

17 August 2015



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The Secretary  
The Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001

Attention: Kate Macdonald

Dear Kate,

**RE: BARLINGS BEACH SUBDIVISION, GEORGE BASS DRIVE, TOMAKIN  
S75W APPLICATION – PROPOSED MODIFICATION 9 - DEVELOPMENT CONSENT 77-03-2002**

## 1.0 INTRODUCTION

This application is submitted to the Secretary, Department of Planning under the Part 3A transitional provisions included in Schedule 6A of the Environmental Planning and Assessment Act, 1979 ('the Act'). Part 3C(1) of Schedule 6A states in relation to the modification of concept plans, that section 75W of the Act continues to apply for the purpose of the modification of a concept plan approved before or after the repeal of Part 3A.

By letter dated 06 July 2015, advice was sought from the Department of Planning as to whether the proposed modification was of a type that was to be submitted under Section 75W. A copy of the letter is included as Annexure 3. The Department's representative confirmed verbally to proceed on this basis.

The application therefore seeks to modify development consent No. 77-03-2002 (Modification 8) relating to the Barlings Beach subdivision at George Bass Drive, Tomakin ('the site') in accordance with section 75W. The application also seeks approval pursuant to the transitional provisions of section 8J(8) of the EP&A Regulation. The applicant is President Property Group (PPG) as owner of Barlings Beach Community Pty Ltd (BBC), the owner of the site.

This Environmental Impact Assessment describes the consent proposed to be modified, the scope of the modification, the basis of the modification and relevant statutory considerations. The following documents are included as Annexures to this report:

- Annexure 1 - A Survey Plan of DP 1207878;
- Annexure 2 - Drawings numbered BB-01A, BB-02A and BB-03 rev1 prepared by Sylvia Lee dated 14 August 2015; and
- Annexure 3 - Letter to Department of Planning & Infrastructure dated 6 July 2015

**2.0 SITE DESCRIPTION**

**2.1 Location**

The Barlings Beach site is located to the east and south of Tomakin. It comprises 33.5 ha defined by Red Hill Parade to the west, George Bass Drive to the north, the Barlings Beach Caravan Park to the east and the foreshore dunes and Aboriginal Place to the south. The location of the site is shown at Figure 1.

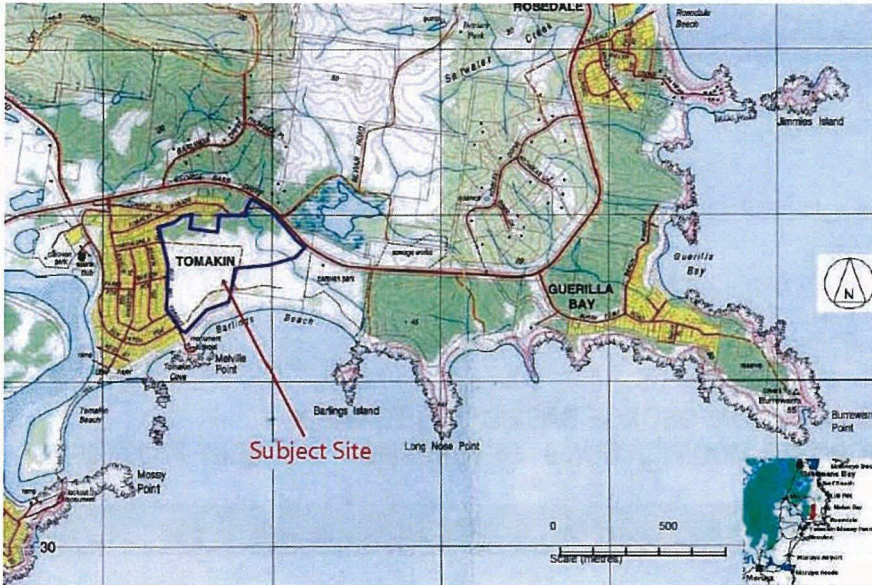


Figure 1 Location Plan

**2.2 Legal Description**

The site is legally described as DP 1207878. An extract of the DP is shown at Figure 2 a copy of which is included as **Annexure 1**.

