks A and B;
- Reduction in width of the northern end of the three central blocks (A, B and C) to present a more “slender” appearance to the Princes Highway;
- Splitting up of Block D into two separate buildings;
- Creation of a dedicated street entry point for Blocks B and C;
- Reduction in the number of residential units from approximately 450 to approximately 432;
- Reduction in the amount of residential gross floorspace from 49,657 sq.m to 45,505 sq.m;
- Reduction in the number of residential car parking spaces to reflect the reduced number of units;
- Reduction in the number of retail and commercial car parking spaces to reflect RTA requirements; and
- Amendment to the previous ANZECC water quality guidelines for the proposed water body.
- Removal of the commuter car park;

Further detail on each of the amendments to the Concept Plan is provided below:

#### Built Form and Height

As detailed at **Section 3**, Block A has been reduced by one (1) level to 14 levels and mid-rise levels removed from Blocks A and B. Further, the footprints of Blocks A, B C have all been reduced in width at their northern ends to present a more “slender” appearance to the Princes Highway and to articulate the top of each of the buildings. This will ensure that the proposed central towers continue as “place markers” for the site.

As detailed at Section 1.0 of the revised Urban Design Report at **Appendix 4**, this will result in the following massing for Blocks A and B:

- Block A - 6-14 storeys including podium with the footprint reduced so as to articulate the top of the building
- Block B - 7-11 storeys including podium with the footprint reduced so as to articulate the top of the building

As the Urban Design Report sets out, these amendments to the central taller blocks have lead to a reduction in the depth of each of the blocks from 26m to an average of 14m wall to wall.

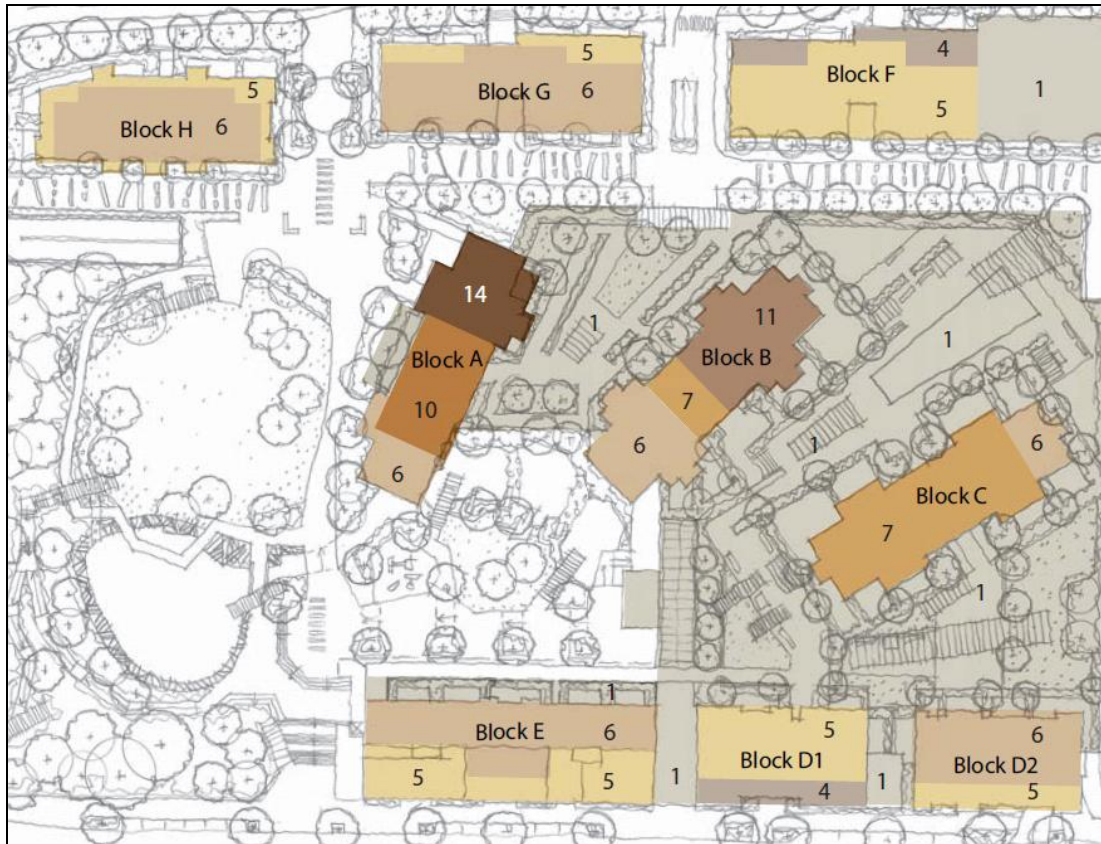
It is considered that these amendments will reduce the perceived built form, height and mass of the central towers and increase solar access to the public piazza whilst improving the potential visual impacts on the surrounding area by increasing the slender appearance of the buildings.

