



Magenta Shores Integrated Tourist Facility

*Part 3A Section 75W
Modification Assessment
(DA 32-1-2003 MOD 5)*

October 2018

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Glossary

| Abbreviation | Definition |
|-----------------|--|
| Council | Central Coast Council |
| Department | Department of Planning and Environment |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999</i> |
| EPI | Environmental Planning Instrument |
| ESD | Ecologically Sustainable Development |
| LEP | Local Environmental Plan |
| Minister | Minister for Planning |
| OEH | Office of Environment and Heritage |
| Proponent | Rich Sea International |
| RMS | Roads and Maritime Services |
| RtS | Response to Submissions |
| Secretary | Secretary of the Department of Planning and Environment |
| SEPP | State Environmental Planning Policy |



Executive Summary

This report is an assessment of a request to modify the Development Approval (DA 32-1-2003) for the Magenta Shores integrated residential and tourist development at 300 Wilfred Barrett Avenue, The Entrance North, in the Central Coast Local Government Area.

The proposal, as originally submitted, sought approval to increase the number of permanent residential lots within Stage R07 of the development by 14 lots (from 44 lots to 58 lots), reconfigure the subdivision layout and delete two pocket parks and a pedestrian link to the golf course.

The request has been lodged by Rich Sea International (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification request was notified to adjoining landholders, Central Coast Council and relevant State agencies. The Department received a total of 43 submissions, comprising three submissions from government agencies and 40 submissions (all comprising objections) from the general public. Central Coast Council, Roads and Maritime Services and the Office of Environment and Heritage did not object to the proposal. The key issues raised in public submissions include lot density, deletion of pocket parks, traffic, subdivision design and construction impacts.

In response, the Proponent submitted a Response to Submissions (RtS) which:

- deleted 10 residential lots from the proposal, resulting in an overall increase of four additional lots within Stage R07 (from 44 lots to 48 lots)
- revised the subdivision layout by:
 - providing larger lots adjacent to the beach
 - reinstating the pedestrian link between the golf course and the proposed new road
 - reinstating one of the removed pocket parks next to an intersection at the northern end of the site.

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act and has carefully considered the issues raised in public submissions and the Proponent's RtS. The Department's assessment concludes that the proposal is acceptable as:

- the Proponent has amended the proposal in the RtS, addressing the majority of issues raised in public submissions
- the increase of four residential lots within Stage R07 is minor and would not result in additional traffic, infrastructure or amenity impacts beyond those already assessed and approved in the original Masterplan
- the Department supports the inclusion of a pocket park at the northern end of the site. However, to prevent the creation of an uncharacteristically straight road, the Department recommends the road layout be amended by the inclusion of an additional pocket park at the southern end of the site
- the larger lots provided along the southern side of Pebble Beach Avenue, adjacent to the beach, are of an acceptable size and density
- construction impacts would be considered in further detail during the assessment of future subdivision / development applications by Council.

Therefore the Department, considers the modification request is approvable, subject to conditions (outlined in **Appendix C**). This assessment report is hereby presented to the Independent Planning Commission (Commission) for determination.



Contents

| | |
|---|------------|
| Glossary | iii |
| Executive Summary | iv |
| 1. Background..... | 6 |
| 1.1 Subject Site | 6 |
| 1.2 Approval History | 7 |
| 2. Proposed Modification | 8 |
| 3. Statutory Context | 10 |
| 3.1 Scope of Modifications | 10 |
| 3.2 Approval Authority | 10 |
| 4. Engagement..... | 11 |
| 4.1 Department's Engagement..... | 11 |
| 4.2 Government Agency Submissions | 11 |
| 4.3 Public Submissions | 11 |
| 4.4 Response to Submissions | 12 |
| 5. Assessment | 13 |
| 5.1 Density | 13 |
| 5.2 Assessment Issues | 14 |
| 6. Evaluation | 17 |
| Appendices | 18 |
| Appendix A – Relevant Supporting Information | 19 |
| Appendix B – State Environmental Planning Policy (Coastal Management) 2018..... | 20 |
| Appendix C – Notice of Modification | 21 |



1. Background

1.1 Background

This report is an assessment of a request to modify the Development Approval (DA 32-1-2003) for the Magenta Shores integrated residential and tourist development at 300 Wilfred Barrett Avenue, The Entrance North in the Central Coast Local Government Area.

