

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 14 September, 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 Pit, 566-594 Princes Highway, Kirrawee
Modification:	MP 10_0076 MOD 8: The modification includes amendment of various Terms of Approval to remove the requirement for the lake within the public park.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part A - Term of Approval A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

A1 DEVELOPMENT DESCRIPTION

Concept Plan approval is granted to the development as described below:

- a) Use of the site for a mixed use development with associated public open space;
- b) Indicative building envelopes for 7 buildings to a maximum height of 14 Storeys;
- c) 85,000m² of Gross Floor Area, comprising 68,310m² of residential (749 dwellings) and 14,190m² of retail/commercial floor space (including 4,740m² supermarket and 1,450m² discount supermarket) and a 1,500m² community facility;
- d) Basement level, ground and above ground car parking;
- e) Road layout to support the development;
- f) Public pedestrian and cycle pathway;
- g) Public park with lake and surrounding forest; and
- h) Landscaping areas throughout the site.

subject to compliance with the modifications of this approval.

- (b) Schedule 2 Part A - Term of Approval A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

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**
- **Section 75W Modification to Concept Plan MP 10 0076 (MOD 8), prepared by Sutherland Shire Council, dated February 2018, as amended by Response to Submissions dated 23 May 2018.**
- 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
DA-730-006	2	Staging Diagrams- Basement 02 to Level 01	31/01/18
DA-730-020	2	Staging Diagrams	31/01/18
DA-730-060	2	Staging Diagrams- Level 06 to Level 09	31/01/18
DA-730-100	2	Staging Diagrams- Level 10 to Level 13	31/01/18
A-SK-700-005	L	Envelope Plan Basement	23/09/14
13066-S75W 07	B	STIF Comparison Plan	August 2014

Landscape Drawing prepared by Scott Carver			
Drawing No.	Revision	Name of Plan	Date
LD-SK102	4	Landscape Plan	06/04/18
LD-SK102	3	Possible Areas of Additional STIF	03/05/18

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

- (c) Schedule 2 Part A - Term of Approval A11 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

A11 PUBLIC PARK

The development application for Stage 2A of the development must include the design, management and tenure of the public park on land shown as 'new park' on drawing ~~A-SK-700-005~~ **LD-SK102 Revision 4** listed in Term of Approval A2.

The public park must:

- a) Be designed by a qualified landscape architect in consultation with Council;
- b) ~~Include a lake, which can be located as shown on Drawing 13066-S75W07B (dated August 2015) or in a location agreed by Council;~~ **Be generally in accordance with Landscape Plan LD-SK102 (rev 4) by Scott Carver, except as modified by (c) below;**
- c) **Landscape Plan LD-SK102 be modified to** provide for the conservation of the Sydney Turpentine Ironbark Forest **and revegetate an additional 800m² of this vegetation community so that it adjoins the existing remnant vegetation within the public park. The location of the 800m² of STIF shall be generally in accordance with LD-SK102 Revision 3, or as otherwise agreed to in writing by OEH;** and
- d) Be publicly accessible;
- e) Include high quality hard and soft landscaping and paving areas and a variety of recreation facilities;
- f) Be contiguous with and accessible from the public domain
- g) Include a Vegetation Management Plan **prepared in consultation with OEH that provides details on the management and maintenance of existing remnant and planted Sydney Turpentine Ironbark Forest at the**

site in perpetuity, is consistent with NSW Office of Water's *Guidelines for vegetation plans on waterfront land*; and

- h) Include future management requirement and an implementation program.
- (d) 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 issue of any Occupation Certificate for Stage 2, whichever comes first. 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 **generally** as shown as ~~'new park'~~ on drawing A-SK-700-005 **LD-SK102 Revision 4, as amended by Term of Approval A11 (c)**;
- 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 monetary contribution towards the upgrade of Oak Road (between Flora Street and the Princes Highway).

End of Modification.