

# 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 12 April

2018

### SCHEDULE 1

<b>Concept Approval:</b>	<b>MP 10_0076</b> granted by the Planning Assessment Commission on 23 August 2012
<b>For the following:</b>	Mixed use retail/commercial and residential development and associated public open space
<b>Proponent:</b>	Henroth Investments Pty Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>The Land:</b>	Kirrawee Brick Pitt, 566-594 Princes Highway, Kirrawee
<b>Modification:</b>	<b>MP 10_0067 MOD 7:</b> 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 – Terms of Approval A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated December 2010 prepared by City Plan Services, except where amended by the Preferred Project Report dated 4 November 2011 including all associated documents and reports;
- the Revised Statement of Commitments prepared by Sutherland & Associates Planning Pty Ltd, dated October 2013; and
- Section 75W Modification to Concept Plan MP 10\_0076 MOD 2, prepared by Sutherland & Associates, dated October 2013 (as amended February 2014);
- Section 75W Modification to Concept Plan MP 10\_0076 (MOD3), prepared by Sutherland & Associates, dated November 2013 as amended by Response to

Submissions dated July 2014 and Response to Department of Planning & Environment Correspondence dated 3 September 2014; South Village Kirrawee – Quality of Sunlight – New Parkland, Rev 1 dated 24.12.14 prepared by Turner, Letter from IONIC to the Planning Assessment Commission dated 22 January 2015;

- The draft Voluntary Planning Agreements prepared by Gadens Lawyers (reference 21009015.1 DTSDTA (community benefits) and 20497267.1 DTSDTS (biodiversity offset)); and
- **Section 75W Modification to Concept Plan MP 10 0076 (MOD 7), prepared by Sutherland and Associates, dated February 2018, as amended by correspondence from Aaron Sutherland dated 3 April 2018; and**
- the following drawings:

Architectural Drawings prepared by Turner			
Drawing No.	Revision	Name of Plan	Date
A-SK-700-001	M	Envelope Plan Diagram	05/01/15
A-SK-700-002	N	Envelope Elevation Diagrams	22/01/15
A-SK-700-003	N	Envelope Elevation Diagrams	22/01/15
A-SK-700-004	M	GA Plans Illustrative Staging Plan	22/01/15
<b><u>DA-730-006</u></b>	<b><u>2</u></b>	<b><u>Staging Diagrams- Basement 02 to Level 01</u></b>	<b><u>31/01/18</u></b>
<b><u>DA-730-020</u></b>	<b><u>2</u></b>	<b><u>Staging Diagrams</u></b>	<b><u>31/01/18</u></b>
<b><u>DA-730-060</u></b>	<b><u>2</u></b>	<b><u>Staging Diagrams- Level 06 to Level 09</u></b>	<b><u>31/01/18</u></b>
<b><u>DA-730-100</u></b>	<b><u>2</u></b>	<b><u>Staging Diagrams- Level 10 to Level 13</u></b>	<b><u>31/01/18</u></b>
A-SK-700-005	L	Envelope Plan Basement	23/09/14
13066-S75W 07	B	STIF Comparison Plan	August 2014

except for as modified by the following pursuant to Section 75O(4) of the Act.

- (b) Schedule 2 Part A- Term of Approval A11A is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ 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 1,500m<sup>2</sup> 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**