The request has been lodged by Rich Sea International (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposal seeks approval to amend Stage R07 of the development including, an increase of four residential lots, amended lot and road layouts and deletion of a pocket park.

1.2 Subject site

The Magenta Shores residential and tourist development is located on the North Entrance Peninsula, east of Tuggerah Lake and west of Tuggerah Beach. The site fronts Wilfred Barrett Drive (also known as the Central Coast Highway) and shares its eastern boundary with the sand dunes of Tuggerah Beach and its northern boundary with the Wyrrabalong National Park (refer to **Figure 1**). The site is located approximately 5.2 kilometres (km) south of Toukley, 4.7 km north of The Entrance and approximately 100 km north of the Sydney CBD.



Figure 1 | Site Location. Magenta Shores Masterplan outlined in blue, the site outlined in red (Base source: Nearmap)

The Magenta Shores Masterplan Approval comprises a tourist resort, golf course and permanent residential dwellings. The masterplan is divided into 13 stages, of which approximately seven have been developed, including the resort area and some permanent dwellings. Site works are currently underway for Stage R08 (outlined yellow in **Figure 2**).

This modification application relates to the lots within Stage R07 (outlined in red in **Figure 2**). The site (Stage R07) is located east of the golf course (18th hole) and north of the Coastal Protection Zone. The Masterplan approval envisaged the provision of up to 44 permanent residential lots within the site (Stage R07).

The site does not contain any significant vegetation, is relatively flat and does not currently contain any roads or other supporting infrastructure.

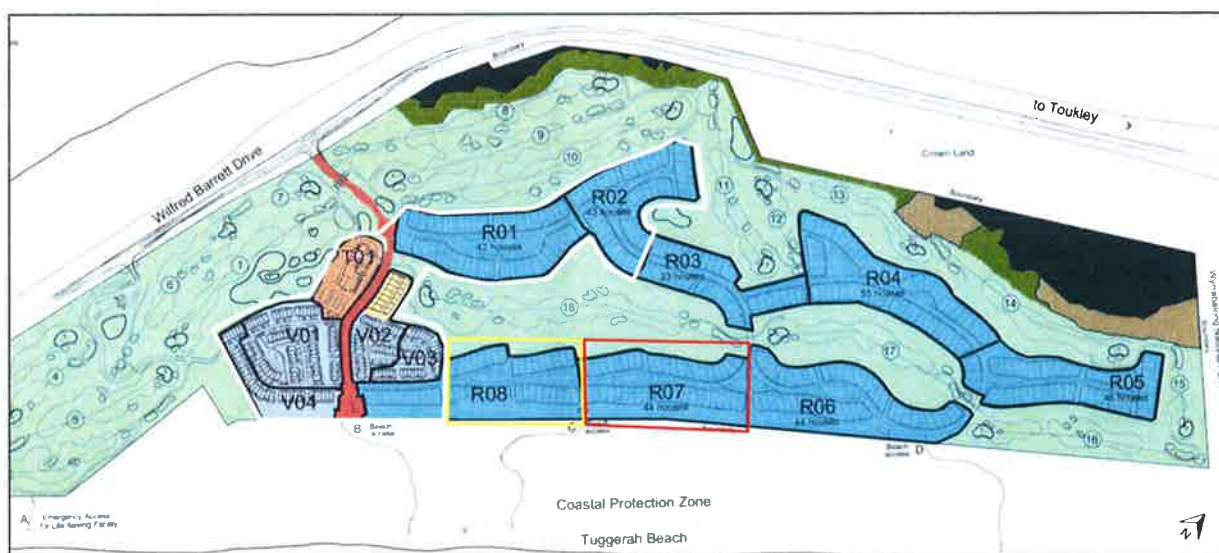


Figure 2 | Magenta Shores development staging plan. Stages already developed outlined in white, approved MOD 4 outlined in yellow and the current modification outlined in red (Base source: DA 32-1-2003)