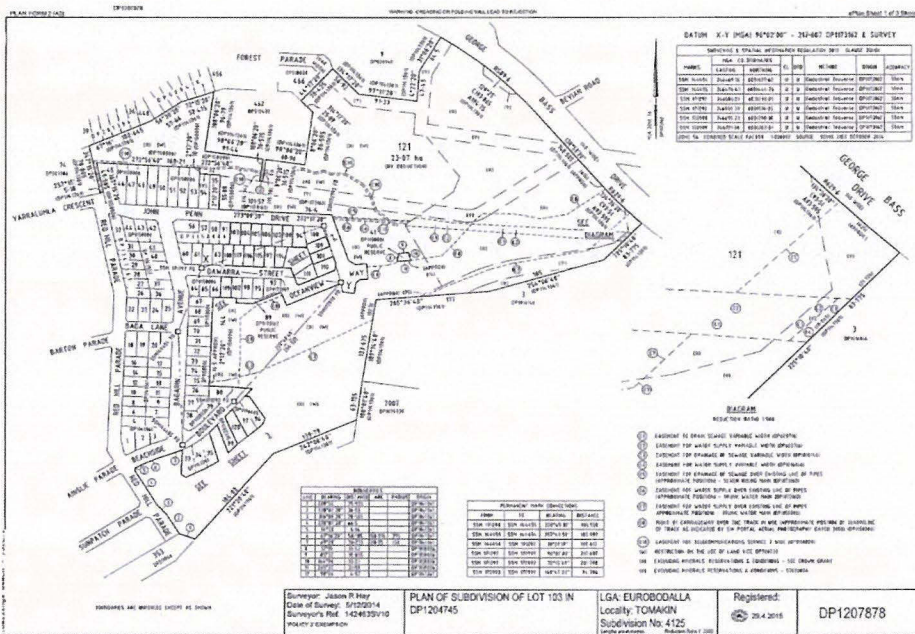


Figure 2 - Survey Plan



### 3.2 Modifications to DA 77-03-2002

Modifications undertaken to DA 77-03-2002 since December 2005 and approved are the following:

- Modification 2 - Development application to modify the consent 77-03-2002 was lodged on 17 May 2007 to amend Condition B9 - Security Bond Protection of Works. Consent was granted to Modification (MOD49-5-2007) on **2 August 2007**.
- Modification 3 - Development application to modify the consent 77-03-2002 was lodged on 28 September 2007 to amend Conditions E1 (b), E1 (f), E2, E 5, E6, E 8, E9 and modified setback tables E9. Consent was granted to Modification (MOD82-10-2007) on **10 December 2007**.
- Modification 4 - Development application to modify the consent 77-03-2002 was lodged on 20 April 2009 to increase the number of lots in Stage 1 by 3 i.e. a total increase of residential dwelling lots from 159 to 162 and to reduce the side setback for a number of lots (4) from 3m to 2m and to make consequential amendments to Conditions A1, A2 and E9. Consent was granted to the modification of DA 77/03/2002 (Mod 3) on **12 August 2009**.
- Modification 5 - Development application to modify the consent 77-03-2002 was lodged on 6 November 2009 to increase the number of lots in Stage 1a to 5 by 15 i.e. a total increase of residential dwelling lots from 162 to 177 and to reduce the side setback for a number of lots from 3m to 2m and to make consequential amendments to Conditions A1, A2 and E9 (See Figure 4 below). Consent was granted to the modification DA 77/03/2002 (Mod 5) on **20 August 2010**.
- Modification 6 - Development Application Modification Development application to modify the consent 77-03-2002 was lodged on May 2011 2 approved integrated housing lots with 24 low density housing lots. Consent was granted to the modification DA 77/03/2002 (Mod 5) on **11 January 2012**.
- Modification 7 – Correction of minor errors in Condition E9 in Schedule 2 was lodged 8 March 2012. Consent was granted to the modification DA 77/03/2007 (Mod 7) on **27 March August 2012**.
- Modification 8 – Requirement to develop a cultural facility at Barlings Beach transferred to Mogo Community facility at Mogo. Modification lodged February 2013. Consent was granted to the modification of DA 77/03/2002 (Mod 8) on **15 March 2013**.

