



NSW GOVERNMENT

Department of Planning

Office of Sustainable Development Assessment, Urban Assessments

Planning Assessment Report

Application to Modify Development Consent

MOD 106-9-2006 modifying DA 309-12-2004

1 SUMMARY

Application	Under Section 96(1A) of the Environmental Planning and Assessment Act, 1979 (the Act) to modify the approved plans for the development of four cabins to include the construction of a barbecue with a permanent roof structure.
Date	5 September 2006
Applicant	R Grahame Roberts and Associates. 45 Pioneer Drive, Forster, NSW 2428
Site	Forster Beach Caravan Park, part of Crown Reserve 79681, Oyster Parade and Dolphin Drive, Forster. Great Lakes Council.
Relevant approvals	DA 309-12-2004 granted by the Minister on 19 July 2005 for the development of four additional cabin sites at the caravan park. Conditions of consent are shown at Tag 'B', the approved Landscape Concept Plan is shown at Tag 'C'.
Recommendation	Consent to the modification of the approved development

2 PROPOSED MODIFICATION

Modification	Condition A2 <i>Development in Accordance with Plans</i> and Condition B1 <i>Landscape Plan</i>: - to provide a permanent structure over the barbeque, 5880 x 3400 and 2900 total height with a colorbond roof, rather than a shade sail protection indicated on the concept landscape plan; - to show the feature wall (already built) on the Landscape Concept Plan. Proposed structure is shown at Tag 'D'; revised Landscape Concept Plan is shown at Tag 'E'. The feature wall is shown at Tag 'F'.
Reason given for modification	A permanent structure will give the children better protection from the sun and provide a more usable area.
Effect of modification	The permanent structure will have a lower height and be less extensive than the approved shade sails. No environmental impact is likely.

3 CONSULTATION

Notifications	Notification not necessary.
Council	Council raises no objection to the proposal subject to conditions requiring a separate construction certificate for the covered barbecue area prior to commencement of work and submission of an amended landscape plan, for approval by Council, showing the location of the covered barbecue area and feature brick wall prior to the issue of the Construction Certificate.

4 CONSIDERATION

4.1 Section 96

The application satisfies Section 96 (1A) of the Act as the proposed modification is considered to be of minimal environmental impact and the development as modified will be substantially the same as that for which the consent was originally granted.

4.2 Section 79C

The modification application has been assessed according to Section 79C of the Act (see attachment 1 at Tag “D”). The principal issues are:

Instrument of Consent

At the time of application the proposal was defined as State Significant Development under clause 10 (1) of SEPP 71 – Coastal Protection as it involves the development of a “tourist facility”. Clause 10 (2) sets the Minister as the consent authority.

Statement of permissibility

The site is zoned 6 (a) Open Space and Recreation under the provisions of Great Lakes Local Environmental Plan 1996. Development for the purpose of a caravan park is permissible with development consent. The proposal satisfies the zone objectives.

Assessment

The application complies with the relevant planning instruments.

This is an embellishment of an approved development. The structure will be located in the paved areas indicated on the landscape plan. The height and area covered will be less than that required for a shade sail. There will be no adverse environmental impact as a result of this proposed modification of the consent.

With reference to Council comments: Condition B21 of the development consent already requires a Construction Certificate prior to commencement of work on any building, this would include the proposed structure. The feature wall has been built and should be shown on the Landscape Concept Plan. Council has indicated that the wall is an attractive feature.

4.3 Conclusion

Approval of the application is recommended. The required changes to Condition A2 *Development in Accordance with Plans* and Condition B1 *Landscape Plan* are shown at attachment 2 (Tag “E”).

5 RECOMMENDATION

It is recommended that the Executive Director Major Project Assessments as delegate for the Minister for Planning, pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act, 1979* **approve** the application to amend the conditions in the manner shown at Tag ‘A’.

Prepared by:

Endorsed by

Approved

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SECTION 79C EVALUATION

FORSTER BEACH CARAVAN PARK, PART OF CROWN RESERVE 79681, FORSTER

PROPOSED MODIFICATION

Condition A2 *Development in Accordance with Plans* and Condition B1 *Landscape Plan*:

- to provide a permanent structure over the barbeque, 5880 x 3400 and 2900 total height with a colorbond roof, rather than shade sail protections indicated on the landscape plan.

The proposed structure is shown on the plans at Tag 'B'.

SECTION 79C ASSESSMENT

Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* requires a consent authority to consider prescribed matters as are of relevance to the development the subject of the development application.

Section 79C (1)(a)

the provisions of:

- (i) *any environmental planning instrument, and*
- (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- (iii) *any development control plan, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

that apply to the land to which the development application relates.

Instrument of Consent

At the time of application the proposal was defined as State Significant Development under clause 10 (1) of SEPP 71 – Coastal Protection as it involves the development of a “tourist facility”. Clause 10 (2) sets the Minister as the consent authority.

Statement of permissibility

The site is zoned 6 (a) Open Space and Recreation under the provisions of Great Lakes Local Environmental Plan 1996. Development for the purpose of caravan parks is permissible with development consent. The proposal satisfies the zone objectives.

Integrated Development

The development is not Integrated Development.

Relevant planning instruments

The application complies with the relevant planning instruments:

- SEPP No.71 - Coastal Protection
- NSW Coastal Policy 1997
- Hunter REP 1989
- Great Lakes LEP 1996

Section 79C (1)(b)

the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Environmental impact

The site is flat and sandy. The structure will be located in the paved areas indicated on the landscape plan. There will be no adverse environmental impact as a result of this proposed modification of the consent.

Social and economic impacts

There will be a positive social value for residents of the cabins.

Section 79C (1)(c)

the suitability of the site for the development

The assessment of the development application found that the site was suitable for that development.

The Landscape Concept Plan showed two barbeque areas with shade sails set in the pathway areas of the proposed cabin development. The proposal for a permanent structure above a single barbeque area is an embellishment of the approved development. The height and area covered will be less than that required for the shade sails.

Future minor changes to the Landscape Concept Plan may be expected. The condition B1 should allow some flexibility, subject to Council agreement.

Section 79C (1) (d)

any submissions made in accordance with this Act or the regulations

No submissions were made.

Section 79C (1) (e)

the public interest.

The proposal will be consistent with the public interest.