2017SSH034 – 1-13 FREYA STREET, KAREELA

MA17/0413

ASSESSMENT REPORT APPENDICES

Appendix	A	Submissions Summary
	B	Submission from Elected Council dated 24 October 2017
	C	Assessment Report DA11/1014 (2011SYE117)
	D	Roads & Maritime Services letter dated17 January 2012

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Peter Barber – 9710 0373
File Ref: 2017SSH034
MA17/0413

24 October 2017

Panel Secretariat
Sydney South Planning Panel
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

Submission by Sutherland Shire Council
Modification application 17/0413 (2017SSH034) for 1-3 Freya Street, Kareela

The above mentioned s.96 modification application has been submitted to Council for assessment, though will be determined by the Sydney South Planning Panel, as it relates to a development application originally determined by the former Sydney East Joint Regional Planning Panel.

Council officers are preparing an assessment report for the SSPP in the usual manner, based on their professional assessment of the proposal against s.79C of the Environmental Planning and Assessment Act. The report will be submitted to the SSPP in due course.

The elected Council also have an interest in this matter and resolved to make a separate submission on the application as representatives of the local community. The resolution of the Council from its meeting of 16 October, 2017 is below:

1. *The elected Council makes a submission to the Sydney South Planning Panel raising the elected Council's strong opposition and concerns regarding the proposed deletion by the developer of consent conditions which require:*
   a. *works and improvements to the intersection of Freya Street and Bates Drive, Kareela, including the provision of an extra traffic lane; and*
   b. *the installation of a roundabout at the intersection of Freya Street and Siandra Drive, Kareela.*
2. *The elected Council makes the submission referred to (1) on grounds including the following- namely, that:*
   a. *the road works and improvements are required to manage the traffic created by the expansion of the shopping centre;*
   b. *the safety of road users and pedestrians (including residents and visitors to the Kareela Shopping Centre) will otherwise be compromised;*
   c. *the developer of the Kareela Shopping Centre had previously agreed to and endorsed the consent conditions referred to above;*
   d. *in principle, developers who accept the terms of consent, should not be excused from undertaking works and improvements designed to manage traffic and safety impacts once the project has been completed;*

e. the community has legitimate right to expect consent given to conditions by developers to be adhered to by those developers, particularly in cases where the community has expressed strong opposition to the project; and

f. the ratepayers of the Shire, as represented by the Council, will otherwise be left with the financial burden of managing the traffic generated by the Kareela Shopping Centre and its associated impacts, both presently and into the future.

3. The elected Council notes that Council's planning officers must independently assess the merits of the application and make a recommendation directly to the Sydney South Planning Panel without influence from or reference to this resolution.

I trust that the views expressed and the reasons they are held by the Council are clearly and adequately explained in the resolution above. The Council's concerns relate to minimising the impact of the development, as well as principles around fairness, equity and honesty. I ask on the Council's behalf that the Panel takes the above concerns into consideration when deliberating and determining this application.

I would be pleased to provide any further explanation or information that the Panel may require and can be contacted on telephone 9710-0373.

Yours sincerely

Peter Barber
Director, Shire Planning

JRPP No:	**2011SYE117**
DA No:	**DA11/1048**
LGA:	**Sutherland Shire**
Proposed Development:	**Commercial Development - Alterations and Additions to an Existing Shopping Centre and New Car Park**
Site/Street Address:	**Lots 5501 and 5503 DP 590471 (Nos. 1-13) Freya Street, Kareela**
Applicant:	**Caverstock Group Pty Ltd**
Submissions:	**Against - 177 letters/1 petition, In support - 3 letters**
Recommendation:	**Approval**
Report By:	**Christine Edney - Environmental Assessment Officer (Planner) Sutherland Shire Council**

Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

Pursuant to the requirements of State Environmental Planning Policy (Major Development) 2005, this application is referred to the Joint Regional Planning Panel (JRPP) as the development has a capital investment of between $10 and $20 million and remained undetermined 120 days after lodgement with Council. The application nominates the value of the project as $14,596,887.

1.2 Recent Background

On 3 August 2012 the applicant lodged a request that the JRPP determine the matter.

At its Meeting on 6 August 2012 the Council resolved as follows:

> *"That the Joint Regional Planning Panel be informed that Council does not support Development Application No.11/1048 for a Commercial Development – Alterations and Additions to an Existing Shopping Centre and New Car Park at Lots 5501 and 5503 DP590471 (Nos 1-13) Freya Street, Kareela for the following reasons:*
>
> *- Loss of amenity;*
> *- Lack of parking;*
> *- Impacts on traffic;*
> *- Impacts on public safety;*
> *- Against public interest."*

Prior to being considered by the elected Council the proposal was considered by Council's Independent Hearing and Assessment Panel (IHAP) on 11 July 2012. IHAP recommended approval of the application subject to the

conditions recommended by Council officers with the exception of minor changes to conditions. (These changes have **NOT** been made to the conditions included in Appendix "A" of this report).

In its report to Council, IHAP provided the following commentary:

> **"***Site Visit*
> *The Panel visited the site and, before and after doing so, drove along the surrounding streets including Bates Drive, Freya Street and Siandra Drive to obtain an appreciation of the current traffic conditions.*
>
> *The Panel observed that the carpark at the shopping centre was quite busy at about 4:30pm. The Panel walked all around the site to see where the principal components of the proposed re-development of the shopping centre would be located.*
>
> *There were no representatives of the Applicant or the Objectors to be met on site.*
>
> *The Meeting*
> *Prior to the Meeting, it had been arranged that the Objectors to the development application would speak in groups on issues. However, before that commenced, Mrs Davis spoke in support of the application. She said that the shopping centre was outdated and that it needed complete remodelling. She agreed there would be increased traffic but this would be restricted to the top part of the suburb. She said that the development would improve the parking area and make it safer.*
>
> *The first Objector was Mr Collier on behalf of Kareela Public School P&C. His main points were:*
>
> - *The school was the largest traffic generator in Kareela apart from the shopping centre.*
> - *The developer had ignored the impacts on the school community.*
> - *Traffic was at saturation point during school times; particularly in the afternoon after school.*
> - *The roundabout will make congestion worse and increase driver delays.*
> - *Pedestrian safety around the centre was a big issue. There was no safe place for children to cross the street.*
> - *There are safety issues with large trucks delivering to Coles. They were not regulated properly.*
>
> *Mr Hooper then spoke. He said he was also speaking on behalf of the Kareela Community Precinct Association. He talked about concerns with the process of the development application. He said the community did not have the opportunity to properly consider all the recent changes to the proposal and Council's comments on them. He produced an aerial photograph to the Panel and drew the Panel's attention to the fact that all of Kareela was serviced by just the one road – Freya Street.*

The issues of traffic were then addressed by Mr Goldberg, Ms Barry and Mr Kalgovas. Their main points may be summarised as:

- *Freya Street was only a local road.*
- *There was bound to be more than a 13% traffic increase because there is an 80% increase in the parking spaces being made available.*
- *The increase in numbers will have an adverse impact on the efficiency of the traffic lights and the corner of Freya Street and Bates Drive. This was already unsafe and unsatisfactory.*
- *There were concerns about what would happen in an emergency at that intersection. There would be a blockage.*
- *It was said that the raised island in Freya Street would prevent easy access to the shopping centre for people travelling south along Freya Street. It was not accepted that the carpark entry in Siandra Drive would provide access to the carpark and the shopping centre.*
- *It was said that the roundabout would create problems.*
- *The employees now park in the street and there is no employee parking provided within the carpark.*

Mr Woods, Ms Shade and Mr Crozier then addressed the Panel on the issue of amenity. Their main points were:

- *The shopping centre was used as a local shopping centre. Its good amenity will disappear.*
- *You will not be able to park and pop in to buy milk like with the existing centre.*
- *It was over scale for the neighbourhood.*
- *There were problems with disability access and the use of the centre. This was relevant because of the disability services in the area.*
- *There were problems with trucks using the loading docks.*
- *The increase in vehicles would result in additional diesel particulate matter. This was said to be the new asbestos.*

Mrs Vera lives at 3 Siandra Drive which is just near the roundabout. She said that she and her husband would be prisoners in their own home. There would be pollution, noise, light and privacy impacts. She already experienced problems using the driveway. This would get worse. There would be harmful truck and car fumes. She and her husband were retired and this would make their future life a misery and be like a prison. There were also concerns about the impacts through the long period of construction.

Mr Wilson took the Panel through comments made in Council reports relating to DA09/0600 which had been refused. He said there were no real material changes between that old proposed development and the

one the subject of this application. The designer had not heeded the objections of the community.

Mr Hunt said that he represented the business people of Jannali. He said that Kareela was part of the Jannali community. There is an oversupply of specialty shops in the area and this would be exacerbated by the proposed development.

Mr Knight started addressing the Panel with complaints about non-compliances with regulations and conditions by the existing shopping centre. He was told by the Chair of the Panel that this could not be taken into account in the decision made on the new development application.

Mr Annesley then addressed the Panel. He said he was representing the interests of the Kareela Precinct. He made a plea to take on board the comments of the community. He said this case was unique as this suburb only had one road in and out. He said the traffic was already chaotic.

Mr Annesley said that if there was any doubts about the impact, the Panel should err on the side of caution.

At the conclusion of proceedings, the Panel was approached by Mrs Kalgovas who was listed to speak on zoning but declined to speak to provide greater time to others. She handed to the Panel a number of documents in relation to the zoning of the surrounding area and restrictive covenants applying in the area. That material was considered by the Panel later when it adjourned for deliberation.

The Applicant was represented first by Ms Derwent (Planner) and Mr Fairhurst (Architect).

Ms Derwent did most of the speaking. She said that she supported the conclusions of the report. She said that this application was fundamentally different from the 2009 application. There was a different architect and a different result.

She said that the centre was almost 40 years old and needs upgrading. The floorspace ratio was only 0.46:1. The maximum ratio was 2:1 which was a far denser development.

She said that she sought some changes to the conditions.

Firstly, in relation to Condition 6(a) she did not see there was any need for a second lift. The levels had travelators. One (1) lift should be sufficient to provide access from the basement floor to the upper levels.

She sought a modification to Condition 6(f) dealing with landscaping. She said that Condition 6(f)(2) should be deleted. Cabbage Tree Palms

were needed at the entry to distinguish the front entrance and provide a definition for it.

The trees which were recommended for the internal courtyards in Condition 6(f)(4) were said to be unsatisfactory. They would result in falling leaves in a high pedestrian area and they could be slippery when wet and also stain the pavers.

It was said the density of plantings in the car park recommended by Condition 6(f)(3) was too high. It may cause problems with visibility and sight lines in the carpark.

There was a request for deletion of Condition 7(o) for undergrounding of services.

There was a request for further information about Condition 7(p); although there did not appear to be any contest that the condition was reasonable. The Applicant just wanted to know more about the materials and the extent of the works.

When questioned, Ms Derwent stated that she did not know whether a Management Plan for the site was either in place now or was proposed for the new development.

Mr Pindar then addressed the Panel about traffic matters. He recited the history of the development. His main points were:

- *The development now had the support of the Council Traffic Department and the RMS.*
- *The RMS had required works at the intersection of Freya Street and Bates Drive. An extra lane would be provided. This would provide substantial improvements at the intersection and reduce the delay times from a queuing length of 140m to 82m (based on modelling). This was a considerable public benefit.*
- *The roundabout was there at the request of the Council Traffic Engineer. It would slow traffic; especially when allied with the speed control device in Freya Street.*
- *The present loading dock arrangement is very unsatisfactory. This would be revamped in a major way. The swept paths were for 19m articulated trucks. The dock would now have a far larger loading capacity. It should reduce the on-street queuing of trucks.*
- *The loading dock off Siandra Drive would only be used by small trucks – maximum length of 6.8m. No large trucks would use it.*
- *The Siandra Drive carpark access was for those small trucks and for general use of the carpark. The gate would only be locked after the centre had closed.*
- *There was presently a problem with on-street parking as was evident by objections. The provision of greatly increased carparking on site would get those cars off the road. 281 spots were provided instead of the Council required 234.*

- *There should be ample room within the carpark for employees to park there rather than on the street.*
- *There was little use of the carpark during the morning school peak of 8am - 9am.*
- *There was more traffic in the afternoon peak of 2:30pm - 4pm; although it was not the peak time for the shopping centre. That occurred after 4pm.*
- *It was noted there was a Loading Dock Management Plan which had been submitted to Council (this was referred to in proposed Condition 63(d)).*
- *When asked about a pedestrian crossing in Freya Street, he said that the warrants need to be met before a pedestrian crossing is introduced. This was not the case. A refuge crossing was a better outcome.*
- *When asked about the right-hand turn into the carpark from cars travelling south on Freya Street, he said he did not believe that would be a problem. However, that was a matter for a detailed design. He noted there was still the alternative access via Siandra Drive.*
- *When asked, he said there was parking for a bus for children with special needs as shown on the plans.*
- *When asked, he said that a concept plan had been done for the roundabout. Council was in receipt of those plans and was generally happy with the geometry.*
- *The roundabout would be suitable for both small and large vehicles. It was likely to be a mountable roundabout which would allow trucks and buses to travel through the intersection.*

Panel Finding

Two members of the Panel had considered the 2009 development application. They were both of the opinion that this proposal was a marked improvement on the previous application. It was a lower scale design and fitted far better within the streetscape and the locality. It could be easily differentiated from the 2009 application.

