

2015SYE133 – 566-594 Princes Highway, Kirrawee

DA15/1134

ASSESSMENT REPORT APPENDICES

Appendix	A	Conditions of Development Consent
	B	Concept Approval MP10_0076 Stamped Plans, Planning Assessment Commission (PAC) Report
	C	Public Submissions
	D	Responses of External Authorities
		i. RMS dated 19 January 2016
		ii. Heritage dated 18 November 2015
		iii. DIP (Water) dated 2 February 2016
		iv. Sydney Water dated 1 February 2016
		v. NSW Police dated 26 November 2015
	E	Architectural Review Advisory Panel report dated 22 October 2015
	F	Consistency with Concept Approval Table

DRAFT CONDITIONS OF DEVELOPMENT CONSENT

CONDITIONS OF CONSENT

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1. Approved Plans, Documents & Relationship with other Consents.

The development must be undertaken in accordance with the terms and conditions of the Major Project MP10_0076 'Concept Approval' (Inclusive of Modifications 1 - 4) and Development Consent No. DA14/0368 (relating to the early works). The development must also be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings:

<i>Plan number</i>	<i>Reference</i>	<i>Date</i>
Architectural Plans - Prepared by Turner Architects		
DA-101-040 (Rev 3)	Site Plan - General Envelope Diagram	29.01.16
General Arrangement Plans		
DA-110-005 (Rev 4)	Basement 03	12.02.16
DA-110-006 (Rev 3)	Basement 02	29.01.16
DA-110-007 (Rev 3)	Basement 01	29.01.16
DA-110-008 (Rev 4)	Ground Level	12.02.16
DA-110-010 (Rev 3)	Level 01, Building B-C & G Podium	29.01.16
DA-110-020 (Rev 3)	Level 02, Building D-E Podium	29.01.16
DA-110-030 (Rev 3)	Level 03	29.01.16
DA-110-040 (Rev 3)	Level 04	29.01.16
DA-110-050 (Rev 3)	Level 05	29.01.16
DA-110-060 (Rev 3)	Level 06	29.01.16
DA-110-070 (Rev 3)	Level 07	29.01.16
DA-110-080 (Rev 3)	Level 08	29.01.16
DA-110-090 (Rev 3)	Level 09	29.01.16
DA-110-100 (Rev 3)	Level 10	29.01.16
DA-110-110 (Rev 3)	Level 11	29.01.16
DA-110-120 (Rev 3)	Level 12	29.01.16
DA-110-130 (Rev 3)	Level 13	29.01.16
DA-110-140 (Rev 3)	Level Roof Level	29.01.16
Elevations		
DA-250-001 (Rev 3)	North & South Elevations	29.01.16
DA-250-101 (Rev 3)	East & West Elevations	29.01.16
Elevations 1:200		
DA-251-010 (Rev 1)	Building A	11.09.15
DA-251-020 (Rev 3)	Building A	29.01.16

DA-252-010 (Rev 3)	Building B	29.01.16
DA-253-010 (Rev 3)	Building C	29.01.16
DA-254-010 (Rev 3)	Building D	29.01.16
DA-254-020 (Rev 3)	Building D	29.01.16
DA-254-030 (Rev 3)	Building D	29.01.16
DA-254-040 (Rev 3)	Building D	29.01.16
DA-255-010 (Rev 3)	Building E	29.01.16
DA-255-020 (Rev 3)	Building E	29.01.16
DA-255-030 (Rev 3)	Building E	29.01.16
DA-255-040 (Rev 3)	Building E	29.01.16
DA-256-010 (Rev 4)	Building F	12.02.16
DA-257-010 (Rev 3)	Building G	29.01.16
DA-257-020 (Rev 3)	Building G	29.01.16
Sections		
DA-350-001 (Rev 4)	Section 1 & 2	12.02.16
DA-350-101 (Rev 3)	Section 3 & 4	29.01.16
DA-350-201 (Rev 3)	Section 5 & 6	29.01.16
Staging Diagrams		
DA-730-006 (Rev 1)	Basement 02 to Level 01	11.09.15
DA-730-020 (Rev 1)	Level 02 to Level 05	11.09.15
DA-730-060 (Rev 1)	Level 06 to Level 09	11.09.15
DA-730-100 (Rev 1)	Level 10 to Level 13	11.09.15
Adaptable Apartment Plans		
DA-800-001 (Rev 3)	Sheet 01	29.01.16
DA-800-002 (Rev 3)	Sheet 02	29.01.16
DA-800-003 (Rev 1)	Sheet 03	11.09.15
DA-800-004 (Rev 1)	Sheet 04	11.09.15
DA-800-005 (Rev 1)	Sheet 05	11.09.15
DA-800-006 (Rev 1)	Sheet 06	11.09.15
DA-800-007 (Rev 1)	Sheet 07	11.09.15
Adaptable Apartment Plans		
DA-810-101 (Rev 1)	1 Bedroom Small	11.09.15
DA-810-151 (Rev 1)	1 Bedroom Large	11.09.15
DA-810-201 (Rev 1)	2 Bedroom Small	11.09.15
DA-810-251 (Rev 3)	2 Bedroom Large	29.01.16
DA-810-301 (Rev 1)	3 Bedroom Small	11.09.15
DA-810-351 (Rev 3)	3 Bedroom Large	29.01.16
DA-810-352 (Rev 3)	3 Bedroom Large	29.01.16

Retail Tenancy Plans		
DA-811-010 (Rev 3)	Retail 01 Supermarket (Major) 1	29.01.16
DA-811-011 (Rev 3)	Retail 01 Supermarket (Major) 2	29.01.16
DA-811-020 (Rev 3)	Retail 02 Liquor	29.01.16
DA-811-030 (Rev 3)	Retail 03 Supermarket (Mini Major)	29.01.16
Signage (External)		
DA-850-008 (Rev 3)	Signage - Ground Level	29.01.16
DA-850-251 (Rev 3)	Signage - North & South Elevations	29.01.16
DA-850-252 (Rev 3)	Signage - East & West Elevations	29.01.16
DA-850-351 (Rev 3)	Signage - Sections 2 & 3	29.01.16
Materials and Finishes		
DA-950-001 (Rev 3)	External Finishes	29.01.16
Landscape Plans - Prepared by Scott Carver Pty Ltd Note: The final design and delivery of the public park is to be determined and finalized as part of the VPA.		
LD-DA000 (Rev 2)	Landscape Cover Sheet	27.01.2016
LD-DA100 (Rev 2)	Tree Management Plan	27.01.2016
LD-DA101 (Rev 2)	General Arrangement Plan	27.01.2016
LD-DA102 (Rev 2)	Detail Plan 1	27.01.2016
LD-DA103 (Rev 2)	Detail Plan 2	27.01.2016
LD-DA104 (Rev 2)	Detail Plan 3	27.01.2016
LD-DA105 (Rev 2)	Detail Plan 4	27.01.2016
LD-DA106 (Rev 2)	Level 1 Podium Plan	27.01.2016
LD-DA107 (Rev 2)	Level 1 Building B Podium Plan	27.01.2016
LD-DA108 (Rev 2)	Level 1 Building C Podium Plan	27.01.2016
LD-DA109 (Rev 2)	Level 2 Podium Plan	27.01.2016
LD-DA110 (Rev 2)	Level 2 A&B Podium	27.01.2016
LD-DA200 (Rev 2)	Landscape Section AA	27.01.2016
LD-DA201 (Rev 2)	Landscape Section BB	27.01.2016
LD-DA202 (Rev 2)	Landscape Section CC	27.01.2016
LD-DA203 (Rev 2)	Landscape Section DD	27.01.2016
LD-DA204 (Rev 2)	Landscape Section EE	27.01.2016
LD-DA205 (Rev 2)	Landscape Section FF	27.01.2016
LD-DA206 (Rev 2)	Landscape Section GG	27.01.2016
LD-DA210 (Rev 2)	Level 1 Podium Section AA + BB	27.01.2016
LD-DA211 (Rev 2)	Level 2 Podium Section AA + BB	27.01.2016

and any details on the application form and on any supporting information received with

the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building or subdivision work.

- i) A Construction Certificate/s.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.
- iii) Notification of the commencement of building and/or subdivision works with a minimum of 2 days notice of such commencement.

Under section 109E(2) of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

2. Design Changes Required

A. Before Construction

The following design changes must be implemented. Details of these changes shall be provided prior to the issue of any Construction Certificate for Buildings A - G where above the Basement level(s).

a) Building Heights

All finished Roof and Plant Levels shall comply with the RL's specified in the Concept Approval. This shall be achieved with the removal of the upper storey of each vertical apartment tower within the development and / or minor adjustment to the internal floor to ceiling heights. Any reduction in internal heights shall not reduce internal amenity or associated compliance with the Apartment Design Guide (e.g. plan / room depths and solar access) / building standards.

Should Building A be reduced by a storey, then the 11 storey eastern component of Building A shall also be reduced to 10 storeys accordingly to enable an appropriate scale of built form to be maintained.

Note: Any resulting surplus parking area (i.e. exceeding the total number outlined in the Concept Approval - Condition 14 of Schedule 3) within the basement / parking levels arising from the above design changes shall be designed for secure storage provisions or secure garaged spaces and allocated for individual apartments.

b) Gross Floor Area (GFA)

To enable the development to align Schedule 2, Condition A1 of the Concept Approval, the residential GFA shall be reduced to not exceed 68,310m². To achieve this, the upper residential level of Building E shall be deleted and apartments D10.08 and D6.07 within Building D (accessed from Lobbies D1 and D3) shall be removed.

Alternatively, the reduction in residential floor space resultant from the removal of units D10.08 and D6.07 is able to be provided elsewhere within the development to the satisfaction of Council.

Note: Any resulting surplus parking area (i.e. exceeding the total number outlined in the Concept Approval Condition 14 of Schedule 3) within the basement / parking levels arising from the above design changes shall be designed for other parking provision according with the Concept Plan (secure garaged spaces allocated for individual apartments, visitor spaces or the like).

c) Setback to Flora Street

To satisfy Condition B2A of the Concept Approval the following design changes shall be implemented to the 7th storey of the Buildings E and F:

- The trafficable balcony areas encroaching within the 3m setback of Building E shall be deleted. The balustrade edge of apartment E5.12 shall be relocated accordingly. All door openings to the balconies must be converted to windows.
- The eastern orientated balcony of Unit E5.11 must be enlarged only to the minimum size required to satisfy the ADG.
- Building F shall be relocated northward within the site to the minimum distance of the stair well encroachment to achieve a 3m setback to Flora Street (approximately 900mm). Alternatively; adjustment to the internal floor plan or combination of both can be deployed.
- The trafficable balcony areas encroaching within the 3m setback shall be deleted and the balustrade edges relocated accordingly. Narrow juliet style balconies are permitted to remain or alternatively can be deleted from the development and reinstated with window openings. The internal non bedroom areas of Units F5.03 and F5.04 are permitted to be utilised for additional balcony space.
- All Blade walls and balconies encroaching within the 3m setback must also be deleted.
- All roof forms projecting from the building within the 3m setback shall be reduced in length to a standard projecting eave.

Note: Any loss of commercial or residential parking spaces shall be offset accordingly (i.e. reduction in commercial floor space / residential) to ensure the parking requirement of the Concept Approval is satisfied.

d) Ground Floor Level

Elevation / section plans shall be revised to reflect the adjustment in finished ground floor levels of Buildings A and B (i.e. A - RL100.80, B - RL100.20).

e) Pedestrian Access from Flora Street

The eastern most pedestrian access arrangement from Flora Street (i.e. between buildings E & F) as referred to in the approved plans shall be modified to incorporate the access design (which includes stairs, escalators and elevator) depicted in Revision 1 of the Architectural Plans Prepared by Turner Architects dated 11.09.2015.

Details of these design changes must be included in documentation submitted with the application for a Construction Certificate.

The following architectural and civil design issues should be addressed under “Design Changes”:

- i) Road widening of Oak Road and Flora Street.
- ii) Replacement of the cycle path along the eastern side of Oak Road with a 1.5m wide footpath adjacent to the kerb.
- iii) Relocation of light poles on the eastern side of Oak Road to the existing power poles on the western side of the road.
- iv) Realignment of the driveways to the basement garage in Brick Road near Oak Road to form right angled entry and exit, not parallel with the street, and provision of two additional planter boxes for street trees and a wider footpath along the northern edge of the park. Planter boxes for street trees must be a minimum size of 5.0 x 3.5m and have a minimum soil depth of 1200mm of which 600mm is set below road level.
- v) Provision of a clearly identifiable street entry to the lobby of Building D3.
- vi) Provision of a clearly identifiable and easily accessible covered street entry to the Flora Street entrance to the mall.
- vii) Relocation of OSD and RW tanks away from all deep soil planting areas.
- viii) Provision of Common Open Space (COS) and facilities as follows:
 - Provision of an additional area of Common Open Space (COS) on the roof at the eastern end of Building A (Level 11).
 - Provision of easy, direct access to the COS from the lobbies for all residents in Buildings A, B and C.
 - Provision of a minimum 20 sq m all-weather covered area in Buildings A, B and C, and two (2) x 20 sq m all-weather covered areas in Buildings D/E and E/F.
 - Provision of an outdoor toilet, BBQ and basic kitchen facilities in all buildings.
 - Provision of a community room, minimum area 25 sqm, in Buildings D/E and F/G (total of two).
 - Provision of a storage area and workbench with all-weather cover next to the community garden areas in Buildings D/E and F/G.
 - Provision of deep planter boxes as required to ensure that 50% or more seats have shade from canopy trees or shade structures.
 - Planter boxes must have a minimum soil depth as follows:
 - a. Large trees 3.0 x 3.0 m x 1200mm
 - b. Small trees - 1000mm
 - c. Tall and medium shrubs - 600mm
 - d. Grass and ground covers - 450mmPlanter boxes must be set down in the slab to achieve a maximum height of 450mm above floor level. Mounding alone is unacceptable.
- ix) Revised works as required by the NSW RMS

- x) Any construction works, signposting or linemarking required to comply with the approved Loading Dock and Commercial Vehicle Access Management Plan

Details of these design changes must be included in documentation submitted with the application for a Construction Certificate.

3. Requirements of Authorities

A Requirements from Other Authorities

The development must be undertaken in accordance with the requirements of the following Authorities:

- Office of Environment & Heritage - Heritage Division (Dated 18 November 2015)
- NSW Police Force (Dated 26 November 2015)
- Roads & Maritime Service (Dated 19 January 2016)
- Sydney Water (Dated 1 February 2016)
- NSW - Sydney Trains

A copy of the GTA and any further requirements of the Authority(s) are attached to this development consent. These requirements must be incorporated in the application for Construction Certificate where required.

Notes

- Where the Authority(s) requirements noted above deviates from any prior terms of approval issued under the Major Concept Approval, it is the responsibility of the applicant to fulfill / or negotiate the terms with the relevant Authority(s) or apply accordingly for the modification of the terms of the original Major Concept Approval.

- The Department of Primary Industries (Water) have advised that the development approval and proposed activities is not a controlled activity as defined by the Water Management Act 2000. Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then DPI should be notified and appropriate approvals sought.

4. Voluntary Planning Agreement ('VPA')

The proponent is to draft, agree upon and exhibit a VPA with Sutherland Shire Council prior to the issue of any Construction Certificate (CC) for above ground works. The VPA is to be executed prior to the issue of any Occupation Certificate for the first substantive stage of the development.

The VPA shall be generally consistent with the draft VPA prepared by Gadens Lawyers (reference 21009015.1 DTS DTS) and Council's comments in its letter to the PAC

(attached as Appendix 1 to the PAC determination report dated 30 January 2015) and the following detailed requirements which arise following the assessment of the development proposal, to provide for :-

- a) Dedication of public open space with a minimum area of 9,000m² to the satisfaction of Sutherland Shire Council;
- b) Construction and embellishment of the public open space
- c) Construction and dedication of a 1,500m² community facility;
- d) Monetary contribution towards the beautification of Kirrawee Shopping Precinct (between Flora Street and Kirrawee Station);
- e) Monetary contribution towards the upgrade of Oak Road (between Flora Street and the Princes Highway);
- f) works, including the relocation of existing public utility and private and public telecommunications services, to the satisfaction of Sutherland Shire Council and Roads and Maritime Services to facilitate the widening of the Oak Road and Flora Street road carriageways and the signalised Oak Road/Flora Street intersection. Such works to include:
 - 3 lane approach and 2 lane departure on the northern leg of the intersection
 - 3 lane approach on the eastern leg of the intersection
 - Minimum 2 northbound and 2 southbound lanes in Oak Road between Princes Highway and Flora Street
 - turning movements for a 12.5m Heavy Rigid Vehicle on all legs of the intersection
 - the right turning movement for a 19m Articulated Vehicle from Flora Street into Oak Road northbound
- g) any works as required by Roads and Maritime Services, Office of Environment & Heritage and any other relevant state government authority.

5. Commercial Spaces

i) This consent does not authorise the fitout or use of commercial tenancies no's 4 - 19. Separate development consent must be obtained. The occupation and use of these tenancies shall not occur until the development has received final Occupation Certification.

ii) Separate Construction Certificates are required to be obtained for the fitout / use of the Coles supermarket, Aldi supermarket and First Choice liquor store. The Occupation Certificate must not be released until the Occupation Certificate has been issued for the Stage 1 works, and the completion of Buildings C, D & E.

iii) Based on the generation rates outlined in the Concept Approval, the parking demand of the non-residential uses within the development must not exceed the parking provision provided (i.e. 541 spaces). Future use of the commercial spaces shall be restricted to ensure sufficient parking is provided at all times.

6. Public Place Environmental, Damage & Performance Security Bond

A. Before Construction

Prior to the issue of any Construction Certificate, the person acting on this consent must provide security to Sutherland Shire Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with Council or a bank guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Sutherland Shire Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least two (2) days prior to the commencement of works.

In the event that the dilapidation report is not submitted two days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and / or the environment sustain damage as a result of the works associated with this consent, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred must be deducted from the bond.

The value of the bond is \$50,000.

Note: Bond amount includes a non refundable administration fee which must be paid separately.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiply bank guarantees to be lodged.

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

7. Approvals Required under Roads Act or Local Government Act

A. Before Construction

No occupation or works are to be carried out on any public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the

necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

8. Design and Construction of Works in Road Reserves

A Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end a Detailed Frontage Works application under the Roads Act must be submitted to Sutherland Shire Council, prior to the release of any Construction Certificate. The form is available on Council's website. A fee applies to the assessment of the road frontage design for assessment, coordination and the issue of permits providing consent to undertake frontage works. The design will be quoted separately by Council's Design Services unit.

This design will generally comply with the approved architectural design drawings, except where amended and/or addressing the following;

- i) Establish the property alignment levels and crossing profiles,
- ii) Construct vehicle crossing/s,
- iii) Construct retaining / slope stability walls where required,
- iv) Road pavement construction,
- v) Kerb & gutter where required,
- vi) Alter / install street signage where required,
- vii) Regrade, topsoil, turf and landscape the footpath verge to final design levels,
- viii) Adjust public services infrastructure where required,
- ix) Remove existing street trees,
- x) Install new street trees, and
- xi) Ensure there are adequate transitions between newly constructed and existing infrastructure.
- xii) Widening of Oak Road and Flora Streets.
- xiii) Works as required by the NSW RMS.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of any Construction Certificate.

B. Before Construction

Prior to the release of any Construction Certificate property alignment levels and crossing profiles must be obtained from Sutherland Shire Council.

C. Before Occupation

Prior to the occupation of the building or the issue of any Occupation/Subdivision

Certificate the following certification must be provided to Sutherland Shire Council:

- i) The supervising engineer must certify the road frontage works were constructed to their satisfaction and in accordance with the development consent and associated Roads Act consent.
- ii) The supervising arborist, landscape designer or landscape architect must certify the street trees are the correct species and were installed in accordance with the development consent and associated Roads Act consent.

9. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for any Construction Certificate. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2015 relating to environmental site management and must incorporate the following throughout demolition and construction:

- i) safe access to and from the site during construction and demolition
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines, building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways
- vi) erosion and sediment control measures
- vii) locations of cranes
- viii) proposed kerbside locations of work zones and concrete pump locations (NB No approval shall be granted for any work zones or concrete pump zones within roadways under the control of the NSW Roads and Maritime Services.

B. During Works

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped.

10. Pre-commencement Inspection

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Civil Assets Branch, the Principal Certifying Authority, the builder/site manager of the building/civil construction company and the site supervising engineer. The attendance of the owner is

required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Council requirements;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments.

Note: An inspection fee must be paid to Council prior to the lodgement of the Notice of Commencement. Please refer to Sutherland Shire Councils Adopted Schedule of Fees and Charges.

11. Supervising Engineer

A. Before Construction

The applicant must engage an Accredited Certifier in civil engineering works or a Charter Civil Engineer to act as an Accredited Certifier to supervise construction of any:

- i) Road frontage works.
- ii) Construction / installation of stormwater drainage.
- iii) Rainwater harvesting & reuse.
- iv) All other works that form part of a subdivision.

B. During Construction

The engineer must supervise the works as listed above to ensure compliance with:

- i) All relevant conditions of development consent
- ii) Any Consent issued under the Roads Act for this development

C. Before Occupation

The Supervising Engineer must certify the works required in "A" above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction. This shall form part of the Works as Executed plan submission.

12. Internal Driveway Profile

A. Before Construction

An Access Application must be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area.

B. Design

The internal driveway profile must be designed to:

- i) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- ii) Align with Council's issued footpath crossing levels.
- iii) Provide a maximum grade of 5% for the first 3 metres inside the property boundary.
- iv) Comply with AS2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle including visibility at car park and loading dock entry/exit points.
- v) Comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for all classes of commercial vehicles shown in the Standard up to and including the 19m articulated vehicle.
- vi) The maximum longitudinal grade of the driveway for normal passenger vehicles must not exceed 25% and that relating to all commercial vehicles 15%.

Certification by an appropriately qualified person to the effect that these design requirements have been met shall accompany the application for any related Construction Certificate.

13. Parking Areas and Access

A. Design

All vehicular access, parking and manoeuvrability including loading areas for the proposed development must be designed and constructed to comply with AS2890.1 - 2004 and AS2890.2.

The following specific requirements must be incorporated into the design:

- i) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- ii) The ingress and egress crossings must be clearly identified by signage.
- iii) The proposed loading and delivery areas must be clearly defined with suitable signposting and pavement markings.
- iv) The car park must be line marked to accommodate 541 vehicles.

B. Before Construction

Certification of the above must accompany the application for any applicable Construction Certificate.

14. Basement Car Park Design

A. Design

The basement car park must be designed in accordance with AS 2890 and must incorporate the following:

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct, fire suppression service component or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position.
- ii) Any garage must have a minimum width of 3m with a minimum door opening of 2.75m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.
- iii) Any proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.
- iv) Any proposed "Small Car" parking spaces as defined in AS2890.1 shall be signposted in accordance with that Standard.
- v) All proposed Disabled and Adaptable parking spaces shall be marked and signposted in accordance with the requirements of AS2890.6

B. Before Construction

Certification of the above must accompany the application for any applicable Construction Certificate.

15. Drainage Design - Requirements

A. Design

A detailed drainage design must be prepared in accordance with Sutherland Shire Development Control Plan 2015 and the accompanying Environmental Specification - Stormwater Management 2009, "Australian Rainfall and Runoff (1987)", Council's Drainage Design Manual, Australian Standard AS3500.3:2003 and the BASIX Certificate issued against this development.

The design must include;

- i) A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis).
- ii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- iii) A longitudinal section of the pipeline within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- iv) A physical barrier (eg. concrete kerb or earth mound within the landscaping) must be provided around the perimeter of the site to prevent the discharge of surface water flows onto adjoining properties or the road reserve.
- v) Water from pathways and access drives must be prevented from entering the road reserve as surface flow. This can be achieved by constructing a box

- drain at the boundary equipped with a 300mm wide grate and frame to collect the flow or directing the flow to a sag pit within the property.
- vi) The rate of discharge of stormwater from the site to a drainage system under Council's control must be controlled so that it does not exceed the pre-development rate of discharge. Specific certification from the designer to this effect must be incorporated in the submitted drainage plans / details.
 - vii) Remodeling of the existing and proposed stormwater condition for the site based on the true contour of the land confirming that discharge of stormwater from the northern 1/3 of the site shall not exacerbate flooding downstream in any storm up to and including the 1% AEP event. The modeling shall extend all the way to the receiving waters and assume that all inlet pits in the network are 50% blocked.
 - viii) That the existing "Zero Discharge" condition for the Dents Creek Catchment discharge be remodeled to confirm that the discharge of stormwater from the southern 2/3 of the site shall not exacerbate flooding downstream in any storm up to and including the 1% AEP event. The modeling shall extend all the way to North West Arm receiving waters and assume that all inlet pits are 50% blocked.
 - ix) A drainage depression must be provided for the full width and length of any proposed overland flowpath. The escape route must be designed to have the capacity to carry the difference between a 1 in 100 year flow and half the flow in the pipeline. Specific certification must be provided by the designer to this effect as part of the submitted drainage design / details.
 - x) Where underground service lines (ie water, drainage, sewerage and gas) are required which are in conflict with the location of the root zone of trees and significant vegetation to be retained, the lines must be excavated by hand or by directional or underboring techniques to reduce any adverse impact on the root zone of the trees.
 - xi) The design drawings are to indicate the alignment, sizes, type, class, grades and lengths of all the pipelines, rainwater tanks, irrigation system, overland flow path and associated structures,
 - xii) The overland flow path must match the property alignment level along the front boundary of the property.
 - xiii) Drain by gravity to the existing downstream stormwater drainage network.
 - xiv) Prior to the issue of any Construction Certificate for the development works, full approval of NSW Government - Sydney Trains shall be obtained to the proposed increase in stormwater within the stormwater drainage system under its control. All General and Specific terms of approval to the increase in stormwater within the Sydney Trains lands shall be incorporated into the approved stormwater drainage plans. Certification shall be provided with the issue of the appropriate Construction Certificate for these works that all Sydney Trains requirements have been complied with. Any works required within the Sydney Trains lands as part of its terms of approval shall be the subject of fully detailed Works as Executed plans Certified by the Supervising Engineer prior to the issue of any Occupation Certificate for the development site.

B. Before Construction

- i) Certification issued by an appropriately accredited person to the effect that these design requirements have been met must accompany the application for any Construction Certificate.

C. Before Occupation

- i) Certification must be provided from a registered surveyor to the effect that:
 - a) All civil engineering works required by this development consent have been carried out in accordance with the terms of the development consent and the approved engineering drawings with regard to location and level.
 - b) All pipes, pits and detention facilities lay within their relevant existing or proposed easements.
- ii) Certification shall be provided from the supervising engineer acting as an Accredited Certifier, to the effect that:
 - a) All civil engineering and stormwater works associated with development have been carried out in accordance with the terms of the development consent, the approved engineering drawings and in the case of public works Council's "Specifications for Civil Works associated with Subdivisions and Developments".
 - b) The construction of the drainage system for the proposed development has been carried out generally in accordance with the requirements of the approved stormwater drainage plans, Council's SSDCP 2015 and the accompanying Environmental Specification 2009 and has been carried out in order that the rate of stormwater flow downstream is not increased in any storm up to and including the 1% AEP event as a result of the development.
 - c) That the stormwater quality management measures meet all the treatment objectives (Short Term) set out in Section 6.2 of Council's Environmental Specification 2009.
- iii) Works-as-Executed drawings certified in the above manner and containing all relevant information as required by Council's "Specification for Civil Works Associated with Subdivisions and Developments" shall accompany the application for any Subdivision / Occupation Certificate. The Works-As-Executed drawings must also include all relevant levels, reduced to Australian Height Datum, dimensions and locations including:
 - invert levels,
 - surface and pavement levels,
 - floor levels, including adjacent property,
 - maximum water surface level for a 1% AEP storm event,
 - floor levels and freeboard, the location, volume and dimensions of the basin and level and dimensions of overflow weir, distances from boundaries and buildings.

Note: Upon approval of the stormwater management designs a notation will be added to the s.149 certificate in relation to any required detention facility or stormwater treatment device.

D. Ongoing

The on site stormwater detention facility and rainwater tanks shall meet the following requirements:

- a) Keep the drainage system facility clean and free from silt, rubbish and debris.
- b) Maintain and repair the drainage system facility so that it functions in a safe and efficient manner.
- c) Replace, repair, alter and renew the whole or parts of the drainage system facility within the time and in a manner specified in a written notice issued by the Council.
- d) Not make any alteration to the drainage system facility or elements thereof without prior consent in writing of the Council.
- e) Permit the Council or its authorised agent from time to time upon giving reasonable notice (but at anytime and without notice in the case of an emergency) to enter and inspect the land for compliance with the requirements of this clause.
- f) Comply with the terms of any written notice issued by the Council in respect to the requirements of the Clause within the time stated in the notice.
- g) On completion the works are to be certified by a suitably qualified and experienced Chartered Professional Engineer NPER in Civil Engineering or a Land Surveyor registered with the Institute of Surveyors NSW and "Works As Executed" drawings provided to Council in respect of:
 - Fitness for purpose of storage structure
 - The structural adequacy of the storage device
 - The adequacy of the OSD system
 - The works being approved in accordance with the approved design

The Works-As-Executed drawings submitted to Council are also to include all relevant levels, reduced to Australian Height Datum, dimensions and locations including:

- invert levels,
- surface and pavement levels,
- floor levels, including adjacent property,
- maximum water surface level for a 1% AEP storm event,
- floor levels and freeboard,
- the location, volume and dimensions of the basin and level and dimensions of overflow

-weir, distances from boundaries and buildings.

Note: Council has the ability to enforce conditions of consent and may inspect the facility, and issue fines or orders if these requirements are not being complied with.

16. Stormwater Treatment

A. Before Construction

Appropriate stormwater treatment measures, selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997", Sutherland Council DCP 2015 and its accompanying Environmental Specification - Stormwater Management 2009 and also compliant with the requirements of the Lower Georges River Catchment Management Plan, must be provided as part of the permanent site stormwater (water quality) management system. Details must accompany the application for any applicable Construction Certificate.

B. Before Occupation

The above work must be completed in accordance with 'A' above to the satisfaction of the Supervising Engineer before the issue of any Occupation Certificate.

C. Ongoing

The stormwater treatment measure/s must be maintained in accordance with the manufacturers' specification at all times.

Note: Upon approval of the stormwater management designs a notation will be added to the 149 certificate in relation to any required detention facility and/or stormwater treatment device. See Section 4.4 of the Environmental Specification 2009.

17. Design of Structures Adjoining Drainage Pipelines

A. Design

The walls of any structure adjoining stormwater drainage pipelines must be designed to withstand all necessary forces should excavation off the pipeline be required down to the existing pipe invert levels.

B. Before Construction

Certification of the above must accompany the application for any applicable Construction Certificate.

18. Damage to Adjoining Properties

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and

building plant and equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority prior to the issue of any Construction Certificate.

B. During Works

The constraints and recommendations of the Geotechnical Engineers Report shall be implemented and maintained at all times during the works..

19. Public Utilities

This condition is imposed to facilitate the provision of services to the development and reduce conflicts between services and lot boundaries, buildings or associated facilities.

A. Before Construction

Suitable arrangements must be made with all relevant public and private utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications and the like, and any necessary underground conduits are provided. Any required electrical substations shall be incorporated into the development and accommodated within the site and not within the sites frontages.

Note: Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.96 of the Environmental Planning and Assessment Act.

20. Linen Plan of Subdivision to Conform with Development Consent

A. Before Subdivision

Any Linen Plan of Subdivision issued as a result of this development must conform with Council's Development Consent No.15/1134.

21. Allocation of Common Property

A. Ongoing

Common property within the development must not be allocated by the Owners Corporation/s for the exclusive use of a proprietor. No modification may be made to a Plan of Strata Subdivision without the prior development consent of Council.

22. Noise Control during Construction

To minimise the impact on the surrounding environment the construction of the development shall be carried out in accordance with the Construction Noise Management Plan and recommendations provided under Part 7 of the acoustic report from Acoustic Noise and Vibration Solutions Pty Ltd dated 26 August 2015, Reference No: 2015-317 R2.

23. Public Road Signposting and Linemarking

All public road signposting and linemarking or the provision of other traffic facilities within those areas except the roadways under the control of the NSW Roads and Maritime Services shall be approved by the Sutherland Traffic Committee prior to their installation.

24. Loading Dock and Commercial Vehicle Access Management Plan

A Loading Dock and Commercial Vehicle Access Management Plan shall be prepared to control the movement of such vehicles to and from the site. These management plans shall include restrictions on the movement of 19m Articulated Vehicles as defined in Australian Standard AS.2890.2 such that access to the development site loading docks shall be via Bath Road and Flora Street only with egress from the site being gained via Flora Street and Oak Road northbound. Details of these management plans shall be provided to all commercial and retail tenancies and incorporated in all applicable leases, sales documents and shall also form part of all applicable Strata Management Rules.

25. Detailed Landscape Plan

A. Design Changes

The landscape works on the site must be carried out in accordance with the approved Landscape Plan except as amended by the following:

- i) Clear labeling of Buildings A to G on all plans.
- ii) Accurate location of all existing trees on the site and in the road reserve to be retained and removed must be shown in the Tree Management Plan and other landscape drawings prepared by Scott Carver (Dwg No.DA100 Rev 1 or A, dated 11.09.2015), the arborist report prepared by Matthew Reed (dated 28th September 2015) and the civil and hydraulic plans prepared by Northrop (Rev 2 dated 16.09.15) in accordance with the site survey prepared by LTS Lockley (Sheets 1-5 dated 18/10/2013).
Note that Trees 66, 67, 68, 70, 73, 75, 76, 77 and 78 (all *Eucalyptus paniculata*) are remnant Sydney Turpentine Ironbark Forest (STIF) and must be retained. Tree 74 (*Angophora costata*) no longer exists.
- iii) Tree Protection Zones (TPZ) must be shown on plan for all existing trees and/or natural site features to be retained and protected.

- iv) Detail planting plans showing the densities and location of all proposed plants.
- v) Provision of canopy trees over 50% of seats within all Common Open Space (COS) except on the roof top in Building A.
- vi) All landscaped areas including all planter boxes on slab must be provided with a water-efficient irrigation system, connected to a pump and the rainwater tank, to enable effective landscape maintenance.
- vii) As the subject site is identified as being within a Greenweb Support area, all new tree plantings in deep soil must be indigenous species and 80% of understorey plants in deep soil must be indigenous species. All indigenous species must be selected from Sutherland Shire Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au <<http://www.sutherlandshire.nsw.gov.au>> and search for Native Plant Selector).

