



## Planning & Infrastructure

**Section 75W Modification Request  
Subdivision, Plantain Road, Korora  
DA279-11-2004 Modification 1**



Director-General's Environmental Assessment Report  
Section 75W of the *Environmental Planning and Assessment Act 1979*

September 2013

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NSW Department of Planning & Infrastructure  
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# 1 INTRODUCTION

This report assesses an application made by OpalCoffs Holdings Pty Ltd (the proponent) to modify development consent DA279-11-2004 (the consent) at Plantain Road, Korora within the Coffs Harbour local government area.

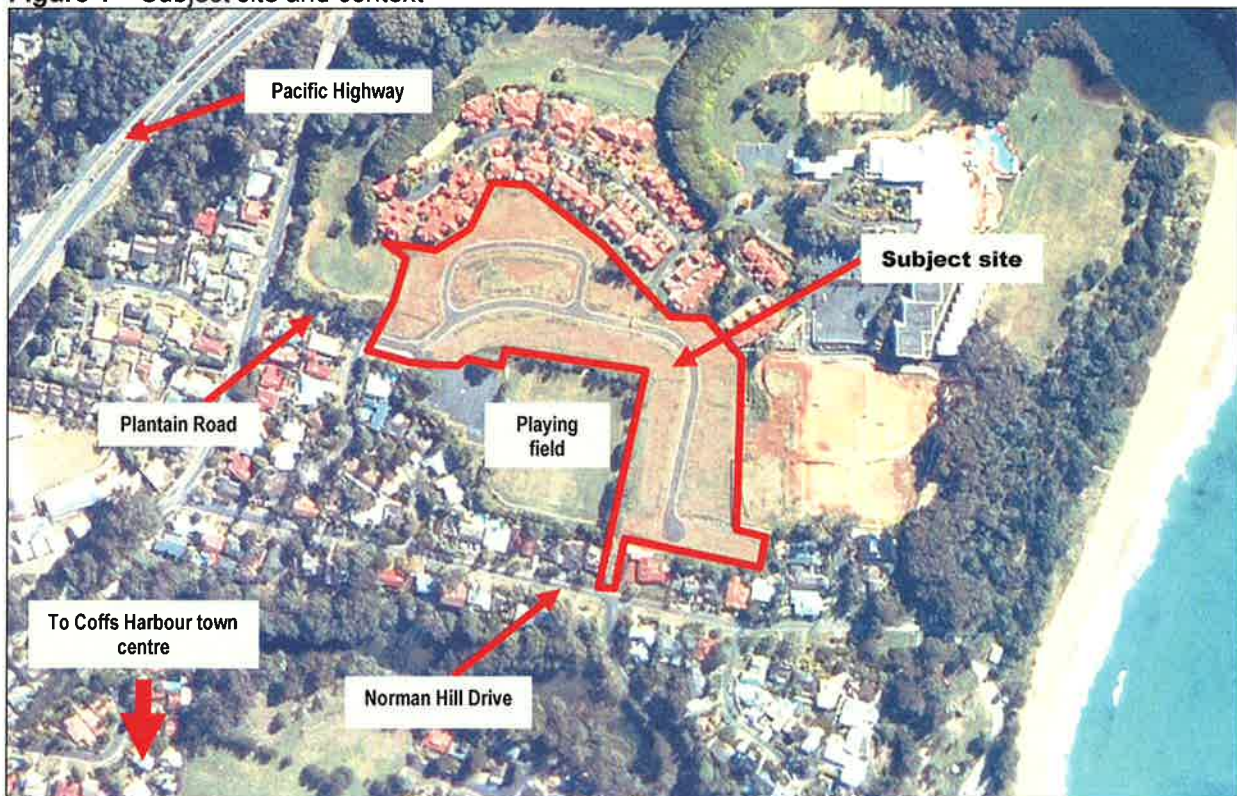
In summary, the modification seeks to amend the titling of the approved subdivision and reduce the total number of lots in respect of stages 3 and 4. The modification will replace the approved strata development lot (stage 3) with a 52-lot Torrens Title subdivision, and the approved staged construction of 85 dwellings and one mixed use building with the design and construction of four dwellings and one mixed use building (stage 4).

## 2 THE SITE

The site is located at Korora approximately 8 kilometres north of Coffs Harbour town centre on Plantain Road. It has an approximate area of 3.7 hectares and has a legal description of Lot 7, DP 270062. The site is irregularly shaped as seen in **Figure 1**.

The western part of the site is approximately 215 m from the Pacific Highway and the southern eastern corner approximately 260 m from the foreshore. Surrounding the site is low density residential development and tourist accommodation. The site is cleared and contains civil works and infrastructure installed in accordance with stages 1 and 2 of the consent.