## 4.0 PROPOSED MODIFICATION

### 4.1 Relevant Conditions

It is proposed to increase the size of Lots 107 to 113 as described in Figure 4 below and the drawings included in Annexure 2. As a consequence the total number of residential lots will be reduced by 1 lot. The larger lots are proposed in response to demand by potential purchasers for larger lots closer to the foreshore. The relevant conditions are A1, A2 and E9.

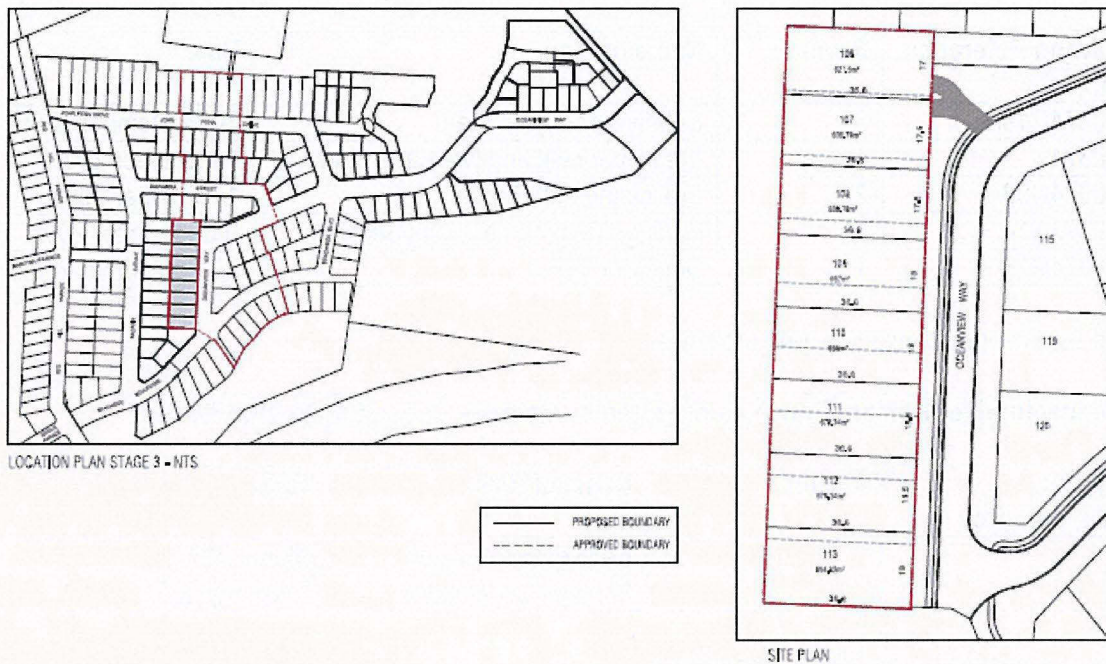


Figure 4 – Proposed Amendment to Stage 3

**4.2 Modification Sought**

It is proposed to modify Conditions A1, A2 and E9. The proposed modifications are shown as bold strike out and bold underline as follows:

**Delete Condition A1 and replace with:**

**PART A – ADMINISTRATIVE CONDITIONS**

**A 1 – Development description**

Development consent is granted only to carrying out the development described in detail below:

- a. Torrens title subdivision comprising ~~204~~ 200 residential lots, and 1 allotment to accommodate and Aboriginal Cultural and retail facility;
- b. clearing vegetation;
- c. filling and earthworks;
- d. provisions and construction of roads and associated infrastructure, conservation zones and open space; and
- e. construction of a bridge over the on-site creek in order to link George Bass Drive with the proposed development site

**Delete Condition A2 in Schedule 2 and replace with:**

**A2 – Development in accordance with plans**

The development shall be generally in accordance with development application 77-03-2002 submitted by the applicant on 22 March 2002, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

<b>Architectural (or Design) Drawings prepared by Coomes Consulting Group Pty Ltd</b>			
<b>Drawing Reference No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
140374G15	3	Subdivision layout Plan	30 September 2005
150374	4	Preliminary Fill and Drainage Plan	14 October 2005
150374G08	2	Preliminary Fill Depths	14 October 2005
140374G14	1	Barlings Beach Site Cross Sections	9 September 2005
140374G16	1	Dune Lot Views	30 September 2005

and as amended by the following drawings:

<b>Architectural (or Design) Drawings prepared by Coomes Consulting Group Pty Ltd</b>			
<b>Drawing Reference No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
01	0	Revised Subdivision	March 2009
03	0	Revised Subdivision	February 2009

and as amended by the following drawings:

