

SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

Addendum Report

SSPP No:	2018SSH016
MA No:	MA18/0030
Local Government Area:	Sutherland Shire
Proposed Development:	Section 4.55(1A) Modification Application to DA15/1134 – Amend staging diagrams in Condition 1 to transfer the completion of the park from Stage 1 to Stage 2
Street Address:	Lot 1 & 2 DP 1215969, (No. 45) Flora Street & (No. 580) Princes Highway, Kirrawee
Applicant/Owner:	Combined Projects (Kirrawee) Pty Ltd
Date of MA lodgement	5 February 2018
Number of Submissions:	None
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 million
List of All Relevant s4.15(1)(a) Matters	None
List all documents submitted with this report for the panel's consideration:	<ul style="list-style-type: none"> • Draft Conditions of Development Consent • Plans of development
Recommendation:	Approval
Report By:	Daniel Lukic – Environmental Assessment Officer (Planner) Sutherland Shire Council

Summary of s4.15C matters

Have all recommendations in relation to relevant s4.15C 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? **Not Applicable**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
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

EXECUTIVE SUMMARY

On Monday 30 April 2018, Council was notified by the Department of Planning and Environment that an objection was made against Modification Application No. 18/0030 which proposes to amend Condition 1 of the consent to modify the staging plans so as to defer the construction of the public park to Stage 2.

This addendum report responds to the issues and concerns raised by the objector and provides further clarity to the intent of the application.

PROPOSAL

Consent is sought to amend Condition 1 of the consent to modify the staging plans so as to defer the construction of the public park to Stage 2.

The reason for the change is due to the final design of the park has not been agreed to with Council (the land will be vested to Council upon completion) and the VPA has not been entered into at this point in time. The delay means the developer is unable to complete the construction of the park in Stage 1. It is anticipated that Stage 1 will be completed by mid 2018.

While the VPA has not been entered into, a formal offer has been made to Council.

Modification Application (Mod 7) to the Part 3A Concept Plan was approved by the Department on 12 April 2018. Consent was granted to amend Condition A11A which permitted the VPA to be entered into

Modification Application No.7 (Mod 7) to the Part 3A Concept Plan approval has been granted by the Department of Planning and Environment which granted consent to an amendment to Condition A11A, which requires the execution of the VPA *“before 1 December 2018 or prior to the release of any Occupation Certificate for Stage 2, whichever occurs first.”*

Approval of the subject modification application will bring Development Consent DA15/1134 into line with the Part 3A Concept Plan approval pursuant to Section 4.24(2) (formerly s83D) of the Environmental Planning and Assessment Act 1979.

PUBLIC PARTICIPATION

A summary of the main issues is provided below:

Address	Date of submission	Issues
1 Inverness Place, Kareela	28 April 2018	1, 2

Issue 1: *I am very disappointed that the Council has forsaken its constituent's initial concerns. We need a place where the public can gather and not have to spend money. Teens need a meeting place. The provision of places for free exercise is of great importance as is the close proximity of emergency services to ensure a speedy response time should an emergency occur. The library, parklands and The pond would have been a lovely place for the elderly to visit and meet up with other members of the community.*

Comments: the purpose of the Modification Application is to defer the timing of the construction and the delivery of the park from Stage 1 to essentially Stage 2. The application does not propose to delete the construction of the park.

The park will be available for use by residents of the South Village Estate and for the wider community. A 1,500m² community facility is also being constructed by the developer and is very likely to be used as a library and other community groups on a daily basis.

Issue 2: *The space would also give local schools and clubs a facility to showcase their works and presentations. Have Council stated their intention for the revenue they plan on receiving? Maybe update the Polo pool at SSLC so we can enjoy Deep Water Aerobics all year round. Erect a new Leisure Centre in the corridor previously sectioned for the F6 maybe even an Arts Centre. I do not feel that the DA process is transparent if down the line we do not keep to the original plan. I feel this omission of public space is a slap in the face and will not encourage the greater part of the community to visit The Pits.*

Comments: Conditions of the Part 3A Concept Plan approval, Development Consent DA15.1134 and the draft Voluntary Planning Agreement all require the provision of the Public Park/Communal Open Space and a 1,500m² community facility for the residents of the South Village Estate and the wider community. Consent is only sought to defer the delivery of the park to a later stage in the construction of the South Village Estate.

Modification Application No. 8 to the Part 3A Concept Plan approval is currently before the Department of Planning and Environment relating to design changes to the Public Park. This application is yet to be determined. This application does not seek any approval for the deletion of the park.

The public park has always been a key feature of the Concept Plan approval and the development application that followed.

CONCLUSION

The subject land is located within Zone B4 Mixed Use pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a mixed use is a permissible land use within the zone with development consent from Council.

This application satisfies the requirement that the development to which the consent as modified relates will remain substantially the same development as that originally granted consent.

In response to public exhibition, one submission was received. The matters raised in the submission have been discussed in this report and are non-substantive.

The application has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the EP&A Act, together with the provisions of SSLEP2015 and all relevant Council DCP, Codes and Policies. Following detailed assessment it is considered that the Modification Spplication No. 18/0030 can be supported.

RESPONSIBLE OFFICER

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