1.3 Approval History

On 3 February 2004, the then Minister for Planning granted Masterplan Approval for an integrated tourist facility, including:

- a resort with maximum gross floor area (GFA) of 10,000 m²
- an 18-hole golf club and ancillary facilities;
- a maximum of 611 tourist and permanent residential accommodation, comprising:
 - 93 resort suites;
 - 120 resort accommodation villas and recreational facilities; and
 - 398 permanent residential dwellings.
- vehicular and pedestrian access and circulation arrangements; and
- subdivision and landscaping.

The Masterplan Approval requires separate development consent for all individual components of the Masterplan, including subdivision.

The Masterplan Approval has been modified on four occasions as outlined in **Table 1**.

Table 1 – Modifications to the Masterplan Approval (DA 32-1-2003)

| Reference | Description of Modification | Approved |
|----------------------|---|-------------|
| MOD 110-10-2004 | Deletion of 93 resort suites, reduction of 46 permanent dwellings, increase of 43 resort villas and modifications to landscaping, subdivision and building heights and locations. | 10 Feb 2005 |
| MOD 70-5-2006 | Modification of Rural Fire Service conditions | 4 Oct 2006 |
| MOD 23-3-2007 | Modification permitting the ownership of small dogs | 22 May 2007 |
| DA 32-1-2003 - MOD 4 | Increase of 15 permanent residential lots, reconfiguration of lot layouts and size, removal of pedestrian access to the golf course and realignment of roads including removal of pocket parks. | 23 Dec 2016 |



2. Proposed Modification

On 24 July 2017, the proponent lodged a section 75W modification request (DA 32-1-2003 MOD 5) seeking approval to increase the number of permanent residential lots within Stage R07 by 14 lots (from 44 to 58 lots), reconfigure the subdivision layout and delete two pocket parks and the pedestrian link to the golf course (**Figure 3**).

Following the notification of the request, the Proponent submitted a Response to Submissions, which amended the proposal (refer to **Section 4.4**) by removing 10 residential lots, reconfiguring the lot layout and reinstating one pocket park.

The modification request as amended (see **Figure 4**) seeks approval for:

- four additional permanent residential lots within Stage R07 (from 44 lots to 48 lots)
- a reconfigured lot layout resulting in the provision of:
 - 23 lots on the north western side of the extended Pebble Beach Avenue ranging in size from 346.6 m² to 554.6 m²
 - 25 lots on the south eastern side of the extended White Haven Avenue, ranging in size from 336 m² to 426 m²
- The realignment of Pebble Beach Avenue, including the removal of one of the two pocket parks located centrally within the roadway.

The Proponent has requested the modification on the basis that it rationalises the lot layout to make more efficient use of the site and address current market demand.

