

Maximum Gross Floor Area

The Centre has an approved GFA of 32,000m². The enclosure of the walkways will increase the total GFA to 36,988 m², (an increase of 4,988m²). Council has not raised any objection to the increase in GFA.

Clause 19 of Part 29 of Schedule 3 of the MD SEPP sets a maximum GFA of 32,000m² for the Centre. Clause 20(7) (c) of Part 29 of the MD SEPP does not allow consent to be granted for development that would exceed 32,000m². In this regard the proponent has requested that the MD SEPP be amended to accommodate the additional GFA.

Under s.75R (3A) the Minister for Planning and Infrastructure can make an Order to amend an environmental planning instrument to authorise the carrying out of an approved project. Parliamentary Counsel has drafted this Order and has provided an opinion that the Order can be legally made. The Department raises no objection to the additional GFA resulting from the enclosure of the walkways because it will not significantly increase the overall building envelope or the intensity of the use and will provide an improved shopping environment. Accordingly the Department supports amending the MD SEPP to increase the maximum GFA on this site to 37,000 m² so as to facilitate the development of the Centre.

Parking Generation

Council's DCP calculates the requirement for car parking for retail developments based on Gross Leasable Floor Area (GLFA). A number of built elements are excluded from the definition of gross floor area, including corridors which are defined as "*a gallery or passage connecting parts of a building*".

The enclosed walkways fit this definition of a corridor and as such do not lead to any increase in GLFA or demand for car parking. In addition, a condition has been added to the approval prohibiting the expansion of leasable retail areas into these enclosed walkways without the approval of the Department, thereby not generating demand for additional parking.

Section 94 Contributions Plan

The Statement of Commitments approved with the original Concept Plan referred to a report prepared by Don Fox Planning Pty Ltd which detailed the various s.94 contributions payable for this project.

Council has advised that s.94 contributions for retail developments are a function of traffic generation and floor area, and is of the view that this modification increases the contributions payable for this development by \$81,895 (from \$252,425 to \$334,320). The Department notes however, that Council has also advised that it accepts the method used to calculate the car parking required and the amount of parking proposed to be provided; that is, that the enclosure of these walkways does not generate any additional car parking demand.

The Department further notes that the enclosure of the walkways would not increase the retail floor space nor the intensity of the use of the centre, and is therefore unlikely to generate additional traffic or other demands on Council's infrastructure

and services. Accordingly, it is considered that no additional s.94 contributions are warranted.

In conclusion, the Department supports the enclosing of these walkways because:

- it is consistent with the original design and the recommendations of the Design Competition Jury Panel;
- it does not significantly alter the external appearance of the building;
- it will not increase the demand for additional car parking on site; and
- it will provide a better environment for shoppers.

5.2. Amending the Staging of the Centre

Under MOD 2 the District centre was approved to be built in 2 stages: the first stage being approx 22,600m² at the southern end of the site closest to Naval College Road; and the second stage being approx 9,400m² at the northern end of the site.

MOD 3 broadly maintains this staging and proposes the following:

- 20,732 m² at the southern end of the site as Stage 1A;
 - 1,197 m² immediately to the north of Stage 1A as Stage 1B; and
 - 10,069 m² adjacent to Stage 1B as Stage 2,
- excluding the 5,000m² of enclosed walkways.

The proponent has submitted an updated Economic Impact Assessment which argues that there has been a significant short-term reduction in demand for specialty retail floor space in the current economic climate. On this basis, the proponent aims to minimise the specialty retail areas which are likely to remain vacant and will construct the remaining stages once the demand improves, the surrounding population increases and the District centre is well established. This report concludes that the economic benefits which the centre would be expected to deliver will be broadly similar to those indicated in the previous Economic Impact Assessment.

The Department accepts that the amount and type of retail floor space has to be commensurate with the level of demand and notes that the proposed staging is generally consistent with the previous approval. The Department is of the view that the proposed Stage 1A can function adequately as proposed and for these reasons, raises no objection to the construction of the centre in the three stages as proposed.

The following conditions have been amended to reflect the three stage construction of the District centre: 1.1, 2.1(i), 2.15, 2.25, 2.26, 2.33, and 2.43. These are all included in the appended modified instrument.

5.3. Redesigning the parking layout

Off-Site Parking

The original Project Approval for Stage 1 of this District centre approved 683 car parking spaces of which 65 (excluding 4 taxi parking and 2 bus bays) were located in Moona Creek Road.

The MOD 2 approval continued this approach and approved 51 parking spaces (excluding 4 taxi parking and 2 bus bays) in Moona Creek Road, however in light of objections from Council on 6 September 2010 it was acknowledged that the final

configuration of these spaces would be determined by Council as part of its approval under the Roads Act for Moona Creek Road.

In the MOD 3 application the proponent extended this approach and proposed 72 car parking spaces (excluding 4 taxi spaces and 2 bus bays) in Moona Creek Road. Council objects to the following aspects of the proposal on the grounds of anticipated traffic volumes and pedestrian/vehicle conflicts:

- the increase in number of spaces within Moona Creek Road;
- the configuration of these spaces;
- the design of the median and pedestrian crossings in Moona Creek Road; and
- the design of the exit from the car park into Moona Creek Road.