The Panel understood the concerns of the community; particularly in relation to traffic. However, many of those concerns were external to the development site. They resulted from Freya Street being the feeder road for all of Kareela.

There was a real likelihood that the situation with traffic at the entry into Kareela would be improved as a result of the approval of this development. The additional turning lane at the traffic lights at Bates Drive should reduce queuing time. Further, the provision of extra parking on site will alleviate the problems with parking on the streets. Trucks will be able to more readily manoeuvre and get off the street into the loading dock. All of these were pluses from the development.

The Panel was of the opinion that the design of the development and its landscaping was acceptable.

In all of those circumstances, the Panel supported the recommendation for approval of the development application.

The Panel was of the opinion that Conditions 6(a) (because a second lift is not required) and 6(f)(2), (3) and (4) (because the Panel agreed with the Applicant's comments) could be deleted/amended as requested. However, the Panel considered that there should be no change to Conditions 7(o) and 7(p).

The Panel was also of the opinion that there should be an additional condition requiring the Applicant to provide a Plan of Management for the centre (particularly delivery times) prior to commencement of operations.

VOTES: 4:0

IHAP RECOMMENDATION:
That Development Application No. 11/1048 for a Commercial Development - Alterations and Additions to an Existing Shopping Centre and New Car Park at Lots 5501 and 5503 DP590471 (Nos. 1-13) Freya Street, Kareela be approved, subject to the draft conditions of consent detailed in Appendix "A" of the Report and subject to the following amendments:

1. *Deletion of Conditions 6(a) and 6(f)(2).*

2. *Amendment of Condition 6(f)(3) to reduce the density of planting in the planter boxes.*

3. *Amendment of Condition 6(f)(4) by deletion of the paragraph commencing with "Substitute five (5)".*

4. *Addition of new Condition 72 requiring preparation of a Plan of Management for the operation of the shopping centre (most particularly in relation to the time for delivery and loading/unloading) to be submitted in accordance with the requirements of the Director – Environmental Services and approved by the Director – Environmental Services prior to commencement of operations."*

With regard to the amendments to conditions recommended by IHAP it is considered that the conditions as originally proposed were and remain appropriate, however should JRPP conclude that the IHAP amendments should be adopted, no objection is raised. The proposed wording of Condition 72 is considered to be comparable to Condition 63 (d). A loading dock management plan was submitted on 17 May 2012.

1.3 Proposal

The application is for a commercial development comprising of:

- Refurbishment of the existing retail shopping centre.
- Additions to the existing shops.
- Construction of new retail and commercial floor space.
- Construction of a new multi-deck car park.
- Modification to existing loading docks/provision of new loading docks.
- Pedestrian mall and landscaping.

1.4 The Site

The site has an area of 12,923m² and is bounded by Bates Drive, Freya Street and Siandra Drive. There is a single storey commercial/retail complex with a sealed on-grade parking area on the site presently known as Kareela Shopping Centre.

1.5 The Issues

The main issues identified are as follows:

- Neighbourhood amenity.
- Traffic.
- Urban design.

1.6 Conclusion

Following detailed assessment of the proposed development the current application is considered worthy of support, subject to the imposition of conditions.

2.0 DESCRIPTION OF PROPOSAL

An application has been received for alterations and additions to an existing shopping centre and the construction of a new car park at Nos. 1-13 Freya Street, Kareela. The proposed works, as originally submitted, include:

- Refurbishment of part of the existing shopping centre, including expansion of existing shops. The existing full line supermarket (Coles) is to be retained and expanded by 160m².
- The northern section of the existing speciality shops (approximately 606m² of floor area) is to be demolished.
- Construction of new retail/commercial floor space, including a new first floor level over the northern wing. The increase in retail floor area (excluding Coles) is to be 1509m².
- A multi deck car park is to be located in the northern part of the site. The proposed car park is to contain four (4) levels, accommodating 281 vehicles. The top level is an open deck and the lowest level is completely underground.
- Modifications to existing loading docks and new loading docks, including a major redesign of the Coles loading dock area.
- Pedestrian malls and landscaping.

Amendments to the proposal were submitted on 17 May 2012 to address issues raised by Council and Roads and Maritime Services. These amendments included:

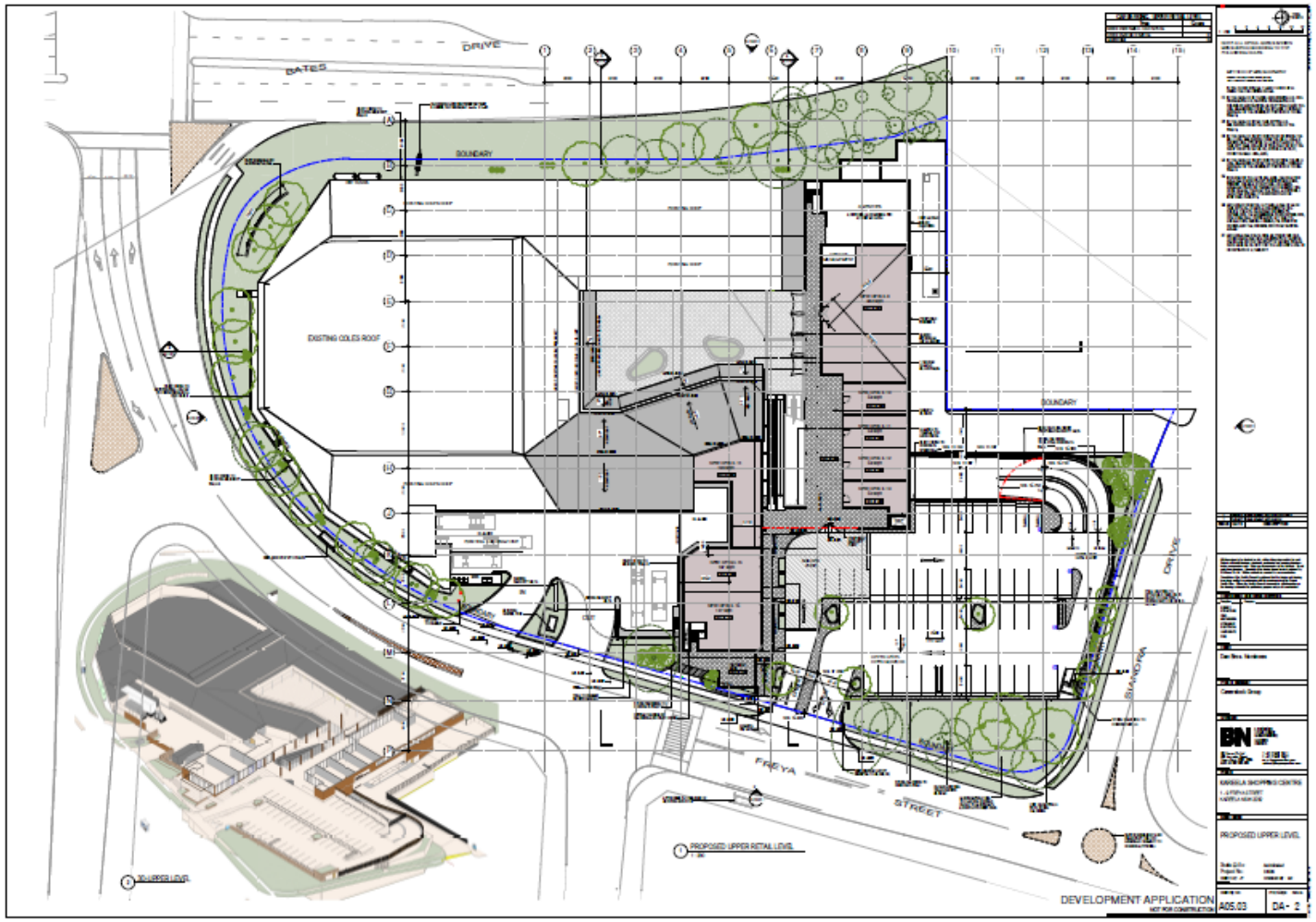
- Widening the driveway to the rear loading dock.
- Adding a median island between the entry and exit driveways from Freya Street to prevent recirculation and reduce vehicle conflict.
- Deletion of kiosk in courtyard and adding of free form landscape beds.
- Improvements to entry area.
- Reducing the height of the “acoustic wall” to the loading dock area adjacent to Coles.

Concept plans were also submitted on 17 May 2012 relating to proposed traffic and public domain improvements including:

- An additional lane to the south bound Freya Street roadway at the Bates Drive intersection such that the intersection has a right turn lane, a straight ahead lane and a left turn lane for traffic leaving Kareela.
- A pedestrian crossing across Freya Street near the main entry of the shopping centre.
- A roundabout at the Freya Street/Siandra Drive intersection.

A loading dock management plan was also submitted to Council on 17 May 2012.

Figure 1 : Site Plan



3.0 SITE DESCRIPTION AND LOCALITY

The subject land is located at 1-13 Freya Street Kareela and is bounded by Bates Drive, Freya Street and Siandra Drive. The land area is 12,923m².

Currently situated on the site is a shopping centre and associated ground level on-grade parking for 155 vehicles. The centre contains a Coles supermarket and 17 specialty shops. There is vehicular access off Freya Street and Siandra Drive. The site falls and drains predominantly towards Bates Drive. The site also incorporates 64 trees.

The streetscape in the immediate vicinity is characterised by one (1) and two (2) storey dwellings. Several of the buildings on the eastern side of Freya Street are used for medical consulting rooms.

The only adjoining site is owned by Council, contains bushland and is zoned for community facilities.