**Figure 1 – Subject site and context**



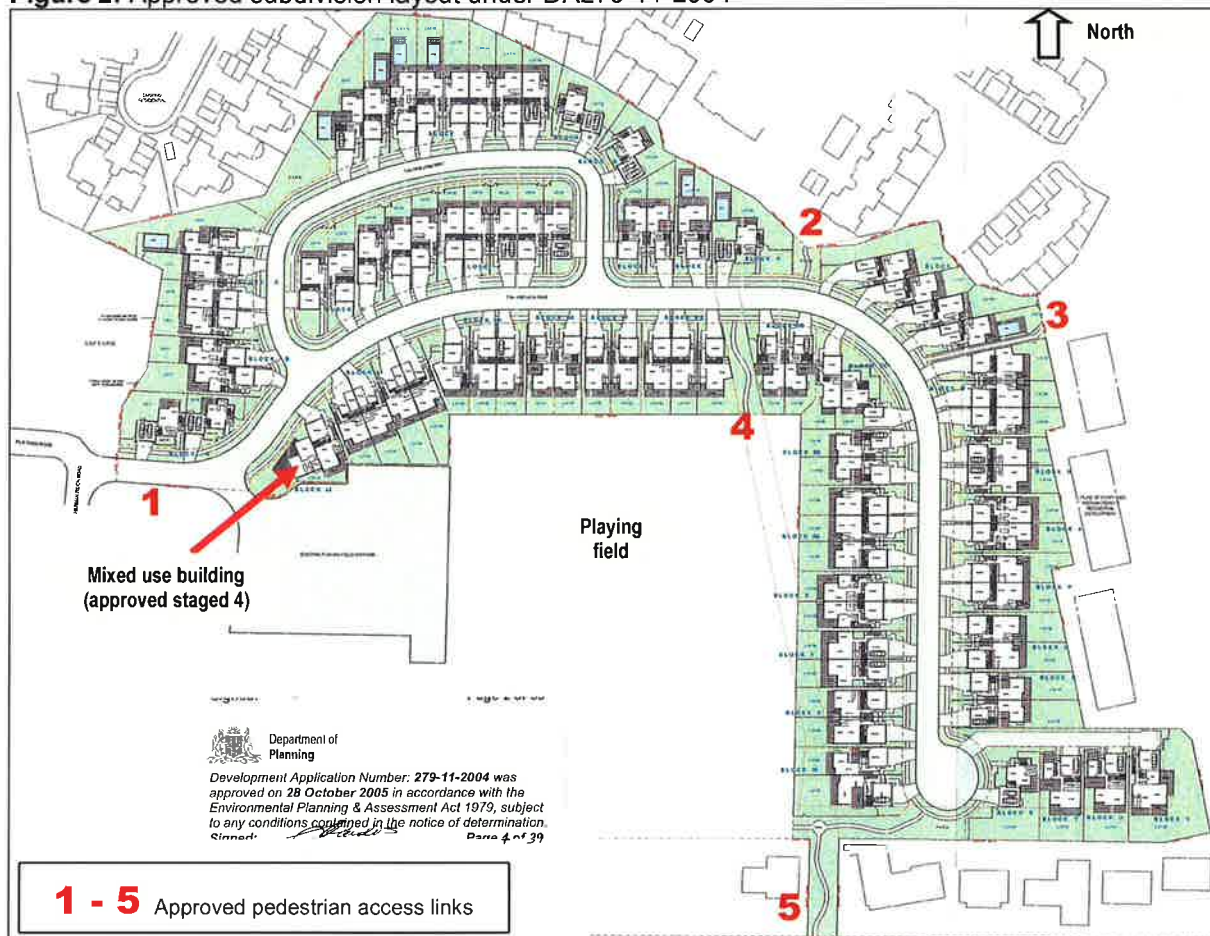


### 3 BACKGROUND

On 28 October 2005, the then Minister for Planning approved a subdivision by boundary adjustment of existing community development lots, creation of a Torrens Title lot and subdivision of that lot to create a road, public reserves and a strata development lot, staged construction and strata subdivision of 85 dwellings (DA279-11-2004). The approved development is shown at **Figure 2** and detailed at **Table 1**.

Approved stages 3 and 4 encompass the whole of the land illustrated at Figure 2: the modification seeks to change stage 3 by undertaking a 52-lot Torrens Title subdivision instead of a strata development lot; and to change stage 4 by undertaking the design and construction of four dwellings and one mixed use building instead of construction of 85 residential dwellings and one mixed use building. **Figure 3** illustrates approved stage 3.