<b>Architectural Drawings prepared by George Carone Architect and Services Plan prepared by CPG</b>			
<b>Drawing Reference No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
MA – 01	E	Revised Subdivision Masterplan - Staging	14 July 2010
OV – 02	C	Revised Subdivision Overlay	14 July 2010
S1A – 11a	0	Revised Subdivision – Stage 1a	24 March 2010
S2 – 12	D	Revised Subdivision – Stage 2	18 June 2010
S3 – 13	D	Revised Subdivision – Stage 3	18 June 2010
S4 – 14	D	Revised Subdivision – Stage 4	18 June 2010
S5 – 15a	0	Revised Subdivision – Stage 5	2 August 2010
142462G-01	Rev A	Existing Services Plan John Penn Drive	22 March 2010

and as amended by the following drawings:

<b>Architectural Drawings prepared by George Carone Architect and Functional Plans prepared by CPG</b>			
<b>Drawing Reference No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
<del>MA – 01</del>	<del>G</del>	<del>Revised Subdivision Masterplan - Staging</del>	<del>25 February 2011</del>
S5-15b	C	Revised Subdivision Stage 5	02 August 2010
142488G01-1	C	Stage 5a Functional Plan - Lot Layout	24 February 2011
142488G1-2	C	Stage 5a Functional Plan - Lot Layout	24 February 2011
142488G1-3	D	Stage 5a Functional Plan – Servicing Plan	24 February 2011
142488G1-4	A	Stage 5a Functional Plan – Servicing Plan	24 February 2011

<u>142488G03-1</u>	<u>D</u>	<u>Stage 5a Functional Plan – Turning Movements</u>	<u>24 February 2011</u>
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**and as amended by the following drawings:**

<i>Architectural Drawings prepared by Sylvia Lee</i>			
<i>Drawing Reference No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
<b><u>BB-02</u></b>	<b><u>A</u></b>	<b><u>Revised Subdivision Stage 3</u></b>	<b><u>14.08.2015</u></b>
<b><u>BB-03</u></b>	<b><u>Rev 1</u></b>	<b><u>Revised Subdivision Masterplan</u></b>	<b><u>14.08.2015</u></b>

**Delete Condition E9 in Schedule 2 and replace with:**

### **E9 Building Setbacks**

The applicant will ensure a Restriction as to user over all allotments is created within the subdivision pursuant to Section 88B of the Conveyancing Act, 1919. The Section 88B instrument shall prohibit construction of any future dwelling or built structure on allotments within the subdivision outside the identified building envelopes on the subdivision layout Plan. The building setbacks indicated on Subdivision Layout Plans and to be applied to the development of lots created within the subdivision are to be measured from the property boundary of each proposed allotment and can be summarised as follows:

<b>Proposed Lot No</b>	<b>Building Setback</b>
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, , 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 43, 44	5.5 metre front setbacks (up to 50% of the front façade of the dwelling- excluding garages or car ports, may be set back 4.5m from the front boundary) 7.5 metre front upper story setbacks 1 metre side setbacks 3 metre to dwelling and 1 metre to ancillary building rear setbacks 2 metre corner side setbacks (Lots 1, 3, 16, 18, 21, 22, 25, 32, 42, only) <i>where the side boundary has frontage to a road. Where the allotment shares a side boundary with another allotment, the minimum setback on that boundary is 1m</i> Foreshore setback N/A Reserve setback N/A

