

Modification of Concept Approval

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

As delegate of the Minister for Planning, I modify the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

**Anthea Sargeant
Executive Director
Key Sites and Industry Assessments**

Sydney

2018

SCHEDULE 1

Concept Approval:	MP 10_0076 granted by the Planning Assessment Commission on 23 August 2012
For the following:	Mixed use retail/commercial and residential development and associated public open space
Proponent:	Henroth Investments Pty Ltd
Approval Authority:	Minister for Planning
The Land:	Kirrawee Brick Pitt, 566-594 Princes Highway, Kirrawee
Modification:	MP 10_0067 MOD 7: the modification includes amendment of Term of Approval A11A to modify the timing of entry into the Voluntary Planning Agreement.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part A- Term of Approval A11A is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers 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 or prior to** the release of the first ~~any~~ Occupation Certificate for **Stage 2, whichever occurs first** ~~the first substantive development application~~. The VPA shall be generally consistent with the draft VPA prepared by Gadens Lawyers ((reference 21009015.1 DTS DTS) and Council's comments in its letter to the PAC (attached as Appendix 1 to the PAC determination report dated 30 January 2015) to provide for:

- a) construction, embellishment and dedication of public open space as shown as 'new park' on drawing A-SK-700-005

- b) construction and dedication of a 1,500m² community facility;
- c) monetary contribution towards the beautification of Kirrawee Shopping Precinct (between Flora Street and Kirrawee Station); and
- d) monetary contribution towards the upgrade of Oak Road (between Flora Street and the Princes Highway).

End of Modification