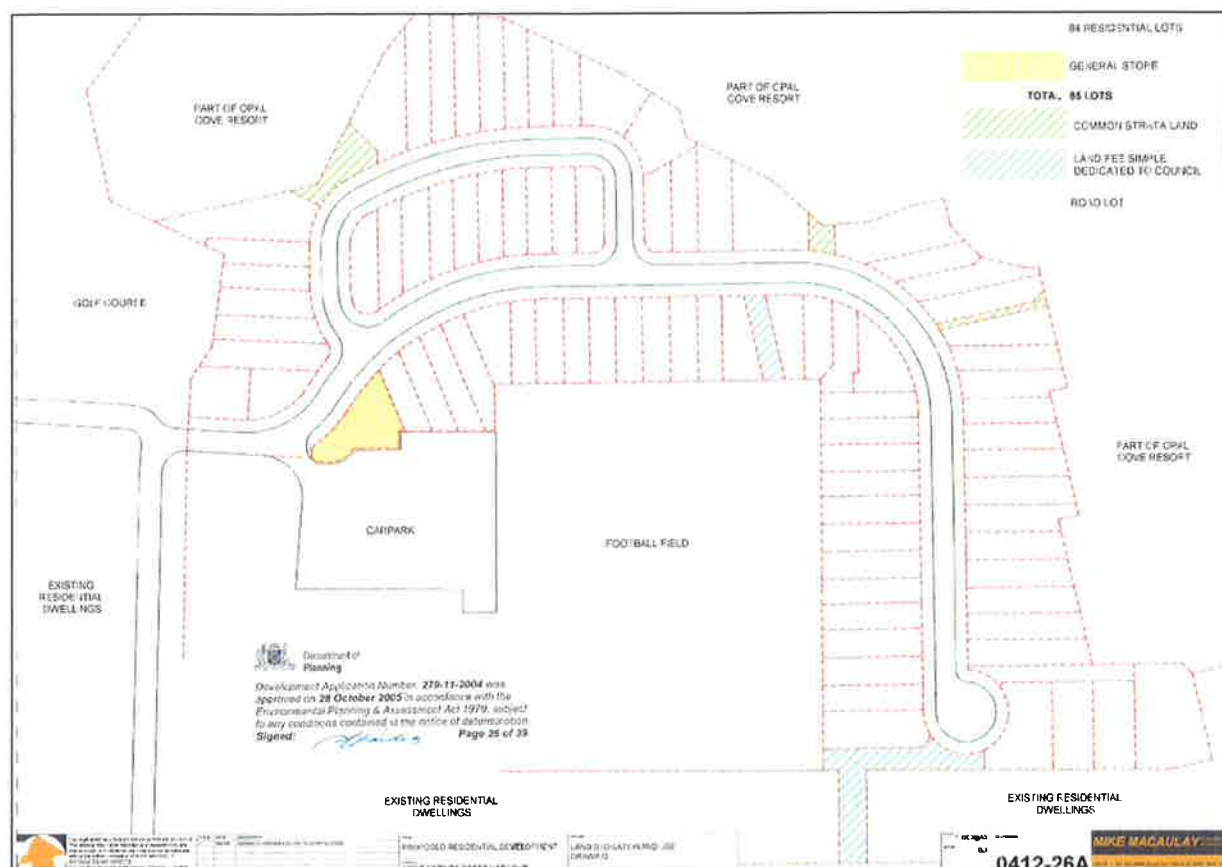
**Figure 2:** Approved subdivision layout under DA279-11-2004



**Table 1:** Approved staging and current status (proposed modifications in bold)

Stages	Description	Status
1	Subdivision by boundary adjustment of community development Lots 2 and 5 in DP 270062.	Completed
2	Severance of community development Lot 5 in DP 270062 and conversion of that lot into a Torrens Title lot.	Completed
3	<b>Subdivision to create separate lots for public reserves, public road and a strata development lot.</b>	Not completed
4	<b>Staged construction of 85 residential dwellings and 1 mixed used building and staged strata subdivision.</b>	Not commenced

**Figure 3:** Stage 3 of the approved subdivision showing public road, public reserves and strata development lot (shown as 84 residential lots)



## 4 PROPOSED MODIFICATION

The modification request seeks to amend stages 3 and 4 of the approved development only, as detailed in **Table 2** and illustrated in **Figure 4**.

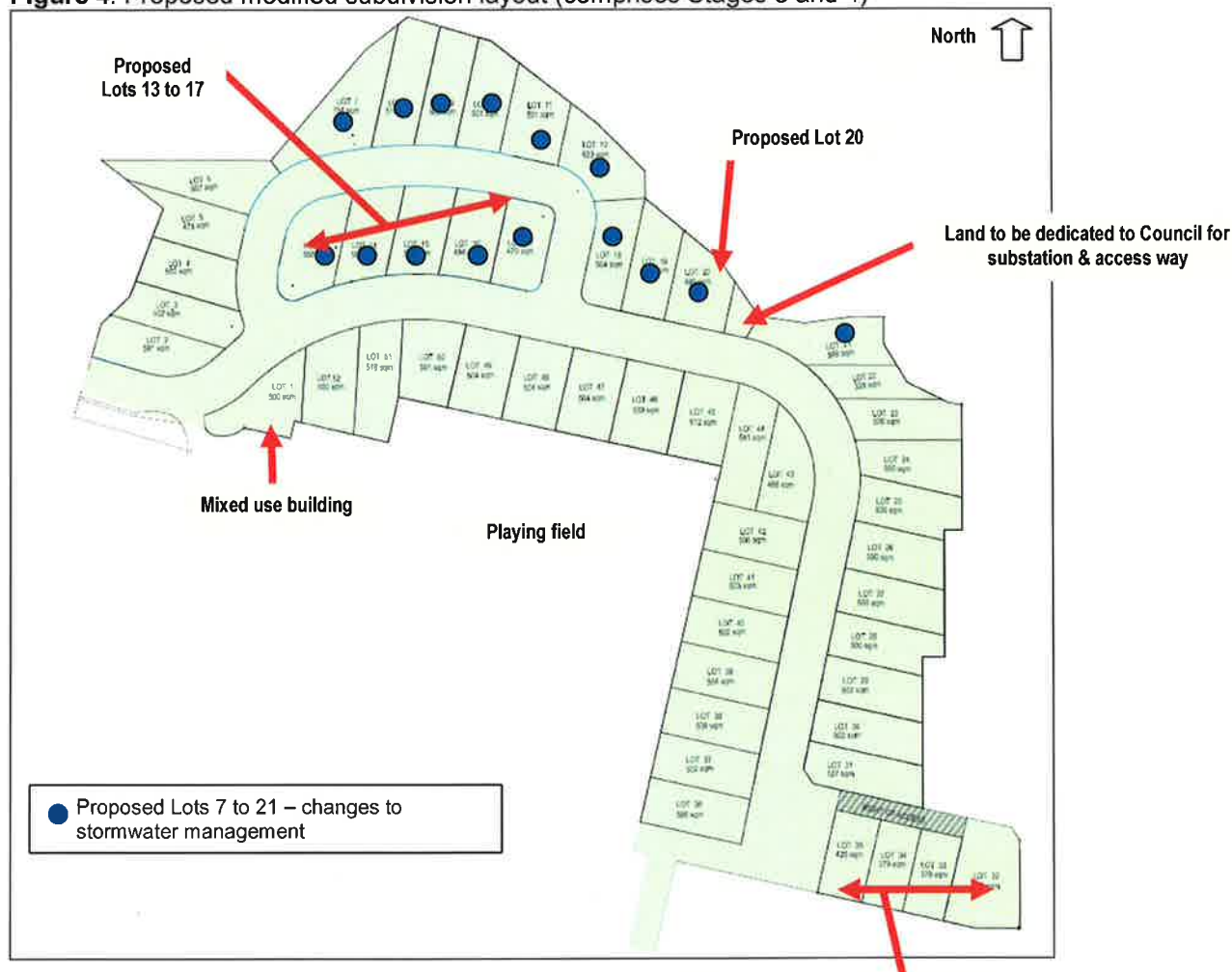
**Table 2:** Comparison of the approved development with the modification request