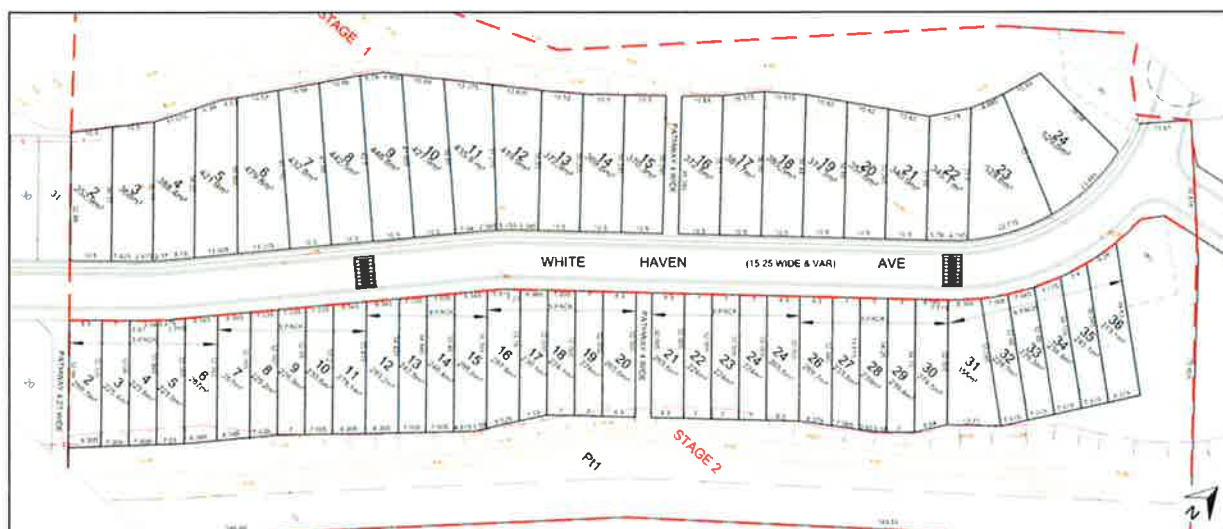


Figure 3 | The originally proposed Stage R07 subdivision layout (as exhibited) (Base source: Proponent's modification request)

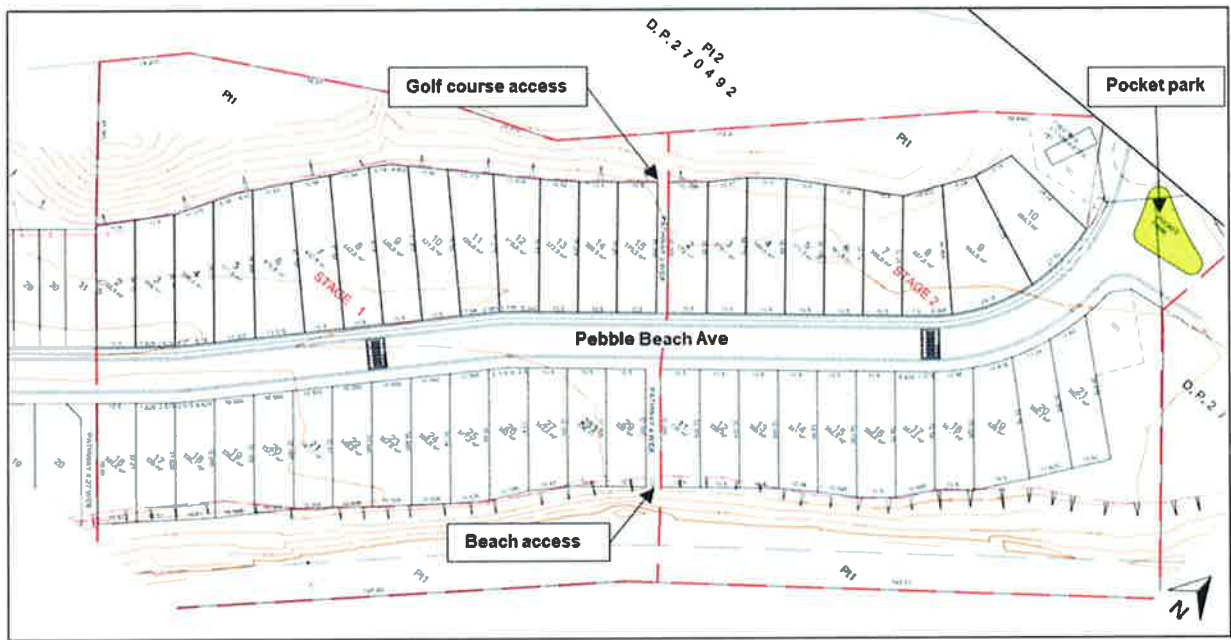


Figure 4 | The proposed Stage R07 subdivision layout (as amended) (Base source: Proponent's RtS)



3. Statutory Context

3.1 Scope of Modifications

On 3 February 2004, the development was approved by the then Minister for Planning, pursuant to section 80(1) of the EP&A Act. Under clause 8J(8) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), a development consent granted by the Minister is taken to be an approval granted under Part 3A of the Act, and therefore Section 75W of the Act applies to any modification of such a consent.

The power to modify transitional Part 3A projects under section 75W of the Act, as in force immediately before its repeal on 1 October 2011 is being wound up – but as the request for this modification was made before the ‘cut-off date’ of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project.