For planter boxes on slab, tree and understorey species such as *Cupaniopsis anacardioides* (Tuckeroo), *Tristaniopsis laurina* (Water Gum), *Banksia serrata* (Old Man Banksia) and *Elaeocarpus reticulatus* (Blueberry Ash) and others which are indigenous to the Sutherland Shire, and not just to the site, may be substituted. Suitable species are available by selecting "Plants anywhere across the Shire" in Native Plant Selector.

- viii) Each unit above the ground floor must be provided with a clothesline on the balcony. Ensure that clotheslines are not visible above the balustrade.

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation and submitted to Council's landscape architect for approval prior to the Construction Certificate being issued.

Notes:

A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

If demolition works to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an occupation certificate (interim or final). This certificate is required to ensure that all landscaping works and the deep soil percentage requirements have been carried out in accordance with 'A' above, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date.

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

Sutherland Shire Council Nursery
345 The Boulevarde, Gympie
Ph: 02 9524 5672

26. Trees on Private Land (Projects larger than Dual Occupancies) (ENV2030)

A. Tree Removal

The removal of the following trees is approved:

- i) Trees identified on the Tree Management Plan as part of the approved Landscape Plan as "existing tree to be removed" EXCEPT FOR Trees 66, 67, 68, 70 and 73 (*Eucalyptus paniculata*) along the Flora Street frontage near the Oak Road intersection which must be retained and protected.
- ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iii) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.

All other vegetation that would require approval to be removed must be protected.

27. Removal and/or Pruning of Trees on Council Land

A. Design

Council has preferred supplier agreements in place with arborists who are approved to carry out arbor works on Council land. Removal of the trees listed below must only be undertaken using Council's preferred supplier at the applicant's expense. The applicant is responsible for contract management and payment of the arborist prior to works being undertaken.

Select from Council's list of preferred suppliers listed on Council's website: <http://www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land>. Payment of the quoted amount provided must be made prior to any works commencing on site.

The following trees have been approved for removal within the road reserve:

Tree No.	Tree Species (botanical and common name)	Location
75	<i>Eucalyptus sideroxylon</i> (Mugga Ironbark)	Oak Road
76	<i>Eucalyptus sideroxylon</i> (Mugga Ironbark)	Oak Road

28. Tree Retention and Protection

A. Before Works

Prior to the commencement of any excavation or construction works on site the applicant shall engage a suitably qualified and experienced Arborist to oversee the measures for the protection of existing trees as listed below.

Note: An Arborist is a person with a current membership of the National Arborist's Association of Australia at a grade of General Member, Affiliate Member or Life Member, or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

Prior to the commencement of any works, including demolition, the supervising Arborist must oversee the protection of the following trees as listed in the table below AND as marked on the Tree Management Plan in the approved Landscape Plans prepared by Scott Carver (Rev 1 dated 11.09.2015) to ensure the installation and adequacy of all tree protection measures.

Tree No.	Tree Species (botanical and common name)	Location
66	<i>Eucalyptus paniculata</i> (Grey Ironbark)	Flora St near Oak Rd.
67	<i>Eucalyptus paniculata</i> (Grey Ironbark)	Flora St near Oak Rd.
68	<i>Eucalyptus paniculata</i> (Grey Ironbark)	Flora St near Oak Rd.
70	<i>Eucalyptus paniculata</i> (Grey Ironbark)	Flora St near Oak Rd.
73	<i>Eucalyptus paniculata</i> (Grey Ironbark)	Flora St near Oak Rd.

The trees identified for retention must be protected by the following measures:

- i) To preserve the trees numbered 70 and 73, reconfiguration of the cycle way in Flora Street near the intersection with Oak Road is required in a curved form to retain the existing levels and topsoil around the base of these trees. Note that Trees 71 and 72 are approved to be removed.
- ii) To preserve the trees numbered 66, 67 and 68, reconfiguration of the road, underground carpark and building at the intersection of Kiln Lane and Flora Street is required to accommodate the retention of these trees.
- iii) The location and details of any footings within the Tree Protection Zone (TPZ) shall be detailed in accordance with ii) above and on the Construction Certificate Plans.
- iv) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with Arborist report prepared by Matthew Reed (dated 28th September 2015). Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- v) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- vi) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- vii) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation;
- iii) The supervising Arborist must strictly supervise that there is no disturbance or severing of roots greater than 30mm diameter and to cleanly cut those roots between 10-30mm in diameter.
- iv) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

29. Prevention of Air Pollution

A. Ongoing

To ensure contaminants are not released into the atmosphere from the premises, the use of the building and any plant, equipment and fittings installed therein must be operated so as to meet the following requirements:

- i) Protection of the Environment Operations Act 1997.
- ii) Protection of the Environment Operations (Clean Air) Regulation 2002.
- iii) AS 1668 - Part 2 - 1991.
- iv) AS 3666.1 - 2002.
- v) AS 3666.2 - 2002
- vi) AS 3666.3 - 2000
- vii) Public Health Act - 1991.
- viii) Public Health Act (Microbial Control) Regulation 2000.

30. Supervising Environmental Consultant

A. Before Commencement

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise the remediation of the site and manage related environmental issues.

B. During Works

The environmental consultant must supervise any required remediation of the site and ensure compliance with the approved Site Contamination Management Plan and associated documentation.

Note: An appropriately qualified and experienced environmental consultant shall be certified by one of the following certification schemes; or equivalent:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner (CEnvP) Scheme.
- Site Contamination Practitioners Australia (SCPA).

31. Validation of Site Establishment Phase

A. Before Commencement of Building Works

Prior to commencement of any works relative to this consent, a Validation Report must be prepared by an appropriately qualified and experienced environmental consultant. This Validation Report must verify that any remedial works undertaken during the site establishment phase was undertaken in accordance with the approved Site Contamination Management Plan.

The Validation Report must be prepared in accordance with, but not limited to, the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites' 2011.

32. Construction Environmental Management Plan

A. Before Commencement of Works

Prior to commencement of any works, a Construction Environmental Management Plan (CEMP) must be prepared by an appropriately qualified and experienced environmental consultant. The CEMP must satisfy the objectives and controls of 'Sutherland Shire Development Control Plan 2015' relating to environmental management, and the 'Sutherland Shire Environmental Specification 2007 - Environmental Site Management'.

The CEMP must also include the requirements of the 'Site Contamination Management Plan' by Environmental Investigation Services (EIS), November 2010 [REF: E21714FK-CMP2.1].

Specially, the CEMP must address, but not be limited to, the following:

- i) safe access to and from the site during construction .
- ii) safety and security of work site, road and footpath area; including details of proposed fencing, hoarding and lighting.
- iii) method of loading and unloading excavation machines, building materials.
- iv) how and where construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways.
- vi) erosion and sediment control measures.

Note: An appropriately qualified and experienced environmental consultant shall be certified by one of the following certification schemes; or equivalent:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner (CEnvP) Scheme.
- Site Contamination Practitioners Australia (SCPA).

B. During Works

The site management measures within the Environmental Site Management Plan must remain in place and be maintained throughout the period of works until the site has been stabilised.

C. Prior to Use and Issue of Occupation Certificate

The Construction Environmental Management Plan must be submitted to the satisfaction of Sutherland Shire Council - Manager Environmental Science, prior to the issue of any Construction Certificate. Therefore, the approved Construction Environmental Management Plan must accompany the application for any Occupation Certificate.

33. Final Site Validation

A. Prior to Use and Issue of Occupation Certificate

On completion of works, a Validation Report must be prepared by an appropriately qualified and experienced environmental consultant verifying that the site has been remediated in accordance with the approved Site Contamination Management Plan. The Validation Report must also verify that the site is suitable for final land use.

The Validation Report shall be prepared in accordance with, but not limited to, the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites' 2011.

The Validation Report must be submitted to the satisfaction of Sutherland Shire Council - Manager Environmental Science, prior to the use of the site and the issue of an Occupation Certificate. The approved Validation Report must therefore accompany the application for an Occupation Certificate.

34. Management of Groundwater

A. During Works

Groundwater at the site must be managed in accordance with the requirements of the "Long-Term Groundwater Management Plan" by C.M Jewell & Associated Pty Ltd, October 2010 [J1418.11R-rev0].

Where basement construction intercepts groundwater, the basement structures must be fully tanked and groundwater monitoring must be undertaken in accordance with the requirements of the NSW Office of Water.

B. Prior to Occupation

Certification must be provided by the suitably qualified, supervising Engineer that the basement structures have been fully tanked in accordance with the requirements of the NSW Office of Water.

This certification must accompany the application for an Occupation Certificate

35. Heritage Conservation and Works

A. Before Occupation

All heritage conservation works shall be done according to the permit issued by the Heritage Council, Statement of Heritage Impact and Heritage Interpretation Plan prepared by NBRS+P dated 28 September 2015 (Including Addendum dated 28 January 2016), and Archaeological Conservation Report prepared by International Conservation Services dated November 2014. A separate permit (139(4) exemption or s140 permit) is required to be obtained from the Heritage Council if works exceed the scope of the previous permit.

36. Car Wash Bays

To prevent contamination of the stormwater drainage system a car-wash bay must be provided on site:

A. Design

The wash-bay must be graded to an internal drainage point and connected to the sewer.

B. Before Construction

Details of the design satisfying 'A' above must accompany the application for a Construction Certificate.

C. Before Occupation

The Principal Certifying Authority must be satisfied that

- i) 'A' above has been complied with and
- ii) any discharge to the sewer from the premises is in accordance with the requirements of Sydney Water.

D. Ongoing

All car-wash, engine degreasing and steam cleaning must be conducted in the wash-bay detailed in 'A' above. Wastewater must be treated in accordance with the requirements of Sydney Water.

37. Cleanliness and Maintenance of Food Preparation and Storage Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation and storage areas:

A. Design

The food preparation and storage area/s must be designed in accordance with;

- i) Food Act 2003.
- ii) Food Regulation 2010.
- iii) Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
- iv) AS 4674 - 2004 (Design, construction and fit-out of food premises).

- v) Sydney Water Corporation - Trade Waste Section.
- vi) Protection of the Environment Operations (Clean Air) Regulation, 2002.
- vii) AS 1668 Part 1- 1998.
- viii) AS 1668 Part 2 - 1991.

B. Before Construction

Details of compliance with the above must form part of the documentation accompanying the application for a Construction Certificate.

C. Before Occupation

- i) Prior to issue of an Occupation Certificate, certification must be provided from a suitably qualified person that all work in connection with the occupation or use of the premises for the preparation, display and storage of food has been carried out in accordance with the terms of the development consent.
- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for the food business.

38. Garbage, Recycling and Green-waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

Details of compliance with 'A' above must form part of the documentation accompanying the applications for a Construction Certificate.

C. Before Occupation

The works must be completed prior to the issue of any Occupation Certificate.

D. Ongoing

All waste and recycling bins must be stored wholly within the approved waste storage area. Waste management shall be undertaken in accordance with the Waste Management Plan dated 22/09/2015 prepared by Elephants Foot Recycling Solutions.

39. External Lighting - (Amenity)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

40. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater

To minimise the noise impact on the surrounding environment:

A. Design

The unit must be designed and/or located so that noise generated does not cause an LAeq (15min) sound pressure level in excess of 5 dB(A) above the ambient background level when measured on or within any residential property.

B. Ongoing

- i) The unit must be operated in accordance with 'A' above.
- ii) Between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

41. Noise Control - Design and Operation

To minimise the impact of noise on the surrounding residential neighbourhood

A. Design

(i) The development shall be designed and operated in accordance with the recommendations of the acoustic report by Acoustic Noise and Vibration Solutions Pty Ltd dated the 26 August 2015 Ref No: 2015-317 R2

(ii) All plant and equipment must be designed and / or located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

B. Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

C. Ongoing

All plant and equipment must be operated and maintained in accordance with 'A' above.

42. Noise Control - Design of Plant and Equipment

To minimise the impact on the surrounding residents, all sound producing plant, equipment, machinery, mechanical ventilation systems or refrigeration systems:

A. Design

All plant and equipment must be acoustically attenuated so that the noise emitted

- before 8am or after 10pm on any Saturday, Sunday or public holiday, or
 - before 7am or after 10pm on any other day
-
- i) does not exceed an LAeq sound pressure level of 5dB above the ambient background noise level when measured
 - a) at the most effected point on or within any residential property boundary or
 - b) at the external edge of any sole occupancy unit balcony within the premises itself at any time the units operate.
 - ii) cannot be heard within a habitable room in any sole occupancy unit* or other residential premises (regardless of whether any door or window to that room is open).* As defined in the Building Code of Australia

Note: Noise measurement must be carried out in accordance with Australian Standard 1055.1.

B. Before Construction

Acoustic attenuation required to comply with 'A' above, must be prepared by a qualified acoustic engineer. These details must accompany the application for a Construction Certificate.

C. Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

D. Ongoing

All plant and equipment must be operated and maintained in accordance with 'A' above.

43. Noise - Pedestrian Inclinator

To minimise the impact on the nearby residents:

A. Design

The pedestrian inclinator must be designed so that the noise emitted must not exceed an L_{Amax} sound pressure level of not more than 60 dB(A) when

measured in the immediate vicinity of the external structure of any adjoining premises.

B. Before Construction

Details of the design satisfying 'A' above must accompany the application for a Construction Certificate.

C. Before Use

Certification must be provided by a qualified acoustic engineer that the LAmax noise level detailed in 'A' above has been complied with.

D. Ongoing

- i) All acoustic treatment must be operated and maintained in accordance with 'A' above.
- ii) Except in the event of an emergency the operation of the inclinor must be operated only between 7.00am and 10.00pm. Alternative access must be used outside these hours.

44. Noise from Road

To minimise the impact of noise from the adjoining major road on the occupants:

A. Design

The building design must be in accordance with the recommendations of the acoustic report by Acoustic Noise and Vibration Solutions Pty Ltd dated 26 August 2015 Ref No: 2015-317 R2 approved as part of this application.

B. Before Construction

Details of the acoustic attenuation treatment must accompany the documentation forming part of the Construction Certificate.

C. Before Occupation

Details of the acoustic attenuation treatment must accompany the application for a Construction Certificate in accordance with 'A' above and must include all post construction validation test results.

45. Noise and Vibration Control - Residential Car Park

To minimise noise and vibration from use of the security door in the car park:

A. Design

The proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads or otherwise installed to prevent vibration noise transmission through the concrete walls and / or columns.

B. Before Occupation

The Principal Certifying Authority must be satisfied that 'A' above has been complied with.

46. Building Ventilation

To ensure adequate ventilation for the building:

A. Design

The building mechanical and / or natural ventilation systems must be designed, in accordance with the provisions of:

- i) The Building Code of Australia;
- ii) AS 1668 Part 1 - 1998;
- iii) AS 1668 Part 2 - 1991;
- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;
- vi) AS 3666.1 - 2002;
- vii) AS 3666.2 - 2002; and
- viii) AS 3666.3 - 2000.

B. Before Construction

Details of compliance with the above must form part of the documentation accompanying the application for a Construction Certificate.

C. Before Occupation

- i) Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.
- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for any cooling tower / warm water system

D. Ongoing

The ventilation system must be operated and maintained in accordance with 'A' above.

47. Car-Park Ventilation - Alternate System

To ensure adequate ventilation for the car park:

A. Design

As the basement car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -1991, the car-park must be either mechanically ventilated by a system complying with AS1668.2 - 1991 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The

certification shall confirm that the system will protect the health of occupants of the car park at anytime it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

Details of compliance with 'A' above must form part of the application for a Construction Certificate.

C. Before Occupation

Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

D. Ongoing

The ventilation system must be operated and maintained in accordance with 'A' above.

48. Dilapidation Report - Adjoining Properties

A. Before Works

To assist in the resolution of any future disputes about damage to properties and public areas adjoining the development site, prior to commencement of any work on site relative to this consent, the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings in FloraStreet, Bath Road and Oak Road including any basements and ancillary structures as well as the road reservation. The reports must be provided to the Principal Certifying Authority, Council and to the owners of the properties that are the subject of the report.

The reports must be prepared by a suitably qualified and experienced person, such as a structural engineer.

49. Design Requirements for Disabled Access

A. Design

A report prepared by a suitably qualified Access Consultant must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS1428 - Design for Access and Mobility.

50. Design Requirements for Livable and Adaptable Housing

A. Design

The development is to provide for 10% Livable and 20% Adaptable Housing.

A report prepared by a suitably qualified Specialist must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing and the Livable Housing Design Guidelines.

The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

51. Verification of Design for Construction - SEPP 65

A. Design

Design verification must be provided by a registered Architect pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the building / architectural plans submitted with the Construction Certificate. This must accompany the application for a Construction Certificate.

B. Before Occupation

Prior to the issue of the final Occupation Certificate design verification must be provided in accordance with SEPP 65.

52. BCA Assessment Report

A. Before Construction

The recommendations of the Building Code of Australia Assessment Report prepared by Vic Lilli & Partners Consulting and dated 24 September 2015 (Ref: J150263) must be complied with and must accompany the application for a Construction Certificate.

53. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each basement, floor or roof slab,

A registered surveyor must provide the Principal Certifying Authority with Certification that the stage of structure complies with the development consent in respect of levels.

B. Before Occupation

The certification referred to above must form part of the application for any Occupation Certificate and the Works as Executed plans.

54. Sydney Water Tap inTM & Compliance Certificate

A. Before Construction

The plans approved as part of any Construction Certificate must be submitted to a Sydney Water Tap inTM to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and / or easements, and if further requirements need to be met. Customers will receive an approval receipt. Please refer to the web site www.sydneywater.com.au.

B. Before Occupation / Prior to issue of Subdivision Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges.

Sydney Water Advice on Compliance Certificates:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au/customer/urban/index or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.

55. Dial Before You Dig

A. Before Construction

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

56. Noise Control and Permitted Hours for Building and Demolition Work

A. During Works

To minimise the noise impact on the surrounding environment:

- i) The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.
- ii) All building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

Only for the purpose of pouring large floor or roof slabs, work may be carried out on the site from 7.00am to 8pm Monday to Friday, excluding Public Holidays on a week day. In order to activate the extended hours of operation both Council and affected neighbours must be notified a minimum of 48 hours prior to commencement. Affected neighbours include those in the immediate vicinity, adjacent or adjoining the development site. Notification must be by way of written advice including:

- Date/s the extended hours will be utilised.

- The purpose of the extended hours - pouring large slab.
- Address of the development works / site.
- Contact name and number of appropriate site officer (supervisor or manager) for enquiries.

Notification to Council must include a copy of the letter and a map or list identifying those affected neighbours who have been notified.

57. Toilet Facilities

A. During Works

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- be a standard flushing toilet connected to a public sewer, or
- have an on-site effluent disposal system approved under the Local Government Act 1993, or
- be a temporary chemical closet approved under the Local Government Act 1993

58. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

- Street / unit / shop numbers must be clearly displayed.
- Suitable letterbox facilities must be provided in accordance with Australia Post specifications.

59. Car parking Areas

A. Ongoing

To ensure that the car parking area satisfies the demands of the development:

- it must be made available on an unrestricted basis and free of charge at all times for employees' and visitors' vehicles
- any parking nominated as visitor parking or common property must be continually available as common property.

60. Car Parking Allocation

A. Before Subdivision

Car parking must be allocated to individual strata lots as part of their unit entitlement. Parking must be allocated on the basis as specified in the Concept Approval:

Visitor parking facilities and/or car wash bays must be designated as common property on any strata plan and clearly delineated by signposting and/or linemarking.

B. Ongoing

The car-parking provided must only be used in conjunction with the dwellings and/or tenancies contained within the development and not for any other purpose.

61. Loading and Unloading

To preserve the amenity and ensure the safety of the public:

A. Ongoing

All loading and unloading of vehicles must be carried out within the site from the dedicated basement facilities and not from the public or internal roadways. All service/delivery vehicles must enter and leave the site in a forward direction.

62. Hours of Operation & Operational Management

These conditions are imposed to ensure that the operation of the licensed premises does not adversely affect the amenity of the locality.

A. Ongoing

i) Trading Hours

The Coles and Aldi supermarkets may operate between the hours of 6.00am and 12 midnight seven days a week. The ancillary liquor retail sales within Coles and Aldi shall cease trade at 9:00pm.

The First Choice Liquor Store shall operate between the hours of 9.00am to 9.00pm Monday to Saturday and 10.00am to 9.00pm Sundays.

ii) Occupation of the site

The premises must not be occupied by staff or contractors beyond 1 hour after the cessation of trading nor before 8.00am on any day.

Note: Only Cleaning, bakery and fresh food preparation for staff and contractors is permitted undertaken outside these hours of operation, between midnight and 6am daily

iii) Sale of Liquor

The sale and supply of liquor in the licensed premises must be in accordance with the terms and conditions of an approved liquor licence issued by the Office of Liquor Gaming and Racing.

Any liquor supplied or sold must not be consumed on the premises.

xi) Plan of Management

In addition to the above the premises must operate in accordance with the Operational Management Plan (Appendix 27) submitted with this application.

63. Shopping Trolley Management

A. Ongoing

The business operator must:

- i) ensure that all shopping trolleys provided for customers are clearly labelled with the name of the business, including a contact telephone number that can be used to report abandoned trolleys;
- ii) provide convenient, safe, designated trolley return bays to encourage the orderly management of shopping trolleys;
- iii) put in place measures to minimise the occurrence of shopping trolleys being taken off the site (e.g. signs, proximity wheel locking devices, coin deposit locks, etc);
- iv) implement a process to ensure that any trolleys abandoned within the site, any associated car park, and within 100m of the site are collected at least every 2 hours by scheduled staff/contractor patrols; and
- v) ensure that any trolley abandoned outside of the areas specified in (iii) above reported to the business operator by Council or a member of the public is collected within 24 hours.

64. Deliveries and Waste Collection

To minimise the noise impact of the development on the surrounding environment, the deliveries and collection of goods including garbage and recycling waste from the premises must not take place between the hours of 8pm and 7am Monday to Saturday or before 8am Sunday and Public Holidays.

65. Signage Strategy

A. Design and On-Going

- i. Signage area No.6 shall be reduced to not exceed 20m² in area.
- ii. Signage area No. 19 shall be deleted.
- iii. Signage area No.2 shall be reduced in width to 5.6m.
- iv. Wall signage shall not protrude > 300mm from face of the built form
- v. The signage areas must only accommodate 'business identification signage' for commercial land uses within the development site. Commercial sponsorship advertising is not permitted.
- vi. No additional signage is permitted to be erected at the periphery of the site or affixed to the buildings elevations where immediately adjoining Princes Highway, Oak Road, Flora Street or eastern adjoining properties. Any signage associated with commercial tenancies 4 - 19 must be contained internally within the site and are subject to future consent.
- vii. No illumination of signage is permitted outside of business trading hours. Illumination shall be reduced to a low level of illumination between after 10pm.
- viii. Only internally illuminated is permitted. External illumination is not permitted (e.g. flood lit signs).
- ix. Animated signs, mechanical moving signs, scrolling messages, moving LED signs, video/television screens, projected laser advertising and other flashing lights, signs with large areas of red or resembling traffic lights are not

permitted.

66. Crime Prevention through Environmental Design

A. During Construction

Security lighting and/or a security company shall be incorporated to protect the site during the construction phase.

B. Design & On-going

To minimise the opportunity for crime, and in accordance with Crime Prevention Through Environmental Design (CPTED) principles, the development shall incorporate the mitigation measures identified in the CPTED Assessment prepared by Barker Ryan Stewart (Reference No. CC150070 - dated September 2015), in addition to the following:

- i. Security systems and CCTV cameras must be installed by a licensed security professional in and around the property to monitor all common areas, commercial spaces, entry / exit points (including lobbies), mail and waste collection areas, docks, driveways and carparks . Suitable sign posting shall be placed to deter potential offenders.
- ii. Onsite security must be provided 24/7 for surveillance of CCTV, conducting regular patrols and for the emergency management of the site.
- iii. All security and access control devices installed should meet or exceed Australian Standard 4806. Areas of the building not needing to be accessed by the public should be restricted to authorised persons with access control and supported by security (patrols/CCTV) and adequate signage.
- iv. All levels of the car park, pedestrian routes, communal areas and entry and exit points must be adequately lit to meet Australian Standard 1158.3.1. Lighting must be compatible with the CCTV system.
- v. Residential lobbies and mail boxes shall be secure and provided with appropriate access control devices. Mailboxes should be located in the entry lobbies along an accessible path of travel.
- vi. Exterior fixtures and fittings must be made from robust and vandal resistant materials.
- vii. All graffiti is to be removed within 7 days.
- viii. Signage shall be installed to assist in way finding through the development and to clearly mark emergency parking spaces. Line marked/sign posted pedestrian path of travel between access/egress points, including lifts in the parking levels shall also be provided.
- ix. Emergency evacuation plans shall be implemented, maintained and displayed to assist residents, visitors and emergency services in the event of an emergency.
- x. The eastern side of the site where immediately adjoining Building C and D/E shall be secured to prevent entrapment areas and opportunities for crime.
- xi. The Brick Kiln conservation / display area must be secured during evening hours and provided with appropriate surveillance and access control.

- xii. Mail should be delivered and received from secured mailrooms within each building lobby/foyer. Only residents and Australia Post should have access control to these secured mail rooms.

In addition to the above, the requirements of the NSW Police Force shall be incorporated into the design and on-going management of the site inclusive of commercial, residential, parking, loading and common areas.

67. Hours of Use - Communal Podium Areas

A. On-Going

To minimise the impact of the proposed communal podium areas on the amenity of surrounding residential properties, the use of this space must not begin before 6am on any day, and end no later than 9pm Sundays-Wednesdays (inclusive) or 10pm Thursdays-Saturdays (inclusive). Further, the areas shall be restricted to resident use only and there shall be no amplified music played at any time. Signage shall be clearly placed advising residents of these restrictions.

68. Pedestrian Wind Environment


A. Before Construction

Prior to the issue of any Construction Certificate for the building/s, the proponent shall demonstrate compliance with the recommendations of the Pedestrian Wind Environment Study prepared by Windtech dated 25 September 2015.

69. Green Travel Plan

A. Before Occupation & On-Going

The Green Travel Plan accompanying the Development Application prepared by Combined Projects (Kirrawee) Pty Ltd shall be implemented.



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Planning

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Approved Section 75W Modification Application

No. 3

in respect to MP 10-0076

Signed A. Mather

Sheet No. 1 of 6



KEY

- AWNING / ROOF
- PODIUM LEVEL (1 - 4 STOREYS)
- 1 - 8 STOREYS
- 9 - 12 STOREYS
- 13 - 15 STOREYS
- APARTMENT ORIENTATION

Project Title: KIRRAWEE BRICK PIT

Client: KIRRAWEE

GA Plans Envelope Plan Diagram

Rev: M

Date: 05/11/15

Scale: 1:500

Drawn By: CH

Checked By: M

Project No: 13040

Day No: A-SK-700-001

Rev: 1

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 75W Modification Application

No. 3

in respect to MP 10-0076

Signed A. Mather

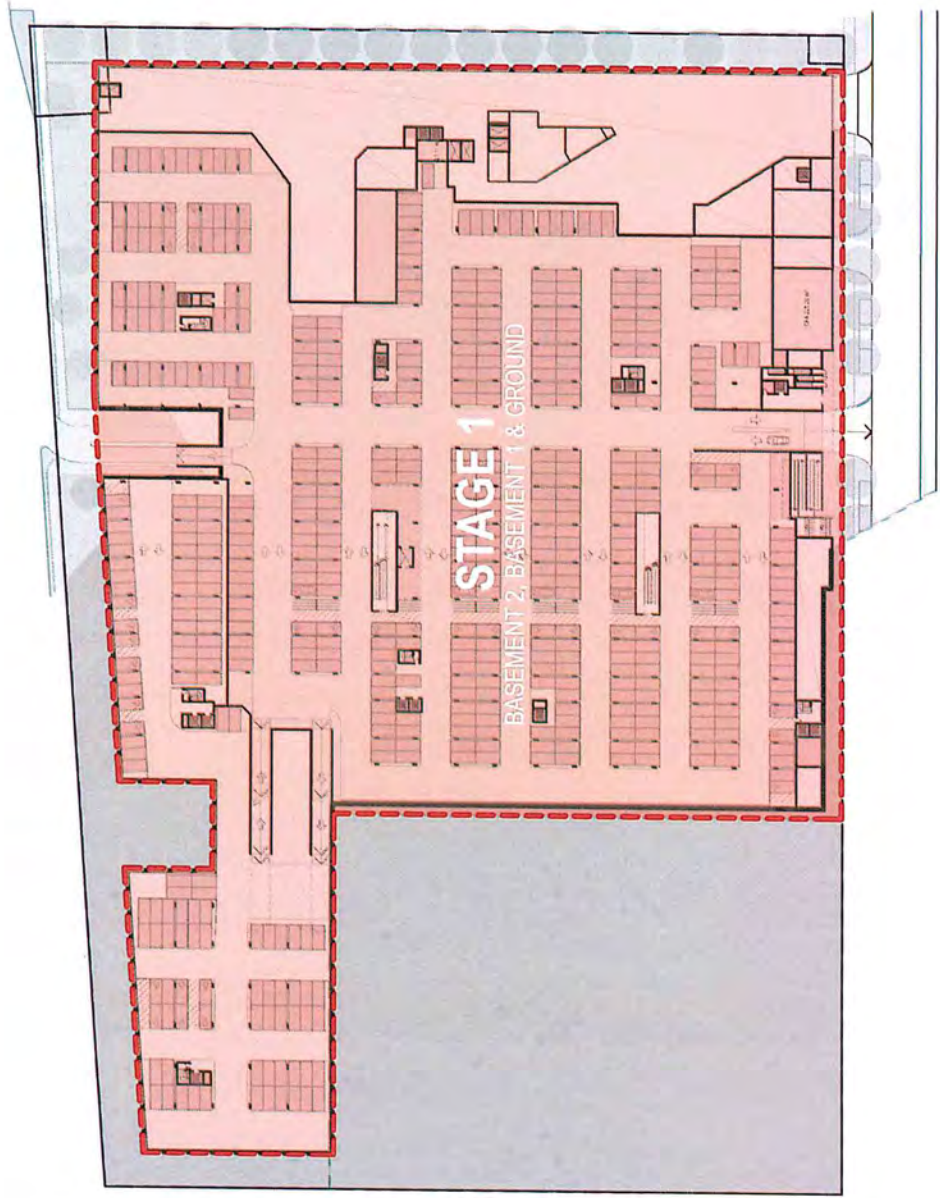
Sheet No. 1 of 6

APPENDIX "B"

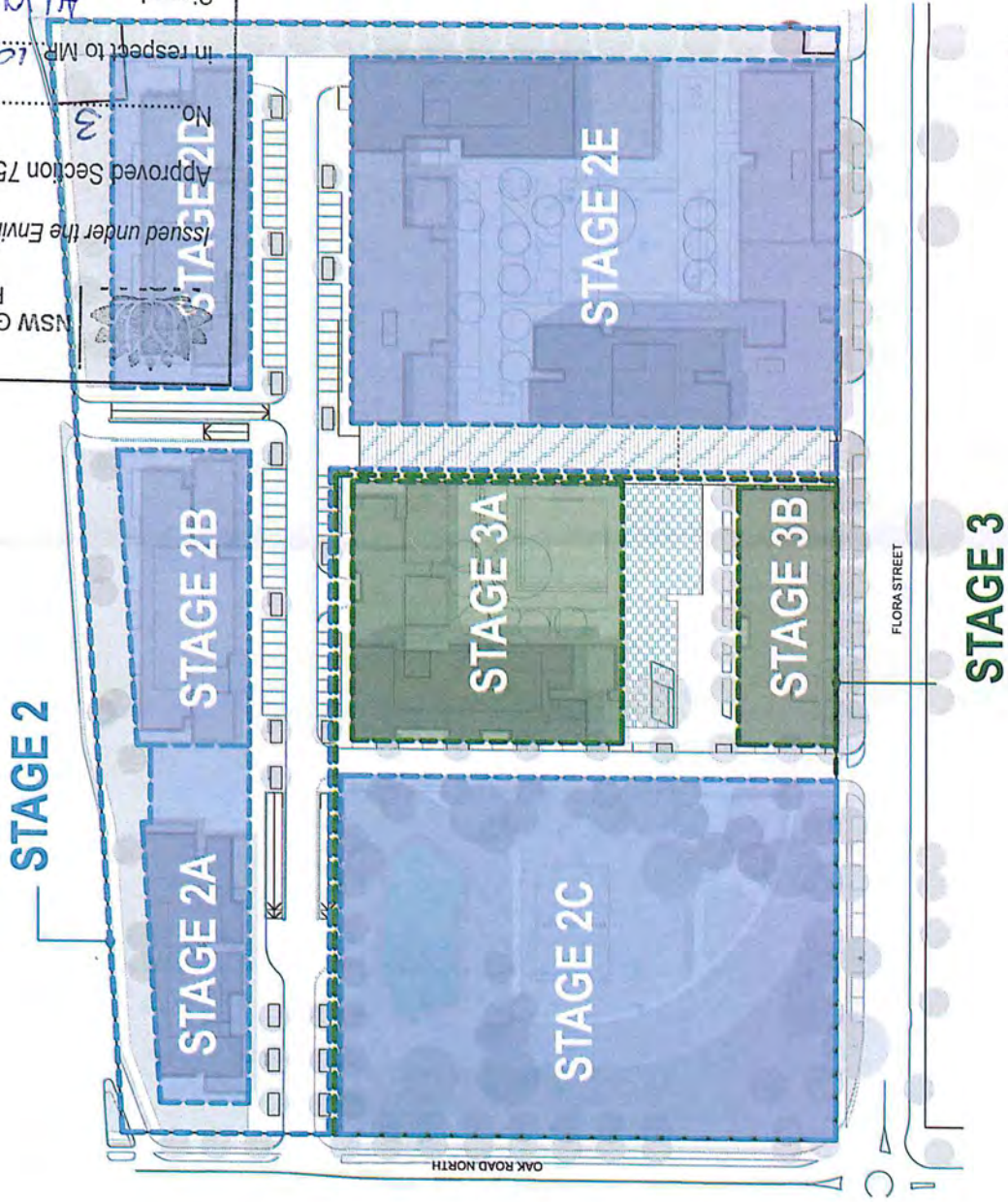
turner

14/11/2015

14/11/2015



BASEMENT PLAN



ROOF PLAN

NSW GOVERNMENT
Planning
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Approved Section 75W Modification Application
No. 3
In respect to MP 10-0076
Signed *Aluchan*
Sheet No. 4 of 6