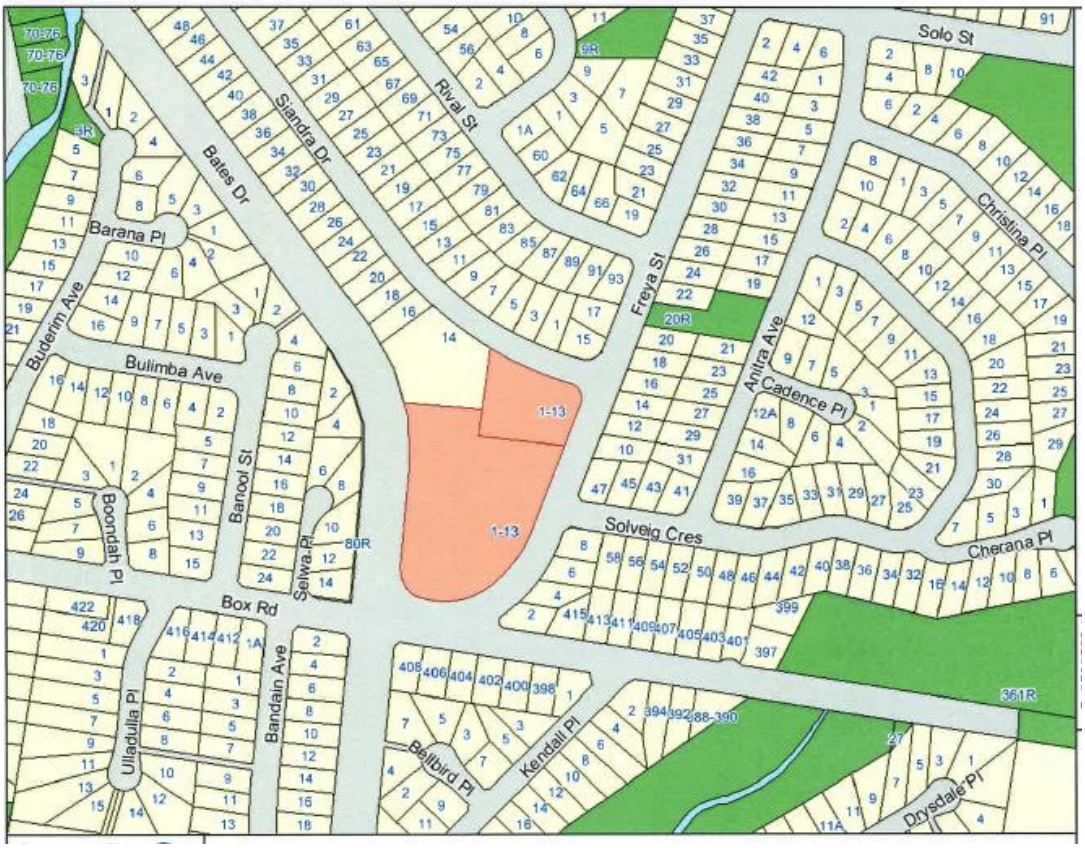


Figure 2: Location Plan

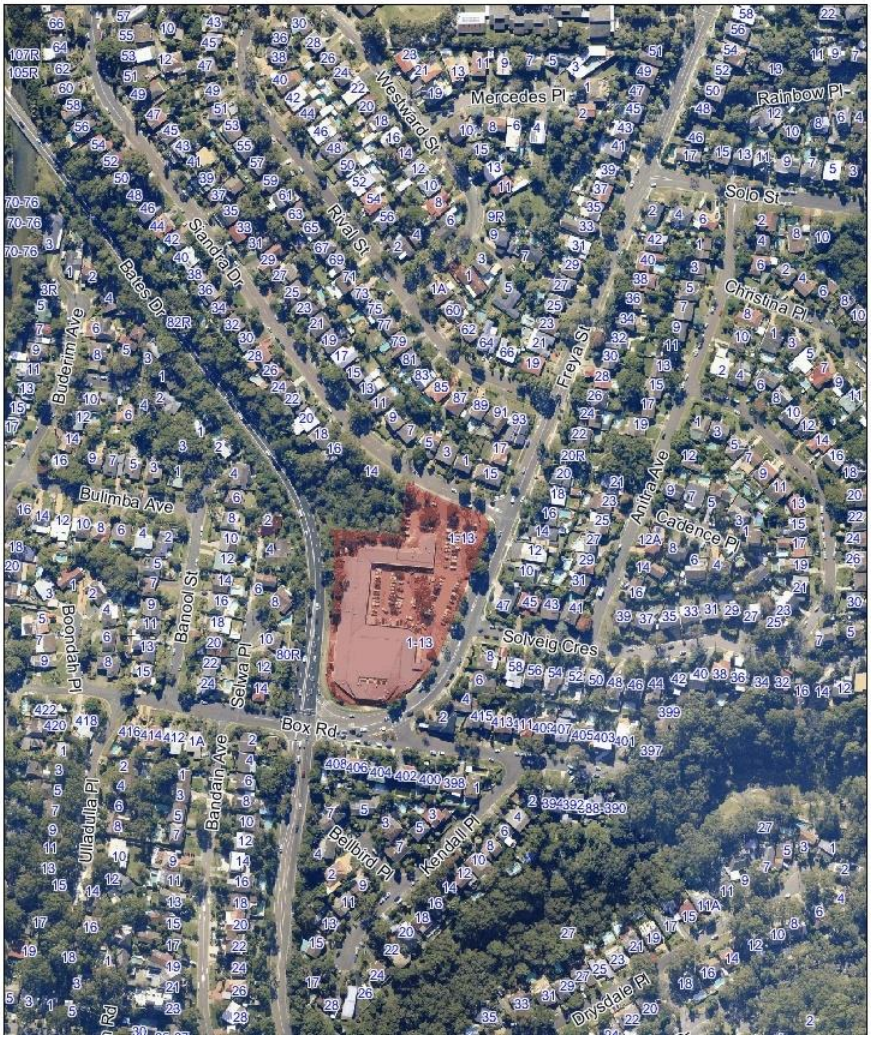


Figure 3: Aerial Photo identifying the site in red.

4.0 BACKGROUND

A history of the development site and pre-application discussions is as follows:

- The shopping centre was built in two (2) stages in 1974 and 1980.
- A previous development application (DA09/0600) for alterations and additions to the shopping complex including a part four (4), part five (5) storey car park, was refused by Council on 27 November 2009. The grounds of refusal related to:

  - Proposed car park exceeded three (3) storey height limit.
  - Proposal inconsistent with Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006) objectives relating to zoning and urban design.
  - Proposal did not satisfy design principles of Sutherland Shire Development Control Plan 2006 (SSDCP 2006).
  - Proposal failed to provide active street frontages.
  - Streetscape/ scale and bulk issues.

- Motorcycle and bicycle parking inadequacies.
- Access, parking and servicing issues.
- Traffic impacts.
- Unacceptable tree loss.

- A pre-application discussion (PAD10/0803) was held on 16 September 2010 regarding the current proposal. As a result, a formal letter of response was issued by Council dated 11 October 2010. A full copy of the advice provided to the applicant is contained within Appendix "B" of this report and the main points contained in this letter are as follows:
  - That the external treatment of the Coles portion of the existing building needs further resolution.
  - Consideration needs to be given to increased landscaping to the Siandra Drive frontage and to the top level of the car park.
  - Solar access to the courtyard should be maximised.
  - Security issues required further attention.
  - Amendments to the car parking and loading areas were needed.
  - Detailed traffic assessment was required particularly with regard to impacts on intersections.
- The proposal was considered at a Pre DA Architectural Review Advisory Panel (ARAP) meeting held on 17 February 2011. A full copy of the ARAP comments as provided to the applicant is contained within Appendix "C" to this report.
- The current application was submitted on 26 October 2011.
- The application was placed on exhibition, with the last date for public submissions being 17 November 2011. A total of 180 submissions and a petition bearing 2342 signatures were received.
- The application was considered by Council's Submissions Review Panel on 23 November 2011.
- An Information Session was held on 8 December 2011 and 60 people attended.
- The proposal was considered by the Architectural Review Advisory Panel (ARAP) on 24 November 2011. A full copy of the ARAP comments as provided to the applicant is contained within Appendix "D" to this report.
- Council officers met with the applicant on several occasions and by letter dated 12 January 2012 advised the applicant of the ARAP comments and also requested that the following matters be addressed:
  i) The recommendations of the Consultative Traffic Committee and Council's Traffic Engineer.
  ii) The comments of Roads and Maritime Services (former RTA).
  iii) The impact of the proposed Coles loading dock acoustic wall on the streetscape and potential loading noise issues and delivery management.
  iv) Traffic impacts; in particular that the following may result in an improved outcome and should be investigated:
    (a) The Bates Drive/Freya Street intersection could be altered to reduce congestion/improve efficiency.
    (b) A roundabout at the intersection of Freya Street/Siandra Drive or some similar measure to improve the safety and operation of this intersection.

(c) Street parking restrictions.
(d) Moving the Freya Street car park driveway northward and if possible separating the entry and exit driveways and/widening the entry driveway.
(e) Provision of a pedestrian crossing near the main entry.
(f) Improvements to the north western loading area access, including measures to improve visibility and the truck waiting area.

v) That provision of off site parking for construction workers and shop staff should be investigated.
vi) Construction related vibration and noise.
vii) Location of bicycle racks in mall area.
viii) Air quality from car park exhaust.
ix) Reflectivity of materials in particular roofing.
x) Parking for mini buses from Bates Drive Special School/Sylvanvale.

- Amended plans and additional information dealing with the above matters were lodged on 17 May 2012.
- The proposed roundabout was notified to residents within its vicinity. Thirty two (32) submissions were received

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable an assessment of this application.

The applicant has included the following ancillary reports within the submission documentation:

- Acoustic Report prepared by PAE Holmes.
- BCA Assessment Report prepared by Blacket, Macguire & Goldsmith.
- Landscape Design and Reports prepared by Context Landscape Design.
- Traffic Report prepared by Traffix traffic and transport planners.
- Stage 1 Environmental Site Assessment by EIS Consultants.
- Geotechnical Investigation by Jeffrey and Katauskas Consulting Geotechnical and Environmental Engineers.
- Stormwater and Structural Engineering Reports by Richmond & Ross.
- Construction Management Plan by Caverstock Group.
- Building Services and Preliminary Energy Assessments by Floth Sustainable Building Consultants.
- Access Review by Morris- Goding Accessibility Consulting.
- Social Impact and Crime Risk Assessment by BBC Consulting Planners.

6.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 12 of Sutherland Shire Development Control Plan 2006 (SSDCP 2006). Three hundred and twenty (320) adjoining or affected owners were notified of the proposal.

In response, 177 submissions against the proposal were received along with a petition against the proposal bearing a total of 2,342 signatures. Of the individual submissions 165 were made by persons or organisations from within the suburb of Kareela with 12 being from surrounding suburbs.

The letters included submissions from the Kareela Community Precinct Association and Kareela Public School Parents and Citizens Committee.

The signatories to the 2,342 signature petition gave addresses as follows:

- 995 from Kareela,
- 967 from Kirrawee/Oyster Bay/Jannali/Como/ Sylvania,
- 345 from elsewhere in the Sutherland Shire, and
- 65 from outside the Sutherland Shire or with no legible address.

Three (3) letters of support were received. The grounds of support were:

(1) That a level car park would be easier to use than the current sloping car park and that the proposal was better for those with limited mobility as more disabled parking is proposed.
(2) The centre needed upgrading.

The plans for a possible roundabout at the intersection of Freya Street and Siandra Drive were notified to the 12 closest properties. Thirty two (32) responses from 23 premises were received. These are detailed and discussed under the discussion of the original submissions below.

The issues raised in the submissions and the number of submissions relating to each of those issues are as follows:

Issues	No. of Submissions
Traffic	
Traffic (congestion, increased traffic, intersection delays)	122
Pedestrian safety	25
Emergency vehicle access / evacuation affected	25
Concerns with loading area access/design/capacity	12
Likely increase in accidents	9
Corner (Freya St/Siandra Dr) dangerous/ poor visibility	7
Traffic count variation from Council survey	5
Car park design issues (including entry / aisle width)	4

Impacts on Bandain Road	4
Inconvenience of car park will lead to parking in residential streets	3
Changes needed to Bates Drive intersection	1
Designed for people to walk not drive	1
Aesthetics/Design	
Scale/height	51
Streetscape/character	33
Appearance of car park / loading area	11
Loss of views	3
Roof reflectivity	2
Lacks active street frontages	1
Colour scheme	1
Overshadowing	1
Amenity	
Inconvenience for shoppers as further to walk, pushing trolleys from parking to cars	20
Noise	15
Impact on amenity atmosphere of area	12
Loss privacy	11
Lighting impacts	8
Mall overshadowed	5
Insufficient shade/ shelter in mall	2
Environment	
Loss of trees	8
Poor landscaping proposed	7
Exhaust location near pedestrian entry	7
Pollution	5
Damage to adjoining bushland and it's wildlife	1
Economic	
Not needed/existing centre adequate	31
Loss of property values	21
Impact on Jannali, other centres	18
Impact on existing shops	2
Other	
Increase in crime/security concerns	53
Contrary to SSLEP 2006 objectives	17
Impacts of signage	9
Security/safety in car park	7
Painted walls will lead to graffiti	6
Issues relating to current operations	5
Only 1 lift/travelators not suitable for aged/ disabled	5
Overdevelopment	4
Kareela needs a 2nd road access/site access should be from Bates Drive	3
Covenant	3
Operating / servicing hours	2
Should refer to Local Emergency Management Committee	1

Drain around Coles	1
Construction	
Vibration / damage	9
Traffic	8
Parking	7
Noise	6
General	5
Duration of works	3
Impacts on existing shops	3
Services interruptions	1
Unsafe shopping	1

Matters relating to traffic and aesthetics/design are discussed in detail within the "Assessment" section of this report. Other matters raised above are commented upon as follows:-

6.1 Amenity

6.1.1 Noise
The application included an Acoustic Report that indicates that the proposal will comply with applicable standards regarding plant and traffic noise. Construction and operational noise can be addressed by the imposition of appropriate conditions.

