



File Ref: DN18/0004

22 February 2018

Ms Emma Butcher
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Email: Emma.Butcher@planning.nsw.gov.au

Dear Ms Butcher

Development Referral No. DN18/0004

Proposal: Section 75W Modification (MOD 7) to Concept Plan for Kirrawee Brick Pit (MP10_0076) – amend Condition A11A to modify the timing of the Voluntary Planning Agreement to be entered into

Property: 580 Princes Highway, Kirrawee

Thank you for the opportunity to make a submission regarding the Section 75W modification referred above.

The proposed modification seeks to amend Condition A11A of the Concept Approval MP 10_0076 which, in short, requires the proponent to enter into a Voluntary Planning Agreement (VPA) with Sutherland Shire Council *'prior to the release of the first Occupation Certificate for the first substantive development application'*.

The applicant has advised that the final design of the new park has not been resolved and unfortunately, this has delayed the finalisation of entering into a VPA with Council. This will cause delays in the issue of an Occupation Certificate for works in Stage 1.

Due to the delay, the proponent seeks approval to defer entering into a VPA until the final Occupation Certificate for the final stage of construction so as to afford additional time to resolve the design of the park and finalise the VPA.

However, since the submission of the S75W application, a meeting between the proponent and Council was held whereby an alternate date by which the VPA needs to be entered into was made and agreed to in principle. The date is 1 December 2018.

Based on the agreement in principle, Council does not raise any objection to the proposed amendment to Condition A11A, provided, the condition must be amended to accord with the agreement as follows:

A11A Voluntary Planning Agreement – Community Benefits

The proponent shall enter into a Voluntary Planning Agreement (VPA) with Sutherland Shire Council prior to 1 December 2018. The VPA shall be generally consistent with the draft VPA prepared by Gadens Lawyers (reference 21009015.1 DTS DTS) and Council's comments in its letter to the PAC (attached as Appendix 1 to the PAC determination report dated 30 January 2015) to provide for:

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

If you need any clarification of the above comments, please contact Daniel Lukic, Development Assessment Officer on 9710 0668 or email dlukic@ssc.nsw.gov.au and quote the application number in the subject.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P. Barber', with a horizontal line extending to the right.

Peter Barber
Director Shire Planning