NSW GOVERNMENT
Planning & Environment
- 9 OCT 2014
DEVELOPMENT ASSESSMENT
SYSTEMS AND APPROVALS
RECEIVED

NSW GOVERNMENT
Planning
Issued under the Environmental Planning and Assessment Act 1979
Approved Section 75W Modification Application
No. 3 granted on the 30/01/2015
in respect to MP. 10-0076
Signed: *A. Archer*
Sheet No. 5 of 6

KEY
EXTENT OF BASEMENT

PRINCES HIGHWAY

EXTENT OF BASEMENT

NEW PARK
9,000m²

OAK ROAD NORTH

FLORA STREET

Project Title
KIRRAWEE BRICK PIT

Project No.
13140

Drawn By
CH

Scale
1:500, 1:1000 (A1, A2, A3)

Sheet No.
A-SK-700-005

Project Information

Project Title
GA Plans
Envelope Plan_Basement

Project No.
13140

Drawn By
CH

Scale
1:500, 1:1000 (A1, A2, A3)

Sheet No.
A-SK-700-005

Project Information

Project Title
KIRRAWEE BRICK PIT

Project No.
13140

Drawn By
CH

Scale
1:500, 1:1000 (A1, A2, A3)

Sheet No.
A-SK-700-005

Project Information

Project Title
KIRRAWEE BRICK PIT

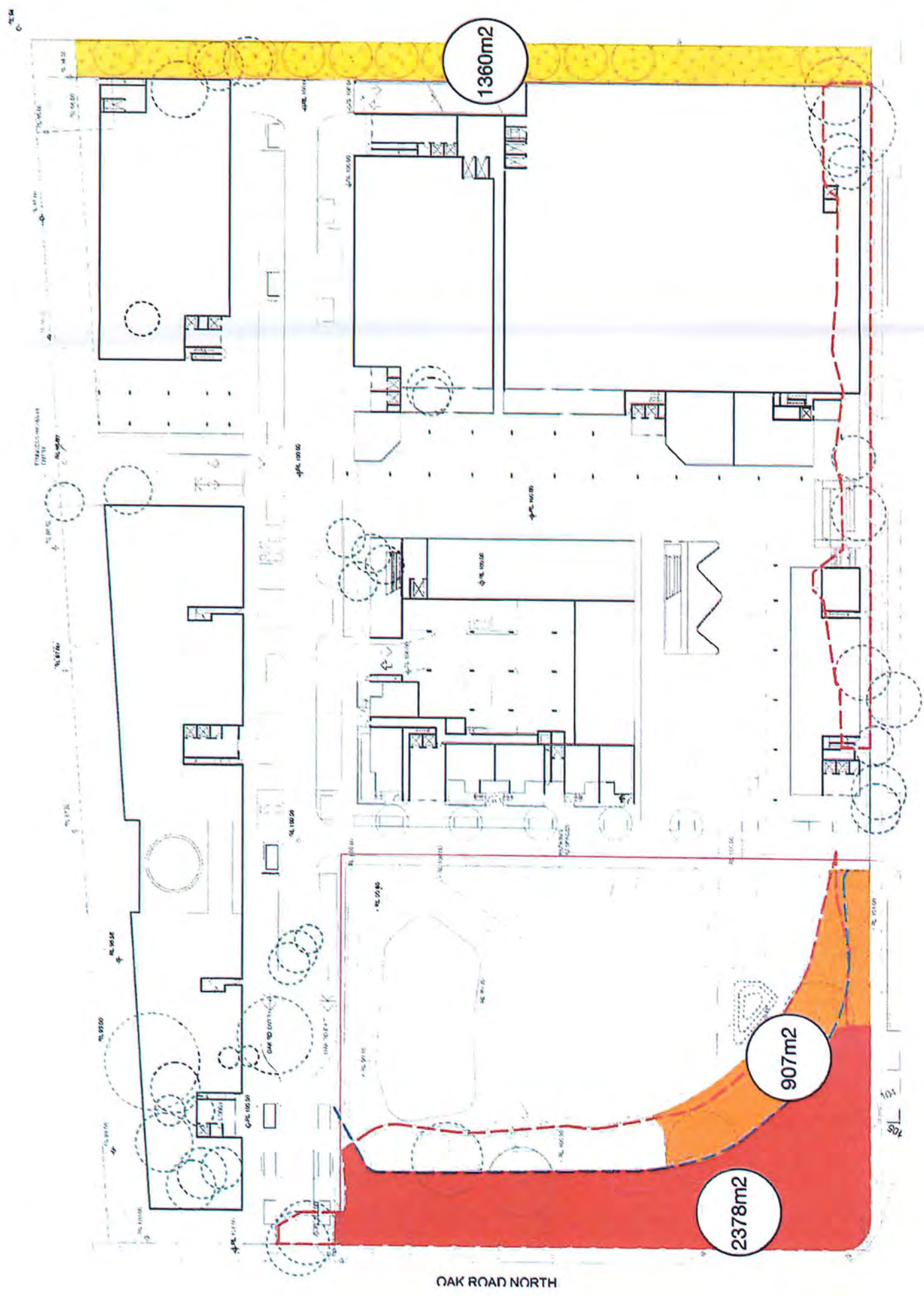
Project No.
13140

Drawn By
CH

Scale
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Sheet No.
A-SK-700-005

Project Information



- STIF EXISTING AREA
- STIF TO BE RETAINED
- STIF TO BE REINSTITATED TO REGRADED BATTERS
- STIF TO EASTERN BOUNDARY

STIF Impacts Comparison

Description	Cumberland Ecology report (m²)	Proposed S75W (m²)	Difference (m²)
Current extent of STIF			
Current extent of existing STIF vegetation	4766	4766	0
Existing STIF vegetation to be retained on original soil	1973	2378	+ 405
STIF to be removed	2793	2388	- 405
Compensatory Planting			
Required compensatory STIF bushland planting replacement (2:1 ratio)	5300	5300	
New areas of STIF			
New areas of STIF on re-graded soil batter on site	0	907	+ 907
New areas of STIF on eastern boundary on site	0	1360	+ 1360
New STIF bushland planting off-site	5300	5300	
Total compensatory STIF provided	5300	7567	+ 2267

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 75W Modification Application

No. 3 granted on the 30/01/2015

In respect to MP 10-0676

Signed: *Attache*

Sheet No. 6 of 6

NSW GOVERNMENT

Planning

NSW GOVERNMENT

Planning & Environment

29 AUG 2014

DEVELOPMENT ASSESSMENT

SYSTEMS AND APPROVALS

RECEIVED

STIF Impacts Comparison Plan

Dwg no : 13066-S75W 07

Rev B

Client: Payce
Architect: Turner

Drawn: TH
Checked: KL

Scale: 1:1000 @A3/ 1:500 @ A1
Date: August 2014

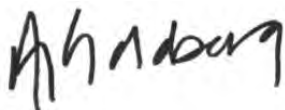
Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

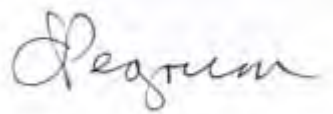
As delegate of the Minister for Planning under delegation issued on 14 September 2011, the NSW Planning Assessment Commission approves the modification application referred to in schedule 1, subject to the conditions in schedules 2 and 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Abigail Goldberg
MEMBER OF THE COMMISSION



Annabelle Pegrum AM
MEMBER OF THE COMMISSION

Sydney

30 January 2015

SCHEDULE 1

Application Number:	MP10_0076
Proponent:	Sutherland & Associates
The Authority:	Minister for Planning
The Land:	Kirrawee Brick Pit, 566-594 Princes Highway, Kirrawee
Concept Approval:	Kirrawee Brick Pit Concept Plan granted on 23 August 2012 by the Planning Assessment Commission
Project:	Mixed use retail/commercial and residential development and associated public open space
Modification:	<p>MP 10_0076 MOD 3: modification includes:</p> <ul style="list-style-type: none">• 24,265m² increase of GFA (from 60,735m² to 85,000m²), comprising:<ul style="list-style-type: none">• 69,310m² of residential;• 14,190m² of retail/commercial (including 4,740m² supermarket and 1,450m² discount supermarket); and• 1,500m² community facility.• reduction of the total number of building envelopes from nine to seven and reconfiguration and amendment of building envelope locations, footprints, heights, separation distances and setbacks;• amended construction staging and timing of the delivery of the open space; and• removal of the car parking cap and imposition of car parking rates.

The Concept Plan for MP10_0076 is modified as follows:

SCHEDULE 2 TERMS OF APPROVAL PART A – ADMINISTRATIVE CONDITIONS

- (a) Term of Approval A1 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold struck-out**~~ words/numbers as follows:

A1 DEVELOPMENT DESCRIPTION

Concept Plan approval is granted to the development as described below:

- a) Use of the site for a mixed use development with associated public open space;
- b) Indicative building envelopes for **9 7** buildings to a maximum height of 14 Storeys;
- c) ~~60,735~~ **85,000**m² of Gross Floor Area, comprising ~~45,505~~ **68,310**m² of residential (~~432 749~~ dwellings) and ~~15,230~~ **14,190**m² of retail/commercial floor space (including ~~3,900~~ **4,740**m² supermarket and ~~1,470~~ **1,450**m² discount supermarket) and **1,500m² community facility**;
- d) Basement level, ground and above ground car parking;
- e) Road layout to support the development;
- f) Public pedestrian and cycle pathway;
- g) Public park with lake and surrounding forest; and
- h) Landscaping areas throughout the site.

subject to compliance with the modifications of this approval.

- (b) Term of Approval A2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold struck-out**~~ words/numbers as follows:

A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated December 2010 prepared by City Plan Services, except where amended by the Preferred Project Report dated 4 November 2011 including all associated documents and reports;
- the Revised Statement of Commitments prepared by Sutherland & Associates Planning Pty Ltd, dated October 2013; and
- Section 75W Modification to Concept Plan MP 10_0076 MOD 2, prepared by Sutherland & Associates, dated October 2013 (as amended February 2014);
- **Section 75W Modification to Concept Plan MP 10_0076 (MOD3), prepared by Sutherland & Associates, dated November 2013 as amended by Response to Submissions dated July 2014 and Response to Department of Planning & Environment Correspondence dated 3 September 2014; South Village Kirrawee – Quality of Sunlight – New Parkland, Rev 1 dated 24.12.14 prepared by Turner, Letter from IONIC to the Planning Assessment Commission dated 22 January 2015;**
- **The draft Voluntary Planning Agreements prepared by Gadens Lawyers (reference 21009015.1 DTSDTA (community benefits) and 20497267.1 DTSDTS (biodiversity offset)); and**
- the following drawings:

Architectural Drawings prepared by Woodhead-Turner			
Drawing No.	Revision	Name of Plan	Date
0040	B	Site Plan	19/10/11

0041	B	Landscape Plan	19/10/11
0100	B	Typical Top Level Residential Floor Plan	19/10/11
0110	B	Typical Residential Floor Plan	19/10/11
0120	B	Upper Ground Floor Plan	19/10/11
0130	B	Lower Ground Floor Plan	19/10/11
0140	B	Basement 1 Plan	19/10/11
0150	B	Basement 2 Plan	19/10/11
0160	B	Basement 3 Plan	19/10/11
0180	B	Floor Plans Buildings A to C – Sheet 1	19/10/11
0180A	B	Floor Plans Buildings A to C – Sheet 2	19/10/11
0181	B	Floor Plans Building D1, D2, E	19/10/11
0182	B	Floor Plans Building F, G & H	19/10/11
0190	B	Roof Plan with indicative plant rooms	11/05/12
0300	C	Indicative Sections East West (Masterplan)	15/05/12
0301	C	Indicative Sections North South (Masterplan)	15/05/12
0500	B	Indicative Elevations North & South	04/10/11
0501	B	Indicative Elevations West & East	04/10/11
0600	C	Indicative Staging – Lower Ground Stage 1	31/10/13
0602	B	Indicative Staging – Upper Ground Stage 1	19/10/11
0603	B	Indicative Staging – Upper Ground Stage 2	19/10/11
0604	B	Indicative Staging – Upper Ground Stage 3	19/10/11
<u>A-SK-700-001</u>	<u>M</u>	<u>Envelope Plan Diagram</u>	<u>05/01/15</u>
<u>A-SK-700-002</u>	<u>N</u>	<u>Envelope Elevation Diagrams</u>	<u>22/01/15</u>
<u>A-SK-700-003</u>	<u>N</u>	<u>Envelope Elevation Diagrams</u>	<u>22/01/15</u>
<u>A-SK-700-004</u>	<u>M</u>	<u>GA Plans – Illustrative Staging Plan</u>	<u>22/01/15</u>
<u>A-SK-700-005</u>	<u>L</u>	<u>Envelope Plan Basement</u>	<u>23/09/14</u>
<u>13066-S75W 07</u>	<u>B</u>	<u>STIF Comparison Plan</u>	<u>August 2014</u>

except for as modified by the following pursuant to Section 75O(4) of the Act.

- (c) Term of Approval A4 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

A4 MAXIMUM GROSS FLOOR AREA

The development of the site for a mixed use development shall have a maximum Gross Floor Area of **60,735 85,000**m², including a maximum of **15,230 15,690**m² of non-residential floor space. (Note: Above ground parking area is not included in the total GFA).

- (d) Insert a new Term of Approval A4A after Term of Approval A4 as follows (**bold and underlined**):

A4A DWELLING CAP

Future Development Applications shall provide for a total number of dwellings up to a maximum of 749 across the Concept Plan site.

Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap.

- (e) Term of Approval A5 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

A5 BUILDING HEIGHT

Roof heights on the site shall not exceed the levels (RL's) as identified on Concept Plan Drawings ~~0300 and 0301~~ prepared by **Woodhead Turner** Architects, dated ~~15 May 2012~~ **22 January 2015**. Parapets, lift over-runs, vents, plant rooms, chimneys, aerials (of whatever type), rooftop gardens ~~and trees~~, etc, above the habitable roof heights shall not exceed the levels (RL's) as identified on Drawings ~~0190~~ **listed in Term of Approval A2.**

- (f) Term of Approval A6 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

A6 BUILDING ENVELOPES, FORM, SOLAR ACCESS AND SEPARATION

Building footprints and setbacks are to be generally consistent with the Concept Plan diagrams **listed in Term of Approval A2**, except where amended by the Department of Planning and Infrastructure's Modifications in Part B, **Schedule 2**. Future development **application(s)** should be consistent with the provisions of the Residential Flat Design Code except where amended by the Department of Planning and Infrastructure's Modifications in Part B.

- (g) Term of Approval A7 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

A7 ROADWAYS

New roadworks and internal roads are to be provided in accordance with the Concept Plan, and associated documents, set out in Drawings ~~0040 & 0130~~ **A-SK-700-001** prepared by **Woodhead Turner Architects**, ~~23 September 2014~~ **19 October 2014** ~~and the Traffic Management and Accessibility Plan prepared by Halcrow Pacific Pty Ltd dated 27 October 2011 (Version 4)~~, and as amended by the Future Assessment Requirements in Schedule 3.

- (h) Term of Approval A11 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

A11 PUBLIC PARK

The development application for ~~the first substantive~~ stage **2A** of the development must ~~provide for~~ **include** the design, management and tenure of the public park on the land ~~within Zone 13~~ **shown as 'new park' on drawing A-SK-700-005 listed in Term of Approval A2.**

The public park must:

- a) Be designed by a qualified landscape architect and generally in accordance with the plans and documents referred to in Condition A2; and in consultation with the Council;
- b) Include a lake, which can be located as shown on Drawing 13066-S75W07B (dated August 2014) or in a location agreed by Council;
- c) Provide for the conservation of the Sydney Turpentine Ironbark Forest; and
- d) Be publicly accessible; ~~and~~
- e) Include high quality hard and soft landscaping and paving areas and a variety of recreation facilities;
- f) Be contiguous with and accessible from the public domain
- g) Include a Vegetation Management Plan that is consistent with NSW Office of Water's Guidelines for vegetation plans on waterfront land; and
- h) include future management requirement and an implementation program.

~~The public park may be provided in accordance with the terms of a planning agreement offered by the proponent and the subject of a Council resolution referred to in Appendix 16 of the Preferred Project Report.~~

- (i) Insert a new Term of Approval A11A (Voluntary Planning Agreement) after Term of Approval 11.

A11A Voluntary Planning Agreement – Community Benefits

The proponent shall enter into a Voluntary Planning Agreement (VPA) with Sutherland Shire Council prior to the release of the first Occupation Certificate for the first substantive development application. The VPA shall be generally consistent with the draft VPA prepared by Gadens Lawyers ((reference 21009015.1 DTS DTS) and Council's comments in its letter to the PAC (attached as Appendix 1 to the PAC determination report dated 30 January 2015) to provide for:

- a) construction, embellishment and dedication of public open space as shown as 'new park' on drawing A-SK-700-005
- b) construction and dedication of a 1,500m² community facility;
- c) monetary contribution towards the beautification of Kirrawee Shopping Precinct (between Flora Street and Kirrawee Station); and
- d) monetary contribution towards the upgrade of Oak Road (between Flora Street and the Princes Highway).

SCHEDULE 2 PART B – MODIFICATIONS

- (j) Modification B1 (Building Envelope and Separation Modifications) is deleted.
- (k) Modification B2 (Development Design) is deleted.
- (l) Insert a new Modification B2A as follows (**bold and underlined**):

B2A BUILDING ENVELOPES 'E' AND 'F'

Future development application(s) shall provide a minimum 3 metre setback to the 7th storey of building envelopes E and F fronting Flora Street to achieve an appropriate scale of development.

- (m) Modification B4 (Car Parking) is deleted.

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

- (n) Future Environmental Assessment Requirement 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words / numbers as follows:

1. **LANDSCAPING**

~~Future applications shall include detailed landscape plans demonstrating that sufficient soil depth can be provided for landscaping, particularly along street frontages and over podium/basement levels~~

A landscape master plan must be submitted with the first substantive development application. The plan must be prepared in consultation with Council by a qualified landscape architect. The design and treatment of the public areas shall complement the landscape design of the public park.

The plan shall:

- a) detail the proposed hard and soft landscape treatment of all public and private open space areas, street setback areas, internal roadway, areas adjacent to existing public roads;**
- b) include future management requirement for both public and private open spaces and the management regime for the private open spaces;**
- c) demonstrate that sufficient soil depth can be provided for landscaping, particularly along street frontages and over podium/basement levels;**
- d) include an implementation program.**

- (o) Future Environmental Assessment Requirement 4 is amended by the insertion of the **bold and underlined** words/numbers as follows:

4. Future applications shall demonstrate that any future development, **including public domain**, will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water sensitive urban design measures, energy efficiency, recycling and water disposal.

- (p) Future Environmental Assessment Requirement 5 (Contributions) is deleted.

- (q) Future Environmental Assessment Requirement 7 (Ground Floor Usage) is deleted.

- (r) A new Future Environmental Assessment Requirement 8s is added by the insertion of the **bold and underlined** words/numbers as follows:

8s. BUS LOCATIONS

The proponent shall liaise with Council and the local bus operator to identify new locations for corresponding bus stops in close proximity to the main entrance of the development on the Princes Highway. Safe and efficient pedestrian connectivity to bus stops in the vicinity of the development should be provided.

- (s) Future Environmental Assessment Requirement 10 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

10. BIODIVERSITY OFFSET

A Biodiversity offset Package (BOP) shall be adopted which is consistent with the Principles for the use of biodiversity offsets in NSW which can be found at the following website: <http://www.environment.nsw.gov.au/biocertification/offsets.htm>

The BOP shall be secured generally in accordance with the draft Voluntary Planning Agreement prepared by Gadens Lawyers (reference 20497267.1 DTSDTS)

The Biodiversity Offset Package (BOP) shall include, but not necessarily be limited to:

- The final biodiversity offsets selected and to be secured;
- The management and monitoring requirements for the offsets and other ecological measures proposed to ensure the outcomes of the BOP are achieved;
- Timing and responsibilities for the implementation of the provisions of the Package over time.

~~The BOP shall be secured by one of the following mechanisms:~~

- ~~• A conservation agreement under the *National Parks and Wildlife Act 1974*;~~
- ~~• A biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*;~~
- ~~• A planning agreement under the *Environmental Planning & Assessment Act 1979*, where the agreement provides for the conservation and/or enhancement of the biodiversity values of an area of land to which the agreement relates. A Trust agreement with the Nature Conservation Trust; or~~
- ~~• A legally binding agreement that provides for the conservation and/or enhancement of the biodiversity values of an area of land.~~

The Sydney Turpentine Ironbark Forest (STIF) off-site biodiversity offset, proposed under the Biodiversity Management Plan, prepared by Cumberland Ecology, dated November 2011, shall be included as part of any Voluntary Planning Agreement and be amended to:

- Provide replacement plantings at a ratio of 2:1 equating to a minimum of 5,300m²;
- Establish the new plantings with vegetation of the same type as that in the STIF, preferably on a site/s within 10km of the brickpit site that is/are acceptable to Council and subject to the agreement of the NSW Office of Environment and Heritage;
- Formulate a suitable legal mechanism for securing the offset; and
- Adopt a schedule of works for the implementation of the offset over a period of a minimum of five(5) years.

The biodiversity offsets as identified in the approved BOP shall be secured by the Proponent to the clearing of any of the Sydney Turpentine Ironbark Forest.

- (t) Future Environmental Assessment Requirement 14 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

14. CAR PARKING

Future applications shall address the following:

- a) ~~The total amount of car parking to be provided as part of the development shall not exceed 1,150 spaces. Total number of car parking spaces for the proposed development shall not exceed the following car parking rates:~~
- i. residential component of the development:
 - 1 space per 1 bedroom unit;
 - 1.25 spaces per 2 bedroom unit;
 - 1.5 spaces per 3 bedroom unit; and
 - 0.125 visitor space per unit (1 space per 8 units).
 - ii. non-residential component of the development (including the replacement of 40 street car parking spaces displaced by the development):
 - Supermarket – 4.5 spaces per 100m²;
 - Mini-Major (faster trade retail) – 4.0 spaces per 100m²;
 - Speciality Retail (incl. secondary retail, kiosks) – 4.2 spaces per 100m²;
 - Showroom – 2.4 spaces per 100m²;
 - Office – 2.5 spaces per 100m²; and
 - Medical – 0.9 spaces per 100m².
- b) An updated schedule of parking allocations for the site shall be prepared and submitted with each subsequent application.
- c) Parking facilities (public, commercial and bicycle) shall be designed in accordance with relevant Australian Standards.
- d) The design of the parking and commercial vehicle facilities shall be designed so that all vehicles, including commercial vehicles, enter and exit the development in a forward direction.
- e) the provision and implementation of a car share scheme.
- f) All loading and unloading associated with the use of the development shall take place wholly within the site from designated loading bays as identified in the Concept Plan. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.
- g) ~~Henroth Investments~~ South Village Pty Ltd shall enter into an agreement with Sutherland Shire Council that will delegate powers to Council to enforce regulatory parking signs within the internal road network if requested by Council.
- h) ~~Relocation of the Flora Street A~~ community bus and taxi drop off ~~to the main central Flora Street pedestrian entry,~~ shall be provided in a location and of a design that achieves reasonable accessibility for people with mobility restrictions between vehicles and the retail shops.

- (u) Future Environmental Assessment Requirement 17 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

17. STAGING OF DEVELOPMENT

~~Future~~ The first substantive applications shall provide details of the final ~~form of staging~~ program of the development ~~are to be submitted with the first application~~ to ensure the orderly and coordinated development of the site to the satisfaction of Council. ~~The initial stages of the development should include the construction~~

~~of the retail precinct and lake and neighbourhood park within the southwestern portion of the site.~~

~~Each stage described shall provide full details of inclusions in respect of:~~

- ~~a) Demolition;~~
- ~~b) Earthworks;~~
- ~~c) Buildings and all other structures (including basements);~~
- ~~d) Any elements of the overall public domain plan to be dedicated or embellished;~~
- ~~e) Any site remediation works;~~
- ~~f) Stormwater management works;~~
- ~~g) Any vehicular or pedestrian access to the site;~~
- ~~h) Measures to mitigate and manage nuisance caused by stages under construction to completed stages and clashes between stages including vehicle access, noise, parking and safety; and~~
- ~~i) Waste and Construction Management.~~

An access application shall be made to Council to obtain footpath crossing and boundary alignment levels before commencing the detailed design of internal driveways, paths and car park area.

- (v) Future Environmental Assessment Requirement 18 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

18. DESIGN QUALITY

All residential, retail, and commercial floor space that sits above the finished ground level and the landscape design for each substantive stage of development shall exhibit design excellence. The proponent shall invite a minimum of three registered independent architects or **firms architectural practices** with a reputation for delivering buildings and/or the public domain of the highest quality to tender for the residential, retail and commercial components of the development that sit above the finished ground level and the major landscape elements of the development, and at each substantive stage the proponent shall demonstrate to the relevant approval body the steps that have been taken to achieve design excellence for those elements.

- (w) Future Environmental Assessment Requirement 19 is amended by the insertion of the **bold and underlined** words/numbers as follows:

19. DEVELOPMENT DESIGN GUIDELINES

Future applications for the site shall be generally consistent with the Modifications in Part B and Future Assessment Requirements in Schedule 3 and shall address the following:

- a) the built form will comply with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002, except ~~where modified by this Concept Plan approval in respect to the setback requirements along the eastern boundary for Building D.~~
- b) sufficient building modulation/articulation is provided to achieve an acceptable built form.
- c) solar access to future apartments shall be consistent with the approved Concept Plan and as modified to achieve compliance with the requirements of the Residential Flat Design Code.
- d) future applications shall ensure that the internal residential amenity of the proposed apartments are not unduly affected by the noise and vibration impacts from the Princes Highway and should comply with the requirements of Clause

- (x) Future Environmental Assessment Requirement 20 is amended by the insertion of the **bold and underlined** words/numbers as follows:

20. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Future applications shall ensure all design and treatment recommendations as identified in the report titled Crime Prevention through Environmental Design – Overview of Concept Plan & Stage 1 Proposed Development prepared by Environmental Resources Management Australia and dated May 2009 shall be incorporated into the relevant Stage. In addition:

- i. **The ground level of all buildings should provide for passive surveillance particularly where they front the new internal roads and internal pedestrian thoroughfares of the development;**
- ii. The location of street furniture on internal streets and thoroughfares shall be identified on the plans for each stage. Street furniture shall be positioned to take advantage of well lit and open areas to minimise crime.
- iii. The landscape design shall provide adequate sight lines between the shopping centre entry and the community bus, taxi drop off and bike parking locations and avoid places of concealment within the adjoining public park.
- iv. Lighting shall be provided for the bus and taxi drop off area in accordance with the AS/NZS 1158.3.1:2005 Lighting for Roads and Public Spaces.
- v. **the eastern planted strip shall be designed to maximise safety in accordance with CPTED principles including lighting, clear sightlines, access control and other measures as necessary.**
- vi. **An Access and Management Plan shall be submitted to Council confirming how the eastern planted strip, located between the podium and the eastern boundary, shall be managed and/or general access prevented to ensure that it does not become a place of concealment and to minimise the potential for crime. The Access and Management Plan shall include any necessary mitigation measures.**

End of Modifications to MP10_0076



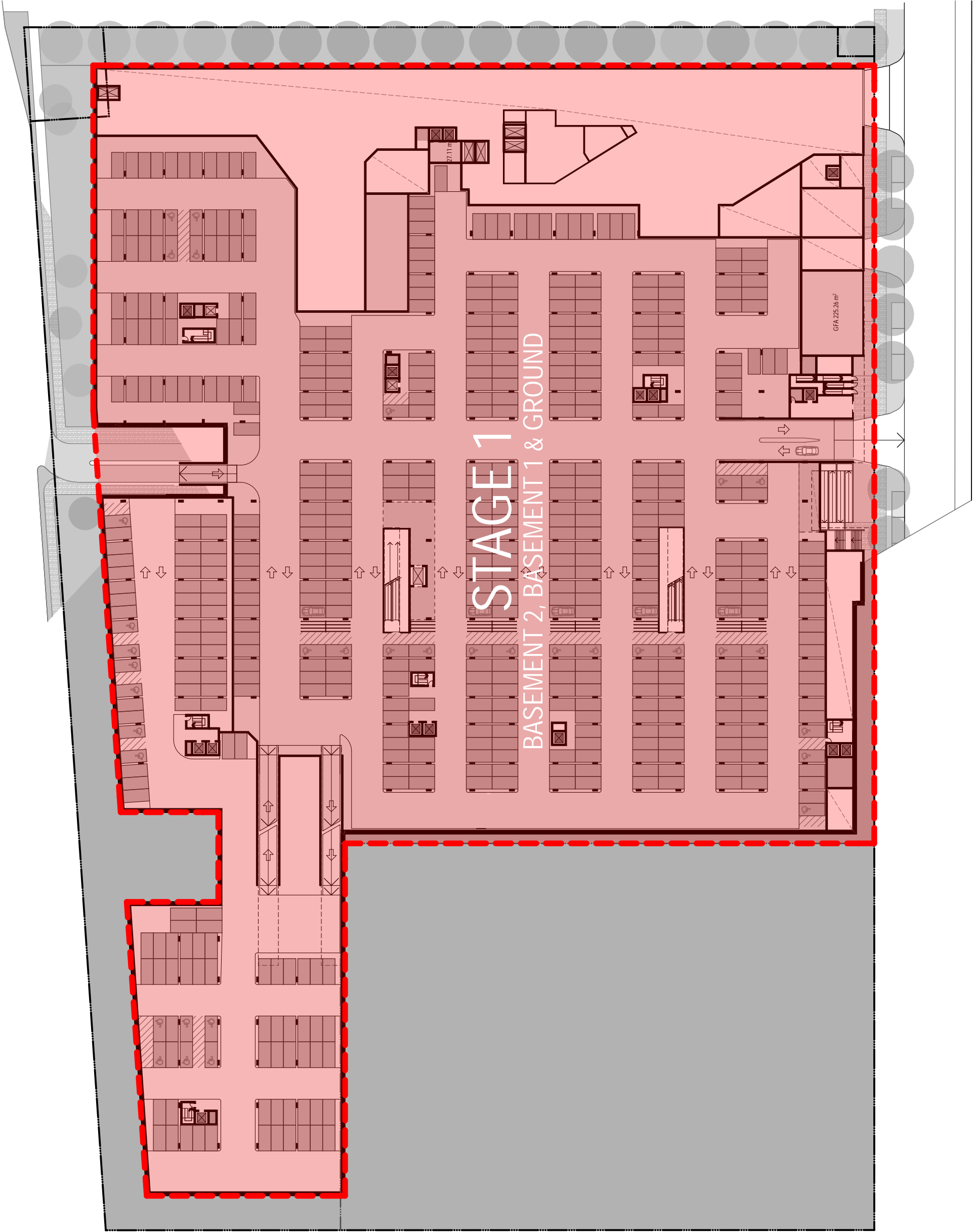
KEY

- AWNING / ROOF
- PODIUM LEVEL (1 - 4 STOREYS)
- 1 - 8 STOREYS
- 9 - 12 STOREYS
- 13 - 15 STOREYS
- APARTMENT ORIENTATION

Project Title	KIRRAWEE BRICK PIT	Revision	Date	Approved by	Project No.	Drawing No.	North
Drawing Title	CA Plans	Revision	Date	Approved by	Project No.	Drawing No.	North
Drawing Title	Envelope Plan Diagram	Revision	Date	Approved by	Project No.	Drawing No.	North

CLIENT
PAYCE
Level 37, Chifley Tower 2 Chifley Square
Sydney NSW 2000 Australia

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BASEMENT PLAN



ROOF PLAN

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PAYCE
Level 37, Chifley Tower 2 Chifley Square
Sydney NSW 2000 Australia

Project Title
KIRRAWEE BRICK PIT
KIRRAWEE
Drawing Title
CA Plans
Illustrative Staging Plan

Rev	Date	Approved By	Revised Staging	Project No	Drawn By	North
M	22/01/15	SC		13040	CH	
Rev	28/09/15	A1.509/A3		13040	CH	
For Information				A-SK-700-004	Rev	M

Level 1, 410 Crown Street
Sydney NSW 2000
Australia

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Sydney NSW 2000
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NSW GOVERNMENT
Planning & Environment
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Project File

KIRRAWEE BRICK PIT

KIRRAWEE

Project No.

13040

Scale

1:500, 1:1000 @ A1, 90% @ A3

For Information

Project No.

A-SK-700-005

Rev

L

CH

North

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23/03/14

SC

AKOZ Limited Proposal

Rev

Date

Approved By

Revision No.