6.1.2 Impact on amenity atmosphere/beauty of area
This is an impact that relates in part to urban design impacts discussed in detail within the "Assessment" section of this report.

6.1.3 Inconvenience for shoppers, especially for disabled/elderly as it will be further to walk and push trolleys from shops to cars
Parking spaces for the mobility impaired and for persons with babies are currently provided directly outside the entry to Coles. This parking is relocated to the new car park on the northern side of the site. Disabled parking will be located approximately 80 metres from the entry to Coles. However, access from the parking to shops is assisted by a lift and travelators. The car park levels are flat, three (3) out of four (4) are undercover, and do not entail the problem of pushing/holding trolleys on a slope as exists now. The relevant Australian Standard does not set a distance for disabled parking from shops.

6.1.4 Loss of privacy
This matter is discussed in detail within the "Assessment" section of this report.

6.1.5 Mall overshadowed
The plans have been amended from the original proposal to improve solar access to the mall. The ‘kiosk’ has been deleted and the roof over the travelator is predominantly translucent to allow for maximum light penetration. There will be some overshadowing of the mall but it is considered that

appropriate measures have been taken to minimise the impact and maximise amenity for shoppers.

6.1.6 Lighting impacts
There is a potential for lighting to impact on nearby residents. By and large, lighting of the development is internally directed, but where potential for light spill exists, appropriate conditions are recommended to deal with this issue.

6.1.7 Shade/ shelter in mall
Covered walkways are provided around the sides of the mall.

6.2 Environment

6.2.1 Pollution
Erosion and sediment controls for the construction period are proposed. If these are maintained then pollution from construction will be adequately addressed. Some objectors were also concerned about air pollution from increased traffic.

6.2.2 Exhaust location (near pedestrian entry)
The amended plans submitted on 17 May have moved the exhaust away from the footpath and pedestrian entry. The height and installation of the exhaust comply with the applicable Australian Standard.

6.2.3 Loss of trees
Of the 64 trees currently on the site it is proposed that 36 be removed, which is less than proposed in the 2009 scheme. Some new tree planting is proposed, including planting external to the site within Council's road reserve. The largest group of trees on the site is in the north eastern corner of the site and is to be retained.

6.2.4 Inadequate landscaping proposed
This issue is discussed in detail within the "Assessment" section of this report.

6.2.5 Impacts on the adjoining bushland and its wildlife
The proposed car park is 8.32 metres from the eastern boundary of the bushland on the adjacent site. There will be minimal overshadowing impact on the bushland area. Potential for damage during construction can be addressed by conditions.

6.3 Economic Impacts

6.3.1 Impact on property values
No evidence has been provided to substantiate this objection, and in any case property values are not a specific planning consideration. It should be noted the land has been zoned for retail/commercial development for several decades with underutilised development potential.

6.3.2 Need for proposal/adequacy of centre
Whether there is demand for additional retail space is a commercial consideration for the landowner and is not a planning consideration.

6.3.3 Impact on existing shops
There is no evidence that the proposal will adversely impact upon existing leaseholders, other than with regard to construction impacts.

6.3.4 Impact on Jannali and other shopping centres
The impact upon other local shopping centres, such as Jannali, is a relevant consideration as this type of impact has been held by the Land and Environment Court to be an 'economic and social impact' worthy of consideration under planning legislation. In the short term (during the construction period) the proposal may benefit Jannali and other nearby centres as patrons may choose to shop at those centres instead of dealing with the construction impacts of the proposal. However, the proposal is not likely to impact on the hierarchy of commercial centres in the area.

In the long term the expansion of the centre may have some impact on Jannali and other nearby centres. The extent of this impact would be difficult to determine. The comments in a number of the submissions indicate that a number of objectors would shop elsewhere because of the perceived increased inconvenience of shopping at the altered centre.

The existing "anchor" at Kareela Shopping Centre is the Coles supermarket and the floor area of Coles is only increasing by 160m² (5% of existing floor area). The other new floor area's impact on other centres will depend on future uses, but no new large "anchor" tenancy is proposed, nor could the configuration of the centre accommodate one. In this sense, the centre retains its existing scale as a localised shopping destination.

6.4 Other Matters

6.4.1 Increase in crime/security concerns/safety in car park
Council's Community Services Unit has advised that the proposal, as submitted, does raise some areas of concern in regard to safety and security. These matters can be addressed by the imposition of appropriated conditions. The applicant has proposed night time on-site security and this is also subject to a condition.

6.4.2 Painted walls would lead to an increase in graffiti
A condition requiring that wall surfaces located within two (2) metres of ground level or accessible area be finished with a graffiti resistant finish is recommended. The condition also requires that any graffiti that does occur be removed promptly.

6.4.3 Issues relating to current operations
The current operation has been the subject of a small number of complaints over recent years, particularly in relation to servicing. The current consents

for the site have limited conditions regarding the operation of the site and its servicing. Whilst these are acknowledged, if the current application is approved it provides an opportunity for the imposition of further improved conditions dealing with future operations.

6.4.4 Kareela needs a 2nd road access/site access from Bates Drive
The geography of Kareela precludes the provision of a second access to the suburb. The possibility of a vehicular access to the site from Bates Drive direct to the site was investigated at pre-development application stage and found impractical due to difficult traffic and significant topographical constraints.

6.4.5 Overdevelopment/contrary to SSLEP 2006
The proposal is permissible under SSLEP 2006. The proposal complies with the applicable floor space ratio control and height controls for the site. The zone objectives are discussed in detail within this report.

6.4.6 Impacts of signage
This matter is dealt with in the "Assessment" section of this report.

6.4.7 Covenant
The 'covenant' is a 'restriction to user' on the title of the property and is similar to that which applies throughout Kareela. It limits construction materials, fencing and the like but does not contain a limitation as to the height of any building in either metres or the number of storeys.

6.4.8 Council should refer the application to the Local Emergency Management Committee
The Local Emergency Management Committee has advised that they do not assess or comment upon development applications. As the site is not bushfire prone it does not require referral to the Rural Fire Service. The nearest bushfire prone land is 150 metres away at Kareela Golf Course.

6.4.9 Only 1 lift proposed/travelators are not suitable for aged/disabled
It is considered that two lifts should be provided given that the lift has to serve four levels and is to be used for disabled access and moving trolleys to cars.

6.4.10 Drain around Coles
The proposal includes works to conceal and restrict access to the drain adjoining Coles and to make it safer.

6.5 Construction Matters

6.5.1 Vibration/damage
The car park construction involves excavation into rock and the applicant has advised that this will be by saw cut rather than pneumatic equipment. This will minimise any potential damage due to vibration. Suitable conditions of consent are included in the recommendation of this report.

6.5.2 Noise

This matter is readily addressed by the imposition of Council's standard conditions.

6.5.3 Traffic

A condition requiring that deliveries be scheduled to avoid peak traffic times and in particular, the afternoon school pick up peak is recommended.

6.5.4 Parking

The construction management plan proposes to stage the construction and in the first two (2) stages the available parking will be less than the current provision. However, this will be offset by lower regular shopper numbers than normal using the centre as large parts of it (other than Coles) will be temporarily shut during construction. It is considered that the impacts will be isolated to Stages 1 and 2 of the works, after which there will be more than the current level of parking within the site. Construction traffic management will be subject to Council's standard conditions of development consent.

6.6 Notification of Roundabout

The submissions relating to the proposed roundabout were as follows:

Address	**Date Submission Received**	**Issues**
20 Freya Street, Kareela	8 June 2012	1 & 2
10 Morna Place, Kareela	8 June 2012	1
Kareela Community Precinct Association	6 June 2012	1, 2, 3 & 4
26 Westward Street, Kareela	29 May 2012	1, 2 & 6
PO Box 49, Jannali	8 June 2012	1 & 2
80 Freya Street, Kareela	12 June 2012	1 & 2
20 Christina Pace, Kareela (2 letters)	8 June 2012	1, 3 & 4
121 Siandra Drive, Kareela	12 June 2012	1, 2, 3 & 4
No address supplied	12 June 2012	1, 2 & 4
13 Anitra Avenue, Kareela (2 letters)	12 June 2012	1, 2 & 8
7 Ripple Street, Kareela (2 letters)	12 June 2012	1 & 2
100 Siandra Drive, Kareela	13 June 2012	1, 2, 3 & 5
60 Struen Marie Street, Kareela	12 June 2012	1, 2 & 4
18 Ingrid Road, Kareela (2 letters)	12 June 2012	1, 2, 3, 4 & 9
14 Ingrid Road, Kareela	12 June 2012	1, 2, 10 & 11
16 Kurrewa Place, Kareela	12 June 2012	2
20 Siandra Drive, Kareela (3 letters)	12 June 2012	1, 2, 4, 5, 9 & 10
100 Siandra Drive, Kareela	12 June 2012	1, 2 & 5

8 Nerida Road, Kareela (2 letters)	12 June 2012	1, 2 & 5
3 Siandra Drive, Kareela (2 letters)	12 June 2012	1, 2, 3, 4 & 9
62 Ingrid Road, Kareela	12 June 2012	1, 2 & 4
26 Westward Street, Kareela	12 June 2012	1, 2 & 3
16 Freya Street, Kareela	14 June 2012	1 & 2

6.6.1 Increased Traffic
Comment: Whilst the expansion of the centre will have some increase to car and truck traffic, the construction of the roundabout would have no impact on the traffic generation of the centre. Some motorists at peak times may feel safer turning left out of the centre's car park instead of right across traffic and use the roundabout to turn and leave Kareela. This extra traffic would be using only a short length of Freya Street and this vehicle movement would be safer than vehicles turning right out of the site.

6.6.2 Safety – Traffic and Pedestrian
Comment: The roundabout is proposed as a measure to improve safety at this intersection. It will slow traffic coming from the northern end of Freya Street and make it safer for vehicles leaving Siandra Drive.

6.6.3 Will Cause Delays for Emergency Vehicles.
Comment: The roundabout will not obstruct emergency vehicle access. Emergency vehicles have right of way.

6.6.4 Will Slow/Delay Traffic
Comment: The roundabout is, in part, intended to slow traffic at this intersection so as to improve safety and give traffic exiting Siandra Drive a more equitable opportunity. Any delaying of traffic resulting from the roundabout would be more than compensated for by the reduced delays that are expected to result from the upgrading of the Bates Drive/Freya Street signalised intersection.

6.6.5 Traffic Noise
Comment: The roundabout should have little, if any, impact on traffic noise.

6.6.6 Road Width Insufficient
Comment: Council's Traffic and Transport Engineers have advised that the road width is sufficient to accommodate the proposed roundabout.

6.6.7 Pedestrian Access to the Bus Shelter
Comment: The shelter is 55 metres south of the proposed roundabout. A pedestrian refuge is proposed to assist pedestrian movement across Freya Street in the vicinity of the bus shelter.

6.6.8 Reduced Amenity (no details given)

6.6.9 Period and Extent of Notification
Comment: The notification was for the standard 14 day period, however, late submissions were considered and accepted. The notification area included those properties considered to be directly affected by the proposal and was larger than that normally done by Council's Traffic and Transport Engineers for similar roundabouts.

6.6.10 Car Parking - Relates to Street Parking and Parking for Patrons of Medical Centres on Eastern Side of Freya Street
Comment: The roundabout would only directly impact on one (1) or two (2) street spaces, however, Council's Traffic and Transport Engineers consider that regardless of whether the roundabout was installed or not, a "No Stopping" area three (3) or four (4) car lengths long should be installed on the western side of Freya Street north of Siandra Drive to improve visibility of vehicles coming south on Freya Street.

The three (3) medical centres on the eastern side of Freya Street were required by their development consents to provide on site parking. Increased parking on the shopping centre site (which is over and above that required by SSDCP 2006) will potentially free up street parking in the vicinity. The proposed pedestrian refuge will assist people parking in the shopping centre to access the medical centre premises.

6.6.11 Power Pole on Freya Street may Cause a Problem for Reversing.
Comment: No works are proposed to move the kerb line near the pole so the reversing situation should be unchanged. Council's Engineers will address this issue at detailed design stage.

7.0 STATUTORY CONSIDERATIONS

The subject land is located within Zone 9 – Local Centre pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006. The proposed development, being a shopping centre, is a permissible land use within the zone with development consent.

