

ASSESSMENT REPORT

Section 75W Modification Mixed Use Development (MP 09_0121 MOD 2) Ettalong Beach

1. INTRODUCTION

This is an assessment of a request to modify Project Approval MP 09_0121 for a mixed use development at Ettalong Beach. The request has been lodged by Cirillo Planning Pty Ltd pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The request seeks approval to make minor changes to the wording of two conditions.

2. SUBJECT SITE

The site is located on the southern edge of the Ettalong Beach town centre in the Central Coast local government area. The site has frontage to The Esplanade to the south and Memorial Avenue to the west (**Figure 1**).



Figure 1: Location Plan

3. APPROVAL HISTORY

On 24 November 2010, the then Minister for Planning granted Project Approval (MP 09_0121) for the construction of a mixed use development on the site.

On 24 March 2016, the Planning Assessment Commission approved a modification (MP 09_0121 MOD 1) to incorporate 14 additional apartments and make changes to the internal and external design of the development.

3. PROPOSED MODIFICATION

On 31 August 2016, the Proponent lodged a section 75W modification application seeking to modify Condition A2, to correct the application number which refers to MP 08_0121, instead of the correct application number 09_0121. The condition is proposed to be modified as follows:

A2 Development in Accordance with Plans and Documentation

*The development will be undertaken in accordance with MP No. ~~08_0121~~ **09_0121** and the Environmental Assessment dated April 2010, prepared by Kann Finch Group Pty Ltd, except where amended by the Preferred Project Report dated 3 September 2010, prepared by Kann Finch Group Pty Ltd., and as amended by the documents submitted with Modification 1 including the Statement of Environmental Effects by Planning Lab and Response to Submissions dated 05.06.2016 and the following drawings:....*

The Proponent also seeks to remove the word 'rooftop' from Condition B17 as rooftop landscaping is no longer included in the modified approval. The condition is proposed to be modified as follows:

B17 Landscaping Plan

A detailed ~~roof-top~~ landscape plan is to be submitted to and approved by the PCA prior to the issuing of any construction Certificate for Stage 1.

4. STATUTORY CONSIDERATION

4.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied that the proposed change is within the scope of section 75W of the EP&A Act, and does not constitute a new application.

4.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry Assessments may determine the application under delegation.

4.3 Consultation

The application was made publically available on the Department's website. Due to the minor nature of the modification it was not notified by any other means.

5. ASSESSMENT

The proposal seeks approval to correct the application number referred to in condition A2 of the approval. This is a minor change which would simply correct a typographical error.

The proposal also seeks to remove the word 'roof top' from condition B17 as roof top landscaping is no longer included in the modified approval. Roof top landscaping was removed from the approval as a part of MOD 1.

The Department is satisfied the proposed modification would not change the approved development or result in any additional impacts. Consequently, it is recommended that the modification be approved.

6. RECOMMENDATION

It is RECOMMENDED that the Executive Director, Key Sites and Industry Assessments as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 75W, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

Anthony Witherdin
Director
Modification Assessments

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department of Planning and Environment's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7928

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7928