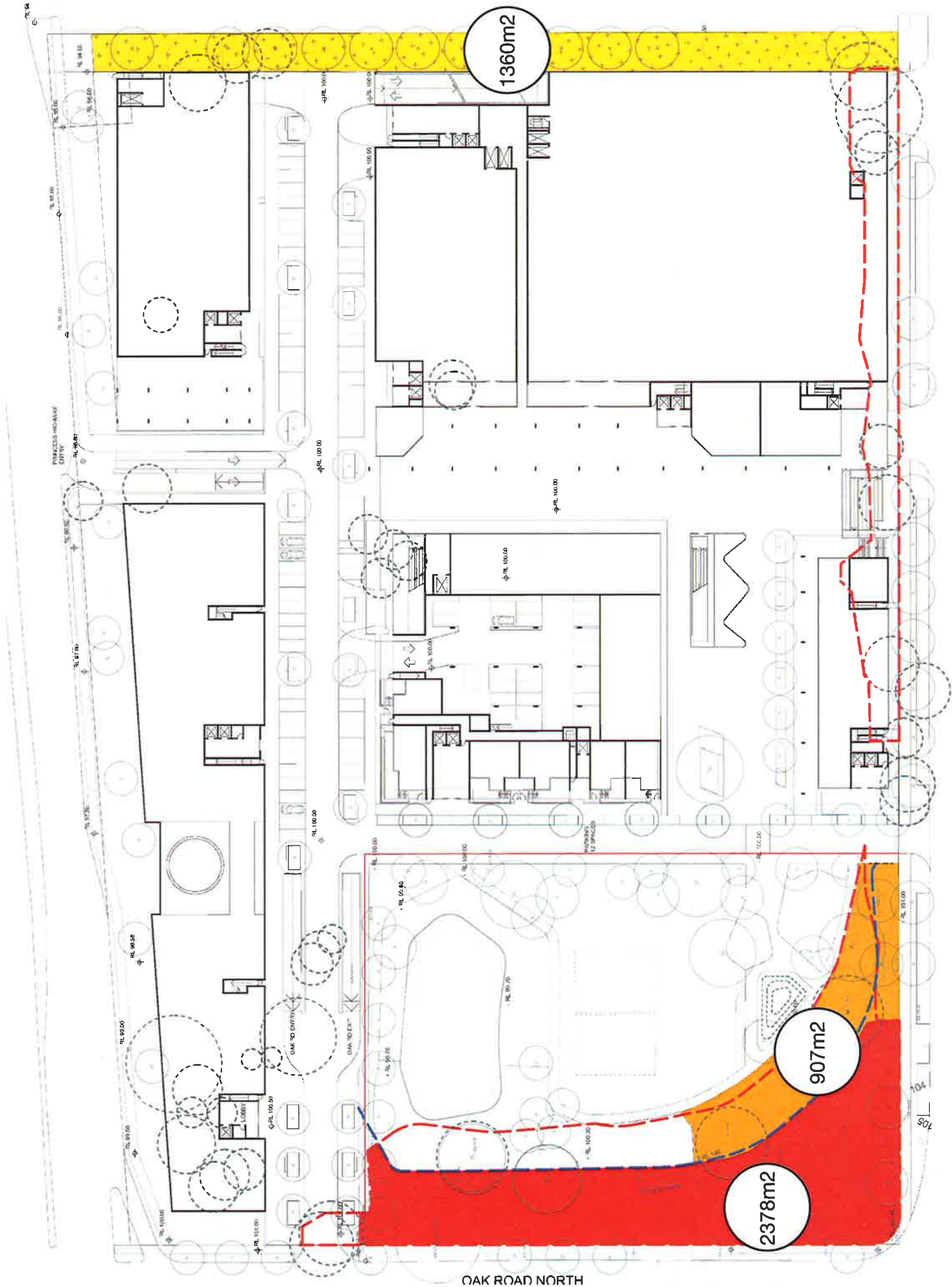
Level 1, 140 Cornhill Street

Sydney NSW 2000

Project No.

A-SK-700-005


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- STIF EXISTING AREA
- STIF TO BE RETAINED
- STIF TO BE REINSTATED TO REGRADED BATTERS
- STIF TO EASTERN BOUNDARY

STIF Impacts Comparison

Description	Cumberland Ecology report (m ²)	Proposed 575W (m ²)	Difference (m ²)
Current extent of STIF			
Current extent of existing STIF vegetation	4766	4766	0
Existing STIF vegetation to be retained on original soil	1973	2378	+ 405
STIF to be removed	2793	2388	- 405
Compensatory Planting			
Required compensatory STIF bushland planting replacement (2:1 ratio)	5300	5300	
New areas of STIF			
New areas of STIF on re-graded soil batter on site	0	907	+ 907
New areas of STIF on eastern boundary on site	0	1360	+ 1360
New STIF bushland planting off-site	5300	5300	
Total compensatory STIF provided	5300	7567	+ 2267



2-9 AUG 2014

DEVELOPMENT ASSESSMENT
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STIF Impacts Comparison Plan

Dwg no.: 13066-575W 07
Rev: B

30 January 2015

NSW Planning Assessment Commission Determination Report

MODIFICATION REQUEST (MP10_0076 MOD3): Concept Plan Application for Mixed Use Development at Kirrawee Brick Pit 566 – 594 Princes Highway, Kirrawee

1. INTRODUCTION

Sutherland & Associates (the Proponent) has submitted an application to modify the Concept Plan approval (MP10_0076) for the Kirrawee Brick Pit redevelopment at 566-594 Prince Highway, Kirrawee. The modification application has been lodged pursuant to section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act) which continues to apply to transitional Part 3A projects.

The 42,524m² site is located within the Sutherland Shire Local Government Area, adjacent to a major arterial road, and approximately 250 metres from the Kirrawee Village Centre and Kirrawee Railway Station.

The existing Concept Plan approval for the site was issued by the Planning Assessment Commission (PAC) in August 2012. Following this approval, Sutherland Shire Council (Council) nominated the Kirrawee centre as an Urban Activation Precinct. In addition, the Draft *Sutherland Shire Local Environmental Plan 2013* (LEP), zoned the land B4 *Mixed Use* and RE1 *Public Recreation* with a Floor Space Ratio (FSR) increase from 1.1 to 2.1 and building height increase from 12-15 metres to 50 metres, reflecting the development density approved in the Concept Plan.

2. PREVIOUS APPROVALS

The Concept Plan (MP 10_0076) approval of 23 August 2012 incorporated the following elements:

- Mixed use development and associated open space;
- 60,735m² of gross floor area (GFA), comprising 45,505m² of residential (432 dwellings) and 15,230m² of retail/commercial floor space (including 3,900m² supermarket and 1,470m² discount supermarket);
- Indicative building envelopes for nine buildings to a maximum height of 14 storeys;
- Basement level, ground and above ground car parking (1,150 spaces);
- Public park, lake and surrounding forest of 9,000m²;
- Internal roads, and public pedestrian and cycle pathways; and
- Landscaped areas throughout the site.

Subsequently ownership of the site has changed, and three minor modifications to the Concept Plan were approved by the Department of Planning and Environment (DP&E) to remove the need for design excellence below the finished ground level, to enable early works to commence, and to defer requirements for the execution of the works authorisation deed, construction traffic management and control plans to enable early works to proceed.

3. CURRENT MODIFICATION REQUEST (MP10_0076 MOD3)

On 27 November 2013, the Proponent submitted a modification request to increase the density of the development and amend the building envelope heights and layout as well as the indicative open space design and staging of delivery.

The modification request was exhibited by DP&E from 19 February 2014 to 11 April 2014. A total of 21 submissions were received in response to this exhibition, comprising six submissions from public authorities and 15 from the general public (11 of which were objections). Council objected to the modification application, raising a broad range of issues in relation to density, residential amenity, traffic impacts, heights and impact on the development potential of neighbouring sites.

Subsequent to the exhibition, the Proponent provided a response to issues raised in submissions by way of a Response to Submissions report (RtS) that was exhibited by DP&E from 23 July 2014 to 22 August 2014.

13 submissions were received in response to the exhibition of the RtS, comprising seven submissions from public authorities and six submissions from the general public (five of which were objections). Council maintained their objection to the amended Concept Plan, expressing particular concern with the increase in scale and mass, while reiterating issues raised previously.

The modification application, as amended by the RtS proposes:

- Increase of total GFA by 21,287.5m² (45%); from 60,735m² to 82,022.5m², comprising residential GFA of 67,832.5m²
- Decrease of commercial GFA by 1,048m² to a total of 14,189m² (including 4,740m² supermarket and 1,451m² discount supermarket);
- Reduction of the total number of building envelopes from nine to seven and reconfiguration of building envelope locations and shape;
- Amended construction staging and timing of the delivery of the public park;
- Removal of references to total dwelling numbers and car parking space numbers; and
- Amendments to administrative conditions, Future Environmental Assessment Requirements (FEARS) and the Statement of Commitments.

4. DELEGATION TO THE COMMISSION

The modification request has been referred to the Commission for determination under Ministerial delegation dated 14 September 2011, as Council objected to the proposal. The matter was received by the Commission on 8 December 2014.

The Commission panel nominated to determine the concept plan application consists of Ms Abigail Goldberg (Chair) and Ms Annabelle Pegrum AM.

5. SITE VISIT

Ms Goldberg is familiar with the site through previous involvement with the project and therefore did not visit the site on this occasion. Ms Pegrum visited the site and surrounding area on 16 December 2014.

6. DEPARTMENT'S ASSESSMENT REPORT

The Department's Assessment Report identified the following key issues:

- Density and indicative dwelling numbers;
- Car parking provision and traffic impacts;

- Amendments to building envelopes; and
- Open space and biodiversity.

The Department assessed the merits of the proposed modification and supported the project need and justification that the modification proposal reinforces the goals of the NSW 2012 State Plan, Draft Metropolitan Strategy for Sydney to 2013 and Draft South Subregional Strategy as well as the Urban Activation Precinct program.

The Assessment Report concludes that *‘the proposed modification is reasonable and results in a form and scale of development which is consistent with the desired future character of the area’*. The Department recommended that the Commission *‘approve the proposed modification subject to amended terms of approval, modifications and future assessment requirements’*.

7. MEETINGS

7.1 Sutherland Shire Council

The Commission met with the Mayor and Council officers on 23 December 2014 to hear Council’s view on the findings and recommendations of the Assessment Report. In general, Council noted that the proposed modification improves on the urban design of the original Concept Plan approval.

Issues raised by Council included:

Scale of the development:

- The height of buildings on the northern side of the site as proposed in the initial modification were supported as they offer a landmark entry to Kirrawee, subject to performance requirements for sunlight penetration to and achievement of plant diversity in the lake. Preference was expressed for a taller but slimmer building on the corner of the Princes Highway and Oak Road North;
- The height of mixed-use buildings on the eastern boundary of the site is considered to be excessive as it may restrict the development potential of the adjoining property;
- Amenity within private courtyards may be detrimentally affected by overshadowing due to the height of buildings. Likewise Flora Street may be impacted by overshadowing.
- Objection to the Proponent’s method of calculating FSR on the site.

Public domain

- Viability of the proposed wetland planting surrounding the lake, particularly if affected by overshadowing. Council asserted that the location of the lake should achieve at least 4 hours of sunlight exposure daily to support appropriate plants;
- Council welcomes the redesign of the parkland to achieve a contiguous and accessible public domain; and
- Greater attention to requirements for water sensitive urban design is required.

Traffic

- Council questioned the proponent’s claim that the traffic generation rate would be reduced by 9% albeit that density is increased;
- Northern side of the district (the other side of the Princes Highway) will be developed over time and cumulative impact on the traffic in the precinct would need to be managed; and
- Providing less parking at the target site could put pressure on on-street parking.

Developer contributions

- Council noted that the DP&E Assessment Report overlooked the two draft Voluntary Planning Agreements (VPAs) in relation to the original approval. The first VPA relates to the biodiversity offset package. This VPA is advanced and there are no unresolved issues between Council and the Proponent on this matter. The second VPA deals with community benefits, which would extinguish Section 94 contributions, and has not been progressed since the original approval. Moreover, should the current application be approved with additional yield then commensurate additional developer contributions should be required;
- Council proposed that a positive community benefit would result from the delivery of community space within the development, made possible by a provision of 1,500 – 1,800m² of space adjacent to the park (within building G), which could accommodate a child care or library facility;
- Council also nominated streetscape upgrades to Flora Street, Oak Road south of the Princes Highway to Kirrawee Railway Station, beautification works to the Kirrawee shopping precinct and integration of Oak Road north into the development as being of public benefit;
- Council proposed in addition a contribution to a trust fund for the upgrade of community and sporting facilities in the Kirrawee/Gymea precinct.

Correspondence was received from Council on 31 December 2014 outlining subsequent discussions between Council and the Proponent regarding developer contributions and VPA requirements related to these matters.

The Commission met with Council again on 22 January 2015. The focus of this meeting was on progress regarding the draft community benefits VPA. Council advised at this meeting that they were satisfied with negotiations to date and that they were in support of a draft VPA that addressed community benefits as follows:

- Provision of the public park on site, and its design and management requirements;
- 1,500m² of space for community facilities within the development close to public areas;
- Developer contributions to infrastructure upgrades in proximity of the development, being:
 - A financial contribution in the amount of \$500,000 for the beautification of the Kirrawee shopping precinct;
 - A financial contribution in the amount of \$250,000 for the streetscape upgrade of the Oak Road between Flora Street and the Princes Highway;

However, Council noted that they were seeking delivery of the park as early as possible within the project delivery period. These matters were confirmed in correspondence received from Council on 30 January 2015 (see Appendix 1).

7.2 The Proponent

The Commission met with the Proponent and its consultants on 23 December 2014 to discuss the findings and recommendations of the Department's Assessment Report.

The Proponent's representatives outlined the urban design approach of the proposed modification and how they believe it improves on the original concept design and provides a superior public domain outcome. Improvements were asserted to include:

- Perimeter development in a regularised street grid improving legibility and creating discrete and attractive courtyards between building blocks;

- Positive integration of the development with the surrounding area with increased permeability and public access;
- Enhanced public domain with a contiguous and accessible parkland integrated with the mixed use centre and surrounding neighbourhood; and
- Loading dock moved from Oak Street into a more discreet entry off Flora Street.

The Proponent's Traffic Consultant clarified the revised traffic generation analyses, based on RMS traffic guidelines that have been updated since the initial Concept Plan application with a resultant reduction in requirements for parking spaces. Following discussion with the Commission, the Proponent confirmed their support for a conveniently located, accessible community bus stop.

The height of buildings along the Princes Highway was discussed, with the Proponent asserting the urban design benefits of a higher building on the corner of the Princes Highway and Oak Road (as also supported by Council). The Proponent agreed that adequate sunlight exposure for the lake was important for biodiversity and amenity and advised that appropriate sunlight requirements could be achieved in design development. The Proponent's opinion regarding their method of calculating FSR was reiterated. The matter of development contributions was discussed, and requests from Council in this regard outlined. The Proponent indicated a willingness to resolve this matter with Council and to update and revise the draft VPA to this end.

Correspondence from the Proponent received on 5 January 2015 provided information on subsequent meetings held with Council in relation to developer contributions. The Proponent also identified alternative locations for the lake, and provided associated solar analyses referencing sunlight penetration to the water body.

Further correspondence was received from the Proponent on 15 January, 20 January and 22 January 2015, including two draft VPA options addressing community benefits. A separate draft VPA regarding the biodiversity offset was also provided for the information of the Commission, confirming that negotiations with Council on this VPA are advanced and agreement is imminent.

The Commission met again with the Proponent and its consultants on 22 January 2015 to discuss progress on the draft community benefits VPA and proposed revised staging plan. The Proponent advised at this meeting that discussions with Council on the draft VPA were proceeding satisfactorily. The Proponent also noted Council's preference for early delivery of the park, supported by the Commission, and provided a revised staging plan on 23 January 2015, bringing forward the delivery of this facility.

7.3 The Department of Planning and Environment

On 22 January 2015 the Commission met with Departmental officers regarding the proposed amendments to the project and the status of negotiations between the Council and the Proponent. Having reviewed the supplementary information provided by both Council and the Proponent, Departmental officers indicated their support for a draft community benefits VPA addressing the public park, provision of community space within the development and financial contributions to the improvement of offsite infrastructure in close proximity to the development.

Progress on the separate biodiversity offset VPA was noted.

The matter of the height of the building on the corner of the Princes Highway and Oak Road (Building A) was discussed. The Department explained their rationale for seeking 11 storeys (rather

than the 13 storeys proposed by the Proponent) as being in response to concerns about the scale and relationship to neighbouring properties, including those on the northern side of the Pacific Highway. The Department noted that other buildings on the site were proposed as 13 storeys (with one at 14 storeys) and that the corner site could be considered as a landmark.

Various refinement matters were discussed regarding FEARs proposed by the Department.

8. COMMISSION'S CONSIDERATION

Having considered the information available to it, the Commission identified the following key issues in relation to the modification request:

- Built form;
- FSR and community benefits;
- Public park and lake;
- Traffic, parking and public transport;
- Water sensitive urban design; and
- Crime prevention through environmental design.

8.1 Built form

The Commission notes the improved urban design outcome of the modified Concept Plan, and Council's support of this.

While recognising the Department's concerns regarding the scale of Building A, on the corner of Oak Road North and the Princes Highway, the Commission notes that Council has asserted that they support the proposed 13 storey height, as long as the need for commensurate community infrastructure is addressed.

The Commission has independently considered the height of Building A on its merit, as well as the overall proposed increase in density on the site. The Commission is of the view that the proposed increase of GFA across the Concept Plan area, and the exhibited height of buildings, including Building A at 13 storeys, are in alignment with the objectives of Council's Draft LEP 2013, the designation of Kirrawee as an urban activation precinct, and is also reasonable for a large infill site such as this that is situated near a railway station and alongside a major arterial road. The Commission considers that the height of Building A fits the development potential of the area, and will also herald the entry into the Kirrawee shopping precinct from the Princes Highway. The Commission is also satisfied that the building could be designed to ensure that there will be sufficient sunlight penetration to the lake to support plant diversity and a healthy water body. Conditions have been modified to address the sustainability of the water body.

The Commission considers that the project should generally comply with guidelines in the Residential Flat Design Code as application of these will assist in moderating overshadowing impacts, spaces between buildings and the depth of buildings at the Development Application stage. However, the Commission accepts the Assessment Report's findings that future development of the adjacent site along the eastern boundary would not be unreasonably jeopardised by the proposed nine metre (rather than 12 metre) building separation setback along this shared boundary. Conditions have been modified to address this exception. The Commission notes that only Building D along this boundary is proposed at 13 storeys (with part at nine storeys) with the other buildings along the eastern boundary limited to seven storey development.

8.2 FSR calculation and community benefits

The Proponent and Council disagree about the method for calculating FSR for the site. The specific point of difference is whether the proposed park should be included within the site area calculation. Notwithstanding this, Council have advised that they are not averse to the proposed development density, as long as commensurate developer contributions are made.

The Commission does not take a position on the matter of the method of the FSR calculation as the application was originally assessed under Part 3A of the Act, and transitional legal arrangements require that all subsequent modifications continue to be assessed on their merit, and may not entirely comply with local planning instruments.

The Commission has examined the merits of the increased scale of development and the implications for developer contributions. As the Commission is of the view that the development is of an appropriate scale and form, it is satisfied to note that a draft VPA is being progressed that will enable commensurate community benefits to be provided. A condition addressing the community benefits VPA has been included in the instrument.

8.3 Public park and lake

During the exhibition period, NSW Office of Water (NOW), Council and public submissions raised concerns in relation to the potential overshadowing of the lake by Building A. Solar analyses provided by the Proponent at the Commission's request indicated that the detail design of Building A along with the careful location of the lake will ensure appropriate sun penetration to the water body. To ensure this outcome is achieved, the Commission has amended the recommended conditions to require appropriate solar access for the water body to achieve and maintain acceptable water quality and sustainable biodiversity within the park.

The Commission agrees with Council that the design, management and tenure of the park should be addressed in the terms of the draft VPA regarding community benefits. Moreover, the timing of the delivery of the park should be brought forward to ensure that the local community and new residents benefit at the earliest possible time. For this reason, the Commission has, following discussion with the Proponent, amended conditions to ensure the delivery of the public park in Stage 2C of the development.

Conditions have also been amended to ensure that detailed landscaping plans for both the park and the public domain are submitted to the satisfaction of Council in the short term.

8.4 Traffic, parking and public transport

Council's concerns regarding traffic generation are noted, however the Commission considers these have been adequately addressed in the Assessment Report. The Commission notes the changes to parking requirements as a result of updates to RMS guidelines, and supports the Department's move to impose parking ratios rather than a parking maxima. Conditions have been tightened to ensure provision is made for public transport and an accessible community bus stop.

8.5 Water sensitive urban design (WSUD)

The Commission notes the existing approval paid particular attention to WSUD in the public domain that has not been carried over in the modification proposal. A condition has been inserted to ensure this is addressed going forward.

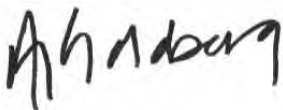
8.6 Crime prevention through environmental design (CPTED)

The Commission supports the Department's conditions relating to CPTED and has reinforced conditions to encourage the maximisation of passive surveillance opportunities over the public domain. Under these conditions particular attention to the detailed design of the podium wall of Building **D** along the eastern boundary is expected.

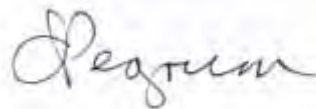
9. COMMISSION'S DETERMINATION

The Commission has considered the Department's Assessment Report, information in relation to the modification request, public submissions and the views of Council, the Proponent and the Department. Taking these matters into account, the Commission is satisfied that the issues identified in the Assessment Report and by the Commission have been adequately addressed. The recommendation of the DP&E for approval subject to conditions is reasonable. The application is approved subject to recommended conditions as modified by the Commission to address:

- a) Revised urban design including increased density and redistribution of building heights;
- b) The need to secure community benefits by way of a voluntary planning agreement;
- c) Timing of delivery of the public park;
- d) Sustainability of the lake;
- e) The provision of detailed landscape designs for the park and public domain;
- f) Inclusion of water sensitive urban design requirements for the public domain; and
- g) Maximisation of passive surveillance opportunities.



Abigail Goldberg (Chair)
Member of the Commission



Annabelle Pegrum AM
Member of the Commission

APPENDIX 1

Letter from Sutherland Shire Council



File Reference: CRMS 772834720

Ms Tatjana Djuric- Simovic
NSW Planning Assessment Commission
pac@pac.nsw.gov.au

Dear Tatjana,

**Modification of Mixed Use Development at Kirrawee Brick Pit
566-594 Highway Kirrawee**

Thank you for the opportunity for Council staff and the Mayor to brief the Planning and Assessment Commission again on 22 January 2015 regarding the concept plan for the Brick Pit development at 566-594 Princes Highway, Kirrawee.

At the meeting the Commission indicated general support for the proposal as amended, so discussion focused on a potential Voluntary Planning Agreement between the parties.

Council is in agreement that a VPA is the preferred way to proceed, rather than s.94 contributions. Council is comfortable with any modified consent setting out the matters to be contained in a VPA and for the detailed agreement(s) to be prepared and negotiated subsequently.

Following your request to further assist the Commission in defining the terms of the Draft VPA, I can confirm that Council is generally supportive of the matters contained in Schedule 1 of the draft VPA prepared by Gadens Lawyers (Ref AQW/DTS :33615880) and "Attachment C" Schedule 2 –Terms of Approval (provided at the meeting and understood to have been prepared by Department of Planning). These matters relate to the construction and dedication of public open space, provision and dedication of a community facility and public domain upgrades of Kirrawee Shopping Precinct and Oak Road.

There are, however, a number of issues that Council wishes to raise in terms of the detail:

1. Timing of park dedication

Council has concerns in relation to the timing of the items indicated in Schedule 1 of the draft VPA and feels very strongly that the dedication of the public open space should be prior to the release of any plan of subdivision.

If delivered as proposed by the applicant at the completion of all of the stages, the park may not be completed until many years into the future. The park would be delivered well after occupation of the vast majority of the proposal, leaving new residents' need for local public open space unsatisfied for a number of years.

It is also important to note that the park is a public open space to be enjoyed by all of the community, and is a benefit that the community is expecting to flow from what will be a very significant change and impact on their neighbourhood.

For these reasons, its delivery early in the process is imperative. Later stages of the proposal are indefinite, may be subject to the prevailing financial climate at the time and could be subject to modification by any other future applicant.

It is also noted in "Attachment C" draft schedule 2 –Terms of Approval seeks to modify condition A11(c). This condition seeks to have the requirement for the park to *be publicly accessible* deleted.

Council objects to this proposed amendment. It was imposed with the original concept approval and its deletion is contrary to both the concept of public open space, and the objectives and purpose of the zone. There is no rational benefit to either party in removing this condition.

2. Provision and Dedication of a Community Facility

Council is generally satisfied with the criteria nominated within Schedule 1, however, the wording; *The structure must not be used for any commercial or retail or residential use....* should be deleted as it is not uncommon for community facilities to have a retail or commercial component that is contiguous with the community use.

Council also requires some flexibility in terms of the use of the space going forward, given that the space will be in Council's ownership indefinitely. The community's needs and Council's asset portfolio will change over time, and as a consequence, so will the best use of this space.

The timing of this component of the project is satisfactory.

3. Public Domain Upgrades - Kirrawee Shopping Precinct

Council is generally satisfied with the terms (\$500,000 + \$250,000) and timing of this aspect, however, it is important that the area in which the upgrade and beatification of the precinct occurs be clearly articulated. The area of any works should clearly exclude the frontages of the development site fronting Oak Road, Flora Street and the Princes Highway. These areas will require upgrade and restoration as part of the project and are considered as standard frontage works associated with development.

The area of public domain upgrade is to be beyond the frontages immediately adjoining the site and should include the western side of Oak Road between the Princes Highway and Flora Street, the southern side of Flora Street opposite the site and both sides of Oak Road between Flora Street and Kirrawee Station.

4. A11A Voluntary Planning Agreement "Attachment C"

Council is generally satisfied with these terms with the exception of the following comment:

The voluntary planning agreement shall be generally in accordance with the draft Voluntary Planning Agreement prepared by Gadens Lawyers

Council is generally satisfied with the terms set out in Schedule 1 of this agreement subject to the modifications above, however, the VPA should be drafted together with Council staff and Lawyers in conjunction with the applicant's representatives. The terms and negotiation should not be dictated by the applicant's lawyer's draft documentation at this point in time. This point should be deleted or modified to reflect Schedule 1 in the draft only.

Building on Oak Rd and Princes Highway corner

Aside from the VPA, there was brief discussion at our meeting about the building envelope proposed near the corner of Oak Road and Princes Highway. Council agrees that the Panel's proposed 13 storey height limit should include all elements of the building (such as plant).

In agreeing that a taller building might be acceptable in this location, Council expects that the building would have a significantly smaller footprint to provide better solar access (i.e. 4hr in mid-winter) to the public open space to the south. Relocating the waterbody further south does not resolve this issue, as the outcome would be an overshadowed park rather than an overshadowed pond.

Thank you for your consideration of these matters.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'P. Barber', followed by a horizontal line.

Peter Barber
Director, Planning and Environment
for John Rayner
General Manager

Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission) determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the terms and modifications in Schedule 2, and the Statement of Commitments in Schedule 4 pursuant to section 75O of the *Environmental Planning and Assessment Act 1979*;
- (b) pursuant to section 75P(1)(a) and 75P(2)(c) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the mixed use development as set out in Schedule 3; and
- (c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all future stages of the Concept Plan approval are to be subject to Part 4.

Donna Campbell (Chair)
Member of the Commission

Garry Payne AM
Member of the Commission

Abigail Goldberg
Member of the Commission

Sydney

23 August 2012

SCHEDULE 1

PART A : PARTICULARS

Application No.:	MP10_0076
Proponent:	Henroth Investments Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Kirrawee Brick Pit, 566-594 Princes Highway, Kirrawee
Project:	Mixed use development, including: <ul style="list-style-type: none">(a) Use of the site for a mixed use development with associated public open space;(b) Indicative building envelopes for 9 buildings to a maximum height of 14 Storeys;(c) 60,735m² of Gross Floor Area, comprising 45,505m² of residential (432 dwellings) and 15,230m² of retail/commercial floor space (including 3,900m² supermarket and 1,470m² discount supermarket);(d) Basement level, ground and above ground car parking;(e) Road layout to support the development;(f) Public pedestrian and cycle pathway;(g) Public park with lake and surrounding forest; and(h) Landscaping areas throughout the site.

PART B : NOTES RELATING TO THE DETERMINATION OF MP No. 10_0076

Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

PART C : DEFINITIONS

Act	means the Environmental Planning and Assessment Act, 1979 (as amended).
Advisory Notes	means advisory information in relation to the approved development.
BCA	means the Building Code of Australia.
Certifying Authority	has the same meaning as Part 4A of the Act.
Council	means Sutherland Shire Council.
Department	means the Department of Planning & Infrastructure or its successors.
Director General	means the Director General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment prepared by City Plan Services dated December 2010.
Minister	means the Minister for Planning & Infrastructure.
MP No. 10_0076	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
PCA	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act
Preferred Project Report (PPR)	means the Preferred Project Report / Response to Submissions prepared by City Plan Services dated 4 November 2011.
Proponent	means Henroth Investments Pty Ltd or any party acting upon this approval.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).
STIF	means a Sydney Turpentine Ironbark Forest.
VPA	means a Voluntary Planning Agreement

SCHEDULE 2

TERMS OF APPROVAL

PART A – ADMINISTRATIVE CONDITIONS

A1 DEVELOPMENT DESCRIPTION

Concept Plan approval is granted to the development as described below:

- (a) Use of the site for a mixed use development with associated public open space;
- (b) Indicative building envelopes for 9 buildings to a maximum height of 14 Storeys;
- (c) 60,735m² of Gross Floor Area, comprising 45,505m² of residential (432 dwellings) and 15,230m² of retail/commercial floor space (including 3,900m² supermarket and 1,470m² discount supermarket);
- (d) Basement level, ground and above ground car parking;
- (e) Road layout to support the development;
- (f) Public pedestrian and cycle pathway;
- (g) Public park with lake and surrounding forest; and
- (h) Landscaping areas throughout the site.

subject to compliance with the modifications of this approval.

A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated December 2010 prepared by City Plan Services, except where amended by the Preferred Project Report dated 4 November 2011 including all associated documents and reports;
- the Revised Statement of Commitments prepared by City Plan Services; and
- the following drawings:

Architectural Drawings prepared by Woodhead			
Drawing No.	Revision	Name of Plan	Date
0040	B	Site Plan	19/10/11
0041	B	Landscape Plan	19/10/11
0100	B	Typical Top Level Residential Floor Plan	19/10/11
0110	B	Typical Residential Floor Plan	19/10/11
0120	B	Upper Ground Floor Plan	19/10/11
0130	B	Lower Ground Floor Plan	19/10/11
0140	B	Basement 1 Plan	19/10/11
0150	B	Basement 2 Plan	19/10/11
0160	B	Basement 3 Plan	19/10/11
0180	B	Floor Plans Buildings A to C – Sheet 1	19/10/11
0180A	B	Floor Plans Buildings A to C – Sheet 2	19/10/11
0181	B	Floor Plans Building D1, D2, E	19/10/11
0182	B	Floor Plans Building F, G & H	19/10/11
0190	B	Roof Plan with indicative plant rooms	11/05/12

0300	C	Indicative Sections East West (Masterplan)	15/05/12
0301	C	Indicative Sections North South (Masterplan)	15/05/12
0500	B	Indicative Elevations North & South	04/10/11
0501	B	Indicative Elevations West & East	04/10/11
0600	B	Indicative Staging – Lower Ground Stage 1	19/10/11
0602	B	Indicative Staging – Upper Ground Stage 1	19/10/11
0603	B	Indicative Staging – Upper Ground Stage 2	19/10/11
0604	B	Indicative Staging – Upper Ground Stage 3	19/10/11

except for as modified by the following pursuant to Section 75O(4) of the Act.

A3 DEVELOPMENT SITE AREA

The development site area is the area defined in the Environmental Assessment prepared by City Plan Services, dated December 2010.

A4 MAXIMUM GROSS FLOOR AREA

The development of the site for a mixed use development shall have a maximum Gross Floor Area of 60,735m², including a maximum of 15,230m² of non-residential floor space. (Note: Above ground parking area is not included in the total GFA).

A5 BUILDING HEIGHT

Roof heights on the site shall not exceed the levels (RLs) as identified on Concept Plan Drawings 0300 and 0301 prepared by Woodhead Architects, dated 15 May 2012. Parapets, lift over-runs, vents, plant rooms, chimneys, aerials (of whatever type), rooftop gardens and trees, etc, above the habitable roof heights shall not exceed the levels (RLs) as identified on Drawing 0190 prepared by Woodhead Architects, dated 11 May 2012.

A6 BUILDING ENVELOPES, FORM, SOLAR ACCESS AND SEPARATION

Building footprints and setbacks are to be generally consistent with the Concept Plan diagrams, except where amended by the Department of Planning and Infrastructure's Modifications in Part B. Future development should be consistent with the provisions of the Residential Flat Design Code except where amended by the Department of Planning and Infrastructure's Modifications in Part B.

A7 ROADWAYS

New roadworks and internal roads are to be provided in accordance with the Concept Plan, and associated documents, set out in Drawings 0040 & 0130 prepared by Woodhead, dated 19 October 2011 and the Traffic Management and Accessibility Plan prepared by Halcrow Pacific Pty Ltd dated 27 October 2011 (Version 4), and as amended by the Future Assessment Requirements in Schedule 3.

A8 PUBLIC DOMAIN

All public domain areas, including the south-western corner park, are to be provided with 24 hour, 7 day a week public access. Details of Rights of Ways and Easements providing public access over privately owned publicly accessible land shall be submitted with future development applications.

A9 LAPSING OF APPROVAL

Approval of the Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a project or development for which concept approval has been granted.

A10 INCONSISTENCY BETWEEN DOCUMENTATION

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings / documents including Revised Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

A11 PUBLIC PARK

The development application for the first substantive stage of the development must provide for the design, management and tenure of the public park on the land within Zone 13.

The public park must:

- a) Be designed generally in accordance with the plans and documents referred to in Condition A2; and
- b) Provide for the conservation of the Sydney Turpentine Ironbark Forest; and
- c) Be publicly accessible

The public park may be provided in accordance with the terms of a planning agreement offered by the proponent and the subject of a Council resolution referred to in Appendix 16 of the Preferred Project Report.

A12 HERITAGE

Future applications shall demonstrate consistency with the recommendations of the European Heritage, Non-Indigenous Archaeology and Indigenous Heritage reports prepared by Edward Higginbotham & Associates in support of the Concept Plan. Additionally, the proponent shall ensure:

- i) a qualified conservator is engaged to monitor the conservation of Pipe Kiln;
- ii) a Conservation Management Plan (CMP) is prepared and adopted which addresses the long term management policies for the site.

PART B – MODIFICATIONS

B1 BUILDING ENVELOPE AND SEPARATION MODIFICATIONS

The plans, as described in A2, shall be modified so that the building separation between residential portions of the buildings complies with the minimum requirements of the Residential Flat Design Code. Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Department prior to the determination of any future application on the site.

B2 DEVELOPMENT DESIGN

Future applications shall be designed to include that:

- (a) roof terraces are setback a minimum of 1.5 metres from the buildings edge.
- (b) plant rooms, lift overruns and mechanical ventilation rooms provided on the roof of a building are appropriately screened and not exceed the heights approved by the Concept Plan.
- (c) the reference to building depth of 24 metres is deleted.