The following Environmental Planning Instruments (EPI's), Development Control Plans (DCP's), Codes or Policies are relevant to this application:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).
- State Environmental Planning Policy No. 64 – Signage (SEPP 64).
- State Environmental Planning Policy (Major Development) 2005.
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP).
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
- Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006).
- Sutherland Shire Development Control Plan 2006 (SSDCP 2006).

8.0 STATEMENT OF COMPLIANCE

The statement of compliance below contains a summary of applicable development standards/controls and a compliance checklist relative to these:

Standard/Control	Required	Proposed	Compliance (% Variation)
Sutherland Shire Local Environmental Plan 2006			
Height	Maximum 3 storeys	Part 2, part 3 storeys	Yes
Floor Space Ratio	2:1	0.46:1	Yes
Sutherland Shire Development Control Plan 2006			
Car Parking	234 spaces	281 spaces	Yes
Bicycle Parking	20 spaces	16 spaces	No (25%) (see report)
Motorcycle Parking	8 spaces	3 spaces	No (62.5%) (see report)
Signage Height	Lesser of 8m or height of surrounding building (8.4m)	7.4m	Yes

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

9.1 External Referrals

9.1.1 NSW Police

The application was referred to the NSW Police (Sutherland) on 10 November 2011. No response was received, despite several requests. In any case, Council's Communities Unit has done a CPTED (Crime Prevention through Environmental Design) analysis and recommended appropriate conditions.

9.1.2 Sydney Regional Developmental Advisory Committee (Roads and Maritime Services)

The proposal was considered by the Sydney Regional Developmental Advisory Committee on 14 December 2011. By letter dated 17 January 2012 the Committee:

(i) Recommended that the applicant investigate the feasibility of providing an additional lane in Freya Street to provide an exclusive left lane, through lane and right turn lane at Bates Drive.
(ii) Raised concerns regarding proximity of the car park driveway to Siandra Drive.
(iii) Raised concerns regarding service vehicle turning paths in the access drive from Siandra Drive.
(iv) Recommended that a Loading Dock Management Plan be prepared.

9.1.3 Sutherland Consultative Traffic Forum
The Consultative Traffic Forum considered the application on 2 December 2011 and again on 16 April 2012. The Forum on 16 April received and noted the amended plans showing traffic measures (intersection upgrade, roundabout, pedestrian crossing, changes to site access and loading dock access).

9.1.4 Architectural Review Advisory Panel
The Architectural Review Advisory Panel considered the proposal on 24 November 2011. The Panel made, inter alia, the following comments:

> *"A large shopping centre is always difficult to blend into a residential context. Being located at the entrance to the Kareela neighbourhood it is in the busiest section of the district. This is preferable to being embedded in a residential precinct. The Panel considers this scheme to be a very reasonable design that attempts to integrate into the existing context as much as possible.*
>
> *Generally, the built form is considered to be appropriate to the location as it is simple and functional. At the centre of the proposal is a large public space that has the potential to provide the shopping centre with a special character if it can be used as a gathering place for the community. Considerable attention should be given to resolving the design of the space.*
>
> *There was agreement among Panel members that there should be no "kiosk" located in the courtyard.*
>
> *The loading bay doors and walls have a different character to the remainder of the proposal and are also out of character with the locality. It is suggested that the inclusion of this element be reviewed.*
>
> *In principle, the design is supported however there continues to be disappointing progress in the following previously discussed elements of the proposal:*
>
> - *Presentation of the car park from Freya Street and Siandra Drive.*
> - *Courtyard treatment, including landscaping, solar access and kiosk proportions.*
> - *Landscape design generally.*
> - *"Environmental" design."*

A full copy of the ARAP report is contained in Appendix "D".

9.2 Internal Referrals

9.2.1 Development Assessment Engineer
Council's Development Assessment Engineer has advised that the proposal is satisfactory subject to the imposition of appropriate conditions.

9.2.2 Traffic and Transport Engineer

Council's Traffic and Transport Engineer has advised:

"*I have reviewed the amended plans and measures proposed by the applicant to mitigate any likely traffic impacts arising from the development proposal. I am of the opinion that the existing traffic conditions, traffic survey data and proposed traffic generation as stated in the applicant's traffic report are consistent with existing Council data and site observations and the Roads and Traffic Authority Guidelines for Traffic Generating Development.*

The proposed design changes and intersection treatments provide a much improved arrangement to the applicant's original submission.

The proposed intersection treatments will improve existing traffic management and traffic safety in Freya Street including a reduction in delays and queuing in Freya Street at the Bates Drive intersection during PM peak periods.

With respect to traffic impacts, the application can now be supported subject to the provision of the following measures:

- *Upgrade of the intersection of Freya Street and Bates Drive to incorporate 3 lanes in the west bound approach in Freya Street.*
- *A roundabout at the intersection of Freya Street and Siandra Drive. The roundabout will result in some loss of parking adjacent to Nos. 14-18 Freya Street. Improvement to driveway access at these properties may also be required.*
- *Provision of a speed reduction device on the southbound approach to the proposed Freya Street and Siandra Drive roundabout.*
- *A pedestrian refuge and road narrowing treatment in Freya Street in lieu of the proposed pedestrian crossing adjacent the northern corner of Solveig Crescent. This will result in loss of parking adjacent to No. 10 Freya Street.*
- *Realignment of the western kerb in Freya Street between the proposed loading dock entry and car park entry to facilitate an exclusive left turn lane entry into the car park and maintain the northbound through lane in Freya Street*
- *Widening of the median separation between the entry and exit lanes in Freya Street from 1.2m to 2m.*
- *Submission of a Loading Dock Management Plan to Council's satisfaction.*

The roundabout can be safely accommodated in Freya Street and will improve the safety of access and egress to and from Siandra Drive for shoppers and residents of Siandra Drive. It will reduce traffic speeds along Freya Street on approach to and departure from the shopping centre and is unlikely to result in any significant increases in traffic delays on Freya Street. The roundabout will result in some loss of

parking along the eastern side of Freya Street. Measures to minimise impacts on access to adjoining properties will be considered as part of the detailed design process."

9.2.3 Building
Council's Environmental Assessment Officer – Building has advised that the proposal is satisfactory, subject to the imposition of appropriate conditions.

9.2.4 Environmental Health and Regulation
Council's Environmental Health Officer has advised that there is no objection to the proposal subject to appropriate conditions of consent. In particular it was advised that limitations on servicing times should be conditioned.

9.2.5 Environmental Science
Council's Environmental Scientist has advised that the site is not known to be contaminated, does not pose any other environmental risks and is suitable for the proposed development.

9.2.6 Architect
Council's Architect concurs with the ARAP comments and has advised that the proposal, which has been amended in line with the ARAP comments, is acceptable.

9.2.7 Landscape Architect
Council's Landscape Architect has advised that the proposal is generally acceptable subject to the imposition of appropriate conditions.

9.2.8 Community Services
Council's Community Services Unit has advised that they have no objection to the proposal from a crime prevention perspective subject to the imposition of appropriate conditions. These conditions have been included in Appendix "A" to this report.

10.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979, the following matters are considered important to this application.

10.1 Zone Objectives
The land is within Zone 9 – Local Centre, pursuant to SSLEP 2006. The objectives for the zone are:

(a) To identify appropriate land for the provision of a wide range of retail, business and professional activities.
(b) To promote viable, small, local and speciality shops to support the needs of the local community and provide local employment.
(c) To provide for a mix of commercial, office, retail and residential buildings.

(d) To create attractive, vibrant and safe establishments and facilities as a focus for community spirit.

It is considered that the proposal is generally consistent with objective (a) as the site has been a shopping centre for nearly 40 years.

Several of the submissions claim that the proposal is inconsistent with objective (b) in that it involves a larger shop – Coles. The other new shops are all relatively small. Coles is existing on the site and was approved in 1974. The proposed addition to Coles is, at 160m², only a small increase (5%) in floor area. Most shopping areas zoned Local Centre in the Shire include supermarkets, for example, Coles at Illawong, Franklins at Bangor, IGA at Heathcote and Supabarn at Gymea. Supermarkets are uses which provide for the daily needs of residents (groceries) and are considered to support the needs of the local community, as opposed to department stores and the like which attract shoppers from a wider catchment. In this way, it can be seen that the existing Coles supermarket and the centre proper are consistent with the zone objectives.

With regard to objective (c), a residential component is not proposed and none is specifically required by the applicable controls.

Further, the proposed development is considered to comply with objective (d) in that it is attractive as viewed from outside the site and is not inherently unsafe.

Zone 9 is the 'middle' zone in the Shire's hierarchy of centres. Zone 8 – Urban Centre is the higher-order zone and includes large centres such as Miranda which are characterised by larger complexes, multiple supermarkets, department stores, entertainment venues (cinemas, nightclubs etc) and commercial uses. By contrast, Zone 10 – Neighbourhood Centre is the lower-order zone and manifests as small groupings of retail and commercial uses within predominantly residential areas – shops largely within walking distance of their customers and servicing daily needs. Examples of Zone 10 include Putland Close in Kirrawee (which has a small mixed business, a hairdresser, a pizza take away and an alternative medicine business) and the shops near Lilli Pilli Oval (which have a mixed business and a liquor shop).

Other Zone 9 sites include Illawong Shopping Village, Bangor Shopping Centre and the strip shop shopping areas in Heathcote, Jannali and Gymea, which each have a supermarket (two (2) in Jannali) and a number of speciality shops.

This site, like most centres in the Shire, is surrounded by residential land. The application proposes an intensification of the use of the site, albeit only a relatively minor one. There is the inevitable potential for conflicts between the two uses (by virtue of traffic, servicing, noise etc). When the centre was originally approved in 1974 it was subject to few conditions and no conditions relating to hours of operation, servicing, light spill or the like, and objectors have indicated that issues of conflict persist. This application provides an

opportunity for the imposition of conditions to mitigate and manage these conflicts. Furthermore, the application provides the opportunity to have the local street network substantially upgraded – resolving some long-standing local traffic issues.

10.2 Building Height

The site is subject to a three (3) storey height control under Clause 33(8) of SSLEP 2006. The relevant objectives of the development standard are:

(a) to ensure the scale of buildings:
  (i) is consistent with the desired scale and character of the street and locality in which the buildings are located, and
  (ii) complements any natural landscape setting of the buildings,
(b) to allow reasonable daylight access to all buildings and the public domain,
(c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,
(d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,

The proposed car park has four (4) levels, however, the top level is an open deck and the bottom level is wholly below ground level, resulting in a two (2) storey structure. The building is all single or two (2) storeys in scale at the street frontage sections of the development. A part of the building to the south of the adjacent Council owned bushland (but well away from any street) is three (3) storeys, with two (2) levels of retail above a partly above ground car park level. Surrounding development is a mix of one (1) and two (2) storey buildings.

Accordingly, the proposal complies with Clause 33(8) and is considered to be consistent with the objectives of this development standard. The height of the proposed building does not result in any significant amenity impacts on nearby residential properties.

10.3 Floor Space Ratio

The maximum permissible floor space ratio for the site is 2:1. The existing development has a floor space ratio of 0.32:1 and the proposed development will have a floor space ratio of 0.46:1. Accordingly, the proposal provides a floor space ratio and building density well under that which is permitted.

The objectives of the control include:-

(a) to ensure that the development is in keeping with the characteristics of the site and the local area,
(c) to minimise the impact of buildings on the amenity of adjoining residential properties

It is considered that the bulk and scale of the development are consistent with the above objectives. The scale of the car park has been significantly

reduced from that refused previously. The shopping centre does not result in unacceptable overshadowing impacts on the neighbouring properties and is of a scale commensurate with a local centre within a residential context.

10.4 Traffic and Road Works (see also Traffic and Transport Engineers Referral Above)

Traffic issues, in particular relating to congestion on Freya Street and at the Freya Street/Bates Drive intersection, were the main area of concern raised by objectors in their submissions. The Traffic Impact Assessment Report submitted with the application indicates that peak traffic generation from the site would increase from 693 vehicles per hour to 784 vehicles per hour. This is an anticipated increase of 13%. As the existing peak hour flow on Freya Street is approximately 871 vehicles per hour this is an increase of approximately 10.4% in the peak hour flow.