Stages	Approved	Modification
1	Subdivision by boundary adjustment of community development Lots 2 and 5 in DP 270062.	Not applicable.
2	Severance of community development Lot 5 in DP 270062 and conversion of that lot into a Torrens Title lot.	Not applicable.
3	Subdivision to create separate lots for public reserves, public road and a strata development lot.	<p>Torrens Title subdivision of 52 lots, new drainage easement over the inter-allotment drainage pipelines at the rear of lots, and a new right of access over a common driveway serving 3 lots on the south-eastern end of the site.</p> <p>No change to the public road reserve and service easements.</p> <p>Revised landscape and fencing plan for site boundary.</p> <p>Deletion of 2 of the 5 pedestrian links.</p>

Stages	Approved	Modification
4	Staged construction of 85 residential dwellings and 1 mixed used building and staged strata subdivision.	Design and construct 4 dwellings and 1 mixed use building.

The design and construction of dwelling houses and landscape and fencing on the remaining 47 lots (i.e. other than the 5 lots comprising the 4 dwellings and 1 mixed use building in stage 4) will be subject to future complying development certificates and/or development applications and in accordance with the proposed new development guidelines (see Sections 7.2 and 7.3 below).

**Figure 4: Proposed modified subdivision layout (comprises Stages 3 and 4)**



#### 4.1 Modifications to landscaping and fencing

The approved fencing and landscaping relates to the entire site, namely, to each of the 85 lots. Fencing is now proposed only for the outer site boundaries and landscaping proposed will address all street plantings and landscaping to some of the outer boundaries. It is proposed that all other landscaping and fencing will be dealt with as part of the development of each individual lot.

#### 4.2 Stormwater drainage

The approved stormwater management system includes a trunk system in the road reserve, which has been constructed plus inter-allotment drainage to the rear of the majority of the allotments.

The trunk drainage system in the road reserve will remain and all inter-allotment drains (except for proposed Lots 7 to 21) will be changed to easement drains. Proposed Lots 7 to 12 and 18 to 21 (see



**Figure 4)** currently drain to the north (rear) and under this modification they will need to be regraded so they fall to the south (front). The existing stormwater piping for those lots will then be extended to connect to the existing drainage system. Proposed Lots 13 to 17 (see **Figure 4**) currently drain to the north and connect to the existing drainage system. They will also be regraded to drain to the south and connect to the existing drainage system. The existing system is capable of handling the proposed revised subdivision layout.

#### **4.3 Pedestrian access links**

The approved pedestrian access links are shown numbered 1 to 5 in **Figure 2**. The modification request seeks to delete links '3' and '4'.

Link '3' was intended to access the adjoining site and the foreshore. As the adjoining development does not have public foreshore access, link 3 is no longer required.

Link '4' was originally proposed as a common property lot over a services easement to provide required built form setbacks. Those setbacks can now be accommodated within the proposed (larger) lots so a common property lot is no longer required. Coffs Harbour City Council ('Council') advised the proponent that the link '4' access is no longer required (see letter at **Appendix A**).

### **5 STATUTORY CONTEXT**

#### **5.1 Modification of the Minister's Approval**

The proposed modification to DA279-11-2004 is considered under section 75W of the *Environmental Planning & Assessment Act 1979* (the Act), as the development was originally approved as State Significant Development and Integrated Development. From 3 September 2010, clause 8J of the *Environmental Planning & Assessment Regulation 2000* (the Regulation), requires that all forms of State Significant Development be modified under section 75W of the Act.

In accordance with Clause 12 of Schedule 6A of the Act, section 75W, in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to the modification of development consents referred to in clause 8J of the Regulation. Consequently, this report has been prepared in accordance with the requirements of Part 3A of the Act and the Regulation, and the Minister (or his delegate) may approve or refuse the modification. The consent, however, remains an approval under Part 4 of the Act.

#### **5.2 Environmental Assessment Requirements**

Section 75W(3) of the Act provides that the Director-General may notify the proponent of environmental assessment requirements (DGRs) with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister. DGRs were issued on 25 January 2011.

#### **5.3 Delegated Authority**

On 14 September 2011, the Minister delegated his powers and functions under section 75W of the Act to Directors in the Major Projects Assessment Division. This applies in cases where the relevant local Council has not made an objection, a political disclosure statement has not been made and there are less than ten public submissions in the nature of objections.

