

20 July 2022

PO Box 6511
Corindi Beach, NSW 2456

Our Ref: 16083_TP_RP_MOD5_AMEND

Ms Emma Butcher
Regional Assessments
Department of Planning & Environment,
Locked Bag 5022, Parramatta NSW 2124.

Dear Emma,

**RE: SECTION 4.55(1A) MODIFICATION TO MAJOR PROJECT APPROVAL 06_0143
THE GLADES ESTATE RESIDENTIAL SUBDIVISION – MOONEE BEACH
LOT 1 & 2 IN DP 725785**

Land Metrics Pty Ltd acting on behalf of the Rothwell Boys Pty Ltd have prepared this Section 4.55 Modification Application to Major Project Approval 06-0143 (MP06-0143).

This application seeks the following changes:

- 1) resolve the conflict which will arise from the provisioning of subdivision infrastructure on land that is required to be dedicated to Council as public open space. This matter has been brought to our attention as a result of email communications between J. Wyndham Prince Pty Ltd and Coffs Harbour City Council concerning a change in the subdivision staging sequence.
- 2) combine 'Active Recreation Node 1' and 'Passive Recreation Node 2' in the same the location as per 'Passive Recreation Node 2'. This modification is proposed following discussions between the applicant (Rothwell Boys Pty Ltd) and Coffs Harbour City Council on the 16th of May 2022.

In response to the above, consent from the Department of Planning & Environment (The Minister of Planning) is sought to modify Condition A1, A2, A3, A6, B6, E11, E14, E18 in so far as these apply to the phased dedication of open space land and recreation nodes 1 & 2.

Because of these modifications, consent from the Department is also sought to modify the accompanying plans which apply to these changes.

1. BACKGROUND

MP06-0143 was issued by the Minister for Planning on the 5th of March 2009. Amongst other things, the approval provides for the creation of 524 residential allotments, site earthworks (cut and fill) the provision of roads and associated playing fields and a pedestrian/cycleway network.

Since 2009, this Project Approval has been commenced and has been subject to four modifications. These are:

MOD 1:

On the 18th of November 2009 a Section 75W modification was lodged with the Department seeking:





- a) to facilitate the issue of a Construction Certificate to permit bulk earthworks on-site in advance of providing the creation of any easements or instruments of title for the construction of the northern collector road;
- b) permit the staging of the project to proceed in a manner generally consistent with the Preliminary Lot Layout Plan (04-1600 Drawing P1 Amendments F dated February 2009) but allowing flexibility regarding the sequencing of staging.
- c) The provision of temporary construction fencing during the bulk earthwork's construction in a manner different to Plan 8 Landscape Staging Plan dated December 2008 referred to in Condition C10 of MP06_0143.

The proposed modification sought and obtained changes to Conditions A2, B1(2), & C10 as well as including new Condition B1A. This proposed modification was approved on the 1st of February 2010.

MOD 2:

On the 21st of June 2011 a Section 75W modification was lodged with the Department seeking to allow the issue of a construction certificate for the installation of a sewer rising main across the Pacific Highway in advance of any other approvals or certifications required for the development.

The proposed modification sought changes to Conditions B1A and C10. This proposed modification was approved on the 15th of July 2011

MOD 3:

On the 27th of November 2014 a Section 75 W modification application was lodged with the Department seeking to amend Condition B1(3) and Condition E18 to delete references to the Moonee Developer Contributions Plan 2008 and the associated development contribution table and replace it with the contributions applicable under the recently adopted Moonee Release Area Development Contributions Plan. This proposed modification was approved by DPE on the 2nd of February 2015.

MOD 4:

On the 24th of November 2017 a Section 75 W modification application was lodged with the Department seeking to amend several conditions pertaining to the approved layout, site levels, and noise mitigation levels. During the ensuing assessment period, revisions were made to the modifications being sought and ultimately amendments to Conditions A3, A4, B4, B10, D6, D13 D14, E7, E16 and E20 were approved on the 16th of November 2020.

2 REQUEST FOR PROPOSED MODIFICATIONS

2.1 Amendments to Staging of Open Space Dedication to Council

Project Approval MP06-0143 requires the dedication of approximately 45 hectares of open space/habitat conservation.

The dedication of this area is required in accordance with Condition E14, and in accordance with the sequence shown on the approved plan titled 'Staging of Open Space Dedication to Council December 2008', Annexure E. A copy of this plan is attached.

The currently approved phased dedication of open space / habitat conservation areas in accordance with Condition E14 is problematic for most construction stages. Under the current arrangement, construction activities associated with subdivision infrastructure provisioning would be required on land that has been embellished in accordance with an approved vegetation management plan and subsequently dedicated to Council as public open space before all the relevant infrastructure is satisfactorily completed and dedicated to Council.



This issue is evident for subdivision stages 4,8,10 & 11. At the completion of subdivision development stage 3, the open space / habitat conservation areas that adjoin these later subdivision development stages, being 4,8,10 & 11, are required to be dedicated to Council.

To counter this issue, we propose that the dedication of the relevant adjoining open space/habitat conservation land occur in accordance with the attached plan, titled 'Subdivision Staging and Staging of Open Space Dedication to Council' plan prepared by J. Wyndham Prince, dated 02/03/22. Regarding this plan, we note the proposed modifications to:

- a) the alignments which define the dedication of each open space area for Stages 1,3,4,5,8 & 9 and the accompanying table shown thereon, and
- b) the alignments that define the subdivision development staging so that they coincide with the proposed changes to the open space dedication to council for Stages 1,3,4,5,8 & 9.

We believe this modified approach represents the most practical and efficient way of completing all construction and environmental related activities associated within each subdivision development stage. We also believe that this approach will result in the functional delivery and dedication of open space / habitat conservation land.

To facilitate this change to the development, it is necessary to modify conditions of consent A2, A3, A6, E11, & E14. Section 3 below identifies the modifications which are required to each condition.

2.2 Amendments to Staged Subdivision Boundaries

To avoid any confusion with respect to the embellishment of open space land, approval from the Department of Planning & Environment regarding the subdivision staging boundaries as shown on the attached plan, titled 'Subdivision Staging and Staging of Open Space Dedication to Council' is also sought. As noted above, the repositioning of the subdivision development staging is necessary so that it coincides with the proposed changes to the alignments which define the open space dedication to Council.

To formalise this change, it is necessary to modify Conditions A3 & A6. Section 3 below incorporates the required change.

2.3 Relocation of Recreation Node 1

This modification is proposed following discussions between the applicant (Rothwell Boys Pty Ltd) and Coffs Harbour City Council on the 16th of May 2022. At this meeting, Council expressed their preference to combine Active Recreation Node 1 and Passive Recreation Node 2 given the adoption of Council's Public Realm Urban Planning Design Guideline and their Open Space Strategy 2010 which has been introduced and actively endorsed post approval of MP06-0143.

In response to these discussions, consent from the Department of Planning & Environment (The Minister of Planning) is sought to modify Condition A1, A2, A3, B6, E11 and E18 as far as these relate to each of the above-mentioned recreation nodes. Section 3 below incorporates the required changes.

3. MODIFICATIONS TO PROJECT APPROVAL CONDITIONS

To enable the development to proceed in accordance with the discussion provided in Section 2 above, it will be necessary for the Department of Planning & Environment to support the following changes.



3.1 Condition A1 – Project Description

Condition A1 describes the elements of the project approval in detail. With reference to Section 2 above, it is necessary to amend condition A1 to ensure that the description of the project approval is consistent with the changes being sought in relation to Conditions A2, A3, B6 & E18 as discussed below.

Accordingly, Condition A1 has been revised to reflect the proposed changes.

A1 – Project Description

Project approval is granted only to carrying out the project described in detail below:

- 1) Construction of a staged residential subdivision to create a total of 524 lots within eleven (11) stages;
- 2) Construction of an internal network of roads, pedestrian paths and cycle ways;
- 3) Provision of approximately 45 hectares of open space / habitat conservation areas, including construction of **two one** formal recreation **nodes node** providing a range of facilities including barbeques, picnic shelters, informal playing fields, childrens playgrounds and associated car parking;
- 4) Bulk earthworks (cut and fill)
- 5) Construction of associated infrastructure including water supply mains, sewerage mains, stormwater drainage structures, water quality and detention structures;
- 6) Construction of associated Asset Protection Zones;
- 7) Construction of noise attenuation measures adjacent to the Pacific Highway;
- 8) Construction of fencing to riparian, environmental buffer zones and corridors,
- 9) Associated landscaping, street planting and rehabilitation / strengthening of existing native vegetation areas to be retained, and
- 10) Construction of temporary construction access to the Pacific Highway.