The Department of Planning and Environment (Department) is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

3.2 Approval Authority

In accordance with the Minister’s delegation, the request may be determined by the Commission as more than 25 public submissions were received objecting to the modification.



4. Engagement

4.1 Department's Engagement

The Department placed the modification request on its website and notified adjoining landholders and relevant State and local government agencies in writing, between 8 November 2017 and 22 November 2017.

The Department received a total of 43 submissions, comprising three submissions from government agencies and 40 submissions (all objections) from the public.

On 8 March 2018, the Department visited the site and met representatives of the local community, to understand the key issues raised in submissions.

4.2 Government Agency Submissions

A total of three government agency submissions were received in response to the notification of the modification request, all of which provided comments on the proposal. The key issues raised in submissions are summarised below.

Council did not object to the modification and stated the proposal is consistent with the subdivision approved (by Council) on the southern portion of the site.

RMS did not object to the modification and confirmed it would not have a significant impact on the nearby classified State road network.

OEH did not object to the modification and provided no comments on the modification.

4.3 Public Submissions

A total of 40 public submissions were received, including a petition with 44 signatories, all objecting to the proposal. The key issues raised in submissions are summarised in **Table 2**.

Table 2 | Summary of the public submissions to the modification

| Issue | Proportion of submissions |
|--|---------------------------|
| Adverse increase in lots/density | 76.9% |
| Loss of pocket parks | 69.2% |
| Adverse traffic and car parking impact | 46.2% |
| Lots and road designs are out of character with the masterplan | 41% |
| Adverse environmental and access impacts of removal of pedestrian links to the golf course | 23% |
| The masterplan should be updated to reflect the increase in lot numbers | 20.5% |
| Inappropriately small lot sizes | 10.3% |
| Smallest lots should not be located adjacent to the beach | 10.3% |
| Adverse impact from construction traffic | 10.3% |

Concerns were also raised about the proposal setting a precedent, that indicative dwelling designs should be provided, the proposal is contrary to previous agreements by the developer with residents, insufficient community consultation and impacts on property values.

4.4 Response to Submissions

Following the notification of the modification request, the Department placed copies of all submissions received on its website and requested the Proponent provide a response to the issues raised.

On 19 December 2017, the Proponent provided a RtS, which was updated on 20 February 2018 and 2 October 2018 (**Appendix A**). The RtS contains further information and clarification of the key issues raised in public submissions. The RtS also includes the following amendments to the proposal:

- reduction of 10 proposed lots (from 58 lots to 48 lots)
- updated subdivision plan, including:
 - larger lots located adjacent to the beach
 - reinstatement of the pedestrian link between the golf course and the proposed new road
 - provision of a pocket park as an island in the three-way intersection at the northern end of the site (**Figure 4**).

The Department made the RtS publicly available on its website and re-notified the modification request between 2 October 2017 and 16 October 2017. Council, OEH, and Roads and Maritime Services (RMS) provided comments, which are summarised below:

Council: Reviewed the RtS and reiterated its comments from its previous submission. It also confirmed future development applications lodged with Council will be required to demonstrate compliance with the Wyong Local Environmental Plan 2013.

RMS and OEH: Reviewed the RtS and confirmed they had no further comments to make.

One submission was received from the Magenta Community Association. However, it did not raise any additional issues to those already summarised at **Table 2**.



5. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification request and associated documents
- the Environmental Assessment and conditions of approval for the original project
- all submission received on the proposal and the Proponent's RtS
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issue associated with the proposal is density. All other assessment issues are considered in **Section 5.2**.

5.1 Density

The proposal originally sought to increase the total number of lots within Stage R07 from 44 lots to 58 lots, to make more efficient use of the site and meet current market demand.

Concerns were raised in public submissions about the potential impacts of the additional lots on the character of the development, traffic, infrastructure, open space and car parking. In addition, public submissions requested that the Masterplan Approval, including all supporting reports, should be updated to reflect the modified lot density.