No public submissions were received, Council did not make an objection and a political disclosure statement has not been made. Accordingly, the Director, Industry, Social Projects and Key Sites may determine the modification request under delegated authority.

## 6 EXHIBITION AND SUBMISSIONS

### 6.1 Exhibition

Under section 75X(2)(f) of the Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with clause 8G of the Regulation, the request for modification was made publicly available on the Department's website. The Department also notified Council and requested comments on the proposed modification.

The Department considered that public exhibition and referral of the modification request to the Rural Fire Service (RFS) were not warranted given it proposes to reduce the number of dwellings and essentially retains the approved subdivision layout. The general terms of approval issued by the RFS to the original application were incorporated in the development consent.

### 6.2 Submissions

Council did not object to the application in principle and provided the following comments:

- i. Proposed Lot 20 (see **Figure 3**) appears to be significantly burdened by services and should be absorbed into the adjacent lots. Alternatively, the configuration of proposed Lots 18, 19 and 20 may be reviewed to allow for appropriate building envelopes on each, whilst protecting the infrastructure.
- ii. A pedestrian pathway, over the services corridor, should be provided to the playing field, as required by the existing development consent (link '4' in **Figure 2**).
- iii. The residential housing development located on proposed Lots 32 to 35 (see **Figure 4**) is considered unsuitable for Torrens Title subdivision. In this regard, due to the infrastructure and design sharing considerations it would be more appropriate for this development to be strata titled (sharing common areas and a driveway) or community titled (with the common driveway being the community lot).
- iv. Additional development guidelines for proposed Lots 13 to 17 should be provided, given their double frontages (see **Figure 4**). These guidelines should specify to which road future housing development will front and detail fencing controls/heights to rear yards.
- v. Concerns that the proposed perimeter landscaping within the lots and adjacent to the playing field boundary fence may not be maintained or provide for sufficient privacy and amenity for the future residents of these lots. The development consent should be modified to require the proponent to consult with Council's recreation services section to resolve a mutually agreed interface between the playing field and private fencing to the adjoining lots, which is consistent in design and treatment for all affected lots.
- vi. In order to address amenity impacts on existing and established housing it may be more appropriate for the development to incorporate restrictive building envelopes (limited by title restrictions) for certain lots, noting that landscaping provided by the developer of the subdivision is not considered to be a permanent measure for addressing privacy and amenity considerations.
- vii. Infrastructure built to date at this site does not meet Council's standards, and may not be adequate for the conversion to Torrens Title, including roads, water, sewer, inter-allotment drainage and electricity (substation and associated infrastructure).

Council provided a second submission after the proponent had responded to its issues, and advised as follows:

- i. Comment still applies.
- ii. Reasons for deletion noted and agreed.
- iii. Comment still applies.
- iv. Proposed condition to amend Development Guidelines noted and agreed.
- v. Agreed consultation has already occurred, comment no longer applies.
- vi. Department should determine suitability of proposed building envelopes and design criteria relative to existing developments adjacent to the site.



- vii. Noted work to date has been done with Council as the certifying authority. Outstanding civil works may be addressed as part of the construction certificate process following the determination of the modification request.

## 7 ENVIRONMENTAL ASSESSMENT

The Department has considered the key issues associated with the modification request, including:

- subdivision layout and land titling;
- dwelling design and construction;
- landscaping and fencing; and
- deletion of two pedestrian access links.

### 7.1 Subdivision layout and land titling

The modification request seeks a reduction in the number of residential lots (from 85 to 52) and a Torrens Title rather than a strata title subdivision. As per the original consent, the design and construction of four dwellings and one mixed use building will be retained. The remaining 47 lots will range in area from 328 m<sup>2</sup> to 607 m<sup>2</sup> (compared with the approved lots of 211 m<sup>2</sup> to 583 m<sup>2</sup>). The proposed modified lots will be able to accommodate dwelling houses as complying development or subject to development applications, consistent with the NSW Government's housing code, and Council's Development Control Plan for Low Density Housing, respectively.

The proposed plan of subdivision maintains the approved lot orientation, road pattern, access, boundary interfaces and landscaping. The main difference is an increase in lot sizes to accommodate detached dwellings rather than a mixture of detached and semi-detached dwellings. The proponent has advised the proposed changes in land titling and lot size are due to a lack of market demand for the approved layout and titling.

The civil works and infrastructure as part of stages 1 and 2 of the consent have been completed and will be retained and used for the proposed subdivision layout, including the road layout.

