

Sapphire Beach Development Pty. Limited

ABN: 52 118 685 260

Suite 201
117 Old Pittwater Road
BROOKVALE NSW 2100
Telephone: 02 9091 6834
Facsimile: 02 9091 6827

9 March 2009

Department of Planning
23-33 Bridge Street
SYDNEY NSW 2001

Attention: Paula Tomkins

Dear Ms. Tomkins

Subject: Lots 100 & 101 DP 629555 and Lot 2 DP 800836, 740-742 Pacific Highway, Sapphire Beach – Residential and tourist accommodation and associated subdivision (MP06_0148)

On 9 May 2007, the then Minister for Planning (the Minister) approved a concept for the above land under the provisions of Part3A of the Environmental Planning and Assessment Act. The concept plan provided for the development of the site for a mixed tourist/residential development comprising open space, dwellings and residential flat buildings. The concept plan approval also included an approval regime for the future applications for the site. This provided that Stage 1 of the proposal relating to demolition, subdivision works and the construction of beachfront houses and buildings would continue to be a Part 3 matter and therefore require the approval of the Minister for Planning. All other applications would be dealt with under Part 4 of the Environmental Planning and Assessment Act and require the approval of Coffs Harbour Council.

It has now been decided to make some amendments to the proposed development of the site to remove the tourist element from the development and to replace the residential flat buildings with dwellings. These uses are permissible under the current zoning of the site.

The proposed amendments have been discussed with you and Mark Hannon at Coffs Harbour. Discussions have centred on the most appropriate and expeditious processes to be adopted to deal with the changes. The changes will require an amendment to the 2007 concept plan approval and further applications will be required to obtain approval for demolition and subdivision works for the site.

The Department of Planning has advised that once the concept plan has been amended as proposed and the demolition has been approved through a Project Application approval, they see no need for any further involvement of the Minister in the matter and as a result propose that the amendment also include a change to the specified approval regime. Your original concern related to the final design of the residential flat buildings approved close to the beach front and as these are to be removed in the

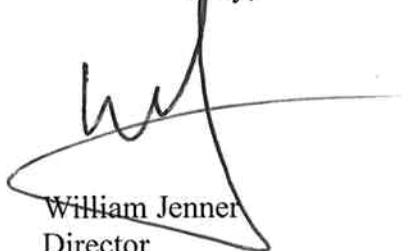
amendment and replaced with dwellings, they are no longer concerned about the matter. As a result, they have indicated that they would alter the regime to provide that all further applications for the site would be matters dealt with under Part 4 of the EPA Act by Coffs Harbour Council.

Accordingly, we include a '*Request to modify a major project*' form seeking the Director General Requirements for the assessment of the impacts of the amendment.

We also include a '*Major project application*' form seeking Director General Requirements for approval for the demolition of the existing buildings on the site.

Lastly we include our cheque for \$750 to process the applications. As we have discussed previously, further communication will be required to determine the actual fee applicable considering our original fee in 2007.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'William Jenner', written over a horizontal line.

William Jenner
Director

Attentus Projects and Properties Pty./Limited
Development Manager's for Sapphire Beach Development Pty. Limited

cc – Janet Thomson

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: ____/____/____

Modification No. _____

1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister.

If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency

ABN

SAPPHIRE BEACH DEVELOPMENT PTY. LTD. 52118685260

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

C/O ATTENTUS PROJECTS & PROPERTIES P/L

First name

Family name

WILLIAM

JENNER

Position

Development Manager (ATTENTUS PROJECTS & PROPERTIES P/L)

STREET ADDRESS

Unit/street no.

Street name

201/117

OLD PITTWATER ROAD

Suburb or town

State

Postcode

BROOKVALE

NSW

2100

POSTAL ADDRESS (or mark 'as above')

AS ABOVE

Suburb or town

State

Postcode

Daytime telephone

Fax

Mobile

02 9091 6834

02 9091 6827

0418 491 997

Email

bill@attentus.net.au

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

740 - 742

Street or property name

PACIFIC Highway

Suburb, town or locality

SAPPHIRE BEACH

Postcode

2450

Local government area(s)

COFFS HARBOUR

State Electorate(s)

COFFS HARBOUR

REAL PROPERTY DESCRIPTION

LOTS 100 + 101 DP 629555
LOT 2 DP 800836

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached: ☐

MAP: A map of the site and locality should also be submitted with this request.