Council has suggested that the following elements of the design of Moona Creek Road be amended:

- taxi and bus parking should be parallel parking and not angled parking;
- parking should be angled at 45 degrees and signposted as rear to kerb;
- 45 degree parking should be at the northern end of Moona Creek Road, east of Halloran Street; and
- pedestrian refuges should be located in the median strips and a single zebra crossing is insufficient.

Council has advised that future plans for Moona Creek Road will only be approved by Council and its Traffic Committee if it considers the design to be satisfactory.

In its Response to Submissions, the proponent has submitted a revised plan (Phasing Plan - DA0103 Rev W) showing the configuration of parking spaces in Moona Creek Road that generally complies with Council's recommendations. The Department has been verbally advised by Council that the key elements of concern regarding the design of Moona Creek Road are the provision of taxi parking spaces parallel to the kerb, the provision of a bus bay indented from the carriageway, and the provision of long vehicle parking spaces on the western side of the road. All of these elements have been provided in the revised plan and the Department is satisfied that Council's concerns have been addressed.

On Site Parking

This application proposes a total of 1,328 spaces for the development when completed, which the proponent claims complies with Council's Car Parking DCP.

Council accepts the parking calculations submitted but, as discussed above, does not accept the increase in on-street parking.

The revised phasing plan submitted as part of the Response to Submissions has reduced the number of parking spaces in Moona Creek Road and increased the number of spaces on site.

The Department views the reconfigured car parking areas as a more practical and logical approach to the provision of car parking for the centre and is satisfied that Council's concerns have been adequately addressed, and raises no objection to this aspect of the proposal. Condition 1.1 h) has been amended to reflect the parking to be provided in each of the 3 stages.

Long Vehicle Parking

In its submission on MOD 2, Council raised the issue of the need for long vehicle parking spaces to be provided, and suggested that 12 of these spaces should be within the southern car park. The proponent agreed to provide these 12 spaces and a condition requiring this was included in the MOD 2 approval.

In its submission on MOD 3, Council has suggested that these spaces would be more easily accessible if they were located and signposted along the north-western side of Moona Creek Road, and that they would replace the on-street parking proposed in that location. The proponent's revised phasing plan shows 8 of these spaces in the location suggested by Council with the remaining 4 spaces located in the main car park. The Department is satisfied with this revised design and condition 2.24 has been amended to reflect this configuration.

5.4. Other Issues

The following table lists other more minor issues proposed and/or raised in submissions, and the Department's response on each issue.

Issue	Departments Position
External materials changes	The Department considers that the extent of the changes is minor and they are still consistent with the palette of materials approved with the original design.
Landscaping	The Department has compared the landscape plans submitted with Mod 3 with those for Mod 2 and considers that there is no significant change.
No library in Stage 1A	A condition was imposed in the approval for MOD 2 requiring the proponent to identify a space for the library and to negotiate terms and conditions for its use. Council has advised these discussions are progressing. As this matter has not been resolved, the conditions has been retained but altered to reflect the 3 stages now proposed.
Design of the Water Tank	The revised landscape plan submitted with the Response to Submissions indicates screen planting around the tank. This plan has been approved as part of this modification
Pylon Sign	The current Condition 2.41 addresses this matter.
Waste Management Plan	The Waste Management Plan has been amended to refer to the appropriate authority.
Road Upgrade Works	The proposed changes to the construction staging will not have any impact on the previously approved road upgrade works to The Wool Road.

6. RECOMMENDATION

The Department has reviewed previous approvals issued for this project, the Environmental Assessment report submitted with the application, submissions received in response to the notification, and the proponent's Response to Submissions.

The key issues with this modification are the permissibility and appropriateness of the proposed enclosure of the walkways, the impact of constructing the centre in three stages and altering the layout of the car parking.

The Department's assessment of the key issues has concluded that:

- enclosing the walkways is consistent with the original design intent and the recommendations of the Jury Panel of the Design Excellence Competition;
- the increased GFA resulting from the enclosing of the walkways has no adverse environmental impacts;
- construction of the centre in 3 stages is acceptable in the current economic circumstances and that Stage 1A can adequately operate independently;
- redesigning the parking layout is generally acceptable subject to provision of adequate spaces and limiting the number of parking spaces within Moona Creek Road;
- the minor amendments to the external materials are not significant; and
- the landscaping is satisfactory.

The Department recommends that the proposed modification be approved subject to relevant existing conditions being amended to reflect the proposed scheme, the imposition of some new conditions to address some of the concerns raised, and because it will provide a better environmental outcome.

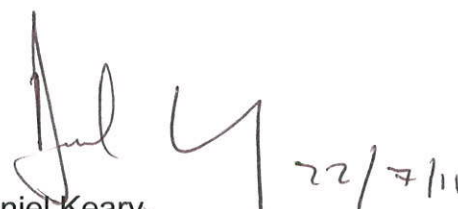
The Department considers that the modification is justified because the design intent of the original scheme is maintained while providing an improved environment for shoppers, the construction of the centre will be commensurate with demand, and an adequate level of parking will be maintained.



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APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at www.planning.nsw.gov.au

APPENDIX B SUBMISSIONS

See the Department's website at www.planning.nsw.gov.au

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at www.planning.nsw.gov.au

APPENDIX D RECOMMENDED MODIFYING INSTRUMENT