Note: This proposal seeks to combine Recreation Nodes 1 & 2 into a single 'Recreation Node'. Accordingly, proposed modifications to Condition A1 are shown as bold. Text that is to be deleted is struck out.

3.2 Condition A2 – Staging

Condition A2 refers to the staging of development under MP 06-0143. With reference to Section 2 above, it is necessary to amend condition A2 to ensure that: -

- a) the release of each subdivision development stage coincides with the proposal plan entitled 'Subdivision Staging and Staging of Open Space Dedication to Council' plan prepared by J. Wyndham Prince, dated 02/03/22. Condition A2 as proposed below has been revised to reflect the changes to the abovementioned plan, and
- b) the change to the proposed recreation nodes sought by this modification coincides with the delivery of the relevant subdivision development phase. Accordingly, Condition A2 has been revised to reflect the proposed change.

A2 Staging

The project is to be constructed in eleven (11) stages; generally, as follows:

- 1) Stage 1
 - i) 62 residential lots
 - ii) 1 lot for a potential corner store.
 - iii) construction of noise mitigation measures for road traffic noise
- 2) Stage 2
 - i) 40 residential lots



~~**ii) construction of Recreation Node No.1:**~~

3) Stage 3

i) 47 residential lots

~~**ii) Dedication to Council of Phase 1 Open Space, 19ha**~~

4) Stage 4

i) 47 residential lots

5) Stage 5

i) 51 residential lots

6) Stage 6

i) 61 residential lots

~~**ii) Construction of Recreation Node No.2:**~~

7) Stage 7

i) 48 residential lots

~~**ii) Dedication to Council of Phase 2 Open Space, 18ha**~~

8) Stage 8

i) 48 residential lots

9) Stage 9

i) 50 residential lots

~~**ii) Dedication to Council of Phase 3 Open Space, 8ha**~~

iii) Construction of pedestrian / cycleway linking site to the south along the collector road.

10) Stage 10

i) 42 residential lots

11) Stage 11

i) 28 residential lots

Essential infrastructure, including roads, shall be constructed as specified in the staging listed above.

Dedication to Council of Phase 1,2 & 3 Open Space Areas in accordance with the plan "Subdivision Staging and Staging of Open Space Dedication to Council' plan prepared by J. Wyndham Prince, dated 02/03/22.

Construction of Recreation Node is to be completed prior to the issue of the Subdivision Certificate for the final development stage of Phase 2 Open Space Areas in accordance with the plan "Subdivision Staging and Staging of Open Space Dedication to Council' plan prepared by J. Wyndham Prince, dated 02/03/22.

Note: Proposed modifications to Condition A2 are shown as bold. Text that is to be deleted is struck out.

3.3 Condition A3 – Project in Accordance with Plans

Condition A3 lists the approved drawings. Given the proposed modifications to:-

- a) the staging of the open space areas and the subdivision development staging,
- b) Active Recreation Node 1 and Passive Recreation Node 2,

it is necessary to alter the approved drawing references as follows.



Project and Engineering Drawings Prepared by Aus Pacific Engineers			
Drawing No.	Revision	Name of Plan	Date
P1	F	Preliminary Lot Layout	February 2009
Project and Engineering Drawings Prepared by Aus Pacific Engineers (as amended by Land Metrics)			
Drawing No.	Revision	Name of Plan	Date
P1	G	Preliminary Lot Layout	June 2022

Project and Landscape Drawings Prepared by ERM			
Drawing No.	Revision	Name of Plan	Date
Annex E		Staging of Open Space Dedication to Council	December 2008
Annex H – Plan 1		Active Recreation Node 1	December 2008
Annex H – Plan 2		Passive Recreation Node 2	December 2008
Annex H – Plan 4		Vegetation Management	December 2008
Annex H – Plan 6		Path Network and Development Facilities	December 2008
Annex H – Plan 7		Landscape Concept Plan	December 2008

Project and Landscape Drawings Prepared by ERM (as amended by Land Metrics)			
Drawing No.	Revision	Name of Plan	Date
16083-RCNP_June 2022		Recreation Node Plan	June 2022
Annex H – Plan 4		Vegetation Management	December 2008 as amended by Land Metrics – June 2022
Annex H – Plan 6		Path Network and Development Facilities	December 2008 as amended by Land Metrics – June 2022
Annex H – Plan 7		Landscape Concept Plan	December 2008 as amended by Land Metrics – June 2022

Project and Landscape Drawings Prepared by J. Wyndham Prince			
Drawing No.	Revision	Name of Plan	Date
110719-02-SK013	2	Subdivision Staging and Staging of Open Space Dedication to Council	02/03/22

Note: Proposed modifications to Condition A3 are shown as bold. Text that is to be deleted is struck out.

3.4 Condition A6 - Certification and Staging

Condition A6 (1) describes how the staging of the development is to occur. Given the proposed modifications to the staging of the open space areas and the subdivision development staging as discussed above, it is necessary to alter this condition as follows.



A6 Certification and Staging

1) *Staging of the Development*

The staging of the project is to occur generally in numerical order, commencing with Stage 1. It is noted that staging may vary in timing accordingly to market forces.

Note:

The subdivision development staging is defined on the plan entitled 'Subdivision Staging and Staging of Open Space Dedication to Council' prepared by J. Wyndham Prince, dated 02/03/22. To avoid any doubt, this plan replaces the subdivision staging shown on the approved plan P1, Preliminary Lot Layout, Revision F dated February 2009.

2) *Construction Certificate*

Prior to the commencement of subdivision works the proponent must obtain a Construction Certificate from either the Council or an accredited certifier for each stage of the subdivision before any subdivision work can commence for each stage.

3) *Subdivision Certificate*

Prior to registration of a plan of subdivision under Division 3 of Part 23 of the Conveyancing Act 1919 for any allotments in any stage within the subdivision a Subdivision Certificate pursuant to Sections 109C(1)(d) and 109D of the Act must be obtained from the Council or an accredited certifier for each stage of the subdivision.

Note: Proposed modifications to Condition E11 are shown as bold. Text that is to be deleted is struck out.

3.5 Condition B6 – Public Car Parking

Condition B6 (1) requires the preparation of detailed construction plans for the car parks adjacent to the planned recreation nodes. Given the proposed modifications to Active Recreation Node 1 and Passive Recreation Node 2, it is necessary to alter this condition as follows.

B6 – Public Car Parking

*Detailed construction plans shall be prepared to the satisfaction of Council for the car parks to be provided adjacent to the Recreation ~~Area/Nodes 1 and 2~~ **Node** prior to the issue of construction certificates for the relevant stages. The car parks shall be constructed as part of road works for ~~the areas adjacent to this these~~ recreation ~~areas~~ **area**.*

Note: This proposal seeks to combine Recreation Nodes 1 & 2 into a single 'Recreation Node'. Accordingly, proposed modifications to Condition B6 are shown as bold. Text that is to be deleted is struck out.

3.6 Condition E11 – Open Space / Landscaping

Condition E11 references the plan titled "Staging of Open Space Dedication to Council, December 2008, Anneure E of the 'Post Preferred Project Submission' December 2008."

Given the modification which is being sought in relation to Conditions A2, A3 & B6, it is necessary to also modify Condition E11 as follows:

E11 Embellishment and Maintenance of Open Space Areas

- 1) *Prior to the release of relevant Subdivision Certificate for the project, open space (as it relates to each of those stages) is to be embellished and recreation areas and facilities established and constructed consistent with the approved landscape plans and in accordance with the plan titled ~~Staging of Open Space~~*



~~Dedication to Council, December 2008, Annexure E of the 'Post Preferred Project Submission', December 2008 'Subdivision Staging and Staging of Open Space and Dedication to Council', prepared by J. Wyndham Prince, dated 02/03/22.~~

- 2) The works prescribed in the approved Vegetation Management Plan (VMP) for that relevant stage, must be completed in accordance with the VMP and certified in writing by the consultant who prepared the VMP, prior to the issue of the relevant Subdivision Certificates.
- 3) All landscaped and open space areas (Open Space Categories 1, 2 and 3 as identified in the approved plan prepared by ERM 'Broad Scale Open Space Types' dated December 2008) to be dedicated to Council including open space areas along road reserves are to be managed and maintained for a minimum 5 years from release of relevant construction certificates.

