

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.



Anthony Witherdin
Director
Regional Assessments

Sydney 21 JUNE 2019

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 10: modify Term of Approval A1 to increase the GFA by 104m ² to allow for the installation of louvres and fixed glass to part of the southern elevation of the shopping centre.

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~~ **85,104m²** 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), **104m² of enclosed mall/horizontal circulation** 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~~ 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 v

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

- **Section 75W Modification to Concept Plan MP 10 0076 (MOD 10), prepared by Robinson Urban Planning, dated April 2019; 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
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 3 - is amended by the insertion of the following new Future Environmental Assessment Requirement 7A:

7A. CIRCULATION SPACE

The newly enclosed southern elevation of the shopping centre, the subject of this modification application, shall continue to be used for the purposes of circulation space only and not commercial/retail space. Any future application to construct the enclosed area approved under MP 10 0076 MOD 10 shall be accompanied by a plan clearly labelled to show the area as "Circulation space only".

End of Modification