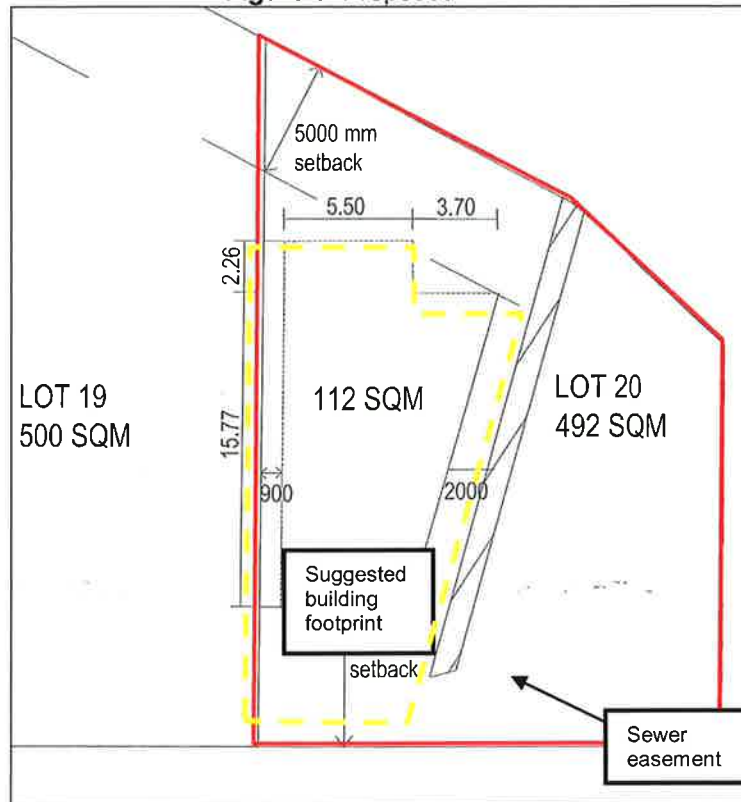
In response to Council's point (i) (see section 6.2 above), the layout of proposed Lot 20 (see **Figure 4**) has been amended since both of Council's submissions. The lot is proposed to be 492 m<sup>2</sup> in area, 230 m<sup>2</sup> less than its equivalent approved Lot 32 of 722 m<sup>2</sup>. Approved Lot 32 had a service easement running east-west within the front building setback along the road frontage and one service easement (for sewer) running north-south.

Under the original approval, the north-south easement was to be relocated to the land to the east (the land to be dedicated to Council). The modification application proposes to retain the sewer line in situ but provide a building footprint that will be set back the required 2 m from the easement. The easement running east-west will remain in the front 6 m building setback. **Figure 5** shows the proposed layout of Lot 20 and a suggested building footprint of 112 m<sup>2</sup>. The footprint could be slightly larger if the rear building line was parallel with the rear boundary.

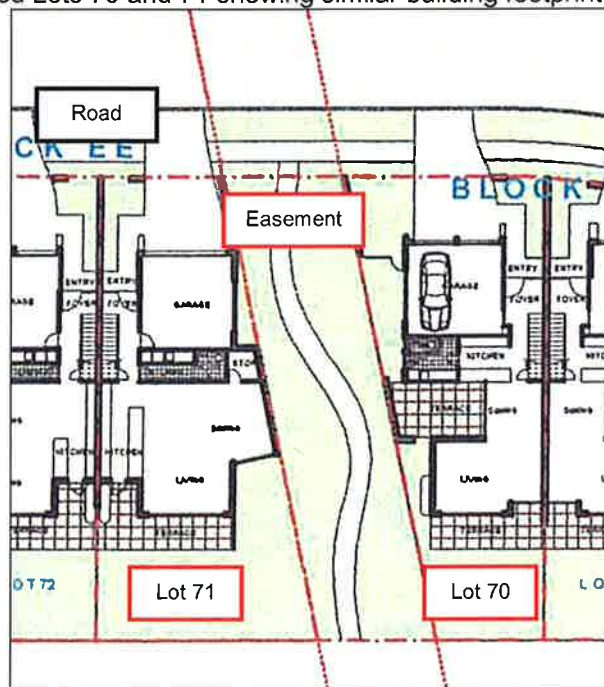
The proponent investigated Council's suggestion to redesign proposed Lots 18 to 20. However, due to individual site sewer infrastructure already installed, the layout needed to remain substantially the same as proposed to avoid sewer lines.

Proposed Lot 20 will be smaller than approved Lot 32 and retain the service easement within its front setback plus the north-south easement, but still provide an adequate area for a dwelling house. The approved subdivision layout contained other lots with similar constraints (and irregular shapes): Lots 70 and 71 (**Figure 6**) were approved adjoining an easement for services which were to be contained in a path connecting the playing field. This path is proposed to be deleted (see section 7.4). Lot 70 had an approximate building footprint of 130 m<sup>2</sup> which is more than proposed Lot 20 but they both have an irregular shape.

**Figure 5: Proposed Lot 20**



**Figure 6: Approved Lots 70 and 71 showing similar building footprint to proposed Lot 20**



In response to Council's point (iii) in section 6.2, proposed Lots 32 to 35 (see **Figure 4**) are the same as approved Lots 50 to 53, except for the titling. Approved Lots 50 to 53 are strata titled lots with the common driveway being a common lot. Proposed Lots 32 to 35 will be Torrens Title. A common driveway will be provided with a right of access benefiting proposed Lots 32 to 34 (three lots sharing a common driveway), and proposed Lot 35 will have direct road frontage.

Council's Subdivision Development Control Plan requires that subdivision creating more than two lots using a common driveway must be strata or community titled. This is due to concerns about management of letter boxes, waste collection and electricity meters that require public road frontage. The proponent's response to this requirement is that community or strata title management schemes and associated legal complications and costs would be disproportionate and unnecessary to manage waste collection, letter boxes and electricity meters for three lots.

The Department agrees with the proponent's response because mailboxes and electricity meters can be accessed off the common driveway and future residents can take their rubbish bins to the public road for collection. Requiring strata or community titling for three lots is considered excessive and Torrens Title will be satisfactory.

Part C (for Stage 2 of the development) of the original consent contains conditions relating to infrastructure for the subdivision component of the development. Those works are required to be constructed to meet Council's standards and requirements. This can still be achieved with the proposed change in lot layout. In response to Council's point (vii) in section 6.2, this matter is addressed as part of this modification request but does not need full resolution prior to any determination of the application.