Note: Proposed modifications to Condition E11 are shown as bold. Text that is to be deleted is struck out.

3.7 Condition E14 – Project in Accordance with Plans

Condition E14 references the plan titled "Staging of Open Space Dedication to Council, December 2008, Annexure E of the 'Post Preferred Project Submission' December 2008."

Given the modification which is being sought in relation to Conditions A2, A3 & E11, it is also necessary to modify Condition E14 as follows:

E14 Dedication Of Open Space

- 1) The proponent shall make necessary arrangements for the dedication of the open space areas to Council prior to release of the relevant Subdivision Certificate in accordance with the plan titled **~~Staging of Open Space Dedication to Council, December 2008, Annexure E of the 'Post Preferred Project Submission', December 2008 'Subdivision Staging and Staging of Open Space Dedication to Council', prepared by J. Wyndham Prince, dated 02/03/22~~**

- 2) ~~Prior to the issue of the first Subdivision Certificate for the project, relevant approvals or agreements are to be entered into with Council to allow the proponent to carry out management and maintenance works, as required under condition E11, on the open space areas in each stage of the project, during five years following release of construction certificates of each stage.~~

Prior to the dedication of the relevant open space area to Council, relevant approvals or agreements are to be entered into with Council to allow the proponent to carry out management and maintenance works as required under condition E11 on the open space areas in each stage, during five (5) years following release of the subdivision certificate for each open space area phase.

For the avoidance of doubt, the dedication of open space to Council is to occur after the final stage of subdivision works are completed for each Open Space Area Phase as shown on the 'Subdivision Staging and Staging of Open Space Dedication to Council', prepared by J. Wyndham Prince, dated 02/03/22

- 3) All open space and public reserve areas shall be dedicated at no cost to Council, other than any land that may be subject to the acquisition provisions of clause 20 Coffs Harbour Local Environmental Plan 2000. Note: Clause 20 Coffs Harbour Local Environmental Plan 2000 applies to land zoned "Open Space 6A Public Recreation Zone" on the site.

Note: Proposed modifications to Condition E14 are shown as bold. Text that is to be deleted is struck out.



3.8 Condition E18(3) – Section 94 Monetary Contributions

Condition E18(3) permits contribution payments for Neighbourhood Open Space to comprise 'works in kind' for the construction of the approved recreations nodes 1 & 2. With reference to Section 2 above, given that recreation node 1 is to be combined with recreation node 2, it is necessary to amend item 3) in Condition E18 to ensure that:

- 'Works in kind' may be undertaken in place of the payment of contributions for the identified 'recreation node' which is the subject of this modification.
- The payment of contributions for the identified "recreation node' may occur coincident with the relevant subdivision development stage.

Accordingly, Condition E18(3) has been revised to reflect the proposed changes.

E18 – Section 94 Monetary Contributions

- 1) Contributions for Neighbourhood Open Space can comprise in part 'works-in-kind' for the construction of ~~two~~ **a recreation nodes node** within the site, refer to conditions A2 and B13. **The Recreation Node ~~No-1~~** is to be constructed ~~prior to the release of the Subdivision Certificate for Stage 3. Recreation Node No. 2 is to be constructed~~ prior to the release of the Subdivision Certificate for **Stage-7 the final development stage of Phase 2 Open Space Area as identified in 'Subdivision Staging and Staging of Open Space and Dedication to Council', prepared by J. Wyndham Prince, dated 02/03/22.** The value of works to be undertaken and the balance of monetary contributions shall be at least equal to the Neighbourhood Open Space contributions assessed, and adjusted, in accordance with the plan.

Note: Proposed modifications to Condition E14 are shown as bold. Text that is to be deleted is struck out.

4. ENVIRONMENTAL ASSESSMENT

Section 4.55(3) of the Act requires the Department of Planning & Environment to take into consideration the matters referred to in Section 4.15(1) of the Act. On review of the relevant provisions, it is submitted:

Planning Framework

The proposal remains compliant with the relevant planning framework.

Likely Impacts of the Development

The proposal will not result in any adverse impact to the environment

Suitability of the Site for the Development

The suitability of the site for residential and open space development is well established.

Any Submissions Made

This matter is not applicable at this time.

The Public Interest

The proposal is in the public interest because: -

- it will provide optimum timing for the completion of all relevant infrastructure adjacent to the relevant dedicated open space and ensure appropriate access, maintenance, monitoring, and reporting will be implemented in the most practical and efficient manner;
- remains consistent with Council's adopted open space strategy and design guideline.



5. CONCLUSION

The modification of Conditions A1, A2, A3, A6, B6, E11, E14, E18 and the aforementioned plans, are sought to:-

- simplify the delivery and dedication of open space land according to each subdivision development stage. The proposed changes will not have a material impact on the development as originally approved under MP06_0143 nor will they affect the subsequent modifications approved as MOD 1,2,3 & 4.
- provide the delivery of the planned recreational node commensurate with Council's advice on the 16th of May 2022 and its Public Realm Urban Planning Design Guideline and Open Space Strategy.

The proposed amendments being sought herewith are considered consistent with the provisions of Section 4.55(1A) of the Environmental Planning & Assessment Act 1979. Furthermore, we believe that the proposed modifications are consistent with the original approval, in that:-

- the proposal complies with the relevant statutory provisions.
- the proposal is substantially the same development as originally approved and does not result in adverse social, environmental or economic impacts.
- the proposed changes will not have a material impact on the development as originally approved under MP06_0143 nor will they affect the subsequent modifications approved as MOD 1,2,3,4.

We trust sufficient information has been provided herewith. Should the Department require further detail or wish to discuss this proposal, please do not hesitate to contact Mr Bill Sarkis (Development Manager – Winten Property Group) on 9929 5000.

Yours faithfully,

LAND METRICS PTY LTD

Matt Cooper
Director

Enc:

'Staging of Open Space Dedication to Council December 2008', Annexure E.

'Subdivision Staging and Staging of Open Space Dedication to Council', Plan No. 110719-02-SK013 dated 02/03/22

'Preliminary Lot Layout' Revision G dated June 22

'Recreation Node Plan' dated June 2022

'Vegetation Management Plan' dated December 2008 as amended June 2022

'Path Network and Development Facilities' dated December 2008 as amended June 2022