The amended Development Designs shall be submitted to and approved by the Department prior to determination of any future application on the site.

B3 STABILITY OF FLORA STREET

The southern bank of the existing site excavation caused instability of parts of Flora Street in 2005 and rock anchors were installed to stabilise the slope pending the completion of permanent works within the Brick Pits site. All rock anchors within 3m of the road surface of Flora Street are to be removed only following the completion of final stabilisation works.

B4 CAR PARKING

- (a) The maximum total number of car parking spaces shall not exceed 1,150 spaces.
- (b) Maximum car parking to be allocated for residential purposes shall not exceed 603 parking spaces, inclusive of 54 residential visitors spaces; and
- (c) Development must comply with the Concept Plan's non-residential car parking rates identified in the Updated Traffic Management and Accessibility Plan prepared by Halcrow Pacific Pty Ltd, dated 27 October, 2011 (Version 4), including the replacement of a minimum of 40 street car parking spaces displaced by the development.

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

1. LANDSCAPING

Future applications shall include detailed landscape plans demonstrating that sufficient soil depth can be provided for landscaping, particularly along street frontages and over podium/basement levels.

2. CONSTRUCTION AND OPERATIONAL IMPACTS

Any future application shall address any potential contamination on the site and implement the recommendation of the Environmental Investigation Services reports, dated November 2010. Further, such application shall address the recommendations made in the Geotechnical Assessment Report by Jeffery & Katauskas Pty Ltd, dated October 2010.

Details are also to be submitted with future applications responding to the acoustic and vibration treatments to be implemented to address the recommendations of the Acoustic Assessment prepared by Acoustic Logic Consultancy, dated 21 October 2010.

3. TRAVEL ACCESS GUIDE (TAG) / GREEN TRAVEL PLAN

Future applications shall provide details of any Travel Access Guide (TAG) / Green Travel Plan. This should include an investigation of car sharing schemes.

4. ESD

Future applications shall demonstrate that any future development will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water sensitive urban design measures, energy efficiency, recycling and water disposal.

5. CONTRIBUTIONS

Development contributions may be required to be paid to Council towards the provision or improvement of public amenities and services and may be required as a condition of consent for each detailed stage of the development.

The amount of the contribution will be determined in accordance with any requirements in a planning agreement.

If there are no such requirements, the amount of contributions otherwise payable shall be reduced by the costs associated with the provision of the public park required under this approval.

6. PRIVACY

Future applications shall demonstrate that adequate privacy screening / treatment has been provided to minimise privacy impacts between buildings located on the site and also address privacy concerns of adjoining developments.

7. GROUND FLOOR USAGE

Buildings A to E should include active, non-residential uses such as retail shops, commercial offices, resident's communal facilities and or servicing areas (generally at rear of the buildings), at the lower ground floor levels (not including above podium levels).

8. NSW TRANSPORT – ROADS & MARITIME SERVICES

Future development applications shall demonstrate that the RMS requirements have been met in relation to:

8a. Princes Highway Intersection at Oak Road

The layout of the existing signalised intersection on Princes Highway at Oak Road shall be reconfigured as follows;

- a) Three northbound lanes shall be provided on Oak Road on the southern leg of the intersection and each lane shall be a minimum of 90 metres in length.
- b) An 80 metre long left turn slip lane shall be provided on the westbound carriageway of Princes Highway into Oak Road.
- c) Two southbound lanes shall be provided on Oak Road on the southern leg of the intersection.
- d) Half closure of the Oak Road northern approach to the Princes Highway involving the discontinuation of southbound lanes with northbound lanes remaining open.
- e) A raised central concrete median island shall be installed on Oak Road in front of the proposed left in/left out driveway and the median shall extend from the stop line at the Princes Highway intersection to an appropriate point to the south of the proposed driveway. This median shall be a minimum of 900mm wide.

The above requirements are subject to the outcomes of the Road Safety Audit at Condition 8h₇ and may be modified with the agreement of RMS and Council.

8b. Traffic Signals on Princes Highway at Bath Road Intersection

Traffic control signals shall be provided at the intersection of Princes Highway and Bath Road and shall consist of the following works:

- a) Left in/left out only for the Bath Road southern approach. The left turn out would be signalised.
- b) No through movements across Princes highway (ie no north-south traffic from Bath Road)
- c) Signalised left and right turn out of Bath Road northern approach with the following lane configuration (L/R/R).
- d) No right turns permitted from Princes Highway from either direction to Bath Road.

The above requirements are subject to the outcomes of the Road Safety Audit at Condition 8h₇ and may be modified with the agreement of RMS and Council.

8c. Traffic Signals at Oak Road and Flora Street Intersection

The applicant shall upgrade Oak Road and Flora Street intersection to a signalised intersection generally in accordance with the attached sketch (Note that sketch is indicative only and subject to change upon development of a detailed signal design plan). The provision of traffic signals at this intersection shall be designed and constructed in accordance with Austroads and RMS supplements.

8d. Traffic Management Plan

The redistribution of traffic associated with the closure of the Oak Road north approach to the Princes Highway will require a Traffic Management Plan, including a Green Travel Plan (GTP), to be submitted to Council and referred to RMS for review, prior to commencement of the roadworks. Further, this partial road closure will also require monitoring (post closure) to determine if any further remedial works are required. This monitoring period shall consist of a detailed traffic report, which examines the traffic impact on the local road network associated with the redistribution of the traffic caused by the road closure and shall be submitted to Council and referred to RMS for review 6 months after the road closure. Upon review of the traffic analysis, the applicant may be requested to undertake some further remedial works within reason.

8e. Operational Fee for Traffic Signals

The Applicant will be required to provide an upfront 10 year operational fee for the abovementioned traffic control signals. The amount of this fee will be advised following the submission of the detailed signal and civil design plans to the RMS for construction approval. The approved plans will not be released until the fee is fully paid.

8f. Deceleration Lane on the Princes Highway

The left turn deceleration lane into the subject site from Princes highway shall be a minimum of 60 metres in length (including taper) and shall be designed and constructed in accordance with Austroads and RMS requirements.

8g. Works Authorisation Deed

The developer will be required to enter into a "Major Works Authorisation Deed" (WAD) with RMS for the abovementioned signal and civil works. In this regard the developer is required to submit detailed design plans and all relevant additional information, as may be required in the RMS's Works Authorisation Deed documentation, for each specific change to state road network for RMS assessment and final decision concerning the work. The detailed design plans submitted shall be in accordance with Austroads and RMS requirements.

8h. Road Safety Audit

Road safety concerns are raised with regard to the close proximity of the proposed left in/left out driveway on Oak Road to the proposed left turn slip lane on Princes Highway into Oak Road and the subsequent potential for rear end accidents. In this regard, prior to any 'Construction Certificate' being issued for any stage of the proposed development, an independent Road Safety Audit shall be undertaken that investigates this issue and is to be undertaken by a certified Road Safety Auditor. The Audit shall be completed in accordance with Austroads: *Guidelines for Road Safety Audits*.

A Copy of the findings of the Audit shall be submitted to Council and the RMS for review. Should the Audit recommend any remedial measures, then the developer shall be required to implement such measures at no cost to the RMS, Council or DoP&I.

8i. Excavation of the Site and Support Structures

The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment (Prior to the approval of any Construction Certificate). The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- a) The impact of excavation/rock anchors on the stability of the Princes highway and detailing how the carriageway would be monitored for settlement.
- b) The impact of the excavation on the structural stability of the Princes Highway.
- c) Any other issues that may need to be addressed (Contact: Sydney Asset Management Project Engineer, Suppiah Thillainadesan on Ph: 8837 2114 for details)

8j. Construction Certificate

The Construction Certificate for any stage of the proposed development shall not be released until such time that the abovementioned WAD has been executed, the detailed design drawings and geotechnical reports for the excavation of the site and support structures have been assessed by the RMS and all the detailed signal and civil road design plans have been approved by the RMS construction approval.

Further to the above, no Construction Certificate shall be approved for any stage of the development until such time that a detailed Construction Traffic Management Plan (CTMP) and associated Traffic Control Plan (TCP) is submitted to Council and the RMS for review and acceptance. The CTMP and TCP shall be undertaken in accordance with the RMS's Traffic Control at Worksites Manual and the author shall be certified.

8k. Occupation Certificate

The Occupation Certificate for any stage of the proposed development shall not be released until such time that all the abovementioned signal and civil works are fully constructed and operational to RMS satisfaction.

8l. Relocation of Public Utilities

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

8m. Land Dedication

To facilitate the provision of the left turn deceleration lane on the Princes Highway and left turn slip lane into Oak Road, the developer shall provide a 3.5 metre wide land dedication along the subject site's Princes Highway frontage for the full length of the left turn deceleration lane into the site and slip lane into Oak Road.

In addition, the applicant shall provide land dedication along the Oak Road frontage of the subject site to provide the additional lanes on the southern leg of the Princes Highway intersection, the 900mm raised central concrete median island on Oak Road and the deceleration lane into the entry driveway on Oak Road.

This public road land dedication from the subject site shall be executed, prior to the release of any Occupation Certificate for the proposed development. The land dedication shall be at full cost to the developer.

8n. Stormwater

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works.

Details should be forwarded to:
Sydney Asset Management
PO Box 973
Parramatta CBD NSW 2124

A plan checking fee will be payable and a performance bond may be required before the RMS's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax 8849 2766.

8o. Road Noise

There is potential for road traffic noise to impact on future residential development on the subject site. In this regard, the developer, not RMS is responsible for providing noise attenuation measures in accordance with the Environmental Protection Authority's Environmental Criteria for road traffic noise.

8p. Off-Street Parking

Off-Street parking shall be designed and constructed in accordance with AS 2890.1-2004 and AS 2890.2-2002.

8q. Swept path

The swept path of the longest vehicle entering and exiting the subject site shall be in accordance with Austroads.

8r. Cost of Works

All road works and traffic control signals associated with the proposed development shall be at full cost to the developer.

9. SYDNEY WATER

Future development applications shall demonstrate that the Sydney Water requirements have been met in relation to:

- **Water servicing:** To service the proposed development the 200mm potable water main on the corner of North Oak Road is required to be extended underground from the northern side of the Princes Highway to the southern side of the Highway. In addition the 100mm potable water main located in the Princes Highway will need to be upsized to a 200mm drinking water main along the frontage to the subject land. The proposed potable water infrastructure must be designed and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002).
- **Wastewater servicing:** In order to justify the use of 2 x 225mm gravity wastewater mains the Proponent will be required to provide a flow analysis, consistent with the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002), for the two systems to determine its capability in providing a satisfactory service.
- **Trade waste:** All customers discharging trade waste must have written permission for Sydney water. A permit or agreement must be obtained from Sydney Water before discharging any trade waste into Sydney Water's wastewater system.
- Submitted infrastructure designs should be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).
- The Proponent should engage the services of a Water Servicing Coordinator to attain a Section 73 Certificate and to manage the servicing aspects of the development.

Documentation relating to the above, can be submitted to Sydney Water via the following email address : urbangrowth@sydneywater.com.au

10. BIODIVERSITY OFFSET

A Biodiversity Offset Package shall be adopted which is consistent with the Principles for the use of biodiversity offsets in NSW which can be found at the following website: <http://www.environment.nsw.gov.au/biocertification/offsets.htm>

The Biodiversity Offset Package (BOP) shall include, but not necessarily be limited to:

- The final biodiversity offsets selected and to be secured;
- The management and monitoring requirements for the offsets and other ecological measures proposed to ensure the outcomes of the BOP are achieved;
- Timing and responsibilities for the implementation of the provisions of the Package over time.

The BOP shall be secured by one of the following mechanisms:

- A conservation agreement under the National Parks and Wildlife Act, 1974;
- A biobanking agreement under Part 7A of the Threatened Species Conservation Act, 1995;
- A planning agreement under the Environmental Planning & Assessment Act, 1979, where the agreement provides for the conservation and/or enhancement of the biodiversity values of an area of land to which the agreement relates; A Trust agreement with the Nature Conservation Trust; or
- A legally binding agreement that provides for the conservation and/or enhancement of the biodiversity values of an area of land.

The Sydney Turpentine Ironbark Forest (STIF) off-site biodiversity offset, proposed under the Biodiversity Management Plan, prepared by Cumberland Ecology, dated November 2011, shall be included as part of any Voluntary Planning Agreement and be amended to:

- provide replacement plantings at a ratio of 2:1 equating to a minimum of 5,300m²;

- establish the new plantings with vegetation of the same type as that in the STIF, preferably on a site/s within 10km of the brickpit site that is/are acceptable to Council and subject to the agreement of the NSW Office of Environment and Heritage;
- formulate a suitable legal mechanism for securing the offset; and
- adopt a schedule of works for the implementation of the offset over a period of a minimum of five (5) years.

The biodiversity offsets as identified in the approved BOP shall be secured by the Proponent prior to the clearing of any of the Sydney Turpentine Ironbark Forest.

11. FLOODING

Future applications shall ensure that:

- a) A flood evacuation plan is to be prepared for relevant stages. The plan is to include warning alarms and evacuation routes. The approved flood evacuation plan is to be updated every five (5) years and copies are to be provided to Sutherland Shire Council and the local State Emergency Service (SES).
- b) Underground car parking areas are to be flood proofed upon completion of the development and are to incorporate flood warning alarms and designated evacuation routes. The flood proofing system is to be independent of the stormwater drainage system.
- c) The habitable floor level and entry to the underground areas is to be constructed to a minimum of 500mm above the 0.5% Annual Exceedence Probability (AEP) flood. These levels are to be certified by a registered surveyor prior to pouring of slabs.
- d) All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level.

12. ACCESS

Future applications shall address the following:

- a) A positive covenant in favour of Sutherland Shire Council shall be created providing for full free public access to the lake and it's surrounding areas of open space and public transport facilities.
- b) A Management Plan shall be prepared for any future Community Title or co-operative owned land over the site to provide for the following:
 - i. responsibility for the maintenance of all the internal road network infrastructure in perpetuity.
 - ii. responsibility for the cleaning of all internal roads and footpaths in perpetuity.
 - iii. responsibility for the cleaning of all drainage pipelines, gully pits and gross pollutant traps in perpetuity.
 - iv. responsibility for ensuring an adequate standard of maintenance of open space spaces and plazas.

13. PUBLIC DOMAIN

Future applications shall address the following:

- a) The cost of all street works, including the provision of roads, footpaths, services, traffic management, traffic and parking signage, landscaping, lighting and street furniture within the development and where it connects to adjacent roads shall be provided by the developer at no cost to Sutherland Shire Council or the Roads and Maritime Services.
- b) The development shall provide pedestrian and cycle linkages through the development in accordance with the approved Concept Plan, suitable for use by persons with disabilities, and in accordance with relevant Australian Standards.
- c) Future Development Applications, in consultation with Council and the State Rail Authority, shall provide for new and/or upgraded:
 - i. pedestrian connections across the site which are well illuminated and sign-posted;
 - ii. Way finding signage between the site and Kirrawee railway station.

14. CAR PARKING

Future applications shall address the following:

- a) The total amount of car parking to be provided as part of the development shall not exceed 1,150 spaces.
- b) An updated schedule of parking allocations shall be prepared and submitted with each subsequent application.
- c) Parking facilities (public, commercial and bicycle) shall be designed in accordance with relevant Australian Standards.
- d) The design of the parking and commercial vehicle facilities shall be designed so that all vehicles, including commercial vehicles, enter and exit the development in a forward direction.
- e) the provision and implementation of a car share scheme.
- f) All loading and unloading associated with the use of the development shall take place wholly within the site from designated loading bays as identified in the Concept Plan. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.
- g) Henroth Investments Pty Ltd shall enter into an agreement with Sutherland Shire Council that will delegate powers to Council to enforce regulatory parking signs within the internal road network.
- h) Relocation of the Flora Street community bus and taxi drop off to the main central Flora Street pedestrian entry, in a location and of a design that achieves reasonable accessibility for people with mobility restrictions between vehicles and the retail shops.

15. STORMWATER AND DRAINAGE

Future applications shall address the following:

- a) The design of stormwater drainage facilities shall be detailed in future applications and will generally be consistent with Sutherland Shire Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD) having regard to the existing stormwater pipe servicing the site.. Water recycling facilities may be considered in lieu of any Council rainwater tank requirements.
- b) A stormwater drainage system shall be designed and implemented through the site and shall comprise pipe or culvert underground conduits and overland flow paths. Any overland flow paths must convey the design flows while maintaining design freeboard at all times.
- c) A Positive Covenant is required, binding all present and future owners of the property to the following:
 - i. Submission to Sutherland Shire Council of a structural check of any pipeline/culvert every ten (10) years;
 - ii. Responsibility for maintenance of any pipes/culverts in perpetuity and their replacement when required;
 - iii. Submission to Council of a report every 3 years certifying that any overland flow path through the site remains clear of obstructions.

16. GROUNDWATER AND CONTAMINATION

Future applications are to demonstrate that the development does not impact upon the health of the groundwater dependant ecosystems and that where basements intercept groundwater, the basements are to be tanked. Monitoring of ground water levels is to commence prior to basement design and continued throughout the construction.

Site contamination is to be monitored and controlled in accordance with the findings and recommendations of the *Site Contamination Management Plan* prepared by Environmental Investigation Services.

17. STAGING OF DEVELOPMENT

Future applications shall provide details of the final form of staging of the development are to be submitted with the first application to ensure the orderly and coordinated development of the site. The initial stages of the development should include the construction of the retail precinct and lake and neighbourhood park within the southwestern portion of the site.

Each stage described shall provide full details of inclusions in respect of:

- a) Demolition;
- b) Earthworks;
- c) Buildings and all other structures (including basements);
- d) Any elements of the overall public domain plan to be dedicated or embellished;
- e) Any site remediation works;
- f) Stormwater management works;
- g) Any vehicular or pedestrian access to the site;
- h) Measures to mitigate and manage nuisance caused by stages under construction to completed stages and clashes between stages including vehicle access, noise, parking and safety; and
- i) Waste and Construction Management.

An access application shall be made to Council to obtain footpath crossing and boundary alignment levels before commencing the detailed design of internal driveways, paths and car park area.

18. DESIGN QUALITY

The design outcomes for the final built form and landscape for each substantive stage of development shall exhibit design excellence. The proponent shall invite a minimum of three registered independent architects or firms with a reputation for delivering buildings and/or the public domain of the highest quality to tender, and at each substantive stage the proponent shall demonstrate to the relevant approval body steps that have been taken to achieve design excellence.

19. DEVELOPMENT DESIGN GUIDELINES

Future applications for the site shall be generally consistent with the Modifications in Part B and Future Assessment Requirements in Schedule 3 and shall address the following:

- a) the built form will comply with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002, except where modified by this Concept Plan approval.
- b) sufficient building modulation/articulation is provided to achieve an acceptable built form.
- c) solar access to future apartments shall be consistent with the approved Concept Plan and as modified to achieve compliance with the requirements of the Residential Flat Design Code.
- d) future applications shall ensure that the internal residential amenity of the proposed apartments are not unduly affected by the noise and vibration impacts from the Princes Highway and should comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning and Infrastructure's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.

20. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Future applications shall ensure all design and treatment recommendations as identified in the report titled Crime Prevention through Environmental Design – Overview of Concept Plan & Stage 1 Proposed Development prepared by Environmental Resources Management Australia and dated May 2009 shall be incorporated into the relevant Stage. In addition:

- i. The location of street furniture on internal streets and thoroughfares shall be identified on the plans for each stage. Street furniture shall be positioned to take advantage of well lit and open areas to minimise crime.
 - ii. The landscape design shall provide adequate sight lines between the shopping centre entry and the community bus, taxi drop off and bike parking locations and avoid places of concealment within the adjoining public park.
 - iii. Lighting shall be provided for the bus and taxi drop off area in accordance with the AS/NZS 1158.3.1:2005 Lighting for Roads and Public Spaces.
-

SCHEDULE 4

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 Appendix 7 of the PPR.
3. ESD	Subsequent applications will incorporate the ESD principles and features as described in Section 3.7 of the PPR.
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 (Stage 1) 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 Appendix 7 of the PPR and Equatica report at Appendix 19 .
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.
10. Groundwater management	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.
11. Geotechnical	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.
12. Contamination	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.

14. Heritage

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.

15. Developer contributions

The applicant will enter into negotiations with Sutherland Council, and relevant government agencies and use its best endeavours to enter into Voluntary Planning Agreements generally consistent with the Council resolution of detailed at Appendix 16 of the PPR, before the time of the first substantive subsequent application.

Should no VPA be entered into with Council:

EITHER, the open space proposed within the Zone 13 land in this application will be retained by the proponent 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.

PUBLIC SUBMISSIONS

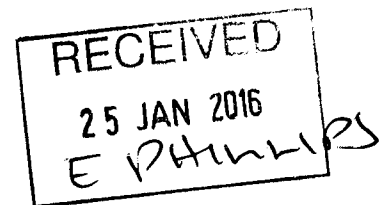
Address	Date of Letter/ email	Summary of Main Issues Raised
1 Inverness Place, Kareela	3 October 2015	<ul style="list-style-type: none"> • Concept Approval and Proposed Development: • Access, Traffic and Parking:
23 Balla Machree Way Gynea Bay	5 October 2015	<ul style="list-style-type: none"> • Access, Traffic and Parking
24 Kirrawee Ave, Kirrawee	6 October 2015	<ul style="list-style-type: none"> • Access, Traffic and Parking
No Address	18 October 2015	<ul style="list-style-type: none"> • Concept Approval: • Access, Traffic and Parking
4/72-78 Flora St Kirrawee	19 October 2015	<ul style="list-style-type: none"> • Access, Traffic and Parking (Strain on train network).
48/81 Flora Street Kirrawee	22 October 2015	<ul style="list-style-type: none"> • Letter of Support
Unit 22, 3-11 Flora Street Kirrawee	23 October 2015	<ul style="list-style-type: none"> • Urban Design including Building Height / Mass, Setbacks & Amenity (shadowing) • Access, Traffic and Parking • Public Park • Loss of Development Opportunity
554-556 & 558-562 Princes Hwy Kirrawee	28 October 2015	<ul style="list-style-type: none"> • Urban Design including Building Height / Mass, Setbacks & Amenity (shadowing) • Loss of Development Opportunity & Site Exposure • Access, Traffic and Parking:
123 Oak Rd Kirrawee	28 October 2015	<ul style="list-style-type: none"> • Urban Design including Building Height / Mass, Setbacks & Amenity (privacy) • Access, Traffic and Parking • Utilities, Services & Infrastructure:
14 Clements Pde Kirrawee	28 October 2015	<ul style="list-style-type: none"> • Access, Traffic and Parking • Commercial Operation • Urban Design including Building Height / Mass, Setbacks & Amenity (shadowing)
30 Moyran Pde Grays Point / 602- 608 Princes Hwy Kirrawee	29 October 2015	<ul style="list-style-type: none"> • Access, Traffic and Parking
5 Durbar Avenue, Kirrawee	29 October 2015	<ul style="list-style-type: none"> • Utilities, Services & Infrastructure • Access, Traffic and Parking • Public Park:
No Address	29 October 2015	<ul style="list-style-type: none"> • Access, Traffic and Parking
27/67 Flora Street, Kirrawee	30 October 2015	<ul style="list-style-type: none"> • Access, Traffic and Parking
No Address	12 November 2015	<ul style="list-style-type: none"> • Finished quality
No Address	16 November 2015	<ul style="list-style-type: none"> • Finished quality
No Address	17 November 2015	<ul style="list-style-type: none"> • Concept Approval • Access, Traffic and Parking • Urban Design including Building Height / Mass, Setbacks & Amenity



19 January 2016

Our Reference: SYD15/01340
Your Reference: DA15/1134

The General Manager
Sutherland Shire Council
Locked Bag 17
Sutherland NSW 1499



Attention: Evan Philips

**CONSTRUCTION OF RESIDENTIAL, RETAIL AND COMMERCIAL BUILDING
566-594 PRINCES HIGHWAY, KIRRAWEE**

Dear Sir/Madam,

I refer to your letter dated 8 October 2015 and a meeting held on Wednesday 9 December 2015 at the Roads and Maritime office regarding the abovementioned development application which was referred to the Roads and Maritime Services (Roads and Maritime) for concurrence under Section 87 and Section 138 of the Roads Act, 1993.

Roads and Maritime notes that the traffic impacts and infrastructure upgrade requirements for the subject development were assessed and determined under the Concept Approval for MP10_0076 and later modifications; which required the developer to provide upgrade works at the intersections of Princes Highway/Oak Road and Princes Highway/Bath Road (among other works). Since then, Roads and Maritime has proposed to undertake road works as part of the Gateway to the South program, which includes proposed upgrades to the traffic signals at;

1. Princes Highway/Old Princes Highway/Acacia Road
2. Princes Highway/Oak Road
3. Princes Highway/The Kingsway.

Roads and Maritime's upgrades are proposed to be constructed next financial year (Financial Year 16/17). The subject development and road works required under Concept Approval MP10_0076 at the intersections of Princes Highway/Oak Road and Princes Highway/Bath Road will be impacted by Roads and Maritime's proposed works.

Currently Roads and Maritime is completing Strategic Designs for these locations and has incorporated the designs for the works at Princes Highway/Oak Road required under Concept Approval MP10_0076 to form a hybrid design. Roads and Maritime's strategic design has been modelled to include the subject development traffic.

Roads and Maritime Services

In place of the requirements under Concept Approval MP10_0076 (and the associated Works Authorisation Deed) for the developer to deliver the works at the intersection of Princes Highway/Oak Road, Roads and Maritime is seeking to obtain a monetary contribution from the developer towards the Roads and Maritime upgrade works. Indicatively, this would be to the value of the difference between the strategic cost estimate of the Roads and Maritime upgrade and the strategic cost of the works required for the intersection under the conditions for the Concept Approval MP10_0076, this includes the left turn deceleration lane into the development, the left turn deceleration lane and slip from Princes Highway westbound into Oak Road and associated widening on the Oak Road approaches to Princes Highway intersection to allow for greater capacity. We are seeking the support of the hybrid model at this intersection as this will satisfy the needs of both the developer and Roads and Maritime required works. It is recommended that the developer liaises with Lindsay Thorpe on (02) 8849 2263 in relation to the details of the proposed road works and contribution.

Further to the above, it is noted that during the review of the Concept Plan for MP10_0076, Roads and Maritime advised that the appropriate community consultation should be undertaken by the developer for the required intersection works. In particular, the loss of any on-street parking associated with the proposed traffic signals at Oak Road and Flora Street will require consultation with any affected business owners/residents. The on-street parking to be removed was shown on an indicative sketch, which is attached again for your information. It remains unclear whether the consultation was ever carried out prior to the determination of MP10_0076. The impacts to the community resulting from the developer's road works required to support the development should be considered in the Part 4 assessment of the DA, with appropriate community consultation to Council's satisfaction prior to the determination of the application.

Subject to the resolution of the above matters, Roads and Maritime would support an amendment to the WAD and Concept Approval MP10_0076 to remove the required intersection works at Princes Highway/Oak Road and Princes Highway/Bath Road from the road/traffic infrastructure requirements. The reason for the removal of the works at Princes Highway/Bath Road being, that the right turn & through lanes that was previously being removed at Princes Highway/Oak Road intersection are being proposed by Roads and Maritime to be reinstated as part of the hybrid design hence removing the need for vehicles to turn right from Bath Road to head west along Princes Highway. Also the extra set of signals being proposed on Princes highway at this location would result in increased delay for Princes Highway, which Roads and Maritime would prefer not occur. Roads and Maritime would raise no objection to the proposed development subject to the following:

1. All other works required under the Concept Approval MP10_0076 (all road works with the exception of intersection upgrades at Princes Highway/Oak Road and Princes Highway/Bath Road) shall be completed by the developer in accordance with the executed WAD, and shall be fully operational, prior to the issue of any occupation certificate.
2. Any redundant driveways on the Princes Highway boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Princes Highway shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

3. The proposed development should be designed such that road traffic noise from Princes Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
4. Council should ensure that post development storm water discharge from the subject site into the Roads and Maritime drainage system does not exceed the pre-development application discharge.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

5. All works associated with the development are to be at no cost to the Roads and Maritime.
6. All vehicles must enter and leave the proposed development in a forward direction.
7. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
8. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.
9. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Princes Highway.
10. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
11. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.

Please refer further enquiries to Ravi Raveendra on telephone 8849 2540 or email Development.Sydney@rms.nsw.gov.au.

Yours sincerely



Owen Hodgson
**Manager Land Use
Network and Safety**



Mr Evan Phillips
Sutherland Shire Council
Environmental Assessment Officer
Locked Bag 17
Sutherland, NSW 1499

Our File No: EF14/22175
Our Ref: DOC15/419041
Your ref: DA15/1134

Dear Mr Phillips

RE: Development Application Referral DA15/1134 for 566-594 Princes Highway, Kirrawee.

I refer to your letter received on 22 October 2015 referring the above development application (DA15/1134) to the Heritage Council for comment under the terms of the Sutherland Shire Local Environmental Plan (LEP) 2015. This site is listed as a listed heritage/archaeological site, "A2404" "The site of former brickworks, Sutherland Brick Company clay pits" within the supporting Heritage Schedule.

It is noted that while development at this site has 'concept' plan approval under the former Part 3A of the *Environmental Planning and Assessment Act 1979* (MP10_0076) the current development application seeks to approval to construct a new mixed use (commercial and residential) development and an associated public park.

The following documents were reviewed in support of the above application:

- Covering letter from Sutherland Shire Council;
- Report entitled "Statement of Heritage Impact (SOHI): Former Brickworks site, Kirrawee. 566-594 Princes Highway, Kirrawee, NSW, 2232" Prepared by NBRSP dated 28 September 2015;
- Report entitled "Heritage Interpretation Plan: Former Brickworks Site, Kirrawee. Princes Highway, Kirrawee, NSW, 2232" Prepared by NBRSP dated 28 September 2015; and,
- Report entitled "Kirrawee Brick Pit, Archaeological Conservation Assessment Report (ACAR)" prepared by International Conservation Services dated November 2014.

It is noted that previous assessment of this site has confirmed the potential for historical archaeological relics to be found in association with the brick making activities which occurred here. On this basis a s139(4) exception application was endorsed in July 2014 for the proposed development which allowed the excavation and recording of kiln features and recovery of kiln furniture, wasters and other items relating to brick and pipe manufacture that could be used as part of future interpretation and display of Pipe Kiln 1 within the completed redevelopment.

It is advised that if additional works are required for the development that extends beyond the scope of works assessed for the previously issued section 139(4) exception then an additional application either under s139(4) or s140 may be required to be considered by the Heritage Council of NSW.

If you have any questions regarding the above matter please contact Chris Lewczak, Archaeologist at the Heritage Division, Office of Environment and Heritage, on (02) 9873 8500 or by email at Chris.Lewczak@environment.nsw.gov.au.

Yours sincerely



Katrina Stankowski
Acting Manager, Conservation
Heritage Division
Office of Environment and Heritage
18 November 2015

AS DELEGATE OF THE NSW HERITAGE COUNCIL OF NSW

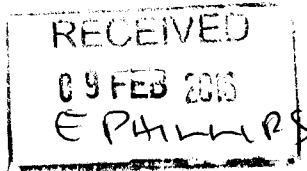


Department of
Primary Industries
Water

DAIS/1134

Contact: Nicole Hely
Phone: 02 8838 7546
Fax: 02 8838 7554
Email: nicole.hely@dpi.nsw.gov.au

The General Manager
Sutherland Shire Council
Locked Bag 17
Sutherland NSW 1499



Our ref: 10 ERM2008/0444
File No: 9047699
Your Ref: 08/0347

Attention: Evan Phillips

2 February 2016

Dear Sir/Madam

Re: Integrated Development – 566 - 594 Princes Highway, Kirrawee – A new construction consisting of residential and commercial buildings, access roads, parking, Public Park etc.

DPI Water (formerly the NSW Office of Water) has reviewed documents for the above development application and considers that, for the purposes of the *Water Management Act 2000* (WM Act), a controlled activity approval is not required and no further assessment by this agency is necessary for one of the following reasons.

The proposed activity is **not a controlled activity** as defined by the WM Act.

Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then DPI Water should be notified.

Further information on controlled activity approvals under the WM Act can be obtained from DPI Water's website: www.water.nsw.gov.au go to *Water licensing > Approvals > Controlled activities*.

Please direct any questions regarding this correspondence to Nicole Hely, nicole.hely@dpi.nsw.gov.au.

Yours sincerely

Nicole Hely
Water Regulatory Officer
Water Regulatory Operations, Water Regulatory Operations South
NSW Department of Primary Industries - Water

01 February 2016

Mr Evan Phillips
Environmental Assessment Officer
Sutherland Shire Council
Locked Bag 17
Sutherland NSW 1499

RE: 566-594 Princes Highway, Kirrawee (DA15/1134)

Dear Mr Phillips,

Thank you for notifying Sydney Water of the development listed above. We have reviewed the application and provide the following comments for your consideration.

Water

- There is sufficient trunk water capacity to service the proposed development.
- The proposed development site is serviced by 100mm local reticulation mains. These mains will require amplification to service the proposed development, as they do not comply with the Water Supply Code of Australia requirement for minimum sized mains for the size and scale of development.
- Extensions to the local water network will also be required to service the proposed development.
- The drinking water main needs to be amplified and extended to a 200 mm main from point 'A' to point 'B', shown in the concept plan provided in Attachment 3.
- Detailed drinking water requirements will be provided at the Section 73 application phase.

Wastewater

- There is sufficient trunk wastewater capacity to service the proposed development.
- Detailed wastewater requirements will be provided at the Section 73 application phase.

Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au.

Further advice and requirements for this proposal are at attachments 1, 2 and 3 (overleaf). If you require any further information, please contact Beau Reid of Urban Growth Strategy on 02 8849 4357 or e-mail beau.reid@sydneywater.com.au.

