

# PACIFIC OUTLOOK PTY LTD

ABN 59127809563

301/50 MARINE PARADE, SOUTHPORT 4215

PH: 07 5528-0111 FAX: 07 5528-0333

21 June 2018

NSW Department of Planning  
GPO Box 39  
Sydney  
NSW 2001

Attn: Michelle Niles

Dear Michelle,

**RE: DA 43-3-2005 MOD 6 -  
Section 96 Application to Modify a Development Consent**

Following earlier discussion with the Department and with Tweed Shire Council we wish to make an application to amend the current Conditions of Approval to enable staging of the issue of construction Certificates for the proposed development and as a result, staging of the payment of contributions schedules in Clauses B41 and B42 for Stage 2 and Stage 3 of the development.

In considering this application we have had direct contact and response from Tweed Shire Council. Their support of the proposal is recorded in the attachments of this application.

Attached are the following documents to formalize the application:

- Application to Modify a Development Consent completed
- Amended Architectural plans (Proposed changes clouded in blue)
- Description of proposed amendments
- Proposed mark-up of conditions for MOD 6 Approval.
- Copy of email correspondence from Tweed Shire Council and the NSW Department of Planning.

We trust this information included is sufficient to complete the application, however if you require anything further or wish to discuss this application in more detail, please do not hesitate to contact me.

Yours Faithfully,



Peter Honeyman  
BurbanEnvPlan (Hons)  
Development Manager for Pacific Outlook Pty Ltd.

## **DESCRIPTION OF PROPOSED AMENDMENTS**

The requested amendment to the MOD 5 approval is to split Stage 2 into Stage 2A and Stage 2B and split Stage 3 into Stage 3A and Stage 3B to enable the release of Construction Certificates for each individual stage conditional upon the payment of Section 95 and Section 64 of the Act.

This proposed staging maintains the existing approved built form, however allows the applicant to enable construction to be commenced and completed in stages.

The overall purpose of this modification and the further Staging of Stage 2 and Stage 3 is to specifically enable staged payment of contributions scheduled in Clause B41 and B42 of the current Development Approval 43-3-2005.

It is further noted that Stage 2A and 3A construction will likely occur simultaneously subject to the Construction Certificates being obtained from the PCA. Any changes required to the current approved plans (i.e. Construction Management Plans, Traffic and Noise and Vibration Management Plans etc.) resulting from the staged construction will be done so before the Construction Certificate is granted by the PCA.

The changes in MOD 6 Architectural plans are clouded in blue for ease of reference during the assessment process.

## **PROPOSED CONDITION CHANGES FOR MOD 6 APPROVAL**

Please refer to the Planning Instrument attached demonstrating proposed track changes for MOD 6 conditions.

## **STATUTORY PLANNING FRAMEWORK**

### **Environmental Planning and Assessment Act 1979 No.203**

Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 No 203 applies. From review of the relevant legislation applicable to this proposal, we are satisfied that the development is substantially the same as the Modification 5 consent and of minimal environmental impact.

It should be noted that the proposed Stage 2A and 3A construction will occur simultaneously. From review of the Mod 6 proposal, the environmental impact will remain substantially the same to Mod 5 when considering the current approval already allows simultaneous tower construction of Stages 1A, 1B, 2 and 3.

### **State Environmental Plan No. 65- Design Quality of Residential Flat Development Environmental Plan 2012**

An Architectural Design Statement, an Assessment of the proposal against the Principles contained in Part 2 of the Policy, an assessment against the Residential Flat Design Code and a SEPP65 Daylight Access Assessment were provided as part of Modification 5. No change to the

external façade of the building is resulting from this current Modification and therefore we consider the previous statement to be still relevant to demonstrating compliance with SEPP 65.

### **Tweed City Centre Local Environmental Plan 2012**

A review of the amended plans against the relevant provisions of the LEP and given the minor and internal nature of the proposed modification, the proposal still remains compliant with the applicable LEP provisions.

### **Development Control Plan 2008, Section B2- Tweed City Centre**

A review of the amended plans against the relevant provisions of the Development Control plan 2008, Section B2- Tweed City Centre and given the minor and internal nature of the proposed modification, the proposal remains compliant.

## **CONCLUSION**

This MOD 6 application does not seek to make any amendments to the built form of the current development approval, only the staging of the construction for Tower 2 and Tower 3.

The proposal has been discussed with both the Department of Planning and Tweed Shire Council in which in principle support has been gained for the proposed changes.

Furthermore, we have marked up the MOD 5 approval conditions to reflect the MOD 6 proposed approval conditions and accompanies this application.