Ingress and egress to the car park is proposed from Freya Street and Siandra Drive. At the request of Council's engineers a median has been added between the entry and exit driveways to Freya Street to prevent recirculation and to provide separation between entering and exiting vehicles. The entry driveway has also been widened.

Given the existing capacity of the street network and the potential increase in traffic, it is obvious that some substantial road network upgrades are required.

Following from the comments of the Sydney Regional Development Advisory Committee and Council engineers, the applicant has investigated measures to improve the road system in the vicinity of the site, in particular:

(i) The alteration of the intersection of Freya Street and Bates Drive to provide three westbound lanes in Freya Street (a left turn lane, a straight through lane and a right turn lane). The traffic analysis by Traffix has indicated that this would improve the performance of the intersection, in particular during the afternoon peak where the existing 95% queue length/intersection delay would reduce from 140 metres/40 seconds to 82 metres/36.5 seconds. If the works were not carried out, the traffic analysis indicated that the queuing length would instead increase to 171 metres/43.7 seconds.
(ii) The installation of a roundabout at the intersection of Freya Street and Siandra Drive with associated "No Stopping" zone north of the intersection on Freya Street.
(iii) Provision of a pedestrian crossing across Freya Street adjacent to the northern side of Solveig Street.

These works were considered by Council's Consultative Traffic Forum on 16 April 2012. The Committee received and noted the proposed works. Council's Traffic and Transport Engineer's comments on these proposed works are contained in Part 9.0 of this report. It was recommended that the intersection and roundabout works should be carried out. However instead of a pedestrian crossing near Solveig Crescent, a slip lane access into the centre car park and construction of a pedestrian refuge was recommended.

10.5 Servicing

The proposal has servicing access from both Freya Street and Siandra Drive, with servicing separated from the car parking and pedestrian areas.

Currently the Coles delivery vehicles manoeuvre across the car entry driveway and in the car park. The proposed arrangement is to create a dedicated servicing area for Coles and for the larger of the vehicles servicing the other tenancies. This area is designed to accommodate articulated vehicles and will improve safety as it separates trucks from cars and pedestrians. Acoustic treatment of this area is also proposed.

The existing small loading area at the north-western corner of the site is retained but limited to small rigid sized vehicles or smaller. The amended plans, submitted on 17 May, increase the access aisle width to this loading area.

A loading dock management plan was also submitted on 17 May. The plan includes hours of deliveries, vehicle size, management procedures, etc. A condition requiring compliance with this plan is recommended.

10.6 Parking

The existing car park contains 155 spaces. The proposed car park will provide 281 spaces, including seven (7) disabled spaces. Under the provisions of Chapter 7 of SSDCP 2006 the proposal requires 234 spaces, including five (5) disabled spaces. Accordingly, the proposal complies with SSDCP 2006 regarding car parking.

Chapter 7 of SSDCP 2006 requires eight (8) motor cycle parking spaces. Parking for five (5) motorcycles was proposed in the original plans. Three (3) motorcycle parking spaces were shown on the plans submitted on 17 May, however, those plans show 11 small car spaces some of which can be converted to motorcycle parking and accordingly the proposal can be conditioned to comply with the control.

Chapter 7 of SSDCP 2006 requires 20 bicycle parking spaces. Parking for 16 bicycles is proposed in the car park. Additional spaces can be accommodated and it is recommended that a condition to this effect is included.

10.7 Urban Design/Streetscape

Apart from the blank walls facing Bates Drive and the southern end of Freya Street, the current shops present an open outlook containing a number of large trees. This character fits in well with the surrounding low scale residential streetscape and with the adjoining bushland site.

The proposed development is a substantial improvement over that refused in 2009 in that the new retail area actively addresses the street. The busier part of the centre is set around a mall/courtyard and in that respect is ‘internalised’. The car park is now at and below the level of Freya Street. The design is in

keeping with the scale and character of the surrounding streetscape and does not detract from the 'green' and open nature of the immediate locality. The application has been modified to activate and better address Freya Street at the entry point to the centre.

Clause 48 of SSLEP 2006 sets out the Shire's urban design parameters. The proposed development is considered to satisfactorily address these considerations. In particular, the proposal:

- Integrates into the existing character of the neighbourhood and streetscape.
- Contributes to the desired future character of the locality.
- Appropriately addresses the public domain.
- Responds better to the natural landform of the site.
- Preserves and reinforces the gateway to Kareela and the views from the surrounding properties and streets.
- Has been designed to minimise crime risk.

The proposal is considered to adequately address the Council's DCP urban design requirements and is compatible with its setting and the scale of neighbouring development. The choice of materials, which includes stone cladding and other high quality finishes, is considered to make a positive contribution to the streetscape. Council's ARAP and Landscape Architect have recommended several improvements to the façade treatment and in particular to the treatment of the public domain around the perimeter of the site. These design changes aim to provide an effective transition between the centre and the low-density residential development to the north, south and east and reinforce the interface with the bushland to the north-west. Appropriate conditions are included in the attached draft consent. The Architectural Review Advisory Panel section of this report also deals with this issue.

Furthermore, it is considered that the revitalised centre will improve the visual quality and attractiveness of the intersection of Bates Drive and Freya Street, which is the 'gateway' to Kareela.

10.8 Safety and Security

The proposal was referred to the NSW Police at Sutherland and also to Council's Community Services Department regarding "Crime Prevention through Environmental Design (CPTED)" and related matters. Their comments are discussed in the referrals section of this report.

There is potential for concealment at various places in the centre. As most of the mall, the car park and other public areas would not be visible from surrounding streets the current design provides for security doors/gates to allow these areas to be closed off after hours. It is proposed that an on site security person will be on site from 6pm daily until after Coles closes. The development also proposes use of CCTV. The centre is considered acceptable in relation to CPTED, subject to appropriate conditions.

10.9 Loss of Views

At present surrounding residents, as well as persons using the local streets and footpaths, view a low scale building, an open at grade car park and a large number of mature trees. The current retail building is lower in parts than Freya Street and Siandra Drive. When looking over the existing building there is a 'green outlook' beyond and to the surrounds of the locality. There are no water views or iconic views.

The proposal will reduce but not eliminate these vistas. The view of the bushland upon No. 14 Siandra Drive would be reduced but not totally lost for persons in Freya Street. The centre uses far less than its permissible 'envelope' and will not be visually dominant to an unacceptable degree.

10.10 Privacy

The distance from the car park to the front of the houses opposite the site in Siandra Drive is 25 to 30 metres. The separation distance is adequate to maintain privacy in a suburban setting. Landscaping on site and within the public domain is proposed to reduce privacy impacts to the houses opposite. Further screening or similar treatment of the proposed building would add to the visual bulk of the centre unnecessarily.

10.11 Landscaping

It is proposed that 33 of the 64 existing trees on the site be removed. Comparatively, this is an improvement on the 2009 application which proposed removal of 42 trees. The majority of the trees are 30 to 35 years old and were planted on site after the centre was built. The trees are generally native species. Ten (10) of the trees to be removed are small bottlebrushes.

The proposal retains the main pocket of trees on the site near the corner of Freya Street and Siandra Drive. Replacement planting is a mix of tree and lower planting on site, with a row of street trees proposed in the Siandra Drive nature strip. New planting includes 30 large and 13 small/medium native trees. It is also conditioned that additional planting be provided in the Bates Drive setback.

Neither SSLEP 2006 nor SSDCP 2006 provides a development standard/control for landscaped area or for landscaping setback requirements for development in the Local Centre zones. These zones are typically situated within strip shopping areas such as Caringbah, Kirrawee and Gymea, in which buildings have historically been built to the street frontage with little or no landscaping other than street tree planting. On this basis, a shopping centre in Zone 9 would not be required to provide landscaping.

However, Kareela Shopping Centre is a standalone centre in a landscape and locality context that is fundamentally different to most other similarly zoned land in the Shire other than Illawong and Bangor shopping centres. Any development should be designed so as to respect and integrate with its surroundings and have a significant landscaped element, in particular at the interface with the public domain. A mix of nature strip and on site landscaping

is proposed. The landscaping on site and the retention of site trees has improved substantially from the proposal refused in 2009.

Council's Landscape Architect has assessed the design and advised that the proposal is acceptable subject to the imposition of appropriate conditions. It was also advised that the proposal provides an important opportunity for a substantial upgrade of the landscaping within the public domain around the perimeter of the site.

10.12 Signage

The proposed signage is a mix of building identification and directional signage. The building identification signage is:

- An illuminated 1 metre wide by 7 metre high sign over the travelator but below the roof. This sign is set back 35 metres from Freya Street.
- An illuminated 4.2 metre by 1.8 metre sign on the exhaust stack near the Freya Street loading area.
- A refurbished illuminated 3.1 metre by 7.4 metre sign near the Freya Street/Bates Drive intersection. It is recommended that a condition be imposed requiring that this sign be amended so that it is wholly within the site as the plans show it partly outside the site boundary and is located closer to the Bates Drive/Freya Street intersection to allow more landscaping to the Bates Drive frontage. A condition is also recommended that the sign be reduced to no larger than its approved (DA97/0142) size of 2.9 metres wide by 5.5 metres high.
- A 3.9 metre by 1.2 metre sign (on stone feature wall near southern end of Coles). A stone wall appears to have existed in this location since the time of the original development of Kareela.
- A 7 metre by 2 metre sign on the northern wall over the entry to the lower parking level off Siandra Drive. The sign is set back 45 metres from Siandra Drive.

The location and size of the signage are considered to be consistent with the signage controls in Chapter 12 of SSDCP 2006 and the matters for consideration in Schedule 1 of SEPP 64. A condition is recommended requiring that the three illuminated signs comply with external lighting standards and be fitted with timers to turn them off at the closing of Coles to address any unacceptable 'light spill'.

11.0 SECTION 94 CONTRIBUTIONS

Due to its nature, the proposed development will not require or increase the demand for open space and community facilities within the area. The site is not in a centre subject to a Centre specific Contribution Plan. Accordingly, it does not generate any Section 94 contributions.

12.0 DECLARATION OF AFFILIATION

There was no declaration of affiliation, gifts or political donations noted on the development application form submitted with this application

13.0 CONCLUSION

The proposal is for a commercial development - alterations and additions to an existing shopping centre and new car park at Lots 5501 and 5503 DP590471 (Nos. 1-13) Freya Street, Kareela.

The subject land is located within Zone 9- Local Centre pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006. The proposed development, being shops, is a permissible land use within the zone with development consent. In response to public exhibition, 180 submissions (177 against, three (3) in support) and a petition bearing 2342 signatures were received. The matters raised in these submissions have been discussed in this report and include traffic, streetscape and parking.

The scale of the development is consistent with the objectives of the zone and the site's position within the Shire's established hierarchy of centres. Although the scale of the development is relatively large in terms of its suburban context, it is confined to an isolated site. Given that the site does not immediately adjoin any residential properties, the impacts of the proposed development on residential amenity are limited and are consistent with that which presently exist.

The upgrade of the shopping centre will not mean that it evolves beyond its current status as a local centre. No new large 'anchor' tenancies are being added and the retained current major anchor is a supermarket, which is inherently 'local' in nature and would not normally attract shoppers from outside of the local area. The recommended conditions of consent require substantial improvements to the public domain around the centre.

The proposed upgrade to the capacity of the car park will resolve the centre's existing traffic and loading problems, but may lead to increased local traffic at particular times of the day. However, the applicant has agreed to design and construct significant upgrades to the local street network, which will alleviate this issue and realise an opportunity to resolve long-standing structural traffic problems in Kareela. The subject site is the only large scale development site in the Kareela Peninsula and accordingly the redevelopment of this site is the only likely opportunity to achieve these traffic network upgrades, which will benefit not only the shopping centre and its users but all the residents of the Kareela Peninsula.

The architectural, landscape and streetscape issues that formed a critical part of the previous refusal have been addressed and resolved in the current application. The traffic issues associated with that previous proposal have been addressed by design changes and by the proposed road network improvements discussed above.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979, together with the provisions of Sutherland Shire Local

Environmental Plan and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that Development Application No. 11/1048 may be supported for the reasons outlined in this report.

14.0 RECOMMENDATION

That Development Application No. 11/1048 for a Commercial Development - Alterations & Additions to an Existing Shopping Centre and New Car Park at Lots 5501 and 5503 DP 590471 (Nos. 1-13) Freya Street, Kareela be approved, subject to the draft conditions of consent detailed in Appendix “A” of the Report.