Yours sincerely,



Greg Joblin
Manager, Growth Strategy

Attachment 1

Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

Attachment 2

Requirements for Business Customers for Commercial and Industrial Property Developments

If this property is to be developed for Industrial or Commercial operations, it may need to meet the following requirements:

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>
Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

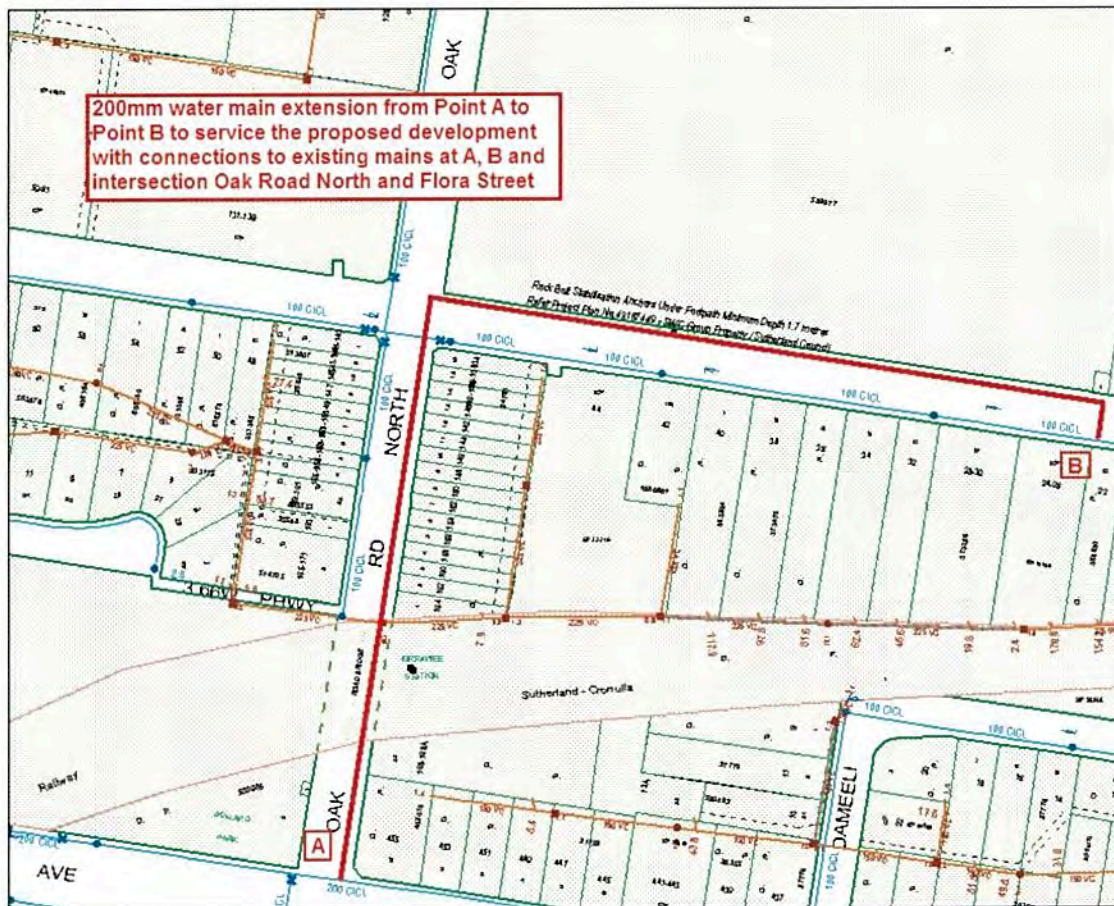
Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:

<http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au

Attachment 3

Concept Plan for water main amplification





NSW POLICE FORCE

Sutherland Local Area Command
113 – 121 Flora Street
Sutherland NSW 2232

Tel: 02 9542 0899
Facsimile: 02 9542 0708
Ref.No: DA 15/1134



26 November 2015

General Manager,
Sutherland Shire Council
Locked Bag 17,
Sutherland NSW 1449

RE: Development Application DA 15/1134
Mixed use retail, commercial and residential development and associated public park including 749 dwellings, fitout and use of 2 supermarkets, 1 liquor store, 9000m2 public park with lake and surrounding forest, 1500m2 community facility, torrens subdivision for road dedication, torrens subdivision of 1 lot into 2 lots for public reserve dedication, 5 lot stratum subdivision and signage strategy

'Brick Pit Development', 566-594 Princes Hwy, Kirrawee

In line with the Crime Prevention Guidelines of the New South Wales Environmental Planning and Assessment Act, 1979, Section 79C, Sutherland Local Area Command has conducted a *Safer by Design Crime Risk Evaluation* as requested by Sutherland Shire Council, on the proposed development relating to Mixed use retail, commercial and residential development and associated public park including 749 dwellings, fitout and use of 2 supermarkets, 1 liquor store, 9000m2 public park with lake and surrounding forest, 1500m2 community facility, torrens subdivision for road dedication, torrens subdivision of 1 lot into 2 lots for for public reserve dedication, 5 lot stratum subdivision and signage strategy at 566-594 Princes Hwy, Kirrawee.

The proposed development may introduce new (potential) victims, crime opportunities and offenders to the development site and its surroundings. It is possible, therefore, that reported crime will increase in the future.

Crime Prevention Through Environmental Design (CPTED) treatment options should be considered for the proposed development in order to reduce opportunities for crime.

Yours sincerely,

Superintendent Julian Griffiths
Sutherland Local Area Commander

Safer by Design



Crime Risk Evaluation:

Mixed use retail, commercial and residential development and associated public park including 749 dwellings, fitout and use of 2 supermarkets, 1 liquor store, 9000m2 public park with lake and surrounding forest, 1500m2 community facility, torrens subdivision for road dedication, torrens subdivision of 1 lot into 2 lots for public reserve dedication, 5 lot stratum subdivision and signage strategy

'Brick Pit Development'

566-594 Princes Hwy, Kirrawee

DA 15/1134

a report prepared for
Sutherland Shire Council

By

NSW Police Force
Crime Management Unit
113-121 Flora Street, Sutherland

Telephone 9542 0899
Facsimile 9542 0854
Email hay1dav@police.nsw.gov.au

November 2015



Contents

Disclaimer.....	3
1. Crime Prevention and S79C of the EP&A Act.....	5
2. Crime Prevention through Environmental Design	5
3. Surveillance	6
4. Access Control.....	6
5. Territorial Reinforcement.....	7
6. Space and Activity Management.....	7
7. Evaluation Rating.....	7
8. Sutherland Local Area Command.....	8
9. Crime ratings.....	10
10. Evaluation Rating.....	11
11. Issues and Recommendations.....	13
Additional Information	
12. Car Park Area	14
13. Loading Dock Area	16
14. Retail.....	17
15. Licensing Conditions.....	17
16. Automatic Teller Machines.....	19
17. Medical Practice.....	20
18. Wetlands/Parklands	21
19. Landscaping.....	21



20.	Security Lighting	21
21.	Building Design	21
22.	Surveillance Equipment	22
23.	Warning Signs.....	22
24.	Traffic Management	22
25.	General	25
26.	CyberLock.....	26



Disclaimer

New South Wales Police has a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this evaluation, any person who does so acknowledges that:

1. It is not possible to make areas evaluated by NSW Police absolutely safe for members of the community or their property;
2. It is based upon the information provided to NSW Police at the time the evaluation was made;
3. The evaluation is a confidential document and is for use by the consent authority referred to on page 1 only;
4. The contents of this evaluation are not to be copied or circulated other than for the purposes of the consent authority referred to on page 2.

NSW Police hopes that by using the recommendations contained in this document criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.



Section 79C of the Environmental Planning and Assessment Act and Crime Prevention

In April 2001, the NSW Minister for Planning introduced Crime Prevention Guidelines to S79C of the Environmental Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. "If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimise crime risk, or, refusal of the development on the grounds that crime risk cannot be appropriately minimised".

The Guidelines contain two parts. "Part A details the need for a formal crime risk assessment (Safer by Design Evaluation) to be done in conjunction with trained police, and Part B outlines basic Crime Prevention through Environmental Design (CPTED) principles and strategies that can be used by consent authorities to justify the modification of proposals to minimise risk" (DUAP 2001:2).

Crime Prevention through Environmental Design

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place-management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);



- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
- Minimise excuse-making opportunities (removing conditions that facilitate the rationalisation of inappropriate behaviour).

CPTED employs four key strategies. These are Surveillance, Access Control, Territorial Reinforcement and Space/Activity Management.

Surveillance

Natural surveillance (NS) is achieved when normal space users can see and be seen by others. NS highlights the importance of building layout, orientation and location; the strategic use of street design; landscaping and lighting. NS is a by-product of well-planned, well-designed and well-used space. *Formal (or Organised) Surveillance (FS)*, is achieved through the tactical positioning of guardians. An example would be the use of supervisors on station platforms, or the placement of a taxi rank within eyesight of a station entry. *Technical Surveillance (TS)* is achieved through mechanical/electronic measures such as CCTV, help-phones and mirrored building panels. TS is commonly used as a "patch" to supervise isolated, higher-risk locations.

There is a proven correlation between poor lighting, fear of crime, the avoidance of public places and crime opportunity (Painter, 1997). Australia and New Zealand Pedestrian Lighting Standard 1158.3.1 requires lighting engineers and designers to factor in crime risk and fear when selecting lamps and lighting levels.

Access Control

Access control measures restrict, channel and encourage people, bicycles and motor vehicles into, out of and around targeted sites. Wayfinding, desire-lines and formal/informal routes are important crime prevention considerations.



Access control is used to increase the time and effort required to commit a crime and to increase the risk to criminals. *Natural Access Control (NAC)* includes tactical use of landform and waterways, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens. *Mechanical/Electronic Access Control (MEAC)* includes the employment of security hardware and *Formal (or Organised) Access Control (FAC)* includes on-site guardians such as employed security personnel.

Territorial Reinforcement

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it. *Territorial Reinforcement (TR)* uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/should not be and what types of behaviour are appropriate.

Space and Activity Management

Space and activity management strategies are an important way to develop and maintain *natural* community control. Space management involves the formal supervision, control and care of the public domain. All space, even well-planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

Evaluation

This evaluation was requested by Sutherland Shire Council for DA 15/1134 which is described as Mixed use retail, commercial and residential development and associated public park including 749 dwellings, fitout and use of 2 supermarkets, 1 liquor store, 9000m² public park with lake and surrounding forest, 1500m² community facility, torrens subdivision for road dedication, torrens subdivision of 1 lot into 2 lots for public reserve



dedication, 5 lot stratum subdivision and signage strategy at the 'Brick Pit Development', 566-594 Princes Hwy, Kirrawee

Primary focus areas include:

- Design detail;
- Pedestrian access (internal and external); and
- Place management.

Sutherland Local Area Command (LAC)

The Sutherland Local Area Command (LAC) is on the southern fringes of Sydney, between Sydney and Wollongong. Geographically the command is the largest in the Central Metropolitan Region being 300 square kilometres in size. A large part of the LAC consists of the Royal National Park. The major suburbs are Sutherland, Menai, Engadine and Gymea. There are a total of 28 suburbs within the command. Adjoining Sutherland LAC includes Miranda LAC to the east, Wollongong LAC to the south, Liverpool LAC to the west, Bankstown LAC to the north-west and St George LAC to the north. Sutherland LAC is situated within the Sutherland Shire which includes Miranda LAC and is a major thoroughfare for motorists and commuters travelling between Sydney and Wollongong.

The Sutherland Shire has almost 80 schools within the area, indicating a high percentage of juveniles living and visiting the area. Overall population is in excess of 225,070 (ABS 2014).

Sutherland CBD is a main central location which connects visitors travelling through the area who reside in the South Coast and the Cronulla areas and those visiting the Royal National Park and South Coast. Public transport hubs are located at Sutherland, being a bus terminal, taxi rank and railway station with connecting lines. A bus service operates the western part of Sutherland Shire which is the only form of public transport within that area. Cronulla Beach is the only beach within Sydney which is connected directly with a railway line service, therefore, is popular during warm summer months with visitors external to the region.



The proposed development site is situated a short distance away from Kirrawee shopping precinct which consists of small businesses, cafes, restaurants, licensed premises and a railway station. A public commuter car park exists to the south of the precinct.

The proposed development is located on the corner of Princes Hwy, Oak Rd and Flora St, which is amongst existing industrial and commercial businesses. The area itself is currently a large vacant block. The Princes Hwy is classified by RMS as a major arterial road.

The proposal is a range of residential and commercial space and public space consisting of 7 towers up to 14 storeys high, and communal space consisting of a wetlands and park to the south west. Due to heritage listing, a viewing platform is proposed to the northwest covering the existing brick kiln.

A total of 749 units for residential units are allocated comprising of 189 x one bed unit, 403 x two bed units and 157 x three bed units. A total of 22 commercial units is divided up of 2 x supermarkets, which will sell liquor, 1 x liquor store and 1 x medical centre.

The development is proposing two levels of basement and two levels of above ground parking for residents and retail customers with 40 space street parking. A total of 1,023 parking spaces will be allocated for the residential sector, which includes 929 spaces for residents and 94 spaces of visitor parking. A total of 541 spaces will be provided for non residential spaces. This will be inclusive of 491 shopping centre parking spaces (464 basement parking), 40 spaces replacing the current parking availability in Flora St and 10 car spaces for a car share scheme. A total of 22 motorcycle spaces and 128 bicycle spaces will be provided.

Currently during night hours, street lighting takes effect. Factory lighting has little to no effect in illuminating the roadway and surrounding area, therefore the area is dimly lit during nightfall.

Traffic within the proposed development area is substantially busy during daylight hours with local and passing traffic, due to the number of commercial and residential premises located nearby.

Existing to the north and on the opposite side of the road to the proposed development are



large commercial premises. A licensed premises (Kirrawee Hotel) is currently being constructed.

A primary school exists to the east of the proposed development.

Crime Ratings

Reported crime statistics have been used to help identify 'crime likelihood'. These statistics are based on raw data. More accurate statistics can be acquired by the Bureau of Crime Statistics.

In NSW, crime statistics are gathered and analysed in geographical areas referred to as Police Local Area Commands (LACs). This development is located within Sutherland Local Area Command and the following incident categories and ratings have been identified for the Local Area Command in which the development is located:

Incident	Likelihood Values based from Raw Data Statistics				
	Highly Likely	Likely	Moderate	Unlikely	Not assessed
Malicious damage					
Stolen M/Vehicle					
Assault					
Break & enter					
Stealing					
Robbery					

* The Sutherland LAC Intelligence Unit has revealed the above crime types occurred within a 500 metre radius of the proposed location and for the previous 24 months.

The aforementioned statistics are based on raw data between November 2013 and October 2015. There were a total of 340 incidents and are categorised as follows:

- Assault – 40
- Break & Enter – 48 (Business/Commercial – 13; Industrial – 3; Residential – 32)
- Fraud – 85
- Malicious damage – 61
- Robbery – 1
- Stealing – 91 (from dwelling – 3; from motor vehicle – 33; from retail – 29; other – 26)
- Stolen vehicle – 14

Of the 340 incidents, 16 were associated with alcohol. They are categorised as follows:

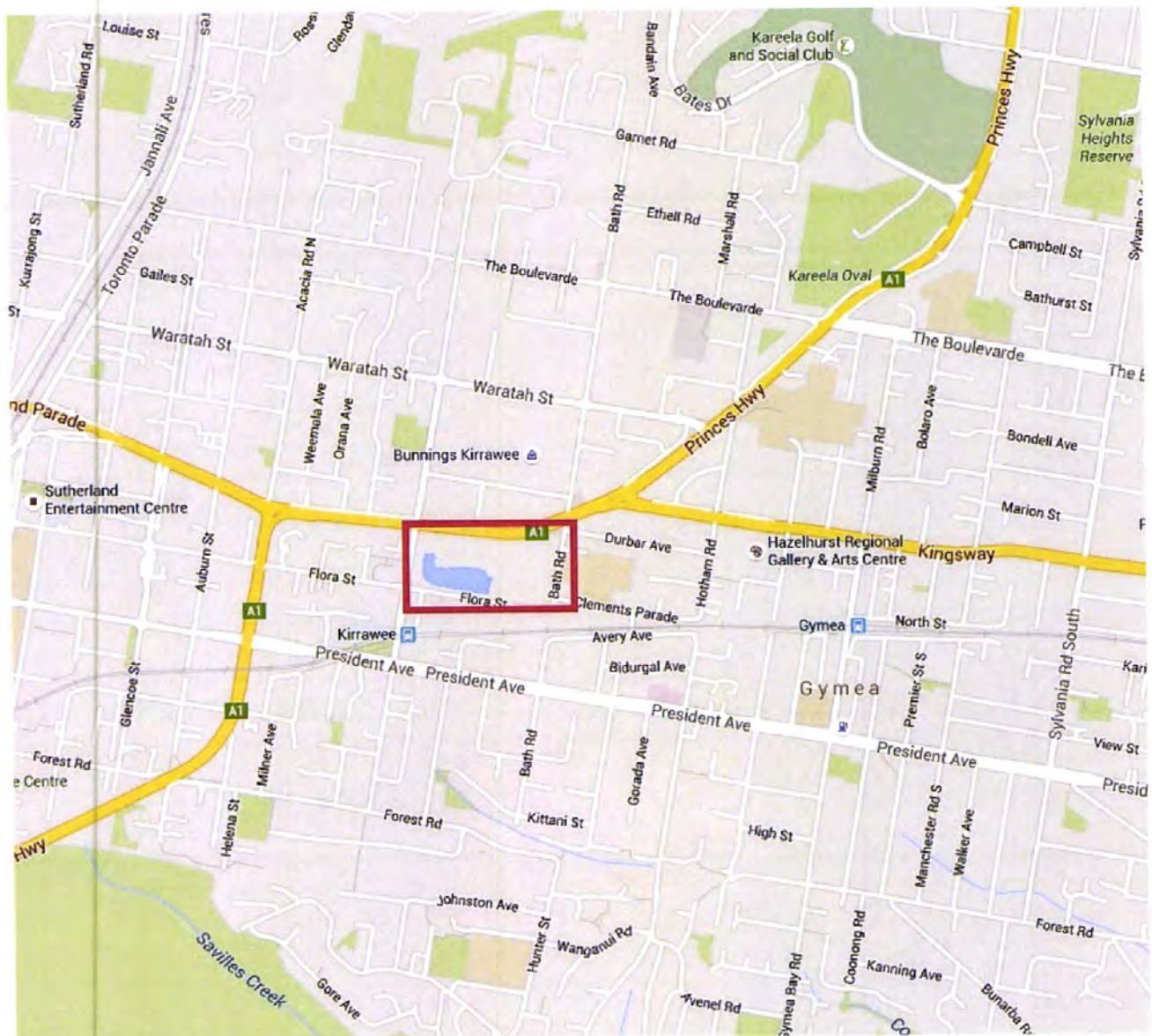


- Robbery – 1
- Assault – 12
- Stealing – 1
- Malicious damage - 2

Evaluation Rating

After conducting a Safer by Design Crime Risk Evaluation for the proposed development the crime risk rating has been identified as **MEDIUM**. This is on a sliding scale of low, medium or high.

View of proposed area







Issues and Recommendations

Police have read the document titled, "Crime Prevention through Environmental Design Assessment" by Barker, Ryan, Stewart (reference CC150070). Police agree with the issues identified by the author. A number of further areas of concerns have been identified and listed below.

Clear sight lines provide a higher measure of safety through natural surveillance; this may come at the expense of some privacy on all levels.

Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. The proposed development application requires good use of perimeter fencing, gates and doors at various entry points.

Given the likelihood and presence of crime within the vicinity of the proposed development and the number of expected residents, shoppers and visitors to the development, Police



recommend the premises should employ a security firm for onsite patrols covering a 24 hour, 7 days per week period. This service should include a back to base alarm system, where the security firm are to contact Police immediately upon multiple activation/s.

Police would suggest the use of CCTV to monitor the common areas, lobbies, access/egress driveways, delivery docks and underground car parks to ensure resident and customer safety. This CCTV should be monitored by onsite security.

The commercial operation will involve large sums of cash and items. The use of armoured cash vehicles should be utilised to transport cash. The combination of light traffic and pedestrian flow at night could cause a potential risk to staff, property, delivery vehicles and the surrounding area. A safe route should be designated and times should vary day and night for drop off/collection to avoid the likelihood of a pattern forming reduced.

The overall design of the outdoor "common areas" should include low level vegetation, bright/even lighting, wide/even paving, "effective guardianship and an absence of entrapment opportunities". This area should contain clearly signposted directions to assist both visitors and emergency services personnel.

Police recommend that Centre Management are employed as caretakers for the whole development site. It can be the responsibility of Centre Management to provide security. Police recommend a minimum of 2 security officers on shift during nightfall hours.

ADDITIONAL INFORMATION

Car Park Area

- The proposed basement car park accommodates vehicles below street level, therefore, there is an increased risk for public safety, due to the seclusion of the area.
- The area needs to be marked clearly with good visibility for customers entering and exiting the car park and give good natural surveillance into the car park. Opportunities for concealment within the car park area should be avoided. Clear signage needs to be in place throughout the car park to indicate exit and emergency exit routes, no parking areas, direction to facilities and to mobility car spaces to minimise the risk of antisocial behaviour and use of the car park for skateboarding, burnouts, illegal parking, etc.



- Emergency services car parking spaces should be clearly marked in the basement and external parking areas.
- Police recommend that each unit is supplied a lockable garage. A two point lockable garage door should be installed for each garage.
- Clean, well-maintained areas often exhibit strong territorial cues. Rundown areas may cause perception of fear and affect community confidence to use public space. Ultimately, it may provide crime opportunity. Vandalism can cause fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the replacement of car park lighting and general site cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.
- Consideration should be given to "Staff Only" car spacing, especially for staff working late at night. The basement car park includes access by the general public. Given this, Police believe access should be restricted by the installation of security shutters on the basement level. Police would recommend that all authorised staff are allocated access cards to provide temporary activation of security shutters to the basement areas and lobbies. This should reduce the possibility of residents being outside or in unauthorised areas
- The basement car parks include access by the general public and visitors. Given this, access should be restricted by the installation of security shutters on the residential basement levels. The timing of the shutter should only permit one vehicle at a time to enter/exit and should not be opened for any longer than necessary.
- Skateboarders can adversely affect the reputation of areas if not controlled. As a result of this, patrons and residents could shop and live in fear of their safety and no longer use certain areas of the basement parking facilities. Smooth, large concreted areas are enjoyed by skateboarders who generally enjoy smooth downhill descents. Skateboarders generally congregate in large numbers and some skateboarding communities within the Sutherland Shire are known to commit graffiti attacks. As a result, the area may be avoided by pedestrian traffic and the risk of crime could rise, and may increase noise associated complaints. To reduce the area for the potential of skateboarders attributing to noise and crime, Police highly recommend the use of ribbed or waffle concrete.



- Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction. Police recommend painting walls with an anti-graffiti type commercial grade paint or substance.
- Police recommend that the underground car parking areas be painted white to greatly assist reflecting light. Painted facilities not only look larger and more spacious than unpainted car parks, but can greatly reduce the number of lights required to illuminate the car park and on-going energy costs.
- The garbage collection areas are very isolated, especially if residences are removing waste at an off-peak time. This area should be under constant CCTV monitoring, be well lit and access should be restricted with a lock and key.

Loading Dock Area

Looking through preliminary drawings, it appears the loading dock is isolated to the eastern most part of the proposed development.

- Access to the loading dock area needs to be restricted to authorised personnel only. External areas providing access into the shopping centre and areas that are left unattended for long periods of time can provide opportunity for anti-social behaviour, malicious damage and theft and as such need to be closed off after hours or when not in use or covered by Security or CCTV. Clear signage on the entrance to the loading dock area needs to be in place to prevent excuse making for trespassers, illegal parking and safety for heavy vehicle access. Security risk areas or potential hiding areas also need to be addressed. These areas must display signage to reflect this.
- Clear sight lines to the loading dock area, by way of appropriate landscaping, require attention. This should provide a sense of natural surveillance and clear visibility to pedestrians on the street.
- Garbage collection waste should be removed at a reasonable hour not to disturb residents. Although this area is considered by NSW Government as an essential service and has no current legislated time restrictions, Police recommend a reasonable hour is after 7am.



- A gate should be installed as a minimum restriction to unauthorised vehicles entering the restricted area.
- Refrigerated delivery trucks should be limited to delivery times in accordance with current NSW legislation (Protection of the Environment Operations Act 1997). At the time of this report, the time is 8am to 8pm. Outside these hours, the driver/company could be committing an offence and appropriate action taken.

Retail

- Due to the size of the development and possible concealment opportunities, Police recommend all retail outlets provide security to employees at risk of becoming a victim of crime due to work requirements out of usual business hours. This may be provided through individual outlets or through Centre Management.
- Historically, the area is well known for stealing offences. Police recommend all retail outlets to employ Loss Prevention Officers and conduct regular retail theft operations.
- All liquor outlets to use security tags for all bottled liquor.
- All retail outlets, predominately liquor stores, are to limit the amount of sale items on shelves and floor stock.
- All retail stores to implement anti theft devices, such as security gates at the entrance to their shop, electronic alarms and/or mechanical security devices
- All retail outlets to use minimum two key safes for collection and storage of monies.
- Authorised armored security is to be used for the distribution and collection of large amounts of money. (Safe route as previously stated)
- UV light identification scanner used for false identification.

Licensing conditions (with assistance by Sutherland LAC Licensing Supervisor Sergeant Robinson)

- 1) The licensee is to be a member of the Sutherland Liquor Accord. The licensee or person nominated by the licensee, must attend all general meetings held by the Liquor Accord, and remain present for the entire duration of the said meetings, provided however that the accord coordinator has properly advised the licensee in advance and the meeting is properly scheduled and has a set agenda.
- 2) The licensee must engage a person who holds a current class 2A security licence to prepare a plan of management for the licensed premises.
- 3) The plan should be systems based and adopt a continuing approach to address:
 - a. Compliance with licence conditions and liquor laws.



- b. The responsible service of alcohol.
 - c. Minimising disturbance to the neighbourhood particularly addressing effective management of patrons:
 - i. Who are intoxicated, violent, quarrelsome and disorderly,
 - ii. Queuing to gain entry to the premises, and
 - iii. Within and departing the premises.
 - d. Effective management and deployment of venue staff particularly addressing:
 - i. Maintaining an incident register,
 - ii. Security and patron safety,
 - iii. Crime scene management procedures, and
 - iv. Induction and training.
 - e. Appropriate responses to concerns as they arise from the Local Area Commander or residents affected by the operation of the licensed premises.
- 4) The plan should be updated from time to time as required but only:
- a. With the agreement of the Local Area Commander, or
 - b. On the advice of a person who holds a current 2A security licence.
- 5) A copy of the plan must be served on the Local Area Commander and the Director Compliance of the Office of Liquor, Gaming and Racing:
- a. Within six weeks of the imposition of this condition, and
 - b. Within 14 days of any variation to the plan.
- 6) A copy of the current plan must be maintained at the licensed premises and made available for immediate inspection by members of the NSW Police Force or Inspectors from the Office of Liquor, Gaming and Racing.
- 7) The licensee must comply with the terms and requirements as set out in the plan.
- 8) Immediately after the applicant or person in charge of the licensed premises becomes aware of an incident involving an act of violence causing an injury to a person on the premises, the licensee or person must:
- a. Take all practical steps to preserve and keep intact the area where the act of violence occurred, and retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guideline issued by NSW Police,
 - b. Make direct and personal contact with the Local Area Commander or his/her delegate, and advise the Commander or delegate of the incident, and
 - c. Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
- 9) The licensee must maintain a closed-circuit television system on the premises in accordance with the following requirements:
- a. the system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
 - b. Recordings must be in digital format and at a minimum of 15 frames per second,
 - c. Any recorded image must specify the time and date of the recorded image,
 - d. The system's cameras must cover the following areas:
 - i. All entry and exit points on the premises,



- ii. The footpath immediately adjacent to the premises,
- iii. All publicly accessible areas (other than toilets) on the premises.

10) The licensee must also:

- a. Keep all recordings made by the CCTV system for at least 30 days, and
- b. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and
- c. Provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.

TAKE AWAY BOTTLE SHOPS EXTRA CONDITIONS

- 1. Staff must ensure that all alcohol purchased from the packaged liquor outlet is to be carried away from the premises for consumption.
- 2. Staff must ensure that no alcohol purchased from the packaged liquor outlet is consumed on the footpath outside of the premises.

Automatic Teller Machines

Organised groups of criminals use extreme force to attack Automatic Teller Machines (ATM) ATM's. Vans, 4WD's, forklifts, tractors and high powered vehicles have all been used to smash through doors and walls at scenes (ram raids) where the offenders operate with no regard for property damage and the consequent disruption to trade.

Experimentation with the amount of gas required has led to extensive damage to shop fronts. The use of a volatile gas also has inherent fire risk.

Such was the problem that a specialist NSW Police group named, "Strikeforce Piccadilly" was established to detect offenders and liaise with the ATM industry. NSW Police remain vigilant and continually update guidelines in conjunction with the ATM industry.

The ATM industry has standards to which the machines are to be installed. These standards and other factors, including inaccessibility to vehicles, alarmed premises, and protection by a type of bollard system have been successful when installed.

To reduce the likelihood of ATM thefts, through police investigations, NSW Police have identified a number of deterrents businesses can employ as crime prevention measures.

Strategies for the varying type of installations include the installation of ATM's in high pedestrian/traffic flow public places, placement of solid concrete or steel bollards around the outside of the ATM, locating the machine, where possible, on an angle away from the street to reduce the direct impact of a vehicle driving directly into the ATM, use of CCTV focused directly on the ATM location and its surrounding area, signage on ATM's indicating that only small amounts of cash are kept in the ATM over night, installation of dye bomb money degradation systems and warnings and the installation of GPS tracking devices on all ATM's.



In addition, the business/es should have a cash handling procedure for replenishment of the machine that will meet WorkCover Authority of NSW scrutiny in the event of a robbery.

Implementation of higher security on ATM's has become an increased requirement due to the levels of force which offenders use to attack the machines. Counter measures are required on the installation of ATM's. The ATM industry and NSW Police are in contact and are aware of the requirements.

The minimum security for an ATM with a High risk rating of ram raids or in situ attack include:-

- The ATM be alarmed with seismic, reed switch, heat/stroke sensor, panic/duress button and power failure alarm system that is armed and monitored 24 hours by an alarm security company or equivalent;
- The ATM must be fitted with either a chain guard, ram guard or ruminator type anti ramming device system;
- The ATM to be protected by a core drilled bollard or barrier system at its immediate site. If the quality of the surface at the ATM's site is of a standard that will not facilitate core drilled bollards, a bolt down bollard or barrier system will suffice;
- Any entrance to premises housing an ATM that can be accessed by a motor vehicle to be protected by a core drilled bollard system filled with anti cutting substances.
- The ATM safe to be constructed of a minimum CEN 3 rating.
- The ATM to be anchored with a minimum of 4 bolts which are compatible with the surface type and recommended by the manufacturer.

Further information can be accessed through Sutherland LAC Crime Prevention Officer Senior Constable Dave Hayes

Medical Practice

- Prescription books should be kept away from public access in a lockable cabinet/safe.
- No cash is to be kept on premises. Warning signs of the same should be displayed in prominent locations.
- No less than 2 staff on shift at any time.
- Localised and back to base duress alarms should be installed in every room, under desks and staff to be trained in their use.
- If a pharmaceutical store is being constructed, they are to participate in the "Project Stop" initiative by the Pharmacy Guild of Australia, which is an Australian Government organisation registering the sale of pseudoephedrine for the manufacturing of methylamphetamine.
- Needle containers should be permanently installed for any syringe usage.
- All pharmaceutical stores are to register with the Pharmacy Board of Australia and to operate their business within all Federal and State legislation.

Wetlands/Parklands

- Life buoyancy devices should be installed near the wetlands, with appropriate signage.
- Clear signage to be installed for person/s not to swim, dive, enter, animal use wetlands, children to be supervised at all times, CCTV in use, etc.



- An outdoor facility such as a small café or coffee shop is recommended to be constructed near the wetlands/parklands area attracting families to the area. This would more likely disturb teenagers attending and using the area as a place to congregate. This also provides a form of ownership and passive surveillance.
- Clear unobstructed CCTV should be used for common areas and isolated areas.
- The area should be well lit during nightfall with regular security patrols.
- Sensor lighting should be used for darkened areas.
- Entomology and pest control experts or equivalent are to be consulted for correct chemical usage and dosage to keep bugs and vermin numbers down.

Landscaping

- Keeping trees & shrubs trimmed can reduce concealment opportunities and increase visibility within the property.
- Remove obstacles & rubbish from property boundaries, footpaths, driveways, car parks & buildings to restrict concealment & prevent offenders scaling the boundary fence.

Security Lighting

- Install security lighting in and around the development property, particularly over entry/exit points to create an even distribution of light with no glare, e.g. sensor lighting or floodlighting.
- Leave a limited amount of internal lighting on at night to enable patrolling Police, security guards or passing people to monitor activities within and around the premise.
- No dark places should be encountered as this will decrease that particular areas security significantly and potentially cause panic with fear of safety.
- Limit shadowing, as this may create hiding opportunities for potential offender/s.

Building Design

- Maintain clear sightlines between the street, neighboring property and the buildings.
- The assessor believes there is inadequate parking for the number of units to garaged parking. Due to the large number of 1-bedroom units, this generally forces occupants to use their allocated garage as storage. Police recommend that a storage area and/or extra parking be available.
- Limit the number of entry/exit points to restrict unauthorised access.
- Unit occupant's mail collection area should be positioned in an area which restricts general public access. The area should contain secure and lockable letterboxes for the prevention of mail theft. Consultation in planning should be carried out with Australia Post, whereby a cyber-lock key system can be constructed and installed. NSW Police Force can further be consulted. (See below for further information)
- Maintain clear sightlines between the street, neighboring property and the buildings.
- Limit the number of entry/exit points to restrict unauthorised access.
- Security fencing and security gates should be installed at entry points with a video link intercom system.
- Security screen mesh doors should be installed for each residential unit.
- Solid wooden doors should be installed for each external door.



Surveillance Equipment

- Surveillance equipment can enhance the physical security of the premises and assist in the identification of people involved in anti-social or criminal behavior.
- CCTV cameras should be installed in and around the property to maximise surveillance opportunities. The CCTV used should record as high definition digital and have infra-red capabilities.
- Digital technology should be used to record images from the cameras.
- Recording equipment should be installed in a lockable, restricted area where person/s cannot tamper with the equipment.
- DVD's should be replaced quarterly to maintain quality images.
- HDD playback should be tested every 3 months, checking for image quality.
- Installed surveillance equipment should be maintained in working order and regularly tested.
- If the surveillance system is installed, use it.
- Staff members should be trained in the correct use of the system.
- Any surveillance system should be manufactured and installed by a qualified and reputable company and regularly function tested.
- Ensure that the requirements of the Surveillance, Telecommunications and Privacy and any other applicable Act are adhered to.
- Keep "dummy domes" to a minimum.