In particular, the amendments and the more slender towers have reduced the apparent extent of solid built form when viewed from the Princes Highway, as detailed at View 8 of the revised Urban Design Report. This enables observation of a significant amount of sky in between the towers which was not previously achieved.

In addition, it is noted that since the original EA was submitted, AWF Survey has advised that the heights of the previous chimney towers on the site ranged between 35 and 41m for the western tower and 38 and 48m for the eastern tower. These heights are equivalent to 10-14 storeys. Whilst the proposal has been reduced in height since the original submission, locating the taller buildings within the site will attempt to recapture the former place markers and reestablish the site as a gateway to Sutherland Shire by reintroducing similar heights.

The amended building heights are detailed on the extracts from the original and revised Urban Design Report below:





**Figure 6: Excerpt from the original (top) and amended (bottom) Building Height Plan – prepared by GMU**

In responding to the D&PI's concern in relation to the length of the proposed building envelopes fronting Flora Street, Block D, which presented the longest facade to Flora Street, has been divided into two (2) separate buildings, Block D1 and Block D2.

This change in length, along with further articulation to the buildings along Flora Street will ensure that the scale of the buildings along Flora Street relate better to the scale and grain on the opposite side of Flora Street.

These alterations to the residential buildings have involved a significant reduction in the residential floor space (4,152 sq.m) and a loss of some 18 residential units.

### **Traffic, Parking and Access**

As set out above, the amended proposal involves a reduction in the number of residential units. As a result of this reduction, the number of residential car parking spaces has been reduced from 650 to 603.

The amended proposal also involves a slight increase in the amount of overall retail floorspace of 50 sq.m. This has resulted from reconfiguration of the eastern service road and retail loading dock areas to accommodate the RTA request that heavy vehicle access to the

site is made only from the Flora Street entry. As a consequence, the number of commercial and retail car parking spaces has been increased from 500 to 507. In addition to this, it is proposed to incorporate the 40 spaces that would be lost through re-instating the footpath on Flora Street, thereby bringing the proposed commercial and retail car park to 547 spaces. A revised Traffic Management and Accessibility Report (TMAP) has been prepared in support of the PPR by Halcrow (refer **Appendix 5**).

In terms of the offsite road improvements considered necessary to offset the impact of the forecast development on the surrounding road network, the amended proposal includes the following range of works (previously referred to in the EA as 'Stage 2' works):

- Left in/left out only for Bath Road south approach, left turn out to be signalised;
- No movements across Princes Highway (i.e. no north-south traffic from Bath Road);
- Signalised left in/left & right out of Bath Road north approach with a double right turn lane; and
- No right turns permitted from Princes Highway from either direction to Bath Road.

In addition to the above works, the proposal also involves the retention of the existing left-turn movement from Oak Road north to the eastbound lanes of the Princes Highway.

Turning to site access, the following changes have also been made to the proposal:

- Amendment to the Flora Street access to make it a secondary access to the proposed development;
- The primary access driveway is now provided via the proposed deceleration lane on the Princes Highway;
- This access has been designed to allow an uninterrupted flow of traffic into the proposal site by relocating the basement level access ramp;
- Removal of the public shared zone accessed from Oak Road; and
- All service vehicle movements gain access via the Flora Street access and consequently, no heavy vehicles are to enter the site via the access off the Princes Highway.