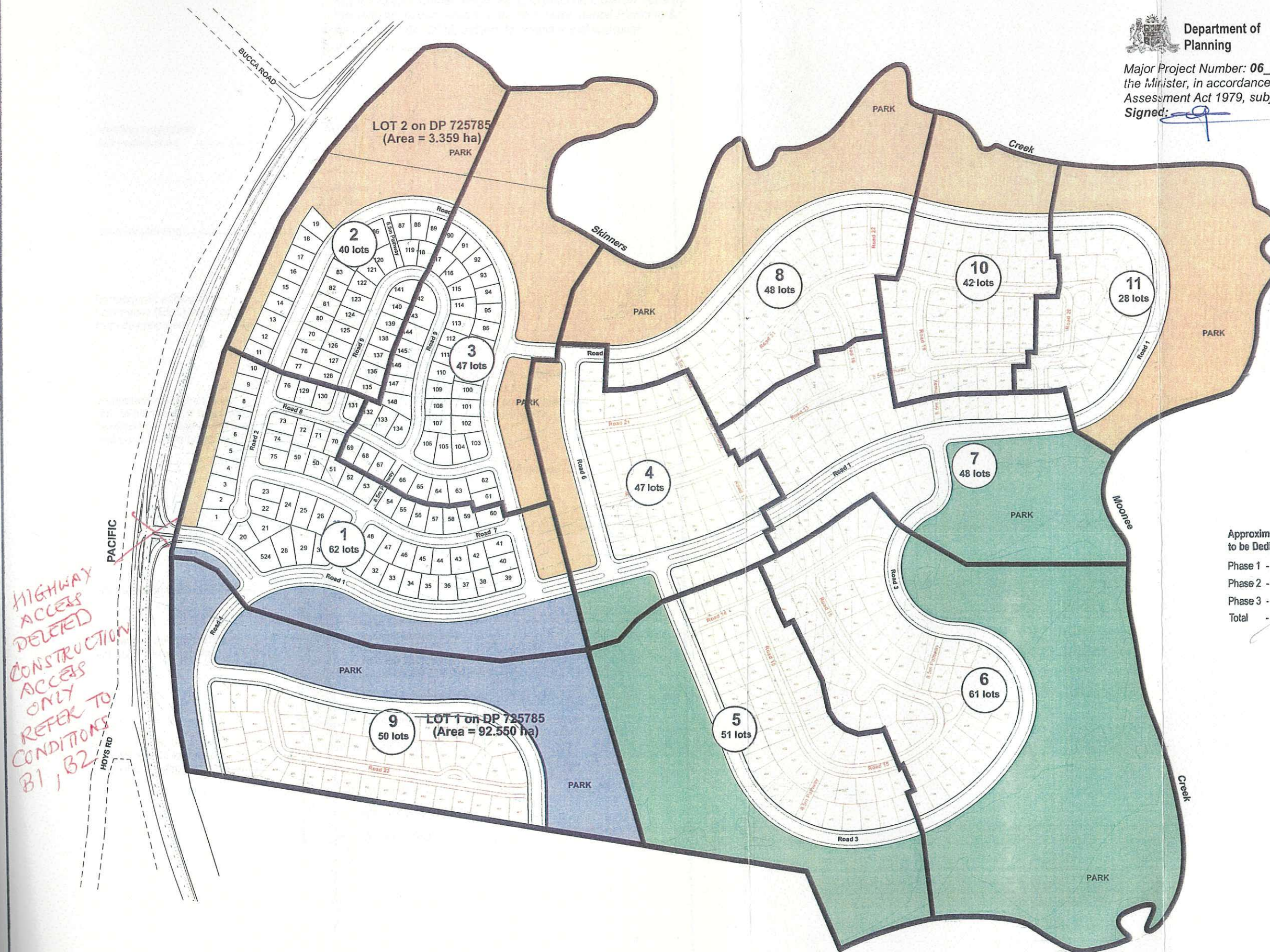
'Landscape Concept Plan' dated December 2008 as amended June 2022.

Copy of Modification No. 5 of MP06_0143 lodged with the Department on the 29th of April 2022.



Department of
Planning

Major Project Number: **06_0143**, approved on **5 March 2009** by the Minister, in accordance with the Environmental Planning & Assessment Act 1979, subject to conditions of approval.
Signed:



CONSTRUCTION

Stage	No. of Lots
1	62
2	40
3	47
4	47
5	51
6	61
7	48
8	48
9	50
10	42
11	28
TOTAL	524

Approximate Area of Land to be Dedicated:

Phase 1 - 19ha (To be dedicated after Stage 3 works completed)
Phase 2 - 18ha (To be dedicated after Stage 7 works completed)
Phase 3 - 8ha (To be dedicated after Stage 9 works completed)
Total - 45ha

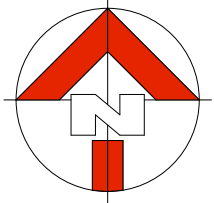
Legend

Construction Stage

Open Space Areas to be Dedicated

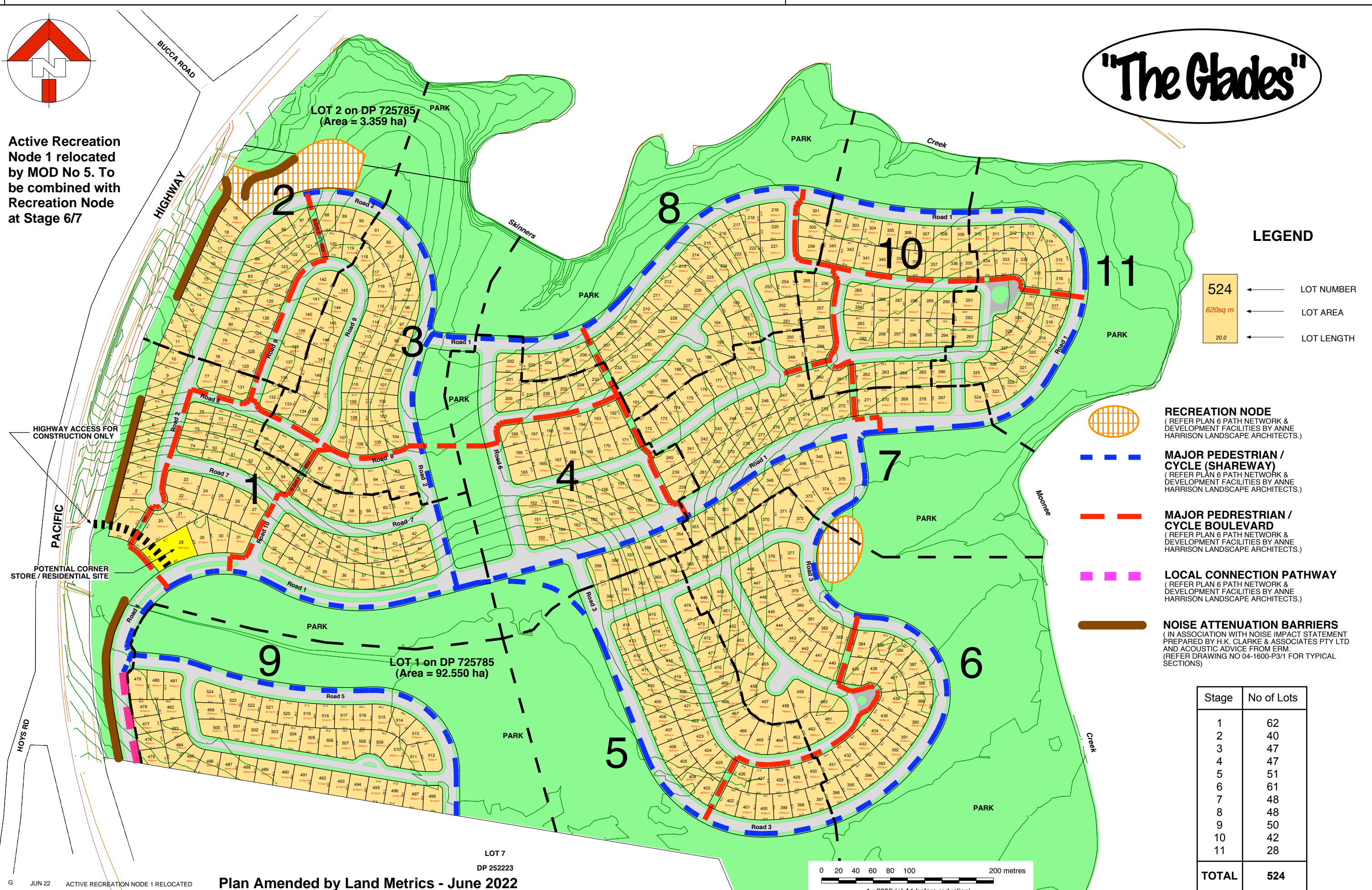
- Stage 1 (Phase 1)
- Stage 2 (Phase 1)
- Stage 3 (Phase 1)
- Stage 4 (Phase 1)
- Stage 5 (Phase 2)
- Stage 6 (Phase 2)
- Stage 7 (Phase 2)
- Stage 8 (Phase 1)
- Stage 9 (Phase 3)
- Stage 10 (Phase 1)
- Stage 11 (Phase 1)





Active Recreation
Node 1 relocated
by MOD No 5. To
be combined with
Recreation Node
at Stage 6/7

"The Glades"



G JUN 22 ACTIVE RECREATION NODE 1 RELOCATED
F FEB 09 TEMPORARY INTERSECTION AMENDED

Plan Amended by Land Metrics - June 2022

E	DEC 08	PATH NETWORK AND FACILITIES ADDED
D	MAY 08	TOTAL SITE APPLICATION
C	APRIL 08	ENTRY AMENDED
B	OCT 07	DRAWING TITLE AMENDMENT
A	SEPT 07	CONCEPT PLAN & PRECINCT NOTED
amdt no.	date	amendment

DISCLAIMER: This is a preliminary concept plan prepared by Auspacific Engineers Pty Ltd ("the consultant"). The concept plan has been prepared by the Consultant for the benefit of the entity to which it is addressed ("the Client") and is in response to certain instructions and requests given by the Client. The concept plan therefore may only be relied upon by the Client for the purpose for which it has been prepared and for no other purpose. The concept plan does not represent the Consultant's professional advice, but is merely an overview of potential development outcome and as stated is "preliminary" in nature. No third party is entitled to rely upon the information contained in the preliminary report and any definitive advice as to budgets, yields, etc., should be sought directly from the consultant.