Warning Signs

- Effective signage and/or directional signs should be installed to provide guidance to visitors in locating various points of reference ie offices/rooms/prohibited areas etc as well as areas of interest such as visitor and/or disabled parking, exit/entry areas, etc.
- Warning Signs can assist in controlling activities and movements throughout the premises, car park and grounds.
- Post warning signs around the perimeter of the premises to warn possible intruders of what security treatments have been implemented to reduce opportunities for crime.
 - *Warning. Trespassers will be prosecuted.*
 - *Warning. This property is under electronic surveillance.*
 - *All property has been marked for Police identification.* (If this sign is utilised, Police suggest that all property is marked accordingly)

Traffic Management (with assistance by Sutherland LAC Traffic Supervisor Senior Constable King)

Police have checked the available drawings relating to the proposed traffic management plans. A number of issues have been identified and Police recommend the following changes be implemented:

- Police are to be consulted through Sutherland Shire Council Traffic and Consultative Committee regarding traffic throughout the construction phase and final traffic arrangements.



ACCESS AND EGRESS

The proposal is to provide access to the northern side of the site being ingress from the Princes Highway by a deceleration lane, access and egress on Oak Rd (left turn only) with a centre median preventing vehicles making a right turn from Oak Road into and out of the site. There are two proposed access locations to the south via Flora Street east of Oak Road allowing both left and right turns to the site. Two proposed egress sites allowing left and right turn movements onto Flora Street.

PARKING

The proposal should comply with Sutherland Shire Council's Draft Control Plan. All car parking areas should conform to AS 2890.

The proposed parking will have significant effect on the nearby residential and commercial complexes. The streets Police expect to be affected include: Flora St, Oak Rd South, Clements Pde, Bath Rd and Durbar Ave. During school zone times, Kirrawee Public School will have limited parking for parents, therefore considerations for school drop off/ pick up locations are to be designated.

The Varga Traffic Planning Consultants (October 2008) SSC DA 08/0347 stated the development proposed 370 residential parking spaces for 250 apartments. The current parking arrangements for residential apartments are 749 for 929 parking spaces. The ratios have dramatically decreased:

	2008	2015
1 bedroom	1	1
2 bedroom	1.5	1.25
3 bedroom	2	1.5

The visitor car parking has increased by 31 car spaces for an additional 499 residential units.

PROVISION FOR SERVICE VEHICLES

Proposed road widths should be able to accommodate service vehicles.

STATEMENT ON TRAFFIC GENERATION.

Based on the modelling done by the Consultant, it has been shown that the development will have a heavy impact on the current road system in the vicinity of this proposal.

The traffic assignment diagram shows that the proposal will have a considerable effect on the traffic efficiency of the intersection of Flora Street and Oak Road. There is little doubt given the type of development and the proximity to public transport and shopping precinct that pedestrian movements in this intersection will increase.

It should also be noted the Traffic and Parking Impact Assessment states that loading and servicing of the site will be accessed via the driveway located near the eastern boundary of the proposed site in Flora Street. This will accommodate all commercial vehicle sizes up to



and including 19 metre semi-trailers. This will require vehicles to travel in Bath Road where a school zone is located for Kirrawee Primary School or access through the intersection of Oak Road and Flora Street. Vehicle restrictions in Bath Rd and Hotham Rd are to be considered. Further considerations for vehicle restrictions on Oak Rd south of Flora St.

Should traffic control signals not be installed at the intersection of Flora Street and Oak Road and the roundabout controlled intersection remains, consideration will need to be given to installing marked pedestrian crossings on Flora St and an additional crossing on Oak Rd. Other road safety measures would be necessary such as pedestrian fencing should also be considered.

It should be noted that the intersection of Princes Highway and Oak Road has had a consistent motor vehicle collision history and is a current black spot location for the Sutherland Local Area Command. There are current turning restrictions imposed on this intersection, which would significantly impact peak hour periods.

EFFECT ON SURROUNDING STREET SYSTEM.

This development will have an impact on the surrounding neighbourhood. Police believe the area to the west and south will be most affected with the area to the east affected to a lesser degree.

Clearly car parking in the surrounding streets could be a problem in this area with existing parking servicing public transport and shopping precinct already in high demand. Car parking in the surrounding streets should be carefully considered in line with the SRDAC recommendations.

RECOMMENDATIONS.

In principle, no objection is raised by Police for the proposed development, however consideration should be given to the following points when determining the application:

1. Police have not been supplied with a complete set of scale plans detailing all inclusions; therefore Police are unable to adequately assess the full development.
2. Retail/commercial and residential bays require being segregated from the retail/commercial parking component by some form of security access. Police would suggest that retail, residential and visitor parking needs to be segregated.
3. Police support the installation of traffic control light signals at the intersection of Oak Rd and Flora St, to control the increase of vehicle and pedestrian movements.
4. Police support the installation of traffic control light signals at the intersection of the Princes Hwy and Bath Rd due to the proposed south approach closure of Oak Rd and the Princes Hwy.
 - 4.1 Consideration for traffic control signals at the Princes Hwy and Bath Rd for pedestrian control and safety as this coincides with development of Kirrawee hotel minimising the risks to patrons affected by alcohol.



- 4.2 Pedestrian fencing on the northern side of the Princes Hwy west of Bath Rd in addition to median fencing to reduce the combination of increased traffic generation and pedestrian movements that will significantly impact on road safety.
5. Consideration for an overhead bridge situated between Oak Rd and Bath Rd.
6. Consideration for a "no right turn" from Monroe Ave into Bath Rd.
7. Consideration for straight through traffic on Bath Rd southbound.
8. Heavy vehicle access and egress movements to and from the loading dock driveway on Flora St to be addressed.
9. Layout of loading dock area should be designed for onsite loading/unloading and defined location not used for any other purpose.
10. Refer Table 1 Schedule 3, condition 8s Bus Locations. Consideration for the proposed bus stop location on the Princes Hwy to be located in a position that will not affect the free flow of traffic during peak periods, including weekends.

Note. 4.4.2 Bus Services – The Traffic Impact Assessment Report states bus route 961 and 962 is "well serviced" on the Princes Hwy. Upon research, the route currently does not stop on the Princes Hwy. The two nearest stops in which these routes encompass include Sutherland Interchange and the Kingsway (near GyMEA TAFE). There is no current stop on the Princes Hwy, between GyMEA and Sutherland. To include a stop on the Princes Hwy would have a significant impact on the free flow of traffic and this requires re-assessing.
11. Consideration for the proposed re-configuration of the intersection of the Kingsway and the Princes Hwy. Proposed left hand turn slip lane from the Kingsway onto the Princes Hwy should be replaced with a dedicated left hand turn lane. The current proposal would increase the risk greatly of rear end crashes and merging offences with vehicles travelling along both the Princes Hwy and the Kingsway.

General

- Remove obstacles & rubbish from property boundaries, footpaths, driveways, car parks & buildings to restrict concealment & prevent offenders scaling any of the buildings.
- Convex mirrors should be installed for increased visualisation around corners.
- All noise emanations to adhere to conditions as set out in document by Combined Projects (Kirrawee) Pty Ltd dated 28th September 2015.
- Computer passwords should be changed regularly to restrict access to avoid misuse by past and present members of staff.
- Emergency 'Evacuation Plans' should be implemented and maintained by the organisation to assist patrons, staff and Emergency Services in the event of an emergency. This plan should be prominently displayed.



- Planned management of the 'Evacuation Plan' to be included for the shopping complex, in addition, residential buildings. Regular procedures are recommended at various times and days in order to train staff and residents of evacuation areas.
- Bollards or another type of protective structure should be used to protect critical infrastructure of the development.
- Police strongly recommend the use of a reputable security company to monitor the property outside operating hours.

CyberLock



CyberLock Electronic Access Control

CyberLock is a key-centric access control system designed to increase security, accountability, and key control throughout your organization. Based on a unique design of [electronic lock cylinders](#) and [programmable smart keys](#), CyberLock solves security problems that no other system can.

Versatile: Control Access to Every Asset

CyberLock cylinders are easily deployed not only on doors, but also on gates, trucks, shipping containers, and other mobile and remote assets. Full access control is now possible on assets previously restricted to only mechanical locks and keys.

Cost Effective: Eliminate Expensive Cabling

Electronic cylinders are installed without power or wiring making setup and installation quick, easy, and affordable. The batteries in the CyberKey smart keys energize the CyberLock cylinders, bypassing the need to install and maintain expensive wiring.

Superior Key Control: Re-Key Electronically

Keys are programmed with access permissions for each individual user. If a key is lost, it can easily be deactivated in the system, eliminating the need to re-key.



NSW Police hopes that by using the recommendations contained within this report, criminal activity will be reduced and the safety of residents or tenants and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.

NSW Police would like to thank you for your interest in improving the security of your property and in preventing crime in our community. Should you require any further information please contact Senior Constable Dave HAYES at Sutherland Police Station on 9542 0899.

Regards,

Dave HAYES

Senior Constable

Crime Prevention Officer

Sutherland Local Area Command

Architectural Review Advisory Panel

Proposal:

Mixed use retail, commercial and residential development and associated public park including 749 dwellings, fit-out and use of 2 supermarkets, 1 liquor store, 9000m² public park with lake and surrounding forest, 1500m² community facility, Torrens subdivision for road dedication, Torrens subdivision of 1 lot into 2 lots for public reserve dedication, 5 lot stratum subdivision and signage strategy

Property:

566-594 Princes Highway KIRRAWEE NSW 2232

Applicant:

Combined Projects (Kirrawee) Pty Ltd

File Number:

DA15/1134

The following is the report of the Architectural Review Advisory Panel Meeting held on 22 October 2015 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

1. "DA15/1134 – Mixed Use Retail, Commercial & Residential Development With Associated Public Park at 566-594 Princes Highway, Kirrawee – JRPP Application

Council's Peter Brooker, Evan Phillips, Luke Murtas and Barbara Buchanan outlined the proposal for the Panel, including providing details of Council's relevant codes and policies.

Steven Cox, Nicholas Higgins, Greg Colbran, Adam Pinto, Cordelia Maxwell-Williams, Charlie Robinson and Aaron Sutherland addressed the Panel regarding the aims of the proposal and the constraints of the site.

Description of the Site and Proposal

This development application is for a mixed use retail, commercial and residential development and associated public park including 749 dwellings, fit-out and use of two (2) supermarkets, one (1) liquor store, 9000m² public park with lake and surrounding forest, 1500m² community facility, Torrens subdivision for road dedication, Torrens subdivision of one (1) lot into two (2) lots for public reserve dedication, five (5) lot stratum subdivision & signage strategy.

Number and mix of units: 189 x one (1) bedroom units, 403 x two (2) bedroom units and 157 x three (3) bedroom units.

The site is zoned B4 – Mixed Use and RE1 – Public Recreation (SSLEP 2015).

The site is located at 566-594 Princes Highway, Kirrawee.

Key Controls:

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)
Sutherland Shire Draft Development Control Plan 2015 (SSDDCP 2015)
State Environmental Planning Policy 65 Amendment No. 3 (SEPP 65)
Apartment Design Guide (ADG)

Applicant's Submission

ARAP has reviewed development proposals for this significant site on two previous occasions and provided detailed comments.

The Panel notes that the overall proposal has improved significantly in many areas, and further that there is now an up-dated PAC-approved Master Plan that establishes building envelopes and the site's internal circulation network.

ARAP comments at the meeting and in this report acknowledge this approval and are made in this context.

PRINCIPLE 1 – CONTEXT AND NEIGHBOURHOOD CHARACTER**1.1 Urban Context and Character**

The scale of change and context remains significant given the site's previous use for brick making, its strong existing landscape values, and the general built context of both the surrounding area and the wider LGA.

Whilst this most recent proposal has improved and substantially reflects the approved concept master plan in its built form layout, its interface with the surrounding context could be further improved. Of ongoing concern to the Panel is the Flora Street interface, which struggles to provide clear access and activation. The main areas to be considered are the main north-south mall entry and the substantial vehicular footpath crossings at the eastern end.

While the Panel accepts the difficulties that this interface presents, it is regrettable that such a large portion of this street front is dedicated to vehicular entries and plant and so little given to entry and retail. The Panel therefore suggests that this part of the proposal:

- Increases the amount of retail facing the street and considers how vehicular crossings can be best designed to minimise impacts and allow safe pedestrian movement.
- Considers how the elevated Mall and street can be made substantially more legible and public from Flora Street. This could be achieved with a deeper setback at both footpath and roof level, and a central "slot" in the roof element above the entry to open it to the sky. The public domain at footpath level should ideally extend further into the site in the form of a small threshold space, creating an area to pause and meet before ascending to Mall level.
- Further considers pedestrian flow and desire lines including possible deflection of a primary pedestrian entry at grade adjacent to Building F, together with movement through the pedestrian zone between Buildings E, F and G.

The Panel is also concerned with the urban design quality of the main site entry from Oak Road into Brick Road north of the proposed park. The ramps to each side of the road isolate the street from the Park and the corner building, considerably reducing street amenity. The Panel recommends that all basement access ramps should be relocated perpendicular to and within built form so that the streets can be as public in character as possible.

The design quality of the Princes Highway interface can be further improved. Presently this frontage provides slip-lane access to the basement parking level and Oak Road, as well as a staggered landscape buffer with poor pedestrian amenity. A possible alternative raised at the meeting was to consider a separated service road along the length of the site that would be entered by all vehicles at the eastern end. This would allow for a generous, continuous landscape buffer and footpath and a more legible civic character.

Lastly, in reducing the scale and form of the Park's water body, the proposal's relationship with its context and heritage is markedly changed. With each project iteration, the dramatic scale of the quarry's extant form has been lessened.

1.2 Landscape Context and Character

The site is located on a Wianamatta Shale ridge with high visibility from a major arterial road, the Princes Highway.

Contextually, the site has regional significance because of the presence of the Sydney Turpentine Ironbark Forest that provides a link to the Shire's natural and historic past. This remnant forest, along with the threatened species contained within it, will require careful management because it is recognised as an endangered ecological community under the NSW Threatened Species Conservation Act 1995 (NPWS 2002a, NPWS 2002b). It is also listed as critically endangered ecological community under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) and the [Threatened Species Conservation Regulation 2010](#). Since the site has become available for redevelopment, this significant STIF community has deteriorated markedly in area and condition. As a result various constraints are necessary in the landscape plan (see Principle 5 Landscape).

The site sits within a 'support' area and adjoins 'restoration' areas of the Shire's Green-web.

The entire site also has regional significance as a heritage cultural landscape, and its integrity must be considered in the public domain and the open parkland.

Within the local context, the site adjoins Kirrawee's vibrant village centre. The road network around the site will be upgraded in future to facilitate a greater civic connection to the nearby Sutherland Town Centre.

There is also the opportunity to achieve a future street connection through the site to the east, and this possibility must not be precluded by this development.

The main entry to the site from Oak Road (referred to above) needs to have a stronger landscape presence and is currently constrained by the two ramped entries leading to underground parking. To achieve greater soil depth and area it is recommended that 3 car-parking spaces are removed in the SW corner of Basements 1 and 2, so that tall substantial trees (all STIF species) can be planted on the southern side of Brick Road up to the ramp. Large trees should also replace the shrubs at the edge of the park. The use of Brush Box along Brick Road is not recommended, Ironbarks or Angophoras are a more appropriate selection.

PRINCIPLE 2 – SCALE AND BUILT FORM

The built form of the proposal is generally consistent with the approved concept master plan.

The site will be transformed in scale and character by the nine approved residential buildings. The master plan sets the heights and forms of the proposed buildings as well as defining the area of parkland that is to be retained and developed. It provides for building heights from 6-7 storey buildings up to 14 storeys and a network of vehicular and pedestrian systems.

PRINCIPLE 3 – DENSITY

The total density of the project is proposed at an FSR of 2.53:1 and is understood to be consistent with the approved concept plan.

PRINCIPLE 4 – SUSTAINABILITY

The design of residential development within the complex is understood to comply with the requirements of the Apartment Design Guide (ADG).

Provision has been made for below ground stormwater detention tanks in Kiln Park. It is understood that the tanks will be available for landscape irrigation purposes.

The proposal appears to comply with ADG requirements for solar access, cross ventilation, and building separation, which should reduce the need for air conditioning and heating.

For a project of this scale a range of significant additional sustainability measures should be integrated into the proposal.

Public domain and landscape sustainability issues cover biodiversity offsets, water sensitive urban design, urban heat island (UHI) implications, and alternative energy opportunities. The removal of the STIF along the northern side of Flora Street requires that satisfactory locations for biodiversity offsets be included in the development consent. A location plan of those offsets within 10 km of the site would assist in assessing the Management Plan required for the STIF in the site's SW corner. This would need to address rehabilitation programs and threats such as fringe area mowing and clearing, urban run-off, weed management, preventing access and built structures, including sheds and play equipment.

Although WSUD is mentioned in the SEE, elements such as location of swales, rain-gardens, gross pollution traps, need to be identified and integrated with an overall site drainage plan.

Urban heat island (UHI) implications are increasingly relevant to developments of this scale. In this context, the proposed black granite paving through the site should be re-assessed.

There are many opportunities for provision of renewable energy such as wind and solar associated with the extensive roofs of the proposal.

PRINCIPLE 5 – LANDSCAPE

The landscape plan is pivotal to the success of this development from the broad-scale context down to the details of community garden management. The broad-scale issues include the rehabilitation and protection of the STIF and the cultural landscape heritage.

The remaining STIF vegetation needs restoration and management incorporated into the landscape design. In terms of the *NSW Threatened Species Conservation Act 1995* (NPWS 2002a, NPWS 2002b) the STIF corner is considered a small sized remnant and so requires specific management for its large edge-to-core ratio (edge effect); including fencing (to keep out people and dogs), removing access paths, a weed removal regime, managing nutrient-rich water, arboriculture guidelines and a native vegetation buffer zone which is necessary for the long-term viability of this STIF remnant.

The proposed access boardwalk should be removed and the proposed active play area should be confined to the grass areas at the northern end of the park. Alternatively, viewing platforms (say three) along Oak Road, similar to the one already proposed, can be features that highlight the natural and cultural heritage. The entire length of Oak Road to the entry should be a buffer and rehabilitated STIF and wetlands.

All native plants in an EEC are protected under legislation so landscape plans and documentation need to address STIF management issues, including notes on planting details indicating not too mulch within the Forest as this prevents the native seed bank from germinating and can potentially introduce foreign fungus species that were not previously present on the site.

It is also important to require that contractors observe the protocols for *Phytophthora cinnamomi*, a microscopic soil-borne root rot fungus. The *Phytophthora* protocol requires contractors working within remnants of STIF ensure sanitation of tools and machinery, clean boots and tyres because soil clinging to tools, boots and tyres is a common vector in transporting *Phytophthora*. *Phytophthora* can also persist for many years in the dead organic tissue of any trees it has infected, so management plans need to note that infected vegetation must be disposed of carefully and never wood-chipped.

Cultural Landscape Heritage

Every opportunity to re-instate the STIF vegetation acknowledges and enhances the pre-1788 heritage of this site. To this end it is recommended that the area designated as playground adjacent to the Flora Street entry be re-designed as a compacted gravel plaza of STIF trees with interpretative heritage signage. Likewise, all the street tree planting and entry planting should be of STIF species.

The design of the proposed water body and wetland was raised in relation to its water depth, surface area and shape, and landscape detail/values of the pond.

The heritage of the site seems to have been reduced to a carefully engineered pool with little of the raw strength of the abandoned brick-pit and its evolved ecosystem. Given the environmental sensitivity of the water bodies as habitats in former brick-pits (such as the Brick-pit at Homebush Olympic Park), it is important to minimise the impact of the designated area to be retained when draining the water body. It is also important not to disturb the mud base of the current water body by excavation or fill. The proposed engineered water body therefore does not conform to the habitat requirements.

The heritage values would best be sustained by significantly increasing the size of the proposed water body and restricting pedestrian access to the jetty only. The edges should be continuous indigenous reeds and sedges protected with concealed fencing. Swales and gross pollutant traps will need to be carefully managed so that nutrient rich water does not enter the pit.

There is also the opportunity to interpret the whole site as the brick-pit by revealing the line of the original pit in various locations. This is implied in the new scheme, and needs further rigour in detailed development so that the heritage is legibly and appropriately expressed. Engagement with an experienced public artist may be valuable in furthering this significant aspect of the project.

Similarly, the location of the old kiln should be kept open as a void between buildings. It will be much more powerful if the brick-pit has an integrated presence throughout the development, and not reduced to mere names and tokenism.

Podium Landscapes. Provision of adequate soil depth is a significant problem throughout the development because of the extent of the basement car-park and the community open space on podia. The Panel suggests locating areas designated for podia tree planting over the car-park so that the ceilings can be dropped to 900mm.

In the case of street trees, reduced ceiling heights in some key basement zones to provide at least 1metre of soil depth and increased volume would help.

Level 1 Podium: An interesting organisation into four landscape types is proposed. The shaded northern decks will provide pleasant retreating spaces. The sunny turf area and feature voids will be pleasant to look over from units above. The community gardens need more design development however (see Principle 6 Amenity).

Building B Level 1 Podium: An interesting configuration of spaces is proposed although the long narrow area to the west seems unresolved. Perhaps some small trees would assist. The open internal communal area has a pleasant openness and could extend as floor tiling into the common hallway and lift vestibule.

Building C level 1 Podium: The communal garden needs more thought (Principle 6 Amenity).

Building? Level 2 Podium: The 'communal breakout space' requires further detail in relation to its function. The shaded small decks look inviting.

Podium Planting Species: The tree species are not indicated. As the microclimates vary through the podia, the species need to be nominated. Also the soil depth associated with

tree planting on podia needs to be clearly identified, particularly if there is car-parking below which could accept lower ceilings for soil optimisation.

The Berms along the Princes Highway: A strong landscape presence is strongly supported by the Panel, however there are other layouts that might better deal with the urban context and access (refer above). The frontage should be planted with STIF trees, their high canopy and unbranched trunks will allow the retail windows to be visible

PRINCIPLE 6 – AMENITY

The Panel has concerns in relation to the proposed setback from the eastern boundary of Buildings E, D and C. The heights of these buildings are likely to impact on the development potential of future development to the east. The Panel recommends that ADG building separation guidelines are rigorously complied with.

Community Gardens

The landscape plan designates a number of areas on the different podia for community gardens. While this is commendable, the design of such gardens needs more detailed consideration. Firstly, the system of water capture and storage needs to be identified and located; secondly, an area for composting, mulch, potting mix etc needs to be designated; thirdly, a shed or enclosure for tools, stakes, netting etc is needed as are a hose stand, seats and ideally a unisex WC.

The City of Sydney has a number of online publications about community gardens including *Community Garden Guidelines, May 2015*. The following link may also be useful: <http://communitygarden.org.au/2009/10/05/basic-infrastructure/>

Playgrounds.

Only one playground with equipment is needed and the Panel suggest that it could include senior sport active-aging equipment as well as children's play equipment. Relevant examples can be seen at:

<http://www.lappset.com/global/en/Products/Sport/Senior-Sport---Active-Ageing>

Restriction of Access to STIF

The need to rehabilitate and maintain the STIF area will require resident cooperation.

Courtyards and terrace spaces have the capacity to function well. Apartment lobbies, layouts and balconies appear to be amenable and comfortable. Building entries generally are now very legible from the public domain network. One lobby within building D does not connect with residential parking, however it appears that some adjustment to the service area could address this.

It is not clear how the proposed retail mall roof interacts with the adjoining apartments. Do they become trafficable surfaces thereby introducing security and safety issues?

The proposal appears to comply with ADG requirements for solar access, cross ventilation and building separation, which will also reduce cross privacy issues and overshadowing.

PRINCIPLE 7 – SAFETY

Generally acceptable.

The attenuated entry to the lift lobby in Building E was noted. The contrast between all other lift entries, which provide relatively direct access to 'streets, was discussed.

Balancing the parks and water body's heritage and scenic values with public safety is a major issue that requires further study and detail.

PRINCIPLE 8 – HOUSING DIVERSITY AND SOCIAL INTERACTION

The approved concept plan provides an acceptable diversity of residential accommodation across its 749 proposed apartments.

There is potential for community interaction and cohesion through the proposed public domain diversity, mix of uses and the organisation needed to actively participate in management of the public assets across the site.

PRINCIPLE 9 – AESTHETICS

The built form layout complies with the approved concept master plan, and this largely determines the proportions of building facades and composition. While a variation in articulation and massing strategies across facades is evident, the personalisation of each building and development of building language must continue to be refined and developed by the architect, especially given that many plan layouts and interiors are so similar.

It is recommended that the architect continue to develop the strategies already evident but perhaps look more keenly at the interfaces between the public domain and built form and between active hubs, entries and other specific parts of the project and the local context. Consistency of architectural expression across large buildings can be successful when it is complemented by an overt and vocal expression of smaller scale interactive elements. This strategy could be used to punctuate and define the character of the whole proposal.

The Panel asked the architects to further consider and develop the aesthetic rationale across the buildings in relation to site-specific context and the need for the project to demonstrate design excellence as a new paradigm for urban density and living within the Sutherland Shire LGA.

RECOMMENDATIONS/CONCLUSIONS:

The Panel supports the application subject to the following summary:

- Further design consideration of Kiln Park and in particular pedestrian patterns and access adjacent to the eastern and northern boundaries.
- A review of the proposed pond design to more authentically conserve its heritage values.
- Reconsideration of the Oak Road entry and exit basement ramp locations, and provision of a stronger landscape character.
- A review of the entire public domain strategy along the Princes Highway frontage.
- Consideration of the impact on future development immediately east of the site.
- A review of public domain quality and pedestrian entry from Flora Street.

- Preparation of Landscape Management Plans for 1) STIF protection and rehabilitation 2) Site specific arboriculture management and 3) Community gardens.

Tony Caro
Deputy ARAP Chairman

12 November 2015

Consistency with Concept Approval

CONSISTENCY WITH CONCEPT APPROVAL MP10_0076 (Inclusive of Modifications 1 – 4)		
SCHEDULE 2 - TERMS OF APPROVAL PART A - ADMINISTRATIVE CONDITIONS	COMMENT	COMPLIES
A1 DEVELOPMENT DESCRIPTION Concept Plan approval is granted to the development as described below: a) Use of the site for a mixed use development with associated public open space; b) Indicative building envelopes for 7 buildings to a maximum height of 14 Storeys; c) 85,000m ² of Gross Floor Area, comprising 68,310m ² of residential (749 dwellings) and 14,190m ² of retail/commercial floor space (including 4,740m ² supermarket and 1,450m ² discount supermarket) and 1,500m ² community facility; d) Basement level, ground and above ground car parking; e) Road layout to support the development; f) Public pedestrian and cycle pathway; g) Public park with lake and surrounding forest; and h) Landscaping areas throughout the site. subject to compliance with the modifications of this approval.	The proposed development is generally consistent with the description of the approved development concept. Refer to the Assessment report with regards to the applicant's calculation of residential GFA. Where the proposal exceeds the residential GFA permitted, a suitable condition is recommended to align the development with the terms of the concept approval.	Yes- refer assessment
A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION The development shall be undertaken generally in accordance with: <ul style="list-style-type: none"> the Environmental Assessment dated December 2010 prepared by City Plan Services, except where amended by the Preferred Project Report dated 4 November 2011 including all associated documents and reports; the Revised Statement of Commitments prepared by Sutherland & Associates Planning Pty Ltd, dated October 2013; and Section 75W Modification to Concept Plan MP 10_0076 MOD 2, prepared by Sutherland & Associates, dated October 2013 (as amended February 2014); Section 75W Modification to Concept Plan MP 10_0076 (MOD3). Prepared by Sutherland & Associates, dated November 2013 as amended by Response to Submissions dated July 2014 and 	The application proposes works to be undertaken with the measures and reports identified in the statement of	Yes

<p>Response to Department of Planning & Environment Correspondence dated 3 September 2014: South Village Kirrawee - Quality of Sunlight - New Parkland. Rev 1 dated 24.12.14 prepared by Turner. Letter from IONIC to the Planning Assessment Commission dated 22 January 2015.</p> <ul style="list-style-type: none">The draft Voluntary Planning Agreements prepared by Gadens Lawyers (reference 21009015.1 DTSDTA (community benefits) and 20497267.1 DTSDTS (biodiversity offset)); andthe following drawings:	<p>commitments. And generally in accordance with the approved drawing set. Further discussion in relation to consistency with the Concept Plans is provided in the assessment component of this report.</p>																																	
<table><tr><th colspan="4">Architectural Drawing prepared by Turner</th></tr><tr><th>Drawing No.</th><th>Revision</th><th>Name of Plan</th><th>Date</th></tr><tr><td>A-SK-700-001</td><td>M</td><td>Envelope Plan Diagram</td><td>05/01</td></tr><tr><td>A-SK-700-002</td><td>N</td><td>Envelope Elevation Diagrams</td><td>22/01</td></tr><tr><td>A-SK-700-003</td><td>N</td><td>Envelope Elevation Diagrams</td><td>22/01</td></tr><tr><td>A-SK-700-004</td><td>M</td><td>GA Plans – Illustrative Staging Plans</td><td>22/01</td></tr><tr><td>A-SK-700-005</td><td>L</td><td>Envelope Plan Basement</td><td>23/09</td></tr><tr><td>13066. S75W 07</td><td>B</td><td>STIF Comparison Plan</td><td>August 2014</td></tr></table> <p>except for as modified by the following pursuant to Section 75O(4) of the Act.</p>	Architectural Drawing prepared by Turner				Drawing No.	Revision	Name of Plan	Date	A-SK-700-001	M	Envelope Plan Diagram	05/01	A-SK-700-002	N	Envelope Elevation Diagrams	22/01	A-SK-700-003	N	Envelope Elevation Diagrams	22/01	A-SK-700-004	M	GA Plans – Illustrative Staging Plans	22/01	A-SK-700-005	L	Envelope Plan Basement	23/09	13066. S75W 07	B	STIF Comparison Plan	August 2014		
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<p>A3 DEVELOPMENT SITE AREA The development site area is the area defined in the Environmental Assessment prepared by City Plan Services, dated December 2010.</p>	Consistent	Yes																																
<p>A4 MAXIMUM GROSS FLOOR AREA The development of the site for a mixed use development shall have a maximum Gross Floor Area of 85,000m², including a maximum of 15,690m² of non-residential floor space. (Note: Above ground parking area is not included in the total GFA).</p>	Development proposes a maximum Gross Floor Area of 85,000m ² , including a maximum of 15,690m ² of non-residential floor space. The internal area of the brick kiln interpretative centre has not been calculated as GFA. Where the proposal is inconsistent suitable conditions are recommended to align the development with the terms of the concept approval.	Yes - refer assessment																																
<p>A4A DWELLING CAP</p>																																		

<p>Future Development Applications shall provide for a total number of dwellings up to a maximum of 749 across the Concept Plan site.</p> <p>Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap.</p>	<p>The proposal is for a maximum of 749 dwelling across the Concept Plan site.</p> <p>N/A – The proposal details all buildings within the Concept Plan site.</p>	<p>Yes</p>
<p>A5 BUILDING HEIGHT</p> <p>Roof heights on the site shall not exceed the levels (RL's) as identified on Concept Plan Drawings prepared by Turner Architects, dated 22 January 2015. Parapets, lift over-runs, vents, plant rooms, chimneys, aerials (of whatever type), rooftop gardens, etc, above the habitable roof heights shall not exceed the levels (RL's) as identified on Drawings-listed in Term of Approval A2.</p>	<p>The amended development scheme provided height reductions to closer align with the (RL's) depicted in the Concept Plan Drawings. The outstanding departures are further discussed in the assessment report. Where the proposal is inconsistent suitable conditions are recommended to align the development with the terms of the concept approval.</p>	<p>Yes- refer assessment</p>
<p>A6 BUILDING ENVELOPES, FORM, SOLAR ACCESS AND SEPARATION</p> <p>Building footprints and setbacks are to be generally consistent with the Concept Plan diagrams listed in Term of Approval A2, except where amended by Modifications in Part B. Schedule 2. Future development application(s) should be consistent with the provisions of the Residential Flat Design Code except where amended by the Modifications in Part B.</p>	<p>Setbacks/ separation distance between buildings and to boundaries comply with Concept Plan Diagrams except:</p> <ul style="list-style-type: none"> • Between building E – F 12.6m (13m as per Concept). • Minor point encroachment between building D – E 12.65m (13m as per Concept). <p>Setbacks/ separation distance / solar access generally consistent with the provisions of the ADG</p> <p>Building footprints are 'generally' consistent with Concept Plan Diagrams (refer below):</p> <ul style="list-style-type: none"> • Building A - minor west projection of building and west projection of upper plant room. • Building B - minor east projection of building (elevation plan) and projection of plant rooms above • Building C - minor south projection of wall on floor plan / elevation plan and projection of plant rooms above • Building D - 13 storey component exceeds envelope at southern most point (approx 4m) • Building E - 13 storey components exceeds envelope at northern most point (approx 4.5m). • Building F – Ground floor commercial tenancies 7 – 10 	<p>Yes - Generally consistent</p> <p>Acceptable – refer to assessment</p> <p>Yes - Generally consistent</p>