Further discussion on traffic issues can be found at **Section 3** of the PPR.

Finally, the previously proposed commuter car park has been deleted from the proposal. This was due to concerns raised by a number of agencies in relation to its ownership and ongoing operation.

### **Amendment to the previous ANZECC water quality guidelines for the proposed water body**

As part of the negotiations with Council in relation to the VPA for the delivery of the proposed park, the proponent engaged Equatica to prepare a report titled "Grey Headed Flying Fox Water Quality Requirements" dated August 2011 (refer **Appendix 19**). This report assessed the water quality of a range of water bodies used by grey headed flying foxes and other bat

species. Based on this assessment and in accordance with the ANZECC water quality guidelines, it recommended site specific water quality objectives that were considered appropriate for the Kirrawee Brick Pit water body in preference to default ANZECC guidelines. These standards have now been agreed with Council and have been included within the principles to be included within the VPA. We also understand that a copy of the report has been provided to DECCW for comment.

Refer to the Water Quality Report at **Appendix 19** for further information.

## 4.2 Revised project description

The Preferred Project remains as described in the Environmental Assessment apart from the above described amendments, which results in the following revised development parameters:

**Table 5: Proposed Development Parameters**

Development Parameter	Originally Proposed (approximates)	Proposed
Gross Floor Area	64,837 m <sup>2</sup>	60,735 m <sup>2</sup>
Floor Space Ratio	1.52:1	1.43
<b>Commercial/Employment</b>		
Full Line Supermarket	3,810 m <sup>2</sup>	3,900 m <sup>2</sup>
Discount Supermarket	1,460 m <sup>2</sup>	1,470 m <sup>2</sup>
Mini Major	1,280 m <sup>2</sup>	1,280 m <sup>2</sup>
Retail/Business/Food/Kiosks	2,810 m <sup>2</sup>	2,810 m <sup>2</sup>
Flora Street Commercial	840 m <sup>2</sup>	860 m <sup>2</sup>
Princes Highway Retail/Showrooms	2,930 m <sup>2</sup>	2,860 m <sup>2</sup>
Internal Mall	1,820 m <sup>2</sup>	1,820 m <sup>2</sup>
Toilets/Centre Management	230 m <sup>2</sup>	230 m <sup>2</sup>
<b>Total Retail/Commercial</b>	<b>15,180 m<sup>2</sup></b>	<b>15,230 m<sup>2</sup></b>
<b>Residential</b>		
Number of units	Approximately 450	Approximately 432
Block A	11,698 m <sup>2</sup>	10,185 m <sup>2</sup>
Block B	9,181 m <sup>2</sup>	7,739 m <sup>2</sup>
Block C	6,663 m <sup>2</sup>	5,788 m <sup>2</sup>
Block D1	3,901 m <sup>2</sup>	2,283 m <sup>2</sup>

Block D2		2,369 m <sup>2</sup>
Block E	5,251 m <sup>2</sup>	4,564 m <sup>2</sup>
Block F	4,116 m <sup>2</sup>	3,961 m <sup>2</sup>
Block G	4,212 m <sup>2</sup>	4,102 m <sup>2</sup>
Block H	4,635 m <sup>2</sup>	4,514 m <sup>2</sup>
<b>Total Residential</b>	<b>49,657 m<sup>2</sup></b>	<b>45,505 m<sup>2</sup></b>
<b>Car Parking</b>		
Retail and Commercial	500	507
Residential	650	603
Commuter Parking	200	0
Flora Street Displacement Parking	0	40
<b>Total Car Parking</b>	<b>1350</b>	<b>1,150</b>
<b>Open Space</b>		
Public Park	9,000 m <sup>2</sup>	9,000 m <sup>2</sup>
Public Open Space (piazza area)	2,550 m <sup>2</sup>	2,550 m <sup>2</sup>
Communal (private) Open Space	7,700 m <sup>2</sup>	7,700 m <sup>2</sup>
Brick kiln and surrounds	1,200 m <sup>2</sup>	1,200 m <sup>2</sup>