4. Details of the original major project or concept plan

Briefly describe what the original approval allows

See attached EXTRACT From original Approval
MP 06-0148 (Appendix A)

What was the original project application no.?

MP 06-0148

What was the date of the approval?

9-May 2007

What was the original application fee?

\$26,740

Note: Clause 245K of the *Environmental Planning and Assessment Regulation 2000* provides information on calculating the maximum fee for a request for modification.

5. Describe the modification you propose to make to the approval

Describe the proposed modification

See Attached (Appendix B)

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

\$ NIL

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE)

12

Operational jobs (FTE)

6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land

Signature

Name

Date

Land

Signature

Name

Date

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

☐ Yes

☒ No

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature



Name

WILLIAM JENNER

Date

9 MARCH 2009

In what capacity are you signing if you are not the proponent

DEVELOPMENT MANAGER

Name, if you are not the proponent

ATTENTUS PROJECTS & PROPERTIES P/L

SCHEDULE 2

MODIFICATIONS AND CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06_0148

PART A —TERMS OF APPROVAL

A1 *Development Description*

Concept approval is granted only to carrying out the development described in detail below:

A mixed tourist and/or residential development comprising a maximum total gross floor area of 24,020m² (an additional 5,945m² of balconies may be provided). The maximum number of bedrooms allowable is 338. The development includes:

- (1) Communal facilities including an office, reception area, commercial kitchen, pool and gymnasium;
- (2) Communal open space of 3715m²;
- (3) Subdivision of the site into 26 lots in a community title scheme;
- (4) A maximum number of 270 car parking spaces;
- (5) Access roads; and
- (6) Revegetation and rehabilitation works.

Amendments to the Concept Plan

Appendix B

The amendments, which we wish to make to the Minister's concept plan approval of 9 May 2007 (which in summary alter the development to residential comprising single unit dwellings) are as follows:

- Removal of the tourist component of the use of the site
- Removal of the residential flat buildings and their replacement with detached dwellings
- Removal of the communal facilities (including an office, reception area, commercial kitchen, pool and gymnasium)
- Increase in the number of lots subdivided on the site from 26 to 41
- Reduction in the number of car parking spaces from 270 to 150
- Reduction in gross floor area of the development by approximately 10,000m²
- Reduction in the number of bedrooms by approximately 174
- Reduction to communal open space by approximately 2,300m²
- Other minor changes related to the above

All other works on the site will remain generally as in the concept plan approval.

We would also like to amend the staging as out in the approval to the following:

- Stage 1 will comprise demolition of the existing buildings, general clearing of the site of all structures, vegetation (not required to be retained and excluding dune and 7A zone) and redundant services, fencing of the dunes and 7A zoned vegetation.

Stage 1 will continue to be subject to Part 3A of the Act

- Stage 2 will comprise, subdivision & services, civil works, roads, stormwater management and rehabilitation of the dunes and 7A zoned vegetation.

Stage 2 will be subject to Part 4 of the Act.

- Stage 3 will comprise the individual construction of housing on lots 1-38 as per variation to the concept plan.

Stage 3 will be subject to Part 4 of the Act.

Major project application



NSW GOVERNMENT
Department of Planning

Date duly made: ____/____/____

Project application no. _____

1. Before you lodge

This form is required to apply for the approval of the Minister to carry out a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies.

Before lodging this application, it is recommended that you first consult with the Department of Planning (the Department) concerning your project.

A Planning Focus Meeting may need to be held for this project involving the Department, relevant agencies, council or other groups identified by the Department. If a Planning Focus Meeting is held, the Department will issue the Director-General's requirements for the Environmental Assessment following the meeting.

Disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All applications must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be emailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, Sydney NSW 2000
GPO Box 39 Sydney NSW 2001
DX 10181 Sydney Stock Exchange
Phone 1300 305 695.

2. Details of the proponent

Company/organisation/agency

SAPPHIRE BEACH DEVELOPMENT Pty Ltd

ABN

52 118 685 260

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

C/O ATTENTUS PROJECTS & PROPERTIES P/L

First name

WILLIAM

Family name

JENNER

Position

DEVELOPMENT MANAGER (ATTENTUS PROJECTS & PROPERTIES P/L)

STREET ADDRESS

Unit/street no.

201/117

Street name

OLD PITTWATER RD

Suburb or town

BROOKVALE

State

NSW

Postcode

2100

POSTAL ADDRESS (or mark 'as above')

AS ABOVE

Suburb or town

State

Postcode

Daytime telephone

02 9091 6834

Fax

02 9091 6827

Mobile

0428 491 997

Email

b11@attentus.net.au

3. Identify the land you propose to develop

STREET ADDRESS (where relevant)

Unit/street no.