<p>45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 110, 112, 113, <del>114</del>, 115, 116, 117, 118, 119, 120, 121, 122, 123, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201.</p>	<p>5.5 metre front setbacks (up to 50% of the front façade of the dwelling- excluding garages or car ports, may be set back 4.5m from the front boundary)  7.5 metre front upper story setbacks  1 metre side setbacks  3 metre to dwelling and 1 metre to ancillary building rear setbacks  3 metre corner side setbacks (lots, 56, 139, 142, 146, (60, 64, 78, 120, 155, 151, 115 only) where the side boundary has frontage to a road. Where the allotment shares a side boundary with another allotment, the minimum setback on that boundary is 1m.  Foreshore setback N/A  Reserve setback N/A</p>
<p>33, 34, 35, 81, 82, 83, 84, 85, 124, 125, 126, 127, 128, 129, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177.</p>	<p>5.5 metre front setbacks: Lots 33, 34, 35, 81-85, 124-129, 156-170. Up to 50% of the front façade of the dwelling, excluding garages or car ports, may be set back 4.5m from the front boundary  Front and setbacks as indicated on Subdivision Layout Plan: Lots 171-173  Front and setbacks as indicated on Subdivision Layout Plan: Lots 174-177  7.5 metre front upper story setbacks  1 metre side setbacks  6 or 8 metre rear setbacks: See building envelopes  6 metre rear setbacks: Lots: 33, 81, 82, 85-128, 156, 157, 159, 156-177  8 metre rear setbacks: Lots 34, 35, 83, 84, 128, 129, 158, 160  12 metre rear upper storey setbacks  3 metre corner side setbacks: Lots 85, 124, 161 (from walkway or access road)  Foreshore: Direct access to foreshore from lots 33-35, 81-85, 124-129, 156-160 is not permitted  Reserve: Direct access to the aboriginal place from lots 160-177 is not permitted.</p>
<p><u>202</u></p>	<p>6 metre front setback  10 metre side setback (from George Bass Drive)  1 metre side setback  6 metre rear setback.</p>

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## 5.0 STATUTORY FRAMEWORK

### 5.1 Modification of Minister's approval

This application is submitted under the Part 3A transitional provisions included in Schedule 6A of the Act. Part 3C (1) and (2) of the Schedule - Modification of concept plans which states:

*'(1) Section 75W continues to apply for the purpose of the modification of a concept plan approved before or after the repeal of Part 3A, whether or not the project or any stage of the project is or was a transitional Part 3A project.*

*(2) This clause applies despite anything to the contrary in this Schedule (other than provisions relating to approval for the carrying out of a project or stage of a project that is given in connection with an approval to modify a concept plan).'*

Section 75W of the Act states:

*'(1) In this section:*

**Minister's approval** means an approval to carry out a project under this Part, and includes an approval of a concept plan.

**modification of approval** means changing the terms of a Minister's approval, including:

(a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and  
(b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.

(2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.

(3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

(4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.

(5) .....

(6) .....

(7) This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan.'

The proposed amendment seeks to modify conditions A1, A2 and E9 and is therefore consistent with 75W(1)(a).

## 6.0 ENVIRONMENTAL ASSESSMENT

The following is our assessment of the environmental effects of the proposed modifications as described in the preceding sections of this report. The application has been evaluated against the matters for consideration in Section 79C of the Act.

This environmental assessment of the proposed modification does not materially vary the assessment contained in the Statement of Environmental Effects and Supplementary Report dated March 2005 prepared by Coomes Consulting that accompanied the development application DA 77-03-2002 for the Barlings Beach Master Plan.

Therefore it is considered that the proposed modification can be described as being of minor environmental impact and will result in a development that is substantially the same as the development for which consent was originally granted.

## **6.1 Relevant Acts**

### **National Parks and Wildlife Act 1974**

The intent of the provisions of the National Parks and Wildlife Act 1974 is to conserve the State's natural and cultural heritage; to foster public appreciation, understanding and enjoyment of the State's natural and cultural heritage and to manage lands reserved for this purpose. The National Parks and Wildlife Act 1974 is the primary legislation to manage and protect the State's aboriginal cultural heritage. The site is a significant repository of aboriginal archaeology including artefacts and burial sites. The proposed modification will not materially affect the significance or management of the site in terms of aboriginal cultural heritage.

### **Native Vegetation Conservation Act 1997**

Development consent has been granted for the clearance of native vegetation on the site in accordance with the provisions of the Native Conservation Act. The land that forms Stage 3 has been cleared of vegetation in accordance with the Vegetation Management Plan endorsed by the Department of Natural Resources.

