

Modification of Development Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Independent Planning Commission modifies the development approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Member of the Commission

Member of the Commission

Sydney

2018

SCHEDULE 1

Development Approval: DA 32-1-2003 granted by the Minister for Planning on 3 February 2004

For the following: Stage 1 Master Plan DA for an Integrated Tourist Facility and golf course, including community title subdivision.

Consent Authority: Minister for Planning

The Land: 300 Wilfred Barrett Drive, Magenta

Modification: DA 32-1-2003 MOD 5: the modification includes:

- increase of four permanent residential lots
- reconfiguration of the layout and size of lots
- realignment of roads.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 – Conditions of Consent, Condition 1B is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

1B Approved Plans & Documentation

- The development must be generally in accordance with Development Application No. 32-01-2003, submitted by Mirvac Projects Pty Ltd in respect of the development at Lot 632 & 633 DP 823717, Lot 650 DP 1017542 Wilfred Barrett Drive and a part of public road Wilfred Barrett Drive, The Entrance North and the following:
- Statement of Environmental Effects – Titled “*Masterplan Stage 1 Integrated Tourist Facilities*” – Volume 1 & 3, prepared and compiled by JBA Urban Planning Consultants (incorporating reports from relevant expert consultants), dated January 2003 and modified by section 96 Applications to Modify Development Consent as follows:
 - MOD 110-10-2004 submitted 29 October 2004 prepared by JBA Urban Planning Consultants
 - MOD 70-5-2006 submitted 23 May, 2006 from the Mirvac Group.
- Section 75W Modification Application (DA 32-1-2003 MOD 4) prepared by The Design Partnership dated 02/08/2016 and Response to Submissions dated 31/10/2016.
- **Section 75W Modification Application (DA 32-1-2003 MOD 5) prepared by The Design Partnership dated 06/09/2017 and Response to Submissions dated 19/12/2017, email titled Request for Further Information from Paul Seisums dated 20/02/2018 and letter titled Further Information Request, Section 75W Modification – North Entrance ‘Magenta Shores’ (DA 32-1-2006 MOD 5) prepared by Perception Planning dated 21/08/2018.**
- Supplementary reports on “*Vegetation Buffer Size and Structure*”, “*Comprehensive Cumulative Ecological Impacts*”, “*Supplementary Composite Report on Ecological Considerations*”, prepared by *Wildthing* Environmental Consultants and dated September 2003.
- “*Statement of Effects on Threatened Flora & Fauna*” for a pipeline route within the Wilfred Barrett Drive Road Reserve, prepared by *Wildthing* Environmental Consultants and dated August 2003.
- ‘Conditions of Keeping of Dogs, Magenta Shores Estate’ prepared by Dr Stephen Ambrose (Ambrose Ecological Services Pty Ltd) and Dr Andrew Smith (Austeco Environmental Consultants). (Ownership of Cats is not permitted and ownership of small dogs is permitted within the constraints provided by this document.)
- Drawings (~~SEE – Volume 2~~) Job No. **001329**, identified as follows:-

No.	DRAWING TITLE	ISSUE
	Architectural (prepared by hap)	
M000	Title Page	D (Oct 2004)
M001	Perspective 1 st Hole	B (Oct 2004)
M002	Masterplan	D (Oct 2004)
M003	Location Plan	A (Jan 2003)