(Source: Woodhead Architects)

The drawings which describe the Preferred Project (revisions highlighted) are listed below and provided at **Appendix 3**:

**Table 6: Revised Development Plans**

<b>Architectural plans prepared by Woodhead Architects</b>	
Drawing 0001	COVER SHEET - VIEW FROM OAK ROAD
Drawing 0002	VIEW FROM PRINCES HIGHWAY
Drawing 0015	SITE PHOTOS
Drawing 0016	SITE PHOTOS
Drawing 0020	CONTEXT PLAN
Drawing 0021	SITE CONTEXT AND ANALYSIS
Drawing 0030	EXISTING SITE CONTOURS

Drawing 0040	SITE PLAN
Drawing 0041	LANDSCAPE PLAN
Drawing 0100	TYPICAL TOP LEVEL RESIDENTIAL FLOOR PLAN
Drawing 0110	TYPICAL RESIDENTIAL FLOOR PLAN
Drawing 0120	UPPER GROUND FLOOR PLAN
Drawing 0130	LOWER GROUND FLOOR PLAN
Drawing 0140	BASEMENT 1 PLAN
Drawing 0150	BASEMENT 2 PLAN
Drawing 0160	BASEMENT 3 PLAN
Drawing 0180	FLOOR PLANS BUILDING A TO C – SHEET 1
Drawing 0180_A	FLOOR PLANS BUILDING A TO C – SHEET 2
Drawing 0181	FLOOR PLANS BUILDING D1, D2, E
Drawing 0182	FLOOR PLANS BUILDING F, G & H
Drawing 0300	INDICATIVE SECTIONS EAST WEST (MASTERPLAN)
Drawing 0301	INDICATIVE SECTIONS NORTH SOUTH (MASTERPLAN)
Drawing 0400	SUN STUDY - WINTER
Drawing 0401	SUN STUDY - SUMMER
Drawing 0402	SUN STUDY – PIAZZA SHADOWS
Drawing 0404	SUN STUDY – CAFE ZONE
Drawing 0405	SUN STUDY – MONTHLY PIAZZA SHADOWS
Drawing 0500	INDICATIVE ELEVATIONS NORTH & SOUTH
Drawing 0501	INDICATIVE ELEVATIONS WEST & EAST
Drawing 0600	INDICATIVE STAGING – LOWER GROUND STAGE 1
Drawing 0602	INDICATIVE STAGING – UPPER GROUND STAGE 1
Drawing 0603	INDICATIVE STAGING – UPPER GROUND STAGE 2
Drawing 0604	INDICATIVE STAGING – UPPER GROUND STAGE 3

#### Landscape plan by Site Image

Drawing SS10-2242 A	Landscape Concept Plan
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## 5 AMENDED STATEMENT OF COMMITMENTS

The proponent commits to the following matters should approval be granted to this application (amendments shown in red):

ISSUES	ACTION
1. Subsequent applications	Applications (hereafter called “subsequent applications”) consistent with the Concept Approval will be lodged with the relevant consent authority and will incorporate the following features.
2. Ecology	Subsequent applications will incorporate the recommendations of the revised Biodiversity Management Plan as described in <b>Appendix 7 of the PPR</b> .
3. ESD	Subsequent applications will incorporate the ESD principles and features as described in <b>Section 3.7 of the PPR</b> .
4. Design quality	Subsequent applications will demonstrate a level of detailed design consistent with the design principles of SEPP 65.
5. Wind	Subsequent applications will incorporate the relevant and applicable measures recommended in the Pedestrian Wind Environment Statement by Windtech dated 18 October 2010.
6. Noise and vibration	Subsequent applications will incorporate the relevant and applicable measures recommended in the Acoustic Assessment prepared by Acoustic Logic dated 21 October 2010.
7. Traffic and accessibility	Subsequent applications will incorporate the relevant staged improvements <del>(Stage 4)</del> as detailed in the revised TMAP prepared by Halcrow and dated October 2011.
8. Drainage and stormwater management	Subsequent applications will be based on the stormwater concept design prepared by Northrop Engineers dated 29 October 2010 with the exception of the proposed water quality standard for the compensatory water body for the threatened bat species which is dealt with in the revised Biodiversity Management Plan at <b>Appendix 7 of the PPR</b> and Equatica report at <b>Appendix 19</b> .
9. Dewatering	The dewatering of the existing pit will be undertaken in accordance with the management principles as set