PRELIMINARY LOT LAYOUT



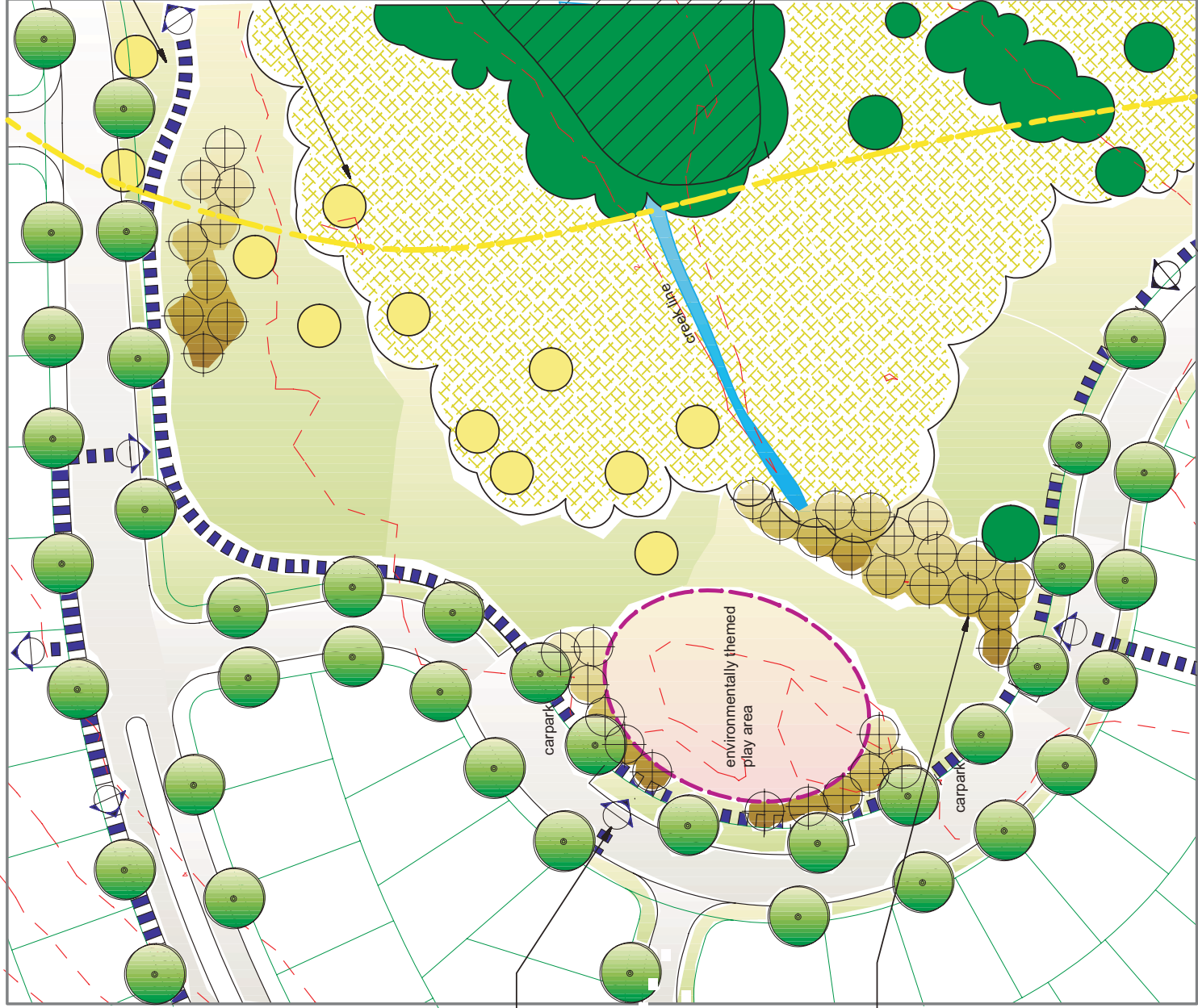
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scales	AS SHOWN
design	RKH
drawn	JM
date	NOV 2006
signed	

client	THE ROTHWELL BOYS PTY LTD	04-1600
project	PROPOSED RESIDENTIAL SUBDIVISION MOONEE BEACH COFFS HARBOUR	
dwg no.	P1	amendment
		F



Recreation Node

Recreation emphasis is on:

- a) facilitating active use of open space. The node will cater in part to adults and older children alike.
- b) explaining and incorporating environmental and cultural elements into recreation use. Recreation will in part be more passive in nature and cater more to younger children.

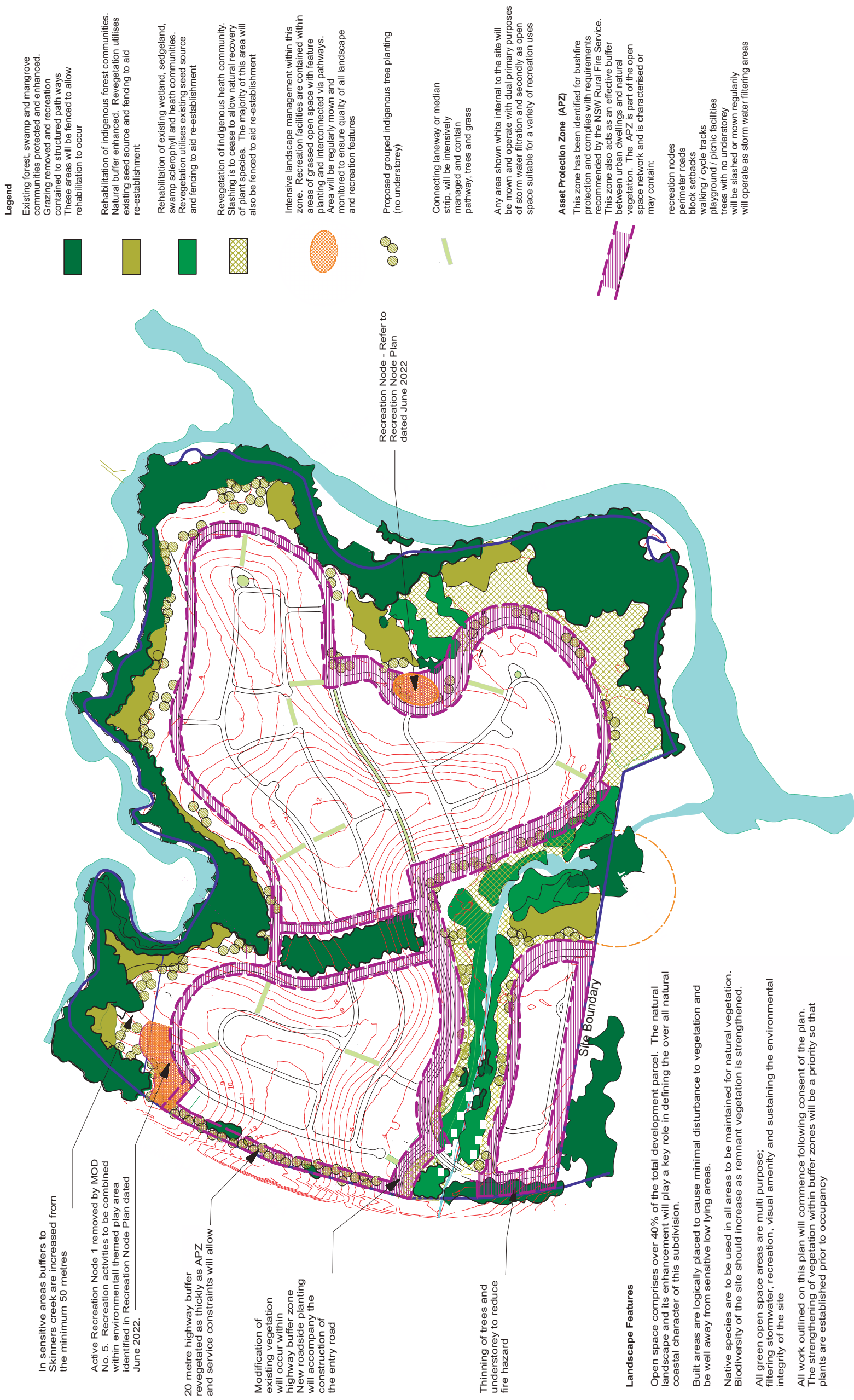
The node will be managed to facilitate informal family gatherings and is kept away from environmentally sensitive elements.