M004	Site Analysis	A (Jan 2003)
M005	Existing Contours	A (Jan 2003)
M006	Golf Course Layout	D (Oct 2004)
M007	Proposed New Contours	A (Jan 2003)
M008	Open Space Plan	D (Oct 2004)
M009	Staging Plan	D (Oct 2004)
M010	Public Access	D (Oct 2004)
M011	Cycle/Pedestrian Network	D (Oct 2004)
M012	Public Hierarchy Plan	D (Oct 2004)
M013	Road Sections 1 + 2	B (Nov 2003)
M014	Road Sections 3, 4 + 5	B (Nov 2003)
M015	Community Subdivision Plan	D (Oct 2004)
M016	Principal Resort Building – Basement Plan	B (Oct 2004)
M017	Principal Resort Building - Ground Floor Plan	C (Oct 2004)
M019	Principal Resort Building/Site Sections	B (Oct 2004)
M020	Principal Resort Building Perspective	B (Oct 2004)
M021	Typical Resort Villa Plans	A (Jan 2003)
M022	Streetscape Perspective	A (Jan 2003)
M023	Typical House Plans	A (Jan 2003)
M024	Streetscape Perspective	A (Jan 2003)
M025	Dunal Pathway and Facilities	B (Oct 2004)
M026	Principal Resort Building Road and Parking Provisions	B (Oct 2004)
M027	Clearing and Vegetation Buffer Plan	C (Jan 2004)
M028	Southern Portion of Golf Course	B (Oct 2004)
M029	Banksia Woodland Retention, Removal & Re-establishment Plan	A (Jan 2004)
F01	Fence details	A (Aug 2006)
	Landscape (prepared by PSB)	
LS01	Landscape Analysis – Soils	A (Jan 2003)
LS02	Landscape Analysis – Existing Vegetation Communities	A (Jan 2003)
LS03	Landscape Analysis – Site Morphology	A (Jan 2003)
LS04	Design Principles – Buffers and Access	A (Jan 2003)
LS05	Design Principles – Succession Patterns	A (Jan 2003)
LS06	Landscape Character Zones	A (Jan 2003)
LS07	Permanent Residential Landscape Concept	A (Jan 2003)
LS08	Permanent Residential Pocket Park Concept	A (Jan 2003)

LS09	Permanent Residential Landscape Sections	A (Jan 2003)
LS10	Resort Complex – Landscape Concept	B (Oct 2004)
SMP01	Site Management Plan	A (Jan 2003)

Civil (prepared by Johnson Partners NSW Pty Ltd.)

CV 101	Stormwater Management Strategy	A (Jan 2003)
CV 102	Proposed Route of Water Main	B (Nov 2003)
CV 103	Conceptual Water Servicing	B (Nov 2003)
CV104	Reclaimed Water and Sewer Rising Main	B (Nov 2003)
CV105	Conceptual Sewer Servicing	B (Nov 2003)
CV106	Conceptual Stormwater Servicing Sheet 1	A (Jan 2003)
CV 107	Conceptual Stormwater Servicing Sheet 2	A (Jan 2003)

As amended by the following drawings:

Subdivision Layout Plan (Project Development Surveys)

15008	Proposed Subdivision Lot 24 DP 270492	G (07.07.16)
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17036 Proposed Subdivision in a Plan of Subdivision of

Lot 24 D.P.270492 Magenta Shores Magenta

Stage R07A

A (10.08.18)

- (b) Schedule 2 – Conditions of Consent is amended by the insertion of the following new Condition 2A as follows,:

2A The subdivision plan approved as part of DA 32-1-2003 MOD 5, is approved to the extent that it provides an indicative subdivision layout and lot numbers only. The lot dimensions, site levels, road designs and pedestrian access widths indicated on the plans are not approved and will be subject to the assessment and determination of future development application/s by Council.

- (c) Schedule 2 – Conditions of Consent, Condition 7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struck out~~** words/numbers as follows:

7. The proposed 'pocket parks' within residential cluster R1 and along the beachfront are to be provided (except where amended by the layouts approved as part of Modification **applications 4 and 5**) so as to enable informal and formal recreation activities (i.e. kicking a ball or playing basketball/volleyball etc).

- (d) Schedule 2 – Conditions of Consent, is amended by the insertion of the following new Condition 7A as follows:

7A. The road layout within Stage R07 shall be amended to provide an additional pocket park within the roadway at the southern end of Pebble Beach Avenue.

The revised drawing(s) shall be submitted to and approved by the Secretary prior to the submission of a development application for Stage R07, as modified by DA 32-1-2003 MOD 5.

**End of Modification
(DA 32-1-2003 MOD 5)**