

Director Development Contributions
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Natt,

17 May 2016

VPA: Lot 401 DP1110562 at West Dapto

We refer to Planning Agreement dated 11 June 2015 ("the Agreement") entered into by us with Minister for Planning and relating to Wollongong City Council Development Application DA 2013/1355 ("the DA").

Pursuant to the terms of the Agreement, we seek to vary it.

The DA was refused by Wollongong City Council because the application as submitted proposed a stage 1 subdivision (50 residential lots) in the south eastern part of a parcel that will when fully developed, yield in excess of 300 residential lots in accordance with the West Dapto LEP and site specific Neighbourhood Plan for the area adopted by Council. On detailed evaluation (flood modelling) it was held by Council officers that the objectives of Council's various drainage policies could not be satisfied with respect to stormwater and flood management. Our consultants, SMEC Urban, disputed this assertion by Council and despite extensive stormwater modelling could not reach agreement. It became evident that agreement with council would not be reached with respect to the plan as submitted and despite us offering to amend the layout to satisfy Council's drainage concerns, Council moved to determine the application by refusal.

In order to satisfy Council's requirements, a fresh Development Application (DA 2016/410) has been lodged for a stage 1 subdivision in the south eastern part of the land proposing to create 53 residential lots generally, but not precisely in the same location as the initial application. The new plan proposes a change to the layout to provide an overland flow path (proposed lot 100 Public Reserve) adjacent to Paynes Road to enable compliance with the objectives of Council's drainage policies and practice to the satisfaction of council officers.

As a result, a new developable area is proposed and a map ("the new NDA Map") has been developed and produced accordingly and it is attached to this letter marked "Attachment A – The land".

Relying upon clause 13.2 of the Agreement, the variation we seek is the substitution of the new

NDA Map as the attachment referred to in Schedule 3 of the Agreement, in place of the plan currently forming Attachment A referred to in said Schedule 3.

Since the entering into of the Agreement, the ownership of the land has not changed.

We look forward to hearing from you.

Yours faithfully,



Duncan McPhail

For and on behalf of Scott Property Enterprises Pty Ltd:

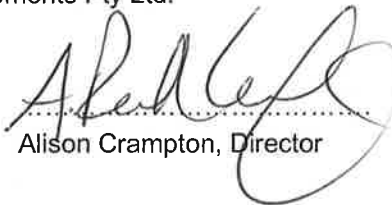


John Scott, Sole Director/Secretary

For and on behalf of Glanmire Developments Pty Ltd:



Peter Crampton, Director



Alison Crampton, Director

For and on behalf of Prestons Development and Project Management Pty Ltd:



William Preston, Director



~~Ronald Rengger, Director~~
PATRICK MCNAMARA

The Minister for Planning's delegate acknowledges and agrees to the above request.



Terry Natt, Director Development Contributions
Department of Planning and Environment