Design details are to be resolved as part of the design and embellishment process for Phase 2 Open Space Areas as defined by Drawing No 110719-02-SK013, Revision 2 - Subdivision Staging and Staging of Open Space Dedication to Council dated 02/03/22.

The recreation node may contain:

- play equipment for young children
- seating and picnic tables
- interpretive material
- planting for shade and amenity
- BBQs
- carparking

- Existing *Melaleuca sieberi*
- Mown Grasslands Containing Scattered Clumped Trees
- Area Managed to enable Natural Regeneration of Species
- Endangered Ecological Community
- Existing Canopied Vegetation
- Recreation Node
- Moonee Creek 100m Buffer
- Pedestrian Route



Plan amended by Land Metrics - June 2022

Source: Anne Harrison Landscape Architect Plan 4 - Vegetation Management



Annex H - Plan 4

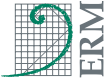
Vegetation Management
- Dated December 2008

The Glades Estate, Coffs Harbour- Preferred Project Report Nov 08



Plan Amended by Land Metrics - June 2022

Source: Anne Harrison Landscape Architect Plan 6 - Path Network and Development Facilities



Annex H - Plan 6

Path Network and Development Facilities
- Dated December 2008

The Glades Estate, Coffs Harbour- Preferred Project Report Nov 08

Active Recreation No.1 removed by MOD
No. 5. Recreation activities to be combined
within environmentally themed play area
identified in Recreation Node Plan dated
June 2022

culverts under road to allow
wallum froglet movement

20m Environmental Scenic Buffer /
service easement will
contain a vegetated buffer
cycle / pedestrian path
and noise attenuation barriers

Central vegetation
and habitat corridor
protected by permanent
farm style fencing

pedestrian /
green space link

main entry
boulevard road

existing wetland
and sedgeland
communities
strengthened
protecting
wallum froglet

pedestrian / cycle links to
Moonee and Coffs Harbour



Legend

- Existing forest, sedgeland, swamp or mangrove communities
- Rehabilitated forest communities
- Rehabilitated swamp, sedgeland, heathland and wetland communities
- Rehabilitated Heathland
- Grasslands - mown regularly
- Proposed indigenous tree planting
- Boulevard Trees
- Avenue Trees
- Street and Connecting Pathway Trees
- Major recreation node area contains: picnic facilities, carparking and elements for outdoor play
- Low density housing

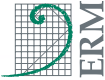
Plan Theme

The Glades will be a high quality built environment, surrounded by open space, reflecting in character its beautiful natural coastal setting. The development where possible will enhance the sites many natural assets and create opportunities for people to enjoy them.

The Glades



Plan amended by Land Metrics Pty Ltd dated June 2022



Source: Anne Harrison Landscape Architect Plan 7 - Landscape Concept Plan

Annex H - Plan 7

Landscape Concept Plan
- Dated December 2008



The Glades Estate, Coffs Harbour- Preferred Project Report Nov 08

29 April 2022

Our Ref: 16083_TP_RP_MOD5

Ms Emma Butcher
Regional Assessments
Department of Planning & Environment,
Locked Bag 5022, Parramatta NSW 2124.

Dear Emma,

**RE: SECTION 4.55(1A) MODIFICATION TO MAJOR PROJECT APPROVAL 06_0143
THE GLADES ESTATE RESIDENTIAL SUBDIVISION – MOONEE BEACH
LOT 1 & 2 IN DP 725785**

Land Metrics Pty Ltd acting on behalf of the Rothwell Boys Pty Ltd have prepared this Section 4.55 Modification Application to Major Project Approval 06-0143 (MP06-0143).

This application seeks to resolve the conflict which will arise from the provisioning of subdivision infrastructure on land that is required to be dedicated to Council as public open space. This matter has been brought to our attention as a result of email communications between J. Wyndham Prince Pty Ltd and Council concerning a change in the subdivision staging sequence.

In response to the above, consent from the Department of Planning & Environment (The Minister of Planning) is sought to modify **Condition A2, A3, A6, E11 and E14** in so far as these apply to the phased dedication of open space land. Because of these modifications, consent from the Department is also sought to modify the accompanying plans which apply to the staging of open space dedication to Council and the subdivision development staging boundaries as approved under MP06-0143.

1.0 BACKGROUND

MP06-0143 was issued by the Minister for Planning on the 5th of March 2009. Amongst other things, the approval provides for the creation of 524 residential allotments, site earthworks (cut and fill) the provision of roads and associated playing fields and a pedestrian/cycleway network.

Since 2009, this Project Approval has been commenced and has been subject to four modifications. These are:

MOD 1:

On the 18th of November 2009 a Section 75W modification was lodged with the Department seeking:

- a) to facilitate the issue of a Construction Certificate to permit bulk earthworks on-site in advance of providing the creation of any easements or instruments of title for the construction of the northern collector road;
- b) permit the staging of the project to proceed in a manner generally consistent with the Preliminary Lot Layout Plan (04-1600 Drawing P1 Amendments F dated February 2009) but allowing flexibility regarding the sequencing of staging.





- c) The provision of temporary construction fencing during the bulk earthwork's construction in a manner different to Plan 8 Landscape Staging Plan dated December 2008 referred to in Condition C10 of MP06_0143.

The proposed modification sought and obtained changes to Conditions A2, B1(2), & C10 as well as including new Condition B1A. This proposed modification was approved on the 1st of February 2010.

MOD 2:

On the 21st of June 2011 a Section 75W modification was lodged with the Department seeking to allow the issue of a construction certificate for the installation of a sewer rising main across the Pacific Highway in advance of any other approvals or certifications required for the development.

The proposed modification sought changes to Conditions B1A and C10. This proposed modification was approved on the 15th of July 2011

MOD 3:

On the 27th of November 2014 a Section 75 W modification application was lodged with the Department seeking to amend Condition B1(3) and Condition E18 to delete references to the Moonee Developer Contributions Plan 2008 and the associated development contribution table and replace it with the contributions applicable under the recently adopted Moonee Release Area Development Contributions Plan. This proposed modification was approved by DPE on the 2nd of February 2015.

MOD 4:

On the 24th of November 2017 a Section 75 W modification application was lodged with the Department seeking to amend several conditions pertaining to the approved layout, site levels, and noise mitigation levels. During the ensuing assessment period, revisions were made to the modifications being sought and ultimately amendments to Conditions A3, A4, B4, B10, D6, D13 D14, E7, E16 and E20 were approved on the 16th of November 2020.

2.0 REQUEST FOR PROPOSED MODIFICATIONS

Amendments to Staging of Open Space Dedication to Council

Project Approval MP06-0143 requires the dedication of approximately 45 hectares of open space/habitat conservation.

The dedication of this area is required in accordance with Condition E14, and also in accordance with the sequence shown on the approved plan titled 'Staging of Open Space Dedication to Council December 2008', Annexure E. A copy of this plan is attached.

The currently approved phased dedication of open space / habitat conservation areas in accordance with Condition E14 is problematic for most construction stages. Under the current arrangement, construction activities associated with subdivision infrastructure provisioning would be required on land that has been embellished in accordance with an approved vegetation management plan and subsequently dedicated to Council as public open space before all the relevant infrastructure is satisfactorily completed and dedicated to Council.

This issue is evident for subdivision stages 4,8,10 & 11. At the completion of subdivision development stage 3, the open space / habitat conservation areas that adjoin these later subdivision development stages, being 4,8,10 & 11, are required to be dedicated to Council.



To counter this issue, we propose that the dedication of the relevant adjoining open space/habitat conservation land occur in accordance with the attached plan, titled 'Subdivision Staging and Staging of Open Space Dedication to Council' plan prepared by J. Wyndham Prince, dated 02/03/22. Regarding this plan, we note the proposed modifications to:

- a) the alignments which define the dedication of each open space area for Stages 1,3,4,5,8 & 9 and the accompanying table shown thereon, and
- b) the alignments that define the subdivision development staging so that they coincide with the proposed changes to the open space dedication to council for Stages 1,3,4,5,8 & 9.