	<p>project east (approx 2.1m).</p> <ul style="list-style-type: none"> Building G - southern extent projects approximately 4m <p>New road works and internal roads are proposed in accordance with the Concept Plan. The adequacy of the design has been reviewed by Council's Engineers and the RMS and is considered to be acceptable subject to the imposition of suitable conditions of development consent.</p>	
<p>A7 ROADWAYS</p> <p>New roadwork's and internal roads are to be provided in accordance with the Concept Plan, and associated documents, set out in Drawings A-SK-700-001 prepared by Turner Architects, 23 September 2014 and as amended by the Future Assessment Requirements in Schedule 3.</p>		
<p>A8 PUBLIC DOMAIN</p> <p>All public domain areas, including the south-western corner park, are to be provided with 24 hour, 7 day a week public access. Details of Rights of Ways and Easements providing public access over privately owned publicly accessible land shall be submitted with future development applications.</p>	<p>CONFIRM WHETHER EASEMENTS ROW FOR THE OPEN MALL / INTERNAL ROADWAYS ARE REQUIRED – P. ANDERSON (CONDITION)</p>	
<p>A9 LAPSE OF APPROVAL</p> <p>Approval of the Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a project or development for which concept approval has been granted.</p>	<p>Early works development application (DA14/0368) and subject development application submitted within time frame</p>	<p>Yes</p>
<p>A10 INCONSISTENCY BETWEEN DOCUMENTATION</p> <p>In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings I documents including Revised Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.</p>	<p>Noted</p>	<p>N/A</p>
<p>A11 PUBLIC PARK</p> <p>The development application for stage 2A of the development must include the design, management and tenure of the public park on the land shown as 'new park' on drawing A-SK-700-005 listed in Term of Approval A2. The public park must:</p> <ol style="list-style-type: none"> Be designed by a qualified landscape architect and generally in consultation with the Council; Include a lake. which can be located as shown on Drawing 13066-S75W07B (dated August 2014) or in a location agreed by Council; Provide for the conservation of the Sydney Turpentine Ironbark Forest; and 	<p>The development application includes the detailed design, management and tenure of the public park through a Draft Voluntary Planning Agreement. The draft design generally satisfies the requirements of the condition and ongoing consultations are occurring between the applicant and Council</p> <p>The final quality of the 'finished product', which is in one sense not essential to the merits of the DA will be delivered through the VPA mechanism prior to the release of the first Occupation Certificate.</p>	<p>Yes</p>

<p>d) Be publicly accessible;</p> <p>e) Include high quality hard and soft landscaping and paving areas and a variety of recreation facilities;</p> <p>f) Be contiguous with and accessible from the public domain</p> <p>g) Include a Vegetation Management Plan that is consistent with NSW Office of Water's Guidelines for vegetation plans on waterfront land; and</p> <p>h) include future management requirement and an implementation program.</p>		
<p>A11A Voluntary Planning Agreement - Community Benefits</p> <p>The proponent shall enter into a Voluntary Planning Agreement (VPA) with Sutherland Shire Council prior to the release of the first Occupation Certificate for the first substantive development application. The VPA shall be generally consistent with the draft VPA prepared by Gadens Lawyers (reference 21009015.1 DTS DTS) and Council's comments in its letter to the PAC (attached as Appendix 1 to the PAC determination report dated 30 January 2015) to provide for:</p> <p>a) construction, embellishment and dedication of public open space as shown as 'new park' on drawing A-SK-700-005</p> <p>b) construction and dedication of a 1,500m2 community facility;</p> <p>c) monetary contribution towards the beautification of Kirrawee Shopping Precinct (between Flora Street and Kirrawee Station); and</p> <p>d) monetary contribution towards the upgrade of Oak Road (between Flora Street and the Princes Highway).</p>	<p>Refer to above comments and assessment report. The Draft VPA includes the provisions detailed in the condition.</p>	<p>Yes</p>
<p>A12 HERITAGE</p> <p>Future applications shall demonstrate consistency with the recommendations of the European Heritage, Non-Indigenous Archaeology and Indigenous Heritage reports prepared by Edward Higginbotham & Associates in support of the Concept Plan. Additionally, the proponent shall ensure:</p> <p>i) a qualified conservator is engaged to monitor the conservation of Pipe Kiln;</p> <p>ii) a Conservation Management Plan (CMP) is prepared and adopted which addresses the long term management policies for the site.</p>	<p>A Heritage impact Assessment and Conservation Management Plan (CMP) accompanied the application. The submission was considered by the Heritage Council of NSW and Council's Heritage Architect and generally no objections to the development proposal and scope of works has been raised.</p> <p>Suitable conditions are to be placed on the development consent in line with the recommendations.</p>	<p>Yes</p>
SCHEDULE 2		

PART B - MODIFICATIONS		
B1 (Building Envelope and Separation Modifications) deleted by MOD 3.	N/A	N/A
B2 (Development Design) deleted by MOD 3	N/A	N/A
B2A BUILDING ENVELOPES 'E' AND 'F' Future development application(s) shall provide a minimum 3 metre setback to the 7 th storey of building envelopes E and F fronting Flora Street to achieve an appropriate scale of development.	The amended development scheme has provided as increased setback to the 7 th storey building envelopes E and F fronting Flora Street. Certain building elements (e.g. balconies, blade walls, and stairs) which encroach within the setback are recommended to be deleted via Design Change condition.	Yes
B3 STABILITY OF FLORA STREET The southern bank of the existing site excavation caused instability of parts of Flora Street in 2005 and rock anchors were installed to stabilise the slope pending the completion of permanent works within the Brick Pits site. All rock anchors within 3m of the road surface of Flora Street are to be removed only following the completion of final stabilisation works.	The application does not propose to remove the rock anchors until the final stabilisation works are completed.	Yes
B4 (Car Parking) deleted by MOD 3.	N/A	N/A
SCHEDULE 3 FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS		
1. LANDSCAPING A landscape master plan must be submitted with the first substantive development application. The plan must be prepared in consultation with Council by a qualified landscape architect. The design and treatment of the public areas shall complement the landscape design of the public park. The plan shall: a) detail the proposed hard and soft landscape treatment of all public and private open space areas, street setback areas, internal roadway. Areas adjacent to existing public roads; b) include future management requirement for both public and private open spaces and the management regime for the private open spaces; c) demonstrate that sufficient soil depth can be provided for landscaping, particularly along street frontages and over podium/basement levels;		Yes

d) include an implementation program.		
<p>2. CONSTRUCTION AND OPERATIONAL IMPACTS</p> <p>Any future application shall address any potential contamination on the site and implement the recommendation of the Environmental Investigation Services reports, dated November 2010. Further, such application shall address the recommendations made in the Geotechnical Assessment Report by Jeffery & Katauskas Pty Ltd, dated October 2010.</p> <p>Details are also to be submitted with future applications responding to the acoustic and vibration treatments to be implemented to address the recommendations of the Acoustic Assessment prepared by Acoustic Logic Consultancy, dated 21 October 2010.</p>	<p>Potential contamination is adequately addressed on site as part of the early works development approval. An addendum to the reporting accompanies the application and suitable validation reporting at the site establishment phase will be required.</p> <p>The Construction Management Plan accompanying the application incorporates the measures outlined in the Acoustic Report.</p>	Yes
<p>3. TRAVEL ACCESS GUIDE (TAG) / GREEN TRAVEL PLAN</p> <p>Future applications shall provide details of any Travel Access Guide (TAG) / Green Travel Plan. This should include an investigation of car sharing schemes.</p>	Details of a Travel Access Guide (TAG) / Green Travel Plan accompany the application and include a car sharing scheme.	Yes
<p>4. ESD</p> <p>Future applications shall demonstrate that any future development, including public domain will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water sensitive urban design measures, energy efficiency, recycling and water disposal.</p>	The application has been reviewed by Council staff and architectural review panel and suitable ESD principles have been incorporated into the design, construction and ongoing operation phases of the development. Suitable conditions are to be placed on the development consent.	Yes
5. CONTRIBUTIONS deleted by MOD 3	N/A	N/A
<p>6. PRIVACY</p> <p>Future applications shall demonstrate that adequate privacy screening / treatment has been provided to minimise privacy impacts between buildings located on the site and also address privacy concerns of adjoining developments.</p>	Adequate privacy screening / treatment is provided to minimise privacy impacts between buildings located on the site and also address privacy concerns of adjoining developments.	Yes
7. GROUND FLOOR USAGE deleted by MOD 3	N/A	N/A
<p>8. NSW TRANSPORT - ROADS & MARITIME SERVICES</p> <p>Future development applications shall demonstrate that the RMS requirements have been met in relation to:</p>		Yes

<p>8a. Princes Highway Intersection at Oak Road The layout of the existing signalised intersection on Princes Highway at Oak Road shall be reconfigured as follows:</p> <ul style="list-style-type: none"> a) Three northbound lanes shall be provided on Oak Road on the southern leg of the intersection and each lane shall be a minimum of 90 metres in length. b) An 80 metre long left turn slip lane shall be provided on the westbound carriageway of Princes Highway into Oak Road. c) Two southbound lanes shall be provided on Oak Road on the southern leg of the intersection. d) Half closure of the Oak Road northern approach to the Princes Highway involving the discontinuation of southbound lanes with northbound lanes remaining open. e) A raised central concrete median island shall be installed on Oak Road in front of the proposed left in/left out driveway and the median shall extend from the stop line at the Princes Highway intersection to an appropriate point to the south of the proposed driveway. This median shall be a minimum of 900mm wide. <p>The above requirements are subject to the outcomes of the Road Safety Audit at Condition 8h, and may be modified with the agreement of RMS and Council.</p> <p>8b. Traffic Signals on Princes Highway at Bath Road Intersection Traffic control signals shall be provided at the intersection of Princes Highway and Bath Road and shall consist of the following works:</p> <ul style="list-style-type: none"> a) Left in/left out only for the Bath Road southern approach. The left turn out would be signalised. b) No through movements across Princes highway (i.e. no north-south traffic from Bath Road) c) Signalised left and right turn out of Bath Road northern approach with the following lane configuration (L/R/R). d) No right turns permitted from Princes Highway from either direction to Bath Road. <p>The above requirements are subject to the outcomes of the Road Safety Audit at Condition</p>	<p>The development application incorporates the RMS requirements imposed at the time of the Concept Approval. A Works Authorisation Deed (WAD) currently exists for the development. Council recommends that a suitable condition be imposed requiring the applicant to fulfil / or come to agreement with the terms of the RMS concurrence where it has deviated from the terms issued in the Concept Approval and to satisfy the Department of Planning that this is acceptable.</p>
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	<p>8h, and may be modified with the agreement of RMS and Council.</p> <p>8c. Traffic Signals at Oak Road and Flora Street Intersection The applicant shall upgrade Oak Road and Flora Street intersection to a signalised intersection generally in accordance with the attached sketch (Note that sketch is indicative only and subject to change upon development of a detailed signal design plan). The provision of traffic signals at this intersection shall be designed and constructed in accordance with Austroads and RMS supplements.</p> <p>8d. Traffic Management Plan The redistribution of traffic associated with the closure of the Oak Road north approach to the Princes Highway will require a Traffic Management Plan, including a Green Travel Plan (GTP), to be submitted to Council and referred to RMS for review, prior to commencement of the roadworks. Further, this partial road closure will also require monitoring (post closure) to determine if any further remedial works are required. This monitoring period shall consist of a detailed traffic report, which examines the traffic impact on the local road network associated with the redistribution of the traffic caused by the road closure and shall be submitted to Council and referred to RMS for review 6 months after the road closure. Upon review of the traffic analysis, the applicant may be requested to undertake some further remedial works within reason.</p> <p>8e. Operational Fee for Traffic Signals The Applicant will be required to provide an upfront 10 year operational fee for the abovementioned traffic control signals. The amount of this fee will be advised following the submission of the detailed signal and civil design plans to the RMS for construction approval. The approved plans will not be released until the fee is fully paid.</p> <p>8f. Deceleration Lane on the Princes Highway The left turn deceleration lane into the subject site from Princes highway shall be a minimum of 60 metres in length (including taper) and shall be designed and constructed in accordance with Austroads and RMS requirements.</p> <p>8g. Works Authorisation Deed The developer will be required to enter into a "Major Works Authorisation Deed" (WAD) with RMS for the abovementioned signal and civil works. In</p>
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	<p>this regard the developer is required to submit detailed design plans and all relevant additional information, as may be required in the RMS's Works Authorisation Deed documentation, for each specific change to state road network for RMS assessment and final decision concerning the work. The detailed design plans submitted shall be in accordance with Austroads and RMS requirements.</p> <p>8h. Road Safety Audit Road safety concerns are raised with regard to the close proximity of the proposed left in/left out driveway on Oak Road to the proposed left turn slip lane on Princes Highway into Oak Road and the subsequent potential for rear end accidents. In this regard, prior to any 'Construction Certificate' being issued for any stage of the proposed development, an independent Road Safety Audit shall be undertaken that investigates this issue and is to be undertaken by a certified Road Safety Auditor. The Audit shall be completed in accordance with Austroads: Guidelines for Road Safety Audits.</p> <p>A Copy of the findings of the Audit shall be submitted to Council and the RMS for review. Should the Audit recommend any remedial measures, then the developer shall be required to implement such measures at no cost to the RMS, Councilor DoP&1.</p> <p>8i. Excavation of the Site and Support Structures The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment (Prior to the approval of any Construction Certificate). The developer is to meet the full cost of the assessment by the RMS.</p> <p>This report would need to address the following key issues: a) The impact of excavation/rock anchors on the stability of the Princes highway and detailing how the carriageway would be monitored for settlement. b) The impact of the excavation on the structural stability of the Princes Highway. c) Any other issues that may need to be addressed (Contact: Sydney Asset Management Project Engineer, Suppiah Thillainadesan on Ph: 88372114 for details)</p>
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	<p>8j. Construction Certificate (MOD 4) The Construction Certificate for any stage (other than the Early Works stage as defined in Development Application No. 14/0368 submitted to Sutherland Shire Council of the development shall not be released until such time that:</p> <ul style="list-style-type: none"> • the WAD (required by future assessment requirement 8q) has been executed; • the detailed signal and civil road design drawings have been approved by the RMS for construction approval; and • a detailed Construction Traffic Management Plan (CTMP) and associated Traffic Control Plan (TCP) is submitted to Council and the RMS for the review and acceptance. <p>Prior to any excavation of the subject site or release of any Construction Certificate relative to the Early Works DA 14/0368, the following plans/reports shall be approved:</p> <ul style="list-style-type: none"> • a geotechnical report shall be prepared and submitted to RMS for review and approval to ensure that the Princes Highway is stabilised during excavation activities; • a CTMP relevant to the early works shall be prepared and approved by Council; and • a TCP relevant to the early works to be prepared by a certified practitioner and approved by RMS. <p>Prior to any Construction Certificate being released for the erection of support structures associated with the proposed basement car park, a geotechnical report shall be submitted to RMS for review to ensure that the Princes Highway is stabilised during and post construction.</p> <p>Notes: The CTMP and TCP shall be undertaken in accordance with the RMS' Traffic Control at Worksites Manual and the author shall be certified.</p> <p>Any temporary road or lane closures will require a Road Occupancy Licence to be obtained from the Transport Management Service.</p> <p>8k. Occupation Certificate The Occupation Certificate for any stage of the proposed development shall not be released until such time that all the abovementioned signal and civil works are fully constructed and operational to RMS satisfaction.</p>
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	<p>8l. Relocation of Public Utilities The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.</p> <p>8m. Land Dedication To facilitate the provision of the left turn deceleration lane on the Princes Highway and left turn slip lane into Oak Road, the developer shall provide a 3.5 metre wide land dedication along the subject site's Princes Highway frontage for the full length of the left turn deceleration lane into the site and slip lane into Oak Road.</p> <p>In addition, the applicant shall provide land dedication along the Oak Road frontage of the subject site to provide the additional lanes on the southern leg of the Princes Highway intersection, the 900mm raised central concrete median island on Oak Road and the deceleration lane into the entry driveway on Oak Road.</p> <p>This public road land dedication from the subject site shall be executed, prior to the release of any Occupation Certificate for the proposed development. The land dedication shall be at full cost to the developer.</p> <p>8n. Stormwater Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works.</p> <p>Details should be forwarded to: Sydney Asset Management PO Box 973 Parramatta CBD NSW 2124</p> <p>A plan checking fee will be payable and a performance bond may be required before the RMS's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax 8849 2766.</p> <p>8o. Road Noise There is potential for road traffic noise to impact on future residential development on the subject site. In this regard, the developer, not RMS is</p>
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<p>responsible for providing noise attenuation measures in accordance with the Environmental Protection Authority's Environmental Criteria for road traffic noise.</p> <p>8p. Off-Street Parking Off-Street parking shall be designed and constructed in accordance with AS 2890.1-2004 and AS 2890.2-2002.</p> <p>8q. Swept path The swept path of the longest vehicle entering and exiting the subject site shall be in accordance with Austroads.</p> <p>8r. Cost of Works All road works and traffic control signals associated with the proposed development shall be at full cost to the developer.</p> <p>8s. BUS LOCATIONS The proponent shall liaise with Council and the local bus operator to identify new locations for corresponding bus stops in close proximity to the main entrance of the development on the Princes Highway. Safe and efficient pedestrian connectivity to bus stops in the vicinity of the development should be provided.</p>		
<p>9. SYDNEY WATER Future development applications shall demonstrate that the Sydney Water requirements have been met in relation to:</p> <ul style="list-style-type: none"> • Water servicing: To service the proposed development the 200mm potable water main on the corner of North Oak Road is required to be extended underground from the northern side of the Princes Highway to the southern side of the Highway. In addition the 100mm potable water main located in the Princes Highway will need to be upsized to a 200mm drinking water main along the frontage to the subject land. The proposed potable water infrastructure must be designed and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). • Wastewater servicing: In order to justify the use of 2 x 225mm gravity wastewater mains the Proponent will be required to provide a flow analysis, consistent with the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002), for the two 	<p>The Condition requires the subject development application to demonstrate that the specified Sydney Water requirements have been met.</p> <p>The applicant indicates that discussions have been undertaken with Sydney Water and requests that the requirements be imposed as a condition as these activities typically occurs post development consent (i.e. engage Water Servicing Coordinator / issuing of a Section 73 Certificate).</p> <p>Given the wording of Condition 9 and potential for the development to significantly increase the demand for water and wastewater services, and impacting upon Sydney Water's</p>	Yes

<p>systems to determine its capability in providing a satisfactory service.</p> <ul style="list-style-type: none"> • Trade waste: All customers discharging trade waste must have written permission for Sydney water. A permit or agreement must be obtained from Sydney Water before discharging any trade waste into Sydney Water's wastewater system. • Submitted infrastructure designs should be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002). • The Proponent should engage the services of a Water Servicing Coordinator to attain a Section 73 Certificate and to manage the servicing aspects of the development. <p>Documentation relating to the above, can be submitted to Sydney Water via the following email address: urbangrowth@sydneywater.com.au</p> <p>10. BIODIVERSITY OFFSET</p> <p>A Biodiversity offset Package (BOP) shall be adopted which is consistent with the Principles for the use of biodiversity offsets in NSW which can be found at the following website: http://www.environment.nsw.gov.au/biocertification/offsets.htm</p> <p>The BOP shall be secured generally in accordance with the draft Voluntary Planning Agreement prepared by Gadens Lawyers (reference 20497267.1 DTSDTS)</p> <ul style="list-style-type: none"> • The Biodiversity Offset Package (BOP) shall include, but not necessarily be limited to: • The final biodiversity offsets selected and to be secured; • The management and monitoring requirements for the offsets and other ecological measures proposed to ensure the outcomes of the BOP are achieved; • Timing and responsibilities for the implementation of the provisions of the Package over time. <p>The Sydney Turpentine Ironbark Forest (STIF) off-site biodiversity offset, proposed under the Biodiversity Management Plan, prepared by Cumberland Ecology, dated November 2011, shall be included as part of any Voluntary Planning Agreement and be amended to:</p> <ul style="list-style-type: none"> • Provide replacement plantings at a ratio of 2:1 equating to a 	<p>operations Council has written to Sydney Water. Sydney Water has advised that there is generally sufficient trunk water and waste water capacity to service the development. No objections have been raised for the final detailed design requirements to be determined as part of the normal Section 73 Certificate phase including suitable conditions of development consent.</p> <p>This matter is further discussed in the assessment component of this report.</p>	
	<p>A Biodiversity Offset Package in accordance with these requirements has been approved by Council and secured via an executed Voluntary Planning Agreement (DA14/0368)</p>	

<p>minimum of 5,300m²;</p> <ul style="list-style-type: none"> Establish the new plantings with vegetation of the same type as that in the STIF, preferably on a site/s within 10km of the brickpit site that is/are acceptable to Council and subject to the agreement of the NSW Office of Environment and Heritage; Formulate a suitable legal mechanism for securing the offset; and Adopt a schedule of works for the implementation of the offset over a period of a minimum of five(5) years. <p>The biodiversity offsets as identified in the approved BOP shall be secured by the Proponent to the clearing of any of the Sydney Turpentine Iron bark Forest.</p>	
<p>11. FLOODING</p> <p>Future applications shall ensure that:</p> <ol style="list-style-type: none"> A flood evacuation plan is to be prepared for relevant stages. The plan is to include warning alarms and evacuation routes. The approved flood evacuation plan is to be updated every five (5) years and copies are to be provided to Sutherland Shire Council and the local State Emergency Service (SES). Underground car parking areas are to be flood proofed upon completion of the development and are to incorporate flood warning alarms and designated evacuation routes. The flood proofing system is to be independent of the stormwater drainage system. The habitable floor level and entry to the underground areas is to be constructed to a minimum of 500mm above the 0.5% Annual Exceedence Probability (AEP) flood. <p>These levels are to be certified by a registered surveyor prior to pouring of slabs.</p> <ol style="list-style-type: none"> All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level. 	<p>Yes</p> <p>The application, including flood documentation and evacuation plan has been reviewed by Council's Stormwater Engineer. The submission adequately satisfies the Concept Approval and is considered to be acceptable subject to suitable conditions of development consent.</p>
<p>12. ACCESS</p> <p>Future applications shall address the following:</p> <ol style="list-style-type: none"> A positive covenant in favour of Sutherland Shire Council shall be created providing for full free public access to the lake and it's surrounding areas of open space and public transport facilities. A Management Plan shall be prepared for any future Community Title or co-operative owned land over the site to provide for the following: <ul style="list-style-type: none"> i. responsibility for the maintenance of all the internal road network 	<p>The park is proposed to be dedicated to Council via a VPA and the for a positive covenant for access is negated</p> <p>A draft stratum subdivision plan accompanies the subject and the relevant owners of the internal roads will be responsible for the maintenance. A suitable condition will be placed with regards to future building / land management</p>

<p>infrastructure in perpetuity.</p> <p>ii. responsibility for the cleaning of all internal roads and footpaths in perpetuity.</p> <p>iii. responsibility for the cleaning of all drainage pipelines, gully pits and gross pollutant traps in perpetuity.</p> <p>iv. responsibility for ensuring an adequate standard of maintenance of open space spaces and plazas.</p>		
<p>13. PUBLIC DOMAIN</p> <p>Future applications shall address the following:</p> <p>a) The cost of all street works, including the provision of roads, footpaths, services, traffic management, traffic and parking signage, landscaping, lighting and street furniture within the development and where it connects to adjacent roads shall be provided by the developer at no cost to Sutherland Shire Councilor the Roads and Maritime Services.</p> <p>b) The development shall provide pedestrian and cycle linkages through the development in accordance with the approved Concept Plan, suitable for use by persons with disabilities, and in accordance with relevant Australian Standards.</p> <p>c) Future Development Applications, in consultation with Council and the State Rail Authority, shall provide for new and/or upgraded:</p> <p>i. pedestrian connections across the site which are well illuminated and sign- posted;</p> <p>ii. Way finding signage between the site and Kirrawee railway station.</p>	<p>The applicant indicates that proposed public domain works (both external and internal) will be delivered at no cost to the Council or the RMS. This includes pedestrian and cycle networks, lighting and way-finding signage in accordance with the approved Concept Plan.</p>	
<p>14. CAR PARKING</p> <p>Future applications shall address the following:</p> <p>a) Total number of car parking spaces for the proposed development shall not exceed the following car parking rates:</p> <p>i. residential component of the development:</p> <ul style="list-style-type: none"> • 1 space per 1 bedroom unit; • 1.25 spaces per 2 bedroom unit; • 1.5 spaces per 3 bedroom unit; and • 0.125 visitor space per unit (1 space per 8 units). <p>ii. non-residential component of the development including the replacement of 40 street car parking spaces displaced by the development):</p> <ul style="list-style-type: none"> • Supermarket - 4.5 spaces per 100m2; • Mini-Major (faster trade retail- 4.0 spaces per 100m2; • Specialty Retail (incl. secondary retail. kiosks) - 4.2 spaces per 	<p>a)(ii) The total number of residential and non residential parking spaces does not exceed specified rates. 40 street car parking spaces displaced by the development are provided within the site.</p> <p>Where Council has recommended design changes which impact upon residential / commercial floor space and yield, suitable adjustment to the basement level is required to ensure on-going compliance with the specified parking rates.</p>	<p>Yes</p>

<p>100m²;</p> <ul style="list-style-type: none"> Showroom - 2.4 spaces per 100m²; Office - 2.5 spaces per 100m²; and Medical- 0.9 spaces per 100m². <p>b) An updated schedule of parking allocations for the site shall be prepared and submitted with each subsequent application.</p> <p>c) Parking facilities (public, commercial and bicycle) shall be designed in accordance with relevant Australian Standards.</p> <p>d) The design of the parking and commercial vehicle facilities shall be designed so that all vehicles, including commercial vehicles, enter and exit the development in a forward direction.</p> <p>e) The provision and implementation of a car share scheme.</p> <p>f) All loading and unloading associated with the use of the development shall take place wholly within the site from designated loading bays as identified in the Concept Plan. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.</p> <p>g) South Village Pty Ltd shall enter into an agreement with Sutherland Shire Council that will delegate powers to Council to enforce regulatory parking signs within the internal road network if requested by Council.</p> <p>h) A community bus and taxi drop off to the main central Flora Street pedestrian entry, shall be provided in a location and of a design that achieves reasonable accessibility for people with mobility restrictions between vehicles and the retail shops.</p>	<p>b) N/A</p> <p>c) Parking areas are generally designed in accordance with relevant Australian Standards. Suitable conditions are prescribed accordingly.</p> <p>d) All vehicles, including commercial vehicles, enter and exit the development in a forward direction.</p> <p>e) A car share scheme is proposed</p> <p>f) Loading and unloading is proposed within the site from designated loading bays. Suitable operational conditions are to be placed on the development consent.</p> <p>g) CONFIRM WHEATHER WE WANT THIS</p> <p>h) A community bus and taxi drop off is proposed adjoining the central Flora Street entry.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>15. STORMWATER AND DRAINAGE</p> <p>Future applications shall address the following:</p> <p>a) The design of stormwater drainage facilities shall be detailed in future applications and will generally be consistent with Sutherland Shire Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD) having regard to the existing stormwater pipe servicing the site. Water recycling facilities may be considered in lieu of any Council rainwater tank requirements.</p> <p>b) A stormwater drainage system shall be designed and implemented through the site and shall comprise pipe or culvert underground conduits and overland flow paths. Any overland flow paths must convey the design flows while maintaining design freeboard at all times.</p> <p>c) A Positive Covenant is required, binding all present and future owners</p>		

<p>of the property to the following:</p> <ul style="list-style-type: none"> i. Submission to Sutherland Shire Council of a structural check of any pipeline/culvert every ten (10) years; ii. Responsibility for maintenance of any pipes/culverts in perpetuity and their replacement when required; iii. Submission to Council of a report every 3 years certifying that any overland flow path through the site remains clear of obstructions. 		
<p>16. GROUNDWATER AND CONTAMINATION</p> <p>Future applications are to demonstrate that the development does not impact upon the health of the groundwater dependant ecosystems and that where basements intercept groundwater, the basements are to be tanked. Monitoring of ground water levels is to commence prior to basement design and continued throughout the construction.</p> <p>Site contamination is to be monitored and controlled in accordance with the findings and recommendations of the <i>Site Contamination Management Plan</i> prepared by Environmental Investigation Services.</p>	<p>The Department of Primary Industries (Water) raise no objections and works the subject of the current application are not anticipated to impact on the health of groundwater dependant. The basements are to be tanked. Site contamination is required to be monitored and controlled.</p>	
<p>17. STAGING OF DEVELOPMENT</p> <p>The first substantive applications shall provide details of the final staging program of the development are to ensure the orderly and coordinated development of the site to the satisfaction of Council.</p> <p>An access application shall be made to Council to obtain footpath crossing and boundary alignment levels before commencing the detailed design of internal driveways, paths and car park area.</p>	<p>The proposal includes details of the final staging of the development and is considered to be acceptable.</p> <p>Pending -RDA15/0713 - Detailed Frontage Design - construction/extension of Council's existing stormwater network within Flora Street to facilitate connection of the internal site stormwater drainage system</p>	<p>Yes</p>
<p>18. DESIGN QUALITY</p> <p>All residential, retail, and commercial floor space that sits above the finished ground level and the landscape design for each substantive stage of development shall exhibit design excellence. The proponent shall invite a minimum of three registered independent architects or architectural practices with a reputation for delivering buildings and/or the public domain of the highest quality to tender for the residential, retail and commercial components of the development that sit above the finished ground level and the major landscape elements of the development, and at each substantive stage the proponent shall demonstrate to the relevant approval body the steps that have been taken to achieve design</p>	<p>The design of the development is considered appropriate and generally exhibiting design excellence. This is further discussed in the Architectural / SEPP65 and ADG discussions.</p> <p>The applicant has adequately engaged architectural practices / firms to provide tenders for the development. The selected architectural firm (Turner) has an appropriate reputation for delivering a high quality design.</p>	<p>Yes</p>

excellence for those elements.		
<p>19. DEVELOPMENT DESIGN GUIDELINES</p> <p>Future applications for the site shall be generally consistent with the Modifications in Part B and Future Assessment Requirements in Schedule 3 and shall address the following:</p> <ul style="list-style-type: none"> a) the built form will comply with the provisions of the State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002, except where in respect to the setback requirements along the eastern boundary for Building D. b) sufficient building modulation/articulation is provided to achieve an acceptable built form. c) solar access to future apartments shall be consistent with the approved Concept Plan and as modified to achieve compliance with the requirements of the Residential Flat Design Code. d) future applications shall ensure that the internal residential amenity of the proposed apartments are not unduly affected by the noise and vibration impacts from the Princes Highway and should comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning and Infrastructure's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'. 	<p>The built form adequately complies with SEPP65 and applicable Apartment Design Guide (ADG). Any variations are discussed in the assessment of this report.</p> <p>Sufficient building modulation/articulation is provided.</p> <p>Solar access to future apartments is consistent with the approved Concept Plan and achieves collective compliance with the ADG (refer to assessment discussion)</p> <p>Suitable acoustic attenuation is proposed, consistent with SEPP2007 to ensure internal amenity is not unduly affected.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>20. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN</p> <p>Future applications shall ensure all design and treatment recommendations as identified in the report titled Crime Prevention through Environmental Design - Overview of Concept Plan & Stage 1 Proposed Development prepared by Environmental Resources Management Australia and dated May 2009 shall be incorporated into the relevant Stage. In addition:</p> <ul style="list-style-type: none"> i. The ground level of all buildings should provide for passive surveillance particularly where they front the new internal roads and internal pedestrian thoroughfares of the development: ii The location of street furniture on internal streets and thoroughfares shall be identified on the plans for each stage. Street furniture shall be positioned to take advantage of well lit and open areas to minimise crime. iii. The landscape design shall provide adequate sight lines between the shopping centre entry and the community bus, taxi drop off and bike parking locations and avoid places of concealment within the adjoining 	<p>The applicant has submitted a CPTED report addressing the principles and detailing the required considerations under the Concept Approval. The submission has been reviewed by Council specialist staff Team and the NSW Police Force under Council's adopted Protocol and is considered to be acceptable subject to the imposition is suitable conditions of development consent.</p>	<p>Yes</p>

public park. iv. Lighting shall be provided for the bus and taxi drop off area in accordance with the AS/NZS 1158.3.1 :2005 Lighting for Roads and Public Spaces. v. the eastern planted strip shall be designed to maximise safety in accordance with CPTED principles including lighting, clear sightlines, access control and other measures as necessary. vi. An Access and Management Plan shall be submitted to Council confirming how the eastern planted strip, located between the podium and the eastern boundary, shall be managed and/or general access prevented to ensure that it does not become a place of concealment and to minimise the potential for crime. The Access and Management Plan shall include any necessary mitigation measures.		
SCHEDULE 4		
STATEMENT OF COMMITMENTS		
The proponent commits to the following matters should approval be granted to this application		
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.	Noted	N/A
2. Ecology Subsequent applications will incorporate the recommendations of the revised Biodiversity Management Plan as described in Appendix 7 of the PPR.	Biodiversity Offset Package has been secured via an executed Voluntary Planning Agreement (DA14/0368).	Yes
3. ESD Subsequent applications will incorporate the ESD principles and features as described in Section 3.7 of the PPR.	The application incorporates the ESD principles in the design to achieve a Green Star rating of 4 Star as	Yes
4. Design quality Subsequent applications will demonstrate a level of detailed design consistent with the design principles of SEPP 65.	A design verification statement accompanies the application which has been reviewed by ARAP and Council's Architect.	Yes
5. Wind Subsequent applications will incorporate the relevant and applicable	Application incorporates these measures and includes an	Yes

measures recommended in the Pedestrian Wind Environment Statement by Windtech dated 18 October 2010.	updated report reflecting the current design.	
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.	An acoustic report outlining noise recommendations to achieve acceptable amenity based on the scheme accompanies the application.	Yes
7. Traffic and accessibility Subsequent applications will incorporate the relevant staged improvements (Stage 1) as detailed in the revised TMAP prepared by Halcrow and dated October 2011.	The external civil works incorporates these improvements. The final design will be determined as part of the detailed frontage design and RMS works.	Yes
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 Appendix 7 of the PPR and Equatica report at Appendix 19.	The civil works design is based on the stormwater concept.	Yes
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.	De-watering activities are approved and are being undertaken under development consent DA14/0368.	Yes
10. Groundwater management 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.	Groundwater will be managed accordingly.	Yes
11. Geotechnical 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	The application includes details of further geotechnical investigations, of which are being implemented under the early works development consent DA14/0368.	Yes
12. Contamination Subsequent applications will address the management of unexpected contamination on the site in accordance with the recommendations of the	Site contamination will be monitored and controlled during early works with validation required accordingly.	Yes

Contamination Management Plan prepared by EIS and dated November 2010.		
<p>14. Heritage 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.</p>	Application incorporates these recommendation and provides a detailed design and conservation strategy	Yes
<p>15. Developer contributions The applicant will enter into negotiations with Sutherland Council, and relevant government agencies and use its best endeavours to enter into Voluntary Planning Agreements generally consistent with the Council resolution of detailed at Appendix 16 of the PPR, before the time of the first substantive subsequent application. Should no VPA be entered into with Council: EITHER, the open space proposed within the Zone 13 land in this application will be retained by the proponent 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>		