APPENDIX D DA11/1048

SRDAC

SYDNEY REGIONAL DEVELOPMENT ADVISORY COMMITTEE

Our Reference: SYD09/01022
Your Reference: DA/11/1048
Contact: Ravi Ravendra
Telephone: 8849 2540

RECEIVED
30 JAN 2012
C. Edney

The General Manager
Sutherland Shire Council
4-20 Eton Place
Sutherland NSW 2232

Attention: Christine Edney

ALTERATIONS AND ADDITIONS TO AN EXISTING SHOPPING CENTRE AND NEW CAR PARK

1-13 FREYA STREET, KAREELA

Dear Sir,

I refer to Councils letter dated 17 November 2011 (Council Reference: DA11/1048) with regard to the abovementioned development application which was referred to Roads and Maritime Services (RMS) in accordance with State Environmental Planning Policy (Infrastructure) 2007 and heard before the Sydney Regional Development Advisory Committee (SRDAC) meeting held on 14 December 2011.

Please find below the Committee's recommendations and comments in relation to the abovementioned development application:

1. Roads and Maritime Services raises concern over the proponents changes to the existing signalised intersection of Freya Street and Bates Drive. The modification of the of the exclusive left turn from Freya Street into Bates Drive to a shared through and left lane is considered a reduction in efficiency and operational performance. The proponent should investigate the feasibility of providing an additional lane in Freya Street to provide an exclusive left lane, through lane and right turn lane at Bates Drive.

2. Concern is raised with regard to the proposed entry/exit driveway in Freya Street and its proximity to Siandra Drive. The current arrangement could lead to driver confusion with vehicles entering the car park and vehicles turning left into Siandra Drive.

3. Concern is also raised over the ability of service vehicles being able to negotiate loading dock and circulation road from the Siandra Drive access. Turning paths shall be provided to the satisfaction of Council and demonstrate that vehicles will be able to circulate without needing to take up both sides of the internal access road.

4. A Loading Dock Management Plan (LDMP) shall be undertaken to Council's satisfaction and shall implement appropriate measures to prevent a truck entering the site when all loading docks are full. The LDMP shall be submitted to Council for approval prior to the release of the Occupation Certificate.

In addition to the above, RMS provides the following advisory comments to Council for consideration in the determination of the development application:

5. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004, AS 2890.2 – 2002, and AS 2890.6 – 2009.

6. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement

7. Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists.

8. All vehicles must enter and exit the subject site in a forward direction.

9. 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.

10. All construction vehicles must be accommodated on site.

11. The required sight lines to pedestrians or other vehicles in or around the car park or entrances should not be compromised by landscaping, signage, fencing or display materials. In addition, measures should be implemented to improve visibility to pedestrians and other vehicles where sight distance is restricted.

12. Clear sight lines shall be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road footpath in accordance with Figure 3.3 of AS 2890.1 - 2004 for light vehicles and AS 2890.2 - 2002 for heavy vehicles.

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

14. All works associated with the proposed development shall be at no cost to RMS.

Any enquiries in relation to this matter can be directed to Ravi Ravendra, on telephone (02) 8849 2540.

Yours faithfully

Chris Goudanas
Chairman, Sydney Regional Development Advisory Committee

17 January 2012

SYDNEY SOUTH PLANNING PANEL

Panel Reference	**2017SSH034**
A Number	**MA17/0413**
LGA	**Sutherland Shire**
Proposed Development:	**S96(2) Modification of DA11/1048 - To delete parts (a) and (b) of Condition 7 of the approval of DA11/1048 which required the construction of a roundabout at the intersection of Freya Street and Siandra Drive and the carrying out of works to create 3 lanes westbound at the intersection of Freya Street and Bates Drive.**
Street Address:	**Lot 55 DP 1189490 - 1-13 Freya Street, Kareela**
Applicant/Owner:	**Caverstock Group Pty Ltd**
Date of MA lodgement	***8 September 2017***
Number of Submissions:	***Eighteen (18)***
Recommendation:	***Refusal***
Regional Development Criteria (Schedule 4A of the Act)	
List of all relevant s79C(1)(a) matters	Sutherland Shire Local Environmental Plan 2015 Sutherland Shire Development Control Plan 2016 i.e. any: • relevant environmental planning instruments • proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority
List all documents submitted with this report for the Panel's consideration	**Appendix "A" Submissions Summary** **Appendix "B" Submission from Elected Council** **Appendix "C" Assessment Report DA11/1048 (2011SYE117)** **Appendix "D" Roads & Maritime Services Letter (17/12/2012)**
Report prepared by:	**Christine Edney,** **Environmental Assessment Officer** **Sutherland Shire Council**
Report date	**12 February 2018**

Summary of s79C matters	
Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	**Yes**
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*	**Not Applicable**
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Not Applicable**
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S94EF)? *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*	**No**
Conditions	
Have draft conditions been provided to the applicant for comment? *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*	**No**

Assessment Report and Recommendation Cover Sheet

REPORT SUMMARY

REASON FOR THE REPORT

The application is referred to the SSPP as it is a modification submitted under Section 96(2) of the Environmental Planning and Assessment Act 1979 to a Development Application (DA11/1048) approved by the Sydney East Joint Sydney Regional Planning Panel (JRPP). The SSPP has delegated the determination of minor Section 96(1) and 1A applications to the Director, Shire Planning but more substantial modifications under Section 96(2) are required to be reported back and determined by the SSPP.

PROPOSAL

The application is to delete parts (a) and (b) of Condition 7 of the approval of DA11/1048 which required the construction of a roundabout at the intersection of Freya Street and Siandra Drive and the carrying out of works to create 3 lanes westbound at the intersection of Freya Street and Bates Drive.

THE SITE

The site is 12,923m^2 in area and has frontages to Bates Drive, Freya Street and Siandra Drive. Surrounding development is mostly detached houses with several health consulting rooms across Freya Street to the east and a small area of bushland to the north west. The site has been a shopping centre since the early 1970s.

Work on the construction of the approved development has been completed. The construction of the roundabout and intersection works the subject of this modification has not been carried out.

ASSESSMENT OFFICER'S RECOMMENDATION

THAT:

Development Application No. MA17/0413 to delete parts (a) and (b) of Condition 7 of the approval of DA11/1048 which required the construction of a roundabout at the intersection of Freya Street and Siandra Drive and the carrying out of works to create 3 lanes westbound at the intersection of Freya Street and Bates Drive. at Lot 55 DP 1189490 1-13 Freya Street, Kareela be refused for the following reasons:

1. The application is considered unacceptable pursuant to the provisions of Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, in that failure to carry out the required works is contrary to the aims of Sutherland Shire Local Environmental plan 2015 , in particular that failure to carry out the works does not protect and enhance the amenity of residents, workers and visitors in the Kareela area.

2. The application is considered unacceptable pursuant to the provisions of Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, in that the proposed development is contrary to the objectives of the B2 Local Centre Zone in particular that failure to carry out the

works does not result in creation of an attractive vibrant and safe public domain .

3. The application is considered unacceptable pursuant to the provisions of Section 79C(c) of the Environmental Planning and Assessment Act 1979, in that failure to carry out the works would adversely impact on traffic and pedestrian safety and the amenity of residents of and visitors to Kareela .

4. The application is considered unacceptable pursuant to the provisions of Section 79C(e) of the Environmental Planning and Assessment Act 1979 in that failure to carry out the works would not be in the public interest.

ASSESSMENT OFFICER'S COMMENTARY

1.0 DESCRIPTION OF PROPOSAL

DA11/1048 granted approval for alterations and additions to an existing shopping centre and the erection of a new car park.

The proposed modification seeks to delete parts (a) and (b) of Condition 7 of the approval of DA11/1048 which required the construction of a roundabout at the intersection of Freya Street and Siandra Drive and the carrying out of works to create 3 lanes westbound at the intersection of Freya Street and Bates Drive.

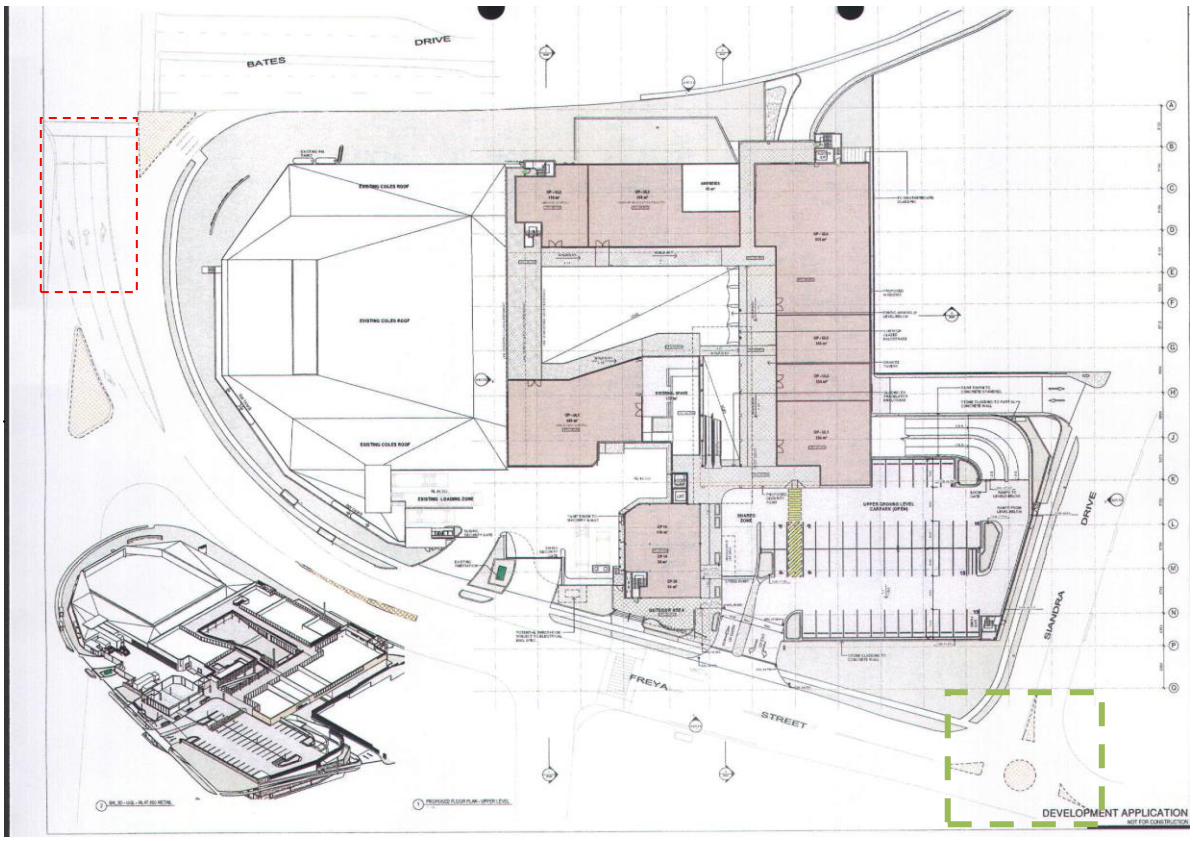


Fig 1: Site Plan including location of road works

Red Dashed Box – location of intersection works, Green Dashed Box location of roundabout works.

2.0 SITE DESCRIPTION AND LOCALITY

The subject land is located at 1-13 Freya Street, Kareela. Currently situated on the site is a recently remodelled shopping centre containing a Coles Supermarket, a child care centre and a variety of retail and commercial tenancies as well as a four level car park.

The site is irregular in shape, 12,923m^2 in area and has frontages to Bates Drive, Freya Street and Siandra Drive. The site has been a shopping centre since the early 1970s. The site slopes from the east (Freya Street) to the west (Bates Drive).

Surrounding development is mostly detached brick and tile dwelling houses with several health consulting rooms across Freya Street to the east and a small area of bushland to the north west.

An aerial photo showing the location of the site is contained below.

Fig 2 : Aerial Photo of site and Surrounding Area

3.0 BACKGROUND

A history of the development proposal is as follows:

- The Development Application to which the subject modification relates is DA11/1048. DA11/1048 was determined by the JRPP on 19 September 2012 for alterations and additions to an existing shopping centre and a new car park. A copy of the Assessment Report of that application is attached as Appendix "C"

- Subsequent to the approval several development applications have been approved by Council / Land and Environment Court for works at the site. These are outlined in the Table below.