We believe this modified approach represents the most practical and efficient way of completing all construction and environmental related activities associated within each subdivision development stage. We also believe that this approach will result in the functional delivery and dedication of open space / habitat conservation land.

To facilitate this change to the development, it is necessary to modify conditions of consent A2, A3, A6, E11, & E14. Section 3 below identifies the modifications which are required to each condition.

Amendments to Staged Subdivision Boundaries

To avoid any confusion with respect to the embellishment of open space land, approval from the Department of Planning & Environment regarding the subdivision staging boundaries as shown on the attached plan, titled 'Subdivision Staging and Staging of Open Space Dedication to Council' is also sought. As noted above, the repositioning of the subdivision development staging is necessary so that it coincides with the proposed changes to the alignments which define the open space dedication to Council.

To formalise this change, it is necessary to modify Conditions A3 & A6. Section 3 below incorporates the change which is required.

3.0 MODIFICATIONS TO PROJECT APPROVAL CONDITIONS

To enable the development to proceed in accordance with the discussion provided in Section 2 above, it will be necessary for the Department of Planning & Environment to support the following changes.

Condition A2 – Staging

Condition A2 refers to the staging of development under MP 06-0143. With reference to Section 2 above, it is necessary to amend condition A2 to ensure that the release of each subdivision development stage coincides with the proposal plan entitled 'Subdivision Staging and Staging of Open Space Dedication to Council' plan prepared by J. Wyndham Prince, dated 02/03/22. Condition A2 as proposed below has been revised to reflect the changes to the abovementioned plan.

A2 Staging

The project is to be constructed in eleven (11) stages; generally, as follows:

1) Stage 1

- i) 62 residential lots*
- ii) 1 lot for a potential corner store.*
- iii) construction of noise mitigation measures for road traffic noise*
- ~~iii) dedication to Council of Phase 1 Open Space, 0.46ha.~~**



- 2) Stage 2
 - i) 40 residential lots
 - ii) construction of Recreation Node No.1.
 - ~~iii) dedication to Council of Phase 2 Open Space, 3.23ha.~~
- 3) Stage 3
 - i) 47 residential lots
 - ~~ii) dedication to Council of Phase 3 Open Space, 3.58ha.~~
- 4) Stage 4
 - i) 47 residential lots
 - ~~ii) dedication to Council of Phase 4 Open Space, 1.83ha.~~
- 5) Stage 5
 - i) 51 residential lots
 - ~~ii) dedication to Council of Phase 5 Open Space, 5.47ha.~~
- 6) Stage 6
 - i) 61 residential lots
 - ii) construction of Recreation Node No.2.
 - ~~iii) dedication to Council of Phase 6 Open Space, 9.54ha.~~
- 7) Stage 7
 - i) 48 residential lots
 - ~~ii) dedication to Council of Phase 7 Open Space, 2.93ha.~~
- 8) Stage 8
 - i) 48 residential lots
 - ~~ii) dedication to Council of Phase 8 Open Space, 3.89ha.~~
- 9) Stage 9
 - i) 50 residential lots
 - ~~ii) Dedication to Council of Phase 9 Open Space, 6.91ha.~~
 - iii) Construction of pedestrian / cycleway linking site to the south along the collector road.
- 10) Stage 10
 - i) 42 residential lots
 - ~~ii) dedication to Council of Phase 10 Open Space, 0.91ha~~
- 11) Stage 11
 - i) 28 residential lots
 - ~~ii) dedication to Council of Phase 11 Open Space, 4.27ha~~

Essential infrastructure, including roads, shall be constructed as specified in the staging listed above.

Dedication to Council of Phase 1,2 & 3 Open Space Areas in accordance with the plan "'Subdivision Staging and Staging of Open Space Dedication to Council' plan prepared by J. Wyndham Prince, dated 02/03/22.

Note: Proposed modifications to Condition A2 are shown as bold. Text that is to be deleted is struck out.



Condition A3 – Project in Accordance with Plans

Condition A3 lists the approved drawings. Given the proposed modifications to the staging of the open space areas and the subdivision development staging as discussed above, it is necessary to alter the approved drawing references as follows.

Project and Landscape Drawings Prepared by ERM			
Drawing No.	Revision	Name of Plan	Date
Annex E		Staging of Open Space Dedication to Council	December 2008
Project and Landscape Drawings Prepared by J. Wyndham Prince			
Drawing No.	Revision	Name of Plan	Date
110719-02-SK013	2	Subdivision Staging and Staging of Open Space Dedication to Council	02/03/22

Note:

Proposed modifications to Condition A3 are shown as bold. Text that is to be deleted is struck out.

Condition A6 - Certification and Staging

Condition A6 (1) describes how the staging of the development is to occur. Given the proposed modifications to the staging of the open space areas and the subdivision development staging as discussed above, it is necessary to alter this condition as follows.

A6 Certification and Staging

1) *Staging of the Development*

The staging of the project is to occur generally in numerical order, commencing with Stage 1. It is noted that staging may vary in timing accordingly to market forces.

Note:

The subdivision development staging is defined on the plan entitled 'Subdivision Staging and Staging of Open Space Dedication to Council' prepared by J. Wyndham Prince, dated 02/03/22. To avoid any doubt, this plan replaces the subdivision staging that is shown on the approved plan P1, Preliminary Lot Layout, Revision F dated February 2009.

2) *Construction Certificate*

Prior to the commencement of subdivision works the proponent must obtain a Construction Certificate from either the Council or an accredited certifier for each stage of the subdivision before any subdivision work can commence for each stage.

3) *Subdivision Certificate*

Prior to registration of a plan of subdivision under Division 3 of Part 23 of the Conveyancing Act 1919 for any allotments in any stage within the subdivision a Subdivision Certificate pursuant to Sections 109C(1)(d) and 109D of the Act must be obtained from the Council or an accredited certifier for each stage of the subdivision.

Note:

Proposed modifications to Condition E11 are shown as bold. Text that is to be deleted is struck out.



Condition E11 – Open Space / Landscaping

Condition E11 references the plan titled "Staging of Open Space Dedication to Council, December 2008, Anneure E of the 'Post Preferred Project Submission' December 2008."

Given the modification which is being sought in relation to Conditions A2 & A3, it is necessary to also modify Condition E11 as follows:

E11 Embellishment and Maintenance of Open Space Areas

- 1) *Prior to the release of relevant Subdivision Certificate for the project, open space (as it relates to each of those stages) is to be embellished and recreation areas and facilities established and constructed consistent with the approved landscape plans and in accordance with the plan titled ~~Staging of Open Space Dedication to Council, December 2008, Annexure E of the 'Post Preferred Project Submission', December 2008~~ 'Subdivision Staging and Staging of Open Space and Dedication to Council', prepared by J. Wyndham Prince, dated 02/03/22.*
- 2) *The works prescribed in the approved Vegetation Management Plan (VMP) for that relevant stage, must be completed in accordance with the VMP and certified in writing by the consultant who prepared the VMP, prior to the issue of the relevant Subdivision Certificates.*
- 3) *All landscaped and open space areas (Open Space Categories 1, 2 and 3 as identified in the approved plan prepared by ERM 'Broad Scale Open Space Types' dated December 2008) to be dedicated to Council including open space areas along road reserves are to be managed and maintained for a minimum 5 years from release of relevant construction certificates.*

Note:

Proposed modifications to Condition E11 are shown as bold. Text that is to be deleted is struck out.

Condition E14 – Project in Accordance with Plans

Condition E14 references the plan titled "Staging of Open Space Dedication to Council, December 2008, Anneure E of the 'Post Preferred Project Submission' December 2008."

Given the modification which is being sought in relation to Conditions A2, A3 & E11, it is also necessary to modify Condition E14 as follows:

E14 Dedication Of Open Space

- 1) *The proponent shall make necessary arrangements for the dedication of the open space areas to Council prior to release of the relevant Subdivision Certificate in accordance with the plan titled ~~Staging of Open Space Dedication to Council, December 2008, Annexure E of the 'Post Preferred Project Submission', December 2008~~ 'Subdivision Staging and Staging of Open Space Dedication to Council', prepared by J. Wyndham Prince, dated 02/03/22*

- ~~2) Prior to the issue of the first Subdivision Certificate for the project, relevant approvals or agreements are to be entered into with Council to allow the proponent to carry out management and maintenance works, as required under condition E11, on the open space areas in each stage of the project, during five years following release of construction certificates of each stage.~~

Prior to the dedication of the relevant open space area to Council, relevant approvals or agreements are to be entered into with Council to allow the proponent to carry out management and maintenance works as required under condition E11 on the open space areas in each stage, during five (5) years following release of the subdivision certificate for each open space area phase.