The proponent has provided the following information in response to its liaison with Council's engineers:

- the construction of infrastructure to date has been carried out with Council as the certifying authority. This includes sewer and water mains, stormwater drainage mains, electricity and telecommunications conduits, and roads. The infrastructure yet to be completed includes inter-allotment drainage pipes on the rear of some lots, the electrical substation next to proposed Lot 20 (see **Figure 4**), and final surfacing of roads, all proposed to be completed prior to issue of a subdivision certificate;
- the proponent's design engineers have confirmed the infrastructure as approved and constructed can accommodate the proposed 52 dwellings. The only significant change is the need to redesign the substation, which has been finalised and will be located on the separate lot adjacent to proposed Lot 20; and
- the proponent's construction engineers have confirmed with Council's engineers (after Council's first submission) that existing road, water, sewer and stormwater drainage infrastructure is acceptable for dedication to Council subject to completion and some relatively minor modification works.

The Department is satisfied that the existing infrastructure will be able to accommodate the proposed changes to the subdivision layout.

The Department has no issues regarding lot amenity, infrastructure provision, traffic and access: the original assessment of those matters is still applicable or only minor changes have been made to accommodate the new lot layout and do not impact upon those matters. The Department is satisfied the amended lot layout and land titling will result in a development substantially the same as originally approved.

## **7.2 Dwelling design and construction**

With the deletion of the design and construction of most of the dwellings as part of the consent, the modification request includes development guidelines for each proposed lot. Those guidelines will form part of the contract of sale for each lot, binding future purchasers to building in accordance with the guidelines' requirements.

The guidelines have been prepared by the proponent's architect to be consistent with the Housing Code in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and Council's Development Control Plan for Low Density Housing. An example is shown in **Figure 7**.



# GUIDELINES

**SETBACK**  
6 meter setback to front street.

900 mm side boundary setbacks,  
Minimum rear boundary setback  
identified to achieve POS  
requirement in accordance with  
CHCC low density housing DCP

**HOME ENVELOPE**  
Maximum 2nd storey wall length  
without articulation 10 meters

2 car garage must be within  
footprint of home envelope  
Minimum private open space  
90 sqm in one area.  
Provide 2 car spaces upon  
driveway within boundary  
and outside home footprint.

**HEIGHTS**  
Maximum 2 storeys in accordance  
with CHCC low density housing

**LOT 16**  
494 sqm

6000 mm setback  
900  
18000  
6000 mm setback  
900  
18000  
Maximum 2 Storey wall length without articulation 10 m

N

The diagram shows a rectangular lot labeled 'LOT 16' with an area of '494 sqm'. The lot is oriented with its longer sides parallel to a street shown at the bottom. The front boundary (bottom) has a '6000 mm setback' from the street. The side boundaries (left and right) have '900' mm setbacks. The rear boundary (top) has a '6000 mm setback' from the rear boundary line. A dimension line on the right side indicates a total width of '18000'. A note on the right side states 'Maximum 2 Storey wall length without articulation 10 m'. A north arrow is located in the top right corner.

- the submission of final design guidelines to ensure the lot boundaries and areas match the final registered plan of subdivision (as the final subdivision plan usually differs slightly from the development application plans); and
- a note to proposed Lots 13 to 17 to exclude driveway access and garages from the northern road frontage and to proposed Lot 20 to include appropriate setbacks to the services easements burdening the lot.

### 7.3 Landscaping and fencing

Due to the proposed land titling changes, the proposed landscaping will cover street tree plantings and some of the outer boundaries only, and fencing is proposed to the outer site boundaries only. This contrasts with the approved strata subdivision which proposed landscaping and fencing to each individual lot.

The modification request includes slight changes to the site boundary fencing. The approved site boundary fencing is palisade (1.5 m high) and timber (1.8 m) except to the boundary with the playing field where existing mesh fencing will be retained.

Some (colourbond) fencing has been installed to the site's eastern boundary and is proposed for the remainder of the northern and western boundaries (to a height of 1.8 m). Apart from the boundaries with Council's land (see discussion below), the Department considers that colourbond fencing is an unsatisfactory option in this location compared with the approved palisade/timber fencing and recommends this component of the modification request be refused.

Proposed landscaping changes include new tree and shrub plantings along the northern boundary. Originally, this boundary included established vegetation (with a significant number of trees) which has since been removed, hence the proposed new plantings.

In response to Council's point (v) in section 6.2, the proponent and Council have agreed to the fencing and landscaping for the interface to the playing fields. The chain mesh fencing is as approved, and landscaping is detailed in the submitted plans. Council did not raise any concerns about this issue in its second submission.

The landscape plans show 1.5 m high fencing along the northern boundary and the fencing plan shows fencing to a 1.8 m height. This anomaly is proposed to be corrected by a new condition (see below). The condition will also permit flexibility for the northern boundary to allow for negotiations with the adjoining landowners.

Proposed condition:

'The approved fencing plans (0412-21 RevB and 0412-22 RevB) prevail over any inconsistent fencing description in the approved landscape plans (0312-01 RevB, 0312-02 RevB, 0312-03 RevB and 0312-05 RevA).

Notwithstanding the above, the fencing to the northern boundary (adjoining existing residential development) is to be between 1.5 – 1.8 metres in height above existing ground level.'