### **Rural Fires Act**

The lots proposed to be modified are not affected by the requirements for an Asset Protection Zone

## **6.2 State Regional Environmental Plans (deemed SEPP)**

### **Lower South Coast Regional Environmental Plan (No.2)**

The Lower South Coast REP No 2 provides the regional framework for development control and local planning policies within the Bega Valley and Eurobodalla Shire. Key objectives of this policy include the development of regional policies to protect the natural environment and to promote the orderly development and economic development and use of land consistent with the conservation of natural and made features. Various assessment criteria include the impact and or effect of development on pollution/siltation, flora and fauna, water quality, drainage patterns and shoreline erosion, waterway access and congestion and noise impacts. The proposed amendment will not have any material effect on the pollution/siltation, flora and fauna, water quality, drainage patterns and shoreline erosion, waterway access and congestion and noise impacts.

## **6.3 State Environmental Planning Policies**

### **SEPP (Infrastructure) 2007**

SEPP Infrastructure rationalizes consultation required in relation to traffic generating development. The proposed modification will not materially affect traffic generation and the RTA has previously advised that the Eurobodalla Shire Council is the consent authority in relation to development adjacent to that George Bass Drive as George Bass Drive is not a classified road.

### **SEPP 26 – Littoral Rainforests**

SEPP 26 has as its objective to preserve littoral rainforests in their natural state and applies to an area of land at the northern boundary of the site. The policy applies to both identified mapped areas and a buffer area of 100 metres surrounding the core mapped area. The lots proposed to be modified are

located outside the area affected by SEPP 26 and will not have any material impact on the littoral rainforest.

#### **SEPP 44 – Koala Habitat**

SEPP 44 applies to land area of more than 1ha in Eurobodalla Shire the subject of a development application. A flora and fauna assessment that accompanied DA 77-03-2002 found that the site did not contain any core koala habitat.

#### **SEPP 55 – Remediation of Land.**

The assessment of DA 77-03-2002 considered the likelihood of site contamination based on the previous use of the site and concluded that the site is not contaminated. The proposed modification will not affect this conclusion in any way.

#### **SEPP 71 – Coastal Protection**

The policy aims to ensure development in the NSW coastal zone is appropriately located, a consistent approach to coastal planning and management and to provide a development assessment framework for the coastal zone. The application was submitted before SEPP 71 came into effect. However, the master plan for the site was tested against the provisions of SEPP 71. The proposed amendment will not derogate from SEPP 71 and remains consistent with its aims.

### **6.4 Eurobodalla Local Environmental Plan 2012 (LEP 2012)**

Eurobodalla Local Environmental Plan 2012 (LEP 2012) is the principal local planning instrument affecting the site. The site is zoned R2 – Low Density Residential.

The aims of the objectives of LEP 2012 are as follows:

- (a) to preserve the urban growth boundaries of Eurobodalla as identified in the Eurobodalla Settlement Strategy,*
- (b) to ensure development embraces the principles of ecologically sustainable development and quality urban design, and encourages walking, cycling and public transport use,*
- (c) to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, which respond to lifestyle choices, emerging markets and changes in technology,*
- (d) to identify and protect the established residential neighbourhoods and ensure a sufficient supply of suitable land to meet the future residential needs of Eurobodalla,*
- (e) to restrict development of land that is subject to flooding, coastline hazard, bush fires and land slip,*
- (f) to ensure that resource lands, including agriculture, mineral resources and extractive materials are not rendered sterile from incompatible land use,*
- (g) to provide measures to protect and manage the biodiversity and environmental values of the land and waterways,*
- (h) to ensure that development takes into account the environmental constraints of the land and minimises any off site and on site impacts on biodiversity, water resources and natural landforms,*
- (i) to identify and protect the cultural and architectural heritage of Eurobodalla, including Aboriginal relics and places, and assist in its promotion as a tourism asset.'*

The proposed modification is not inconsistent with any of the relevant aims of LEP 2012 and will support in particular the stated aims contained in clauses (d) in that the proposed modification will increase the number of lots greater than 600m<sup>2</sup> ensuring sufficient supply of suitable land to meet the desired future residential needs of Eurobodalla generally and Tomakin in particular.

Clause 4.1 includes objectives for minimum subdivision lot sizes as follows:

- (1) *The objectives of this clause are as follows:*
  - (a) *to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,*
  - (b) *to ensure lot sizes and dimensions are able to accommodate development consistent with relevant development controls,*
  - (c) *to ensure that subdivision promotes effective land management practices and infrastructure provision,*
  - (d) *to protect native vegetation, natural watercourses and habitats for threatened species and populations, and endangered ecological communities.*

Clause 4.2 identifies the land to which the subdivision provisions apply and clause 4.3 describes the provisions applying to minimum size lots.