For the avoidance of doubt, the dedication of open space to Council is to occur after the final stage of subdivision works are completed for each Open Space Area Phase as shown on the 'Subdivision Staging and Staging of Open Space Dedication to Council', prepared by J. Wyndham Prince, dated 02/03/22

3) All open space and public reserve areas shall be dedicated at no cost to Council, other than any land that may be subject to the acquisition provisions of clause 20 Coffs Harbour Local Environmental Plan 2000. Note: Clause 20 Coffs Harbour Local Environmental Plan 2000 applies to land zoned "Open Space 6A Public Recreation Zone" on the site.

Note:

Proposed modifications to Condition E14 are shown as bold. Text that is to be deleted is struck out.

4.0 ENVIRONMENTAL ASSESSMENT

Section 4.55(3) of the Act requires the Department of Planning & Environment to take into consideration the matters referred to in Section 4.15(1) of the Act. On review of the relevant provisions, it is submitted:

Planning Framework

The proposal remains compliant with the relevant planning framework.

Likely Impacts of the Development

The proposal will not result in any adverse impact to the environment

Suitability of the Site for the Development

The suitability of the site for residential and open space development is well established.

Any Submissions Made

This matter is not applicable at this time.

The Public Interest

The proposal is in the public interest because it will provide optimum timing for the completion of all relevant infrastructure adjacent to the relevant dedicated open space and ensure appropriate access, maintenance, monitoring and reporting will be implemented in the most practical and efficient manner.

5.0 CONCLUSION

The modification of Conditions A2, A3, A6, E11 & E14 and the aforementioned plans, are sought to simplify the delivery and dedication of open space land according to each subdivision development stage. The proposed changes will not have a material impact on the development as originally approved under MP06_0143 nor will they affect the subsequent modifications approved as MOD 1,2,3 & 4.

The proposed amendments to MP06_0143 being sought herewith are considered consistent with the provisions of Section 4.55(1A) of the Environmental Planning & Assessment Act 1979. Furthermore, we believe that the proposed modifications are consistent with the original approval, in that

- the proposal complies with the relevant statutory provisions.
- the proposal is substantially the same development as originally approved and does not result in adverse environmental impacts.



- the proposal does not materially change the nature or appearance of the approved development.

We trust sufficient information has been provided herewith. Should the Department require further information or wish to discuss this proposal, please do not hesitate to contact the undersigned on 0422 697 846.

Yours faithfully,

LAND METRICS PTY LTD

Matt Cooper
Director

Enc:

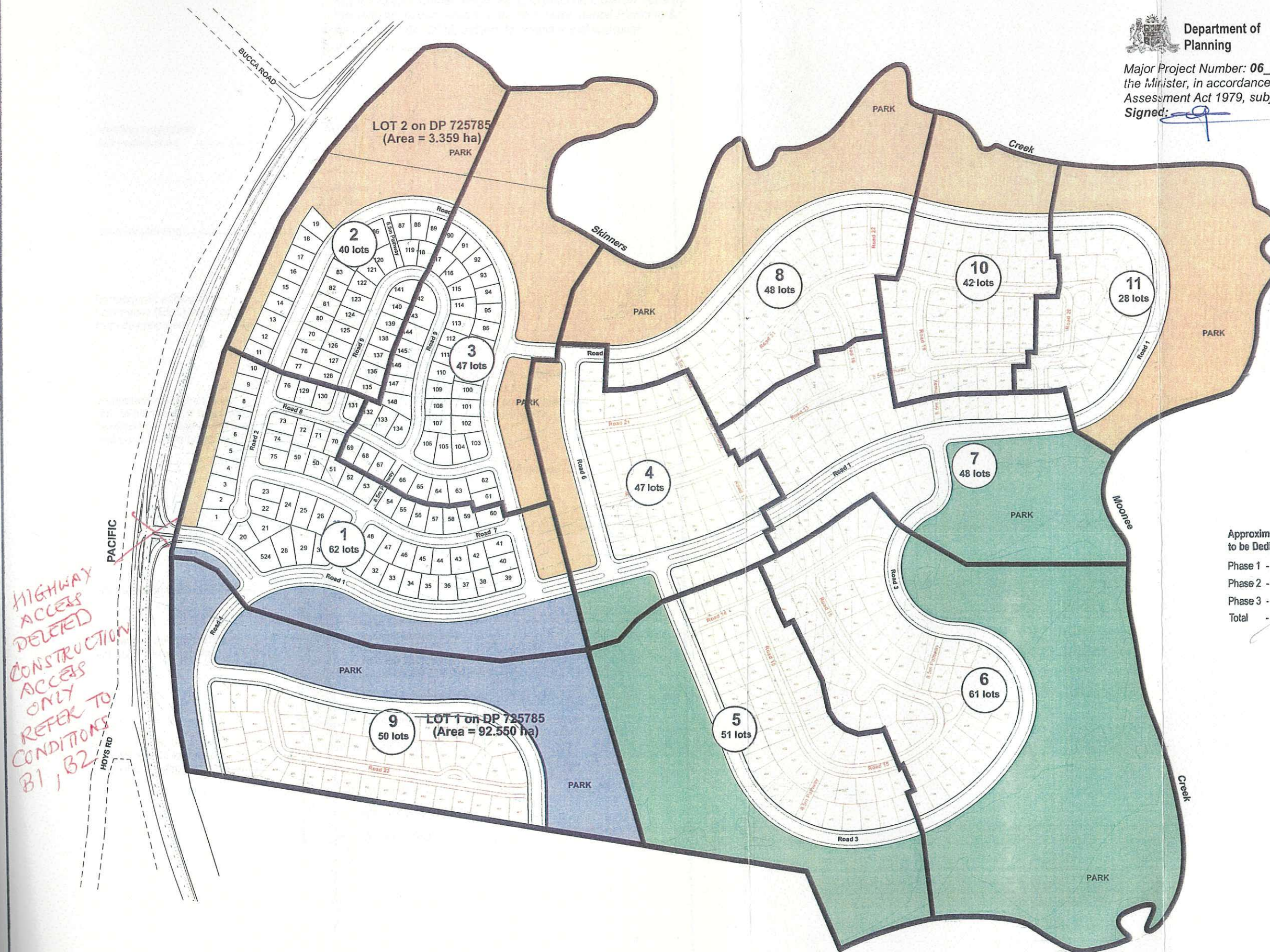
'Staging of Open Space Dedication to Council December 2008', Annexure E.

'Subdivision Staging and Staging of Open Space Dedication to Council', Plan No. 110719-02-SK013 dated 02/03/22



Department of
Planning

Major Project Number: **06_0143**, approved on **5 March 2009** by the Minister, in accordance with the Environmental Planning & Assessment Act 1979, subject to conditions of approval.
Signed:



CONSTRUCTION

Stage	No. of Lots
1	62
2	40
3	47
4	47
5	51
6	61
7	48
8	48
9	50
10	42
11	28
TOTAL	524

Approximate Area of Land to be Dedicated:

Phase 1 - 19ha (To be dedicated after Stage 3 works completed)
Phase 2 - 18ha (To be dedicated after Stage 7 works completed)
Phase 3 - 8ha (To be dedicated after Stage 9 works completed)
Total - 45ha

Legend

Construction Stage

Open Space Areas to be Dedicated

- Stage 1 (Phase 1)
- Stage 2 (Phase 1)
- Stage 3 (Phase 1)
- Stage 4 (Phase 1)
- Stage 5 (Phase 2)
- Stage 6 (Phase 2)
- Stage 7 (Phase 2)
- Stage 8 (Phase 1)
- Stage 9 (Phase 3)
- Stage 10 (Phase 1)
- Stage 11 (Phase 1)

HIGHWAY ACCESS DELETED
CONSTRUCTION ACCESS ONLY
REFER TO CONDITIONS B1, B2



0 100m
Approximate Only