### 7.4 Pedestrian access links

Five pedestrian links were approved under DA279-11-2004, as shown in **Figure 2**. The modification request proposes to delete pedestrian links '3' and '4'.

Link '3' was intended to link to a path within the adjoining site and onto the foreshore. As the adjoining site (currently under construction) will not provide a public link to the foreshore, link 3 is no longer required.

The Department considers the deletion of link '3' is acceptable because there is no further thoroughfare available on the adjoining site, rendering the link redundant. Access is available in the north of the site (Link '2') to Garnet Place, Opal Cove Resort and the foreshore.

Link '4' was originally proposed as a common property lot over a services easement and to provide setbacks to either side of the easement that could not be accommodated within the proposed adjoining dwelling lots. The proposed reduction in lot density included in the modification request means the setbacks to the easement can now be accommodated within proposed Lots 45 and 46, either side of the easement. Therefore, a separate lot for the services and easement is no longer required.

On 23 June 2010, Council advised the proponent (**Appendix A**) that the deletion of link 4 (the service easement footpath between Lots 68 and 69) was acceptable, notwithstanding its comment (point (ii) in section 6.2) that link '4' should remain. The deletion of link '4' will mean there is no access to the playing field at this location.

However, alternative access to the playing field is available at the western and southern ends of Road 1, approximately 150 m in either direction of link '4'. The Department considers that the deletion of link '4' is acceptable given those available alternative access points.

## 8 AMENDMENTS TO CONDITIONS

The proposed modified consent will be substantially the same as approved. However, due to the proposed re-ordering and deletion of many of the conditions, the Department considers a new consolidated consent incorporating the proposed modifications should be issued.

The approval will be modified to a primarily Torrens Title subdivision with the construction of five buildings. This means many conditions will now need to be satisfied prior to the issue of the subdivision certificate for stage 3, not prior to the issue of construction certificates associated with stage 4.

The table at **Appendix C** lists the approved conditions and details how they are proposed to be changed and/or deleted. In addition, the proposed amendment to Condition C13 – Dedication is discussed below.

### 8.1 Dedication

The approved Condition C13 Dedication states as follows:

'The proposed public reserve areas within this development, are to be dedicated to Council and, prior to the release of the final Subdivision Certificate for stage 3 the area being improved by the removal of dead and dangerous trees, weeds, rubbish and all plants on Council's list of undesirable species, and left in a usable and mowable condition to the satisfaction of Council.'

As the modification request includes a revised land dedication plan, Condition C13 was reviewed and is proposed to be amended. Consequently, only one reserve/access way is proposed to be dedicated in addition to the road lot.

The reserve and road lot were always intended to be dedicated but the conditions of consent did not specifically refer to the road lot. In addition, Condition C13 did not refer to the land being dedicated to Council 'at no cost' and Council requested clarification on this point. The words 'at no cost' can form part of the proposed amendment to Condition C13 as outlined below.

A consent authority can impose a condition requiring land to be dedicated at no cost under section 94 of the Act if it is a kind of condition allowed by, and determined in accordance with, a contributions plan (under section 94B(1) of the Act). The Minister can impose a condition under section 94 even though the condition is not authorised or allowed by or determined in accordance with a contributions plan (section 94B(2)(a) of the Act).

When determining the original development application, the Minister had (but did not exercise) the power to require the proponent to dedicate at no cost the 'public reserve areas' under section 94. The proponent, as part of the modification application, provided a new 'Land dedication and use plan' which proposes the deletion of two of the pedestrian accessways, a modification of the proposed public reserve areas and a modification to the location of the remaining pedestrian accessway.

The Department has reviewed Condition C13 and considers the amendment is necessary to clarify how the public reserve area and road lot will be provided by the proponent and that the dedication must be at no cost to Council. Therefore, it is recommended Condition C13 be modified to include this requirement, as follows:



'The proposed public reserve areas ~~and road lot within this development~~, as detailed on plan titled **Land Dedication and Use Drawing**, prepared by **Opal Coffs Holdings Pty Ltd** and dated **03.07.13** are to be dedicated to Council **at no cost** and, prior to the release of the final Subdivision Certificate for stage 3, ~~the~~ **The public reserve area is to be** being improved by the removal of dead and dangerous trees, weeds, rubbish and all plants on Council's list of undesirable species, and left in a usable and mowable condition to the satisfaction of Council.'

## 9 CONCLUSION

The modification request seeks to amend the approved development of the site for 85 dwellings and one mixed use building in a strata subdivision, to a 52 lot Torrens Title subdivision with design and construction of four dwellings and one mixed use building. The amendments relate to stages 3 and 4 of the development consent only.

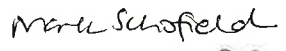

The Department is satisfied that the proposed amendments to the development are justified and the existing and proposed conditions will ensure the proposal does not result in any additional adverse environmental impacts. The proposed amendments to the subdivision will render the development substantially the same as originally approved. Furthermore, they will facilitate the continued supply of housing in NSW. Consequently, the Department is satisfied that the proposed modifications are minor and should be approved.

## 10 RECOMMENDATION

It is recommended that the Director, Industry, Social Projects and Key Sites, as delegate of the Minister for Planning and Infrastructure:

- **consider** the recommendations of this report; and
- **approve** the modification, subject to conditions, under section 75W of the *Environmental Planning & Assessment Act 1979*, by **signing** the attached consolidated consent (refer **Tag A**).

  
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Senior Planner

  
Mark Schofield  
Team Leader  30/8/13

  
Heather Warton 31/9/13  
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