- (2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (3A) .....
- (4) .....

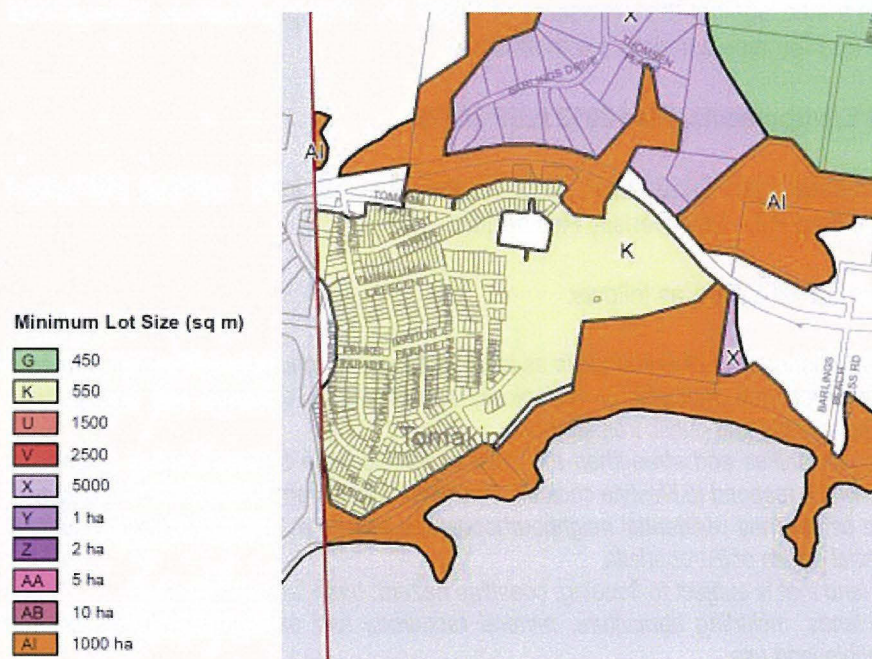


Figure 5 – Minimum Lot sizes

Source Eurobodalla LEP 2012

Barlings Beach is located within the area zoned K on the Lot Size Map and as described in Figure 5 above. The minimum permissible lot size within zone K is 550m<sup>2</sup>.

- The existing approved size of lots 106 to 114 is 585m<sup>2</sup>.
- The proposed size of lots 106 to lot 113 will range from a minimum of 621.5m<sup>2</sup> to a maximum of 694.62m<sup>2</sup>.

**Table 1 – Comparison of change in lot sizes Stages 1 to 5**

<b>Lot Size m<sup>2</sup></b>	<b>Approved Number</b>	<b>Proposed Number</b>	<b>Change</b>
Lots 500 to 599	63	54	-9
Lots 600 to 699	29	37	+8
Lots 700 to 799	18	18	-
Lots 800 to 899	6	6	-
Lots 900 to 999	3	3	-
Lots 100 plus	22	22	-
<b>Total</b>	<b>201</b>	<b>200</b>	<b>-1</b>

The proposed amendment is therefore consistent with the objectives for minimum subdivision and the Lot Size Map.

## 6.5 Relevant Development Control Plans

### Residential Zones Development Control Plan (Residential Zones DCP)

Eurobodalla Council adopted the Residential Zones DCP on October 2011 to support the relevant provisions in LEP 2012. The aim of this Plan is to further the aims of the Eurobodalla Local Environmental Plan LEP 2012 and the particular objectives for the R2, R3, R5 and E4 zones.

The DCP specifies design and development guidelines for dwelling houses, dual occupancies and medium density housing and subdivision. To demonstrate consistency of the proposed modification with Council policy, an assessment of the proposal has been carried out.

The relevant requirements in relation to the proposed modification concerns subdivision guidelines. The modification will not result in change to the existing road layout or lot orientation. The amendment is limited to increasing the lot sizes of lots 102 to 113 and reducing the total lot number by 1 lot.