DA No.	Description of Application	Approval Date
DA 13/0646	Construction of additional retail and new car park entry off Bates Drive	8 September 2014 (LEC)

DA15/1065	Alterations and additions to approved shopping centre and relocation of approved signage	26 November 2015 (Council)
DA15/1276	Use of an area approved for commercial use and adjoining space as a child care centre accommodating 50 children	10 December 2015 (Council)

There have also been a number of CDCs and DAs for tenancies and signage.

- The current application was submitted on 26 September 2017.
- The application was placed on exhibition with the last date for public submissions being 23 October 2017. Eighteen submissions were received.
- The application was considered by Council's Submissions Review Panel on 13 December 2017.
- An Information Session was held on 11 October 2017 and 9 people attended.
- Council officers requested traffic count information from the Applicant on 7 November 2017:
- The requested additional information was lodged on 14 November 2017.

4.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable an assessment of this application.

5.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Sutherland Shire Development Control Plan 2015 (SSDCP 2015). 212 adjoining or affected owners were notified of the proposal and 18 submissions including a petition from Kareela Public School's Parents and Citizens Association (bearing 217 signatures) were received as a result.

A full list of the locations of those who made submissions, the dates of their letters and the issues raised is contained within Appendix "A" of this report.

In addition the elected Council has made a submission in regard to this application. A copy of this is attached as "Appendix B"

6.0 MAJOR ISSUES

The main issues identified are as follows:

- Works need for traffic and pedestrian safety
- Works needed to relieve congestion / improve traffic flow
- Developer should comply with consent conditions
- Concern regarding traffic study methodology

Two of the submissions related only to the Freya Street/ Bates Drive intersection works and not to the requirement for a roundabout at the intersection of Freya Street and Siandra Drive. Similarly the issues raised in these submissions relate to:

- Traffic and Pedestrian Safety
- Traffic Congestion / Flow
- That Developer should comply with consent conditions

The matters raised in the public submissions were concluded to be substantive, relevant and reasonable by Council's Submission Review Panel, and these matters are discussed in detail in the Assessment section of this report

7.0 STATUTORY CONSIDERATIONS

The subject land is located within Zone B2 Local Centre pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being retail and commercial premises, is a permissible land use within the zone with development consent from Council.

The following Environmental Planning Instruments (EPI's), Development Control Plans (DCP's), Codes or Policies are relevant to this application:

- Sutherland Shire Local Environmental Plan 2015 (SSLEP2015)
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015)

8.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

8.1 History of Conditions

The roundabout and intersection upgrade works were not part of the original development proposal. This works were recommended by Council's Consultative Traffic Forum and Council planning officers and the intersection upgrade by the Roads and Maritime Services (a copy of their letter of 17 January 2012 is attached as Appendix 'D'). Traffic issues were raised by 161 of the 177 objectors to the original application. The applicant on 17 May 2012 amended to application to include the roundabout and intersection upgrade.

Following the submission of the amended plans Council's Traffic Engineer made the following comment:

> "*I have reviewed the amended plans and measures proposed by the applicant to mitigate any likely traffic impacts arising from the development proposal. I am of the opinion that the existing traffic conditions, traffic survey data and proposed traffic generation as stated in the applicant's traffic report are consistent with existing Council data and site observations and the Roads and Traffic Authority Guidelines for Traffic Generating Development.*

The proposed design changes and intersection treatments provide a much improved arrangement to the applicant's original submission.

The proposed intersection treatments will improve existing traffic management and traffic safety in Freya Street including a reduction in delays and queuing in Freya Street at the Bates Drive intersection during PM peak periods.

With respect to traffic impacts, the application can now be supported subject to the provision of the following measures:

- *Upgrade of the intersection of Freya Street and Bates Drive to incorporate 3 lanes in the west bound approach in Freya Street.*
- *A roundabout at the intersection of Freya Street and Siandra Drive. The roundabout will result in some loss of parking adjacent to Nos. 14-18 Freya Street. Improvement to driveway access at these properties may also be required.*
- *Provision of a speed reduction device on the southbound approach to the proposed Freya Street and Siandra Drive roundabout.*
- *A pedestrian refuge and road narrowing treatment in Freya Street in lieu of the proposed pedestrian crossing adjacent the northern corner of Solveig Crescent. This will result in loss of parking adjacent to No. 10 Freya Street.*
- *Realignment of the western kerb in Freya Street between the proposed loading dock entry and car park entry to facilitate an exclusive left turn lane entry into the car park and maintain the northbound through lane in Freya Street*
- *Widening of the median separation between the entry and exit lanes in Freya Street from 1.2m to 2m.*
- *Submission of a Loading Dock Management Plan to Council's satisfaction.*

The roundabout can be safely accommodated in Freya Street and will improve the safety of access and egress to and from Siandra Drive for shoppers and residents of Siandra Drive. It will reduce traffic speeds along Freya Street on approach to and departure from the shopping centre and is unlikely to result in any significant increases in traffic delays on Freya Street. The roundabout will result in some loss of parking along the eastern side of Freya Street. Measures to minimise impacts on access to adjoining properties will be considered as part of the detailed design process."

The traffic analysis by the applicant's consultant in 2012 Traffix indicated that the intersection upgrade works would improve the performance of the intersection, in particular during the afternoon peak where the existing 95% queue length/intersection delay would reduce from 140 metres/40 seconds to 82 metres/36.5 seconds. If the works were not carried out, the traffic analysis indicated that the queuing length would instead increase to 171 metres/43.7 seconds.

Without these modifications to the proposal the application would not have been supported by assessing staff.

8.2 Traffic and pedestrian safety

The roundabout is considered necessary for traffic safety reasons that are directly related to the centre's redevelopment including:

- It will slow traffic down at the intersection so making exit from Siandra Street into Freya Street and pedestrian movement safer. This is particular a concern as redevelopment of the centre encouraged more service vehicles to use Siandra Drive to access the secondary loading dock and the creation of the Bates Drive entry brings more vehicles in at a lower level which encourages more vehicles to exit via the Siandra Drive exit which is 2 levels lower than the Freya Street exit.
- It provides a safer situation for vehicles exiting the centre via the main Freya Street driveway as well as Siandra Drive by slowing traffic down and giving drivers the alternative of turning left when leaving the centre and doing a "U" turn at the roundabout instead of having to turn right into traffic.

The intersection improvement works at the corner of Bates Drive and Freya Street are considered necessary and are linked to the centre in that:

- The centre is the main traffic generator in Kareela and is located at the only vehicular entry/ exit point to the suburb.
- For the reasons discussed in 9.2 below it is considered that the traffic generated by the centre will soon grew beyond the pre development levels and as a result the intersection performance will become worse and traffic safety will be endangered.
- Improvement of the intersection is likely to benefit the centre itself as people who perceive the intersection to be safer and easier to use are likely to return to / start using the centre.
- Approval of the development was contingent on the upgrade of the intersection.

8.3 Traffic Volumes/ Congestion

The applicant has submitted traffic counts undertaken in March and May 2016 which indicate that traffic volumes were at those times less than the traffic generation of the centre in 2010 prior to the centre's redevelopment. The centre's official opening was in October 2016 but works were not completed nor the centre fully occupied till after then.

The traffic count increased by 6.7% between the March and the May 2016 traffic counts which is likely to be an indication that patrons are slowly returning to the centre who went elsewhere during the disruption caused by the major works at the site. If this 6.7 % increase is extrapolated over the medium term then then traffic generated by the centre would have potentially reached the 2010 situation by October 2017 and reach the expected post development (864 vehicles) level by July 2018. Whilst the rate of increase may slow it is still considered that the centre will reach the anticipated level of traffic on which the requirement for the works was based.

The traffic study submitted by the applicant shows a significant increase in average vehicle delays at the Siandra Drive / Freya St intersection (from 3.8 to 7.3 seconds). This is considered to be an indication that the situation will be worse when traffic volumes increase as anticipated and that the development has had significant impacts on the Freya Street / Siandra Drive intersection. It is also important to recognise that tenancies can and will change over time and greater traffic generation needs to be accommodated for now as it cannot be imposed based on individual future uses.

8.4 That the developer should comply with consent conditions

It has been a long held principle of planning that should an applicant benefit from a consent for development that the applicant should also bear the responsibility of complying with the conditions of that consent. The developer took up the consent in full knowledge that these conditions applied. The road works were a significant consideration in Council's assessment in 2012 when approval of the proposal was recommended to the Joint Regional Planning Panel. The applicant choose to take up the benefit of the development consent and should therefore accept its burden. The upgrades were a significant component of the assessment and without them approval would not have been recommended.

8.5 Concerns re traffic study

One submission related to the traffic report submitted by the applicant. Council's traffic engineer has reviewed the submitted report and is satisfied with the traffic counts and study methodologies.
Traffic counts were undertaken over a 7 day period and intersection counts were undertaken on weekdays when traffic counts are likely to be higher due to school and work trips.

The increased delays at the Freya Street/ Siandra Drive intersection can be explained by the changed configuration of the centre which now encourages a greater percentage of the centre's traffic especially service vehicles to use Siandra Drive. Council does not rise specific concerns with the traffic counts or study methodology but instead considers that patronage is still returning following a long and disruptive construction period.

8.6 Additional Submission from Applicant

On 25 January 2018 the applicant's planning consultant submitted additional information including a traffic report and road safety audit from a Traffic Engineer. This was assessed by Council's Traffic Engineer who made the following comments:

"**Augmentation of the traffic signals.**

The condition was imposed to reduce vehicle delays and significant queuing in Freya St noting that the back of queue during peak periods impacts on the pedestrian and traffic safety in Freya Street.

A roundabout at the intersection of Siandra Drive and Freya Street.

The condition was imposed to:

- *Improve the safety of the intersection in light of increased usage under the new centre design and existing sight distance and gap acceptance issues.*

- *Reduce the speed of traffic in Freya Street along its frontage of the shopping centre and thereby improve the safety of pedestrians and vehicles entering and exiting the centre in Freya Street*

In this regard it is important to note that the applicant's safety audit identifies these very issues via Design Deficiencies 1 (intersection priority), 3 (sight distance Siandra Drive) and 4 (sight distance Freya St exit) and General Comments G2 (Gap acceptance) and G4 (pedestrian behaviour). The provision of a roundabout at Siandra Drive address/improves all of these issues. The roundabout will also act as an incentive for motorists to exit via Siandra Drive which is both to their benefit and traffic and pedestrian safety in Freya Street.

Council will further consider the other issues and recommendations identified in the safety audit and action as considered necessary. However it is reiterated that implementation of the existing conditions of consent will provide the best outcome in addressing the majority of issues identified in the applicant's road safety audit."

9.0 SECTION 94 CONTRIBUTIONS

At the time of the original approval the application site was not subject to Council Section 94 contribution plan. The proposed modification does not generate any Section 94 contributions.

10.0 DECLARATION OF AFFILIATION

Section 147 of the Environmental Planning and Assessment Act requires declaration of donations/gifts in excess of $1000. In addition Council's development application form requires a general declaration of affiliation. In relation to this development application no declaration has been made.

11.0 CONCLUSION

The proposed modification seeks to delete parts (a) and (b) of Condition 7 of the approval of DA11/1048 which required the construction of a roundabout at the intersection of Freya Street and Siandra Drive and the carrying out of works to create 3 lanes westbound at the intersection of Freya Street and Bates Drive, at 1-13 Freya Street, Kareela.

The subject land is located within Zone B2 Local Centre pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being retail and commercial premises, is a permissible land use within the zone with development consent.

In response to public exhibition 18 submissions including a petition were received. The matters raised in these submissions have been discussed in this report and include traffic/ pedestrian safety, traffic congestion/ volumes and that the developer should comply with the consent conditions.

It is considered that the modification application should be refused as the works are necessary to protect the amenity and pedestrian and traffic safety of Kareela residents, centre workers and customers. The applicant has taken the benefit of the consent based on the provision of these upgrades and now when the construction of the centre has been completed (other than some outstanding landscaping works) is seeking to delete it's more burdensome requirements.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and the provisions of Sutherland Shire Local Environmental Plan and all relevant Council DCPs and Policies. Following detailed assessment it is considered that Application No. MA17/0413 is not supported for the reasons outlined in this report.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Major Development Assessment (CE)