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Emma Butcher  
Planning Officer, Regional Assessments  
NSW Department of Planning & Environment  
Re: MP05\_0083 Sandy Beach North Modification No7

Dear Ms Butcher,

Elite Constructions NSW has lodged Modification No.7 with NSW Planning & Environment and there exists very strong grounds to reject this.

An amendment to the EP & A Act 2017 commenced on the 1st March 2018. Under that Act the modification process for Part 3A applications will follow under the current legislation rather than being able to rely upon the more flexible section 75W modification procedure under the former Part 3A.

Future modifications of Part 3A projects will now come under Part 4 and will apply to the project or concept plan at the time it becomes a 'State Significant Development', not as it was originally approved.

Elite lodged their Modification No.7 in February 2018. This can only be seen as a last-minute attempt to take advantage of the old regulations because under current planning laws the old concept plan would not be approved.

Modification No.7 should be rejected for the following reasons:

- 1. The original Concept Approval 2010, Schedule 2. A2 specifically discounted development in Stages 6, 2 & parts of Stage 1 east of extension of Ti-Tree road. These are the same areas included in Mod. 7 for development.**
- 2. The original Concept Approval 2010, Schedule 2. A6 states any modification to extend the lapse date has to satisfy Director General that the project remains 'current, appropriate and reflective of the best use of site at the original lapsing date'.**

Planning failed to address Schedule 2.A6 when Elite was granted a 2 year extension to the Concept Approval under Modification No.4. When the Concept Approval was written In 2010 the term 'Best use' was specifically used by the decision maker having the knowledge that this project would take considerable time to develop and that NSW Coastal Protection would be a major obstacle to the planning decision makers.

- 3. That the modification is above and beyond what was approved in the original Concept Approval. A similar modification was submitted to NSW Planning in 2013 as Mod 1 (formally known as Mod2) which prompted over 100 objections!**

If it is clear that Modification 7 does not comply with the Concept Approval I would question why your Department has not already rejected this request.

The Northern Beaches Community is committed to saving Hearn's Lake and its sensitive environment from development. We are relying on NSW Planning & Environment to reject this re-hashed Modification No.1 from 2013 and that it can only be considered in the form of a new Development Application (under current laws).

Thank you,

Namer: Anne Shearer

Address: 24 Chestnut Avenue, Sandy Beach, NSW 2456

Date: 3 June 2018