740-742

Street or property name

PACIFIC HIGHWAY

Suburb, town or locality

SAPPHIRE BEACH

Postcode

2450

Local government area(s)

COFFS HARBOUR

State electorate(s)

COFFS HARBOUR

REAL PROPERTY DESCRIPTION

LOTS 100 & 101 DP 629 555
Lot 2 DP 800 936

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the project applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR detailed description of land attached. ☐

MAP: A map of the site and locality should also be submitted with this application.

4. Major project description and other requirements

Provide a brief title for your project.

"SAPPHIRE" MP 06_0148 - DEMOLITION & ASSOCIATED WORKS

PROJECT APPROVAL

If you are applying for approval of a project, include in the project title, all significant components for which approval is being sought. If the application relates to part only of a project, the project title should reflect this.

Is the application for approval of a project?

☐ Yes ☒ No

Is the application related to part only of a project?

☒ Yes ☐ No

CONCEPT PLAN APPROVAL

If you are applying for approval of a concept plan, include in the project title, all components for which approval 'in concept' is being sought. If the application also relates to approval of a project, a description of this should also be included in the project title.

Is the application for approval of a Concept Plan?

☐ Yes ☒ No

Is a project application being made concurrently for all or part of the project?

☐ Yes ☒ No

You are also required to provide a Project Description and address any matters required by the Director-General in accordance with section 75E or section 75M of the Act. Failure to do so may lead to your application being rejected.

Is a Project Description attached?

☒ Yes ☐ No

Does the Project Description include any additional matters required by the Director-General under section 75E or section 75M of the Act?

☐ Yes ☒ No

Note: An electronic copy of the project description is also required as all applications must be provided on the Department's website. You should contact the Department on the correct electronic format.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the project. The CIV includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment (but excluding GST and land costs).

\$ 750,000

EQUIVALENT FULL-TIME JOBS

Please indicate the number of jobs created by the project. This should be expressed as a proportion of full time jobs over a full year.

Construction jobs (full-time equivalent)

12

Operational jobs (full-time equivalent)

5. Approvals from State agencies

Does the project require any of the following: (tick all that are appropriate)

- ☐ an aquaculture permit under section 144 of the *Fisheries Management Act 1994*
- ☐ an approval under section 15 of the *Mine Subsidence Compensation Act 1961*
- ☐ a mining lease under the *Mining Act 1992*
- ☐ a production lease under the *Petroleum (Onshore) Act 1991*
- ☐ an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act)
- ☐ a consent under section 138 of the *Roads Act 1993*
- ☐ a licence under the *Pipelines Act 1967*

6. Landowner's consent or notification

As the owner(s) of the above property, I/we consent to this application being made on our behalf by the proponent:

Land

Signature

Name

Date

Land

Signature

Name

Date

Note: Under clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require the consent of the landowner, however, the proponent is required to give notice of the application:

- in the case of linear infrastructure projects, by notice in a newspaper circulating in the locality prior to the commencement of the public consultation period,
- in the case of mining or petroleum production projects, by notice in a newspaper circulating in the locality within 14 days of this application being made,
- in the case of critical infrastructure projects, to the owner of the land within 14 days of this application being made, and
- in other cases, to the owner of the land at any time before the application is made.

7. Political donation disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application or request.

Have you attached a disclosure statement to this application?

- ☐ Yes
☒ No

Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the project and address all matters required by the Director-General pursuant to section 75E and/or section 75M of the Act, and
- apply, subject to satisfying clause 8D of the Environmental Planning and Assessment Regulation, for the Director-General's environmental assessment requirements pursuant to Part 3A of the Act, and
- declare that all information contained within this application is accurate at the time of signing.

Signature



Name

WILLIAM JENNER

Date

9 MARCH 2009

In what capacity are you signing if you are not the proponent

DEVELOPMENT MANAGER

Name, if you are not the proponent

ATTENTUS PROJECTS & PROPERTIES PTY LTD

Project Application - Project Description

Works will comprise demolition of the existing buildings, general clearing of the site of all structures, redundant services and vegetation, fencing of the dunes and 7A zoned vegetation and prepare site for the subdivision and services work.





NOTE -
LOT 41 - ROAD AND ROW
(RIGHT OF WAY) COMMUNITY LOT