In response, the Proponent amended the modification request by reducing the number of proposed lots by 10 lots (from 58 lots to 48 lots). The Proponent states that the proposal, as amended, results in an overall increase of four residential lots which is minor in nature, there is adequate infrastructure to service the lots, and the proposal would not have adverse amenity impacts. The Proponent also argues, that due to the minor nature of the proposed change, there is no need to update the existing Masterplan Approval reports.

The Department notes the original approval permitted a total of 398 permanent residential lots across the site. However, this was subsequently amended by MOD 1 and MOD 4, which reduced the total number of residential lots to 367 lots (see **Table 3**).

Table 3 | Comparison between the original approval, Masterplan Approval and current modification lot/unit numbers

| Land-Use Type | Original Approval | Masterplan Approval (as modified by MODs 1 & 4) | Current Modification | Overall difference (+/-) |
|----------------------------|-------------------|---|----------------------|--------------------------|
| Permanent Residential Lots | 398 | 367 | 371 | -27 |
| Tourist Units | 213 | 163 | 163 | No change |
| Total | 611 | 530 | 534 | -77 |

The proposed modification would provide four additional permanent residential lots, increasing the total number of residential lots to 371, which is 27 residential lots less than originally assessed and approved. As such, the Department is satisfied the proposed increase would not result in additional traffic or infrastructure impacts or place any significant pressure on open space or recreation facilities on the site, beyond that already assessed and approved in the original Masterplan Approval.

The Department also considers the increased density would not impact on the character of Magenta Shores, as the development already accommodates higher density dwellings, including attached dwellings.

The Department's assessment therefore concludes the proposed increase in density is minor and the proposal would not result in additional traffic, infrastructure or amenity impacts beyond those already assessed and approved in the original Masterplan. Further, given the proposal would result in the provision of only four additional lots, the Department considers it is unnecessary to require the Masterplan Approval and supporting reports to be updated.

5.2 Other Assessment Issues

Table 4 | Summary of other issues raised

| Issue | Findings | Recommendation |
|--|---|---|
| Consistency with the Masterplan Approval | <ul style="list-style-type: none"> The Masterplan Approval specifies the indicative subdivision layout for the development, including lot layouts, pedestrian access points and open space. It does not specify specific lot density or dimension controls. The Masterplan Approval also contains two conditions relevant to the assessment of the proposed modification. These are: <ul style="list-style-type: none"> Condition 2 - which states future residential layouts shall allow for a mixture of attached and freestanding dwellings; and Condition 5 - which requires a maximum of 75 % of all accommodation provided should be permanent residential. All other conditions of the Development Approval relate to matters of detailed design and are therefore, unrelated to the proposed modification. The Department is satisfied that the proposal is consistent with the Masterplan Approval as: <ul style="list-style-type: none"> it retains key features of the Masterplan Approval, including pedestrian access points to the golf course and the beach (the modification of pocket parks is discussed in the following section) the four additional lots would result in 31 % of all accommodation being permanent residential with the remaining 69 % for tourist accommodation, which complies with Condition 5. Further, while the proposed lots within Stage R07 would likely accommodate freestanding dwellings, the Department notes 30 lots in the adjoining Stage R08 would facilitate terrace housing along the beach front area. The Department is therefore, satisfied the overall development would still provide an appropriate mix of attached and freestanding dwellings. The Department is therefore satisfied the modified proposal is consistent with the requirements of the original Masterplan Approval. | No additional conditions or amendments necessary. |
| Pocket parks | <ul style="list-style-type: none"> The Masterplan Approval requires the provision of 'pocket parks' within Stages R01, R02 and the stages along the beachfront. The pocket parks comprise landscaped islands within the roadway (Figure 2). Concerns were raised in public submissions about the deletion of pocket parks and the amendments resulting in the provision of an uncharacteristically straight road. The Department previously supported the removal of two pocket parks within Stage R08 (MOD4). However, the Department does not support the removal of further pocket parks along Pebble Beach Avenue as it would result in an uncharacteristically straight road along the beach front and be inconsistent with the intent and design of the Masterplan Approval. In response, the Proponent amended the proposal to reinstate a pocket park within Stage R07, located at the three-way intersection at the northern end of the site (Figure 4). The Department supports the inclusion of a pocket park in the northern end of Pebble Beach Avenue. However, the Department considers an additional pocket park should be provided at the southern end of Pebble Beach Avenue to break up this section of straight road and ensure the proposal remains consistent with the original Masterplan. Subject to the reinstatement of an additional pocket park at the southern end of Pebble Beach Avenue, the Department considers the proposal is acceptable. | The Department has recommended a modified Condition 7 requiring the provision of an additional pocket park. |