Clause 3.1 deals with subdivision pattern and Lot layout. The intent of the clause is to ensure that the size and layout of new lots serve the intent of the zone. The relevant development controls are as follows:

<b>Performance Criteria</b>	<b>Acceptable Solution</b>	<b>Compliance</b>
<i>P1 Lot sizes and proportions maintain a consistent pattern within the area.</i>	<i>A1 New subdivision must not result in the creation of lots 1200m<sup>2</sup> or less in area that have side to front boundary proportions greater than 2.5:1.</i>	<i>Complies. See below.</i>
<i>P2.1 Lots zoned R2 include a site capable of accommodating a dwelling of a reasonable size.</i>	<i>A2 All lots must be capable of containing a rectangular building envelope measuring 10m by 15m, with a minimum width of 15m at the building line.</i>	<i>The minimum site width proposed ranges from 17m to 19m and depth is 36.6m for all lots.</i>

<i>P2.2 Lots zoned R3 include a site capable of accommodating a dual occupancy of a reasonable size.</i>		N/A
<i>P2.3 Large lots zoned E4 and R5 include a site capable of accommodating a dual occupancy of a reasonable size.</i>		N/A
<i>P2.4 Site characteristics, particularly slope, will determine whether the building envelope can be achieved and therefore the feasibility of subdividing to the minimum lot size.</i>		<i>The site is relatively flat with a minimal change in gradient</i>

The assessment against the relevant controls demonstrates that the proposed amendment is consistent with the intent of Residential Zones DCP as it relates to subdivision.

## **6.6 Environmental Planning and Assessment Regulations**

There are no known regulations other than those already mentioned and to the extent that they prescribe matters for the purposes of this paragraph, that apply to the land to which the development application relates.

## **6.7 Likely impacts of the development and suitability of the site**

### **Residential Amenity**

The modified lots are able to satisfy all requirements relating to residential amenity including setbacks and solar access. The size of the modified lots is consistent with the minimum lot size and will increase the total number of lots greater than 600m<sup>2</sup> and smaller than 699m<sup>2</sup> from 29 (14%) to 37 (18%). The modified lots will satisfy residential amenity objectives and provide for a greater diversity in the size of lots available within the subdivision.

### **Public domain and streetscape impacts**

The proposed modifications will have an imperceptible impact on the public domain and streetscape. The width of the street frontage of the proposed new 8 lots will be increased from 16m to a range from 17m to 19m. The depth will not change from the existing 36.6m. This will provide adequate area for landscaping and building setback requirements.

### **View impacts and relationship to adjoining development**

The proposed modifications will not adversely impact on the views enjoyed by surrounding properties. The modification will not result in any change to the approved plans which ensure protection of views by limiting the height of development 8.5m above finished ground level.

### **Services**

The proposed amendment will not have any material effect on the provision or capacity of services including sewer and water supply.

## Traffic Impact

The reduction of the total a number of lots by 1 will not any material effect on traffic generated by the proposed modification. .

## Aboriginal Cultural Heritage

All residential dwelling lots are located in Zone 1 designated as an area of low archaeological significance. It was determined that the best way to manage the aboriginal cultural significance of the site was to cover the natural ground level with fill. A fill plan has been approved as part of the original consent. The requested modification will retain the same fill profile as that approved and will not have any material effect on the cultural significance of the site as result of the proposed amendments

## 7.0 CONCLUSION

This development application is submitted under the transitional provisions included in Schedule 6A of the Act, to modify the consent granted by the Minister to DA 77-03-2002 (Mod 8) in accordance with Section 75W of the Act.

It is submitted that the development as proposed to be modified will be substantially the same as the approved development and the modification will result in reducing the total number of residential lots by 1 lot to 200 lots.

In assessing the original application, all likely impacts of the proposal were assessed and it was concluded the proposal was acceptable against the relevant considerations under section 79C of the Environmental Planning and Assessment Act 1979. The proposed modification would not alter this conclusion.

We therefore request that the Secretary to approve this application to modify DA 77-03-2002 (Mod 8) by amending Conditions A1, A2 and E9 in order to describe the amended total lot numbers and plan of subdivision as modified for the reasons outlined in this statement.

We trust that this statement provides sufficient information to enable a prompt assessment of the proposed modification. Should you have any questions about this matter do not hesitate to contact me on M 0423 814 091.

Yours sincerely



Krystyna Luczak  
**Consultant Planner**  
**President Property Group**