	out in the Dewatering Report prepared by CM Jewell and dated October 2010.
<b>10. Groundwater management</b>	The management of the existing groundwater will be undertaken in accordance with the recommendations of the Long-Term Groundwater Management Plan prepared by CM Jewell and dated October 2010.
<b>11. Geotechnical</b>	Further geotechnical investigations of the site will accompany subsequent applications. These will include the engineering solutions as detailed in the Geotechnical Report prepared by Jeffrey and Katauskas and dated October 2010
<b>12. Contamination</b>	Subsequent applications will address the management of unexpected contamination on the site in accordance with the recommendations of the Contamination Management Plan prepared by EIS and dated November 2010.
<b>14. Heritage</b>	Subsequent applications will incorporate the retention in situ of Brick Kiln 1, and in accordance with the recommendations of the Conservation Management Plan and Heritage Impact Statement prepared by Edward Higginbotham & Associates and dated 27 October 2010.
<b>15. Developer contributions</b>	<p>The applicant will enter into negotiations with Sutherland Council, <del>and relevant government agencies</del> and use its best endeavours to enter into Voluntary Planning Agreements generally <del>consistent with the Council resolution of detailed at Appendix 16 of the PPR, before</del> the time of the first substantive subsequent application.</p> <p>Should no VPA be entered into with Council:</p> <p>EITHER, the open space proposed within the Zone 13 land in this application will be <del>retained by the proponent</del> made accessible to the general public in lieu of any contributions applicable to the development of the site under any subsequent application OR ordinary contributions applicable to any element of the development of the site will be levied on the relevant subsequent application for that element.</p>

## 6 CONCLUSION

Based on the Environmental Assessment Report as well as the Preferred Project Report, it is considered that the proposed Concept Plan at **566 – 594 Princes Highway, Kirrawee**, as amended, is largely consistent with all local, regional and State planning objectives. The amended design responds to the key issues identified by the various stakeholders including Sutherland Shire Council, the OEH, other relevant agencies, the community and D&PI.

In summary, the proposal, as amended, will:-

- Support and enhance the retail vitality of the existing Kirrawee shopping centre;
- Meet an identified retail need within Kirrawee and the local area close to public transport infrastructure;
- Provide significant employment opportunities close to public transport infrastructure;
- Provide much needed new dwellings close to public transport infrastructure;
- Create an amended massing that better relates to the existing built form and grain surrounding the site;
- Create a dramatic residential built form with slimmed down tower forms;
- Deliver a fully embellished public park, designed in collaboration with Council and for the use of the wider community;
- Retain an effective compensatory water body on the site to be used by the threatened bat species; and
- Protect and enhance Sydney Turpentine Ironbark Forest.

The potential environmental impacts identified, are able to be effectively ameliorated by the mitigation measures recommended within the various consultant reports submitted as part of the EA Report as well as the amended / updated reports as a result of the PPR, and are incorporated into the revised statement of commitments. This PPR concludes that subject to the mitigation measures (including revised Statement of Commitments), any adverse impacts would be managed and mitigated to the satisfaction of the Planning Assessment Commission as the consent authority.

It is considered that the Project Application contemplates a form of development that will achieve the objects of the EP&A Act. In particular, the proposal represents “*orderly and economic use and development of land*” and provides the opportunity for additional dwelling and employment generating uses and a major new community park. As such, approval is sought for the Concept Plan Application pursuant to **Section 750 of the Act**.

PLANNING  
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