| Issue | Findings | Recommendation |
|---|---|---|
| Lots adjacent to the beach | <ul style="list-style-type: none"> Concern was raised in public submissions about the proposed lots adjacent to the beachfront being too dense. The Department initially raised concern about the location of narrow lots on the southern side of Pebble Beach Avenue being out of character with the surrounding development and the adjacent beach/coastal protection zone. In response, the Proponent amended the proposal to increase the lot sizes adjacent to the beach so they could accommodate freestanding dwellings (Figure 4). The Department is satisfied the revised lot sizes adjacent to the beach are now of an acceptable size and density, and notes <ul style="list-style-type: none"> the proposed lots range in size from 336 m² to 426 m² which is similar to the lot sizes approved within the adjacent Stage R08 to the west the lots are all regular in shape and capable of accommodating houses with sufficient setbacks, landscaping, solar access and amenity the Masterplan Approval and Wyong Local Environmental Plan 2013 do not include minimum lot sizes for the site. | No additional conditions or amendments necessary. |
| Pedestrian link to the golf course | <ul style="list-style-type: none"> Concern was raised in public submissions about the deletion of the pedestrian pathway connecting Pebble Beach Avenue to the southern side of the 18th hole (approximately mid-way along the fairway) as it would result in the loss of a wildlife corridor and reduce pedestrian connectivity. In response, the Proponent reinstated the connection between the golf course and Pebble Beach Avenue (Figure 4). The Department considers the proposal is acceptable and notes pedestrian access to the golf course is also possible at the end of the 17th hole and the beginning of the 18th hole from Pebble Beach Avenue. | No additional conditions or amendments necessary. |
| Construction traffic | <ul style="list-style-type: none"> Concern was raised in public submissions about the proposal resulting in additional construction traffic impacts. The Department is satisfied the proposal would not generate any significant construction traffic impacts as: <ul style="list-style-type: none"> it does not include any changes to the existing Magenta Shores access from the Central Coast Highway at the site's eastern boundary the site would be accessed by the extension of Pebble Beach Avenue connected to White Haven Avenue / Huntingdale Drive, which is considered appropriate and acceptable the four additional lots would not generate any significant additional construction impacts compared to the original approval. Further, the Department notes construction impacts would be appropriately considered by Council during the assessment of future subdivision / development applications. | No additional conditions or amendments necessary. |
| Dwelling design | <ul style="list-style-type: none"> Concerns were raised in submissions that detailed drawings of dwellings should be provided at this stage. The Department notes the Masterplan Approval did not approve any detailed dwelling designs and the modification does not propose any amendments to existing conditions relating to the height, scale, and floor space ratios for future dwellings. Further, the Department is satisfied detailed design matters would be appropriately considered by Council during the assessment of future development applications. | No additional conditions or amendments necessary. |
| Development precedent | <ul style="list-style-type: none"> Concern was raised in public submissions about the proposed increase in density and amendments to lot and road layouts setting a precedent for further modifications of the Masterplan. The Department notes the planning process allows the Proponent to submit a modification should it wish to do so. Any future modification would be assessed on its merits, having regard to the impacts of the proposal and issues raised in | No additional conditions or amendments necessary. |

| Issue | Findings | Recommendation |
|--|---|---|
| | submissions. The Department therefore, does not consider the proposal would set a development precedent. | |
| Property values and private agreements | <ul style="list-style-type: none"> The Department notes a number of submissions raised concern about the impact of the proposal on property values. While property values are not a relevant planning matter, the Department has assessed the merits of the modification and concludes the it would not result in any unacceptable impacts, subject to conditions. As such, the Department is satisfied the proposal would not have a negative impact on property prices. Concerns were raised in public submissions that the proposal is contrary to existing Land Title document with regard to homeowner rights, share use entitlements, public access arrangements and development guidelines. The Department considers any amendments to existing private agreements is a private matter between the developer and residents and therefore does not form part of the considerations of this modification request. | No additional conditions or amendments necessary. |
| Coastal Management | <ul style="list-style-type: none"> The Department has considered the proposal against the requirements of the State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP), which commenced on 3 April 2018. The Coastal SEPP consolidates and replaces SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection). The Coastal SEPP identifies the site is located within the Coastal Use Area, therefore, the proposal must be considered against the requirements of Clause 14 of the Coastal SEPP. The Department has undertaken a detailed assessment of the proposal against the requirements of Clause 14 of the Coastal SEPP at Appendix B and concludes the proposal would not have an adverse impact on the Coastal Use Area as, public access to the foreshore is retained and it would not result in adverse wind, visual or archaeological impacts. | No additional conditions or amendments necessary. |



6. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposal is acceptable as:

- the Proponent has amended the proposal in the RtS, addressing the majority of issues raised in public submissions
- the increase of four residential lots within Stage R07 is minor and would not result in additional traffic, infrastructure or amenity impacts beyond those already assessed and approved in the original Masterplan
- the modification is consistent with the Masterplan Approval and maintains its key features including access to the golf course and the beachfront
- the Department supports the inclusion of a pocket park at the northern end of the site. However, to prevent the creation of an uncharacteristically straight road, the Department recommends the road layout be amended by the inclusion of an additional pocket park at the southern end of the site
- the larger lots provided along the southern side of Pebble Beach Avenue, adjacent to the beach, are of an acceptable size and density
- construction impacts would be considered in further detail by Council during the assessment of future subdivision / development applications.

The Department's assessment therefore concludes the modification request is approvable, subject to conditions (outlined in **Appendix C**). This assessment report is hereby presented to the Commission for determination.

Recommended by:

Anthony Witherdin
Director
Regional Assessments

Recommended by:

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments



Appendices

Appendix A – Relevant Supporting Information

Appendix B – State Environmental Planning Policy (Coastal Management) 2018

Appendix C – Notice of Modification

Appendix A – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website at:

1. Modification request
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8650
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8650
3. Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8650

Appendix B – State Environmental Planning Policy (Coastal Management) 2018

Table 5 | Coastal SEPP, Clause 14 matters for consideration

| Coastal SEPP matters for consideration | Comment |
|---|---|
| Clause 14 – Coastal use area | |
| (a) has considered whether the proposed development is likely to cause an adverse impact on the following: | |
| (i) existing, safe public access to and along the foreshore, beach, headland or rock platform, and | The modification retains public pedestrian access to the beach. |
| (ii) overshadowing, wind funneling and the loss of views from public places to foreshores, and | The proposed amendment to lot numbers and locations would not have adverse wind or view impacts on public spaces or the foreshore. |
| (iii) the visual amenity and scenic qualities of the coast, including coastal headlands, and | The amendment to lot locations and dimensions would not have an adverse impact on visual or scenic qualities. |
| (iv) Aboriginal cultural heritage and places, and | The modification does not propose to change the footprint of the development and would not have any archaeological impacts beyond those originally assessed and approved. |
| (v) cultural and built environment heritage, and | The location of the modified lots are within the boundary of the Masterplan Approval and would not result in any additional impacts beyond those already assessed and approved. |
| (b) is satisfied that: | |
| (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or | The Department is satisfied that the proposed modification has been designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a) as the footprint of the development would remain the same, and the proposed changes are minor and would not result in any adverse impacts beyond those already assessed and approved. |
| (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or | |
| (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and | |
| (c) has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development. | The modification has been amended to enlarge the lots closest to the coastal conservation zone. As discussed at Section 5.2 the revised lot sizes are considered acceptable. All future development on the subject site will be subject to further detailed assessment by Council |

Appendix C – Notice of Modification

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8650