



21 September 2012

Mr Chris Wilson
Executive Director - Major Projects Assessment
NSW Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Mr Wilson

A handwritten signature in blue ink, appearing to read "Chris Wilson".

Cobaki –Central Open Space Project Approval

Attached is the amendment (foreshadowed at our meeting last Monday) to the Modification application currently being assessed by the Department.

The amendment is made necessary based on your view that the Project Approval did not encompass the approval of fill material extracted from Precincts 1 & 2. We do not agree with that position, but nevertheless seek to move forward in the most expedient way that can facilitate our obtaining approval by Council of the Construction Certificate application.

Also attached is a copy of Sedgman Yeats' letter to yourselves of 11 December which certifies the extent and context of the intended fill extraction.

The CEMP referred to in the amendment application will be couriered with the originals of the above documents.

The salient points are as follows:

- The DA approved May 2011 for the subdivision of Precincts 1 & 2 encompasses the earthworks for that project. The "existing surface" levels shown in the drawings forming part of the Engineering Services Report (Yeats, March 2011), which forms part of that DA, remain the levels of the relevant land today.
- The fill extraction comprehended in the CC application for the Central Open Space constitutes a progression towards the ultimate landform of the approved DA for the subdivision of Precincts 1 & 2.

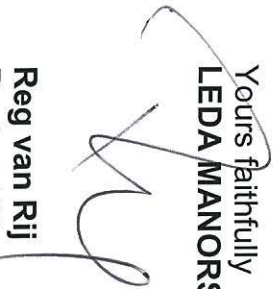


- To the extent that prior earthworks which resulted in those levels did not have Construction Certificate authorisation, that is not a legitimate reason for the determination of the application here requested to be delayed or refused.
- The Modification here applied for will not have any effect of retrospectively approving any prior unlawful works, nor will it allow the grant of a Construction Certificate that retrospectively approves any works.

With respect, there is therefore no basis for the concerns raised with me by Heather Warton, after we met last Monday, following her discussions with Council in which the issue of unlawful works was apparently raised.

With Council's assessment of the various Management Plans now, we understand, settled, the Determination of the Modification applied for is the remaining obstacle to Council approving the CC.

Yours faithfully
LEDA MANORSTEAD PTY LTD



Reg van Rij
Regional Manager - Residential



DARRYL ANDERSON CONSULTING
TOWN PLANNING & DEVELOPMENT CONSULTANTS

DARRYL ANDERSON CONSULTING PTY LTD
ABN 22 093 157 165

Suite 7 Corporate House
8 Corporation Circuit
TWEED HEADS SOUTH NSW 2486
T 07 55 233 611
F 07 55 233 612
E admin@daconsulting.com.au

17 December 2012

Our Ref: LED 12/87

The Director General
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Attention: Peter McManus

Dear Sir

Amendment to Modification of Project Approval No. 08-0200 Mod 1 – Central Open Space, Cobaki

1.0 INTRODUCTION

On behalf of our clients Leda Manorstead Pty Ltd, we seek to amend the abovementioned application to modify Project Approval No. 08-0200.

The purpose of this amendment to the Section 75W Application [08-0200 Mod 1] is to:

- Ensure that there is no ambiguity as to the authorisation given by the Project Approval to the excavation of fill from Precincts 1 and 2 for the purposes of earthworks within the Central Open Space Area; and
- Specify the volumes, depths or areas of suitable fill material that are to be extracted from Precincts 1 and 2.

2.0 DETAILS OF THE AMENDMENT TO THE MODIFICATION APPLICATION

The following amendments to the current Section 75W Application are proposed in relation to the modification of Project Approval No. 08-0200.

The proposed amendments are proposed in order to comply with the instruction provided to our client by Council's Lawyers, which was to "submit a modification application to the Project Approval under section 75W of the Environmental Planning and Assessment Act to authorise the bulk earthworks."

2.1 Condition 3 – Project in Accordance with Plans

The plans referred to below form 'Appendix A – Bulk Earthworks Drawings' in the CEMP (refer to copy provided). A letter from Sedgman Yeats dated 11 December 2012 is also provided, which confirms that the fill material to be sourced from Precincts 1 and 2, as shown on the plans referred to below, will progress towards the final landform intended for the future subdivision layout on that land. Such earthworks are already the subject of Development Consent DA10/800.

In addition to the originally requested changes in relation to updated Ecological Management Plans, it is proposed to modify the following plan references to the Table contained in Condition 3. The required modifications to call up the latest revision of the plans are shown under the relevant headings in the table as set out below. Plans to be deleted are shown with text struck out and new plans shown with text underlined.

Civil Drawings prepared by Yeats Consulting Engineers			
Drawing No.	Revision	Name of Plan	Date
YC0229-1E1-D03	B	Scope of Work & Key Sheet Plan	17 September 2010
YC0229-1E1-D03	C	Scope of Work & Key Sheet Plan	18 October 2012

Earthworks Drawings prepared by Yeats Consulting Engineers			
Drawing No.	Revision	Name of Plan	Date
YC0229-1E1-EG01	B	Cut and Fill Plan Sheet 1 of 2	17 September 2010
YC0229-1E1-EC01	C	Cut and Fill Plan Sheet 1 of 2	18 October 2012
YC0229-1E1-EG02	B	Cut and Fill Plan Sheet 2 of 2	17 September 2010
YC0229-1E1-EC02	C	Cut and Fill Plan Sheet 2 of 2	18 October 2012
YC0229-1E1-EW02	B	Bulk Earthworks Layout Plan Sheet 2 of 8	17 September 2010
YC0229-1E1-EW02	C	Bulk Earthworks Layout Plan Sheet 2 of 8	18 October 2012
YC0229-1E1-EW03	B	Bulk Earthworks Layout Plan Sheet 3 of 8	17 September 2010
YC0229-1E1-EW03	C	Bulk Earthworks Layout Plan Sheet 3 of 8	18 October 2012
YC0229-1E1-EW04	B	Bulk Earthworks Layout Plan Sheet 4 of 8	17 September 2010
YC0229-1E1-EW04	C	Bulk Earthworks Layout Plan Sheet 4 of 8	18 October 2012
YC0229-1E1-EW05	B	Bulk Earthworks Layout Plan Sheet 5 of 8	17 September 2010
YC0229-1E1-EW05	C	Bulk Earthworks Layout Plan Sheet 5 of 8	18 October 2012
YC0229-1E1-EW06	B	Bulk Earthworks Layout Plan Sheet 6 of 8	17 September 2010
YC0229-1E1-EW06	C	Bulk Earthworks Layout Plan Sheet 6 of 8	18 October 2012
YC0229-1E1-EW07	B	Bulk Earthworks Layout Plan Sheet 7 of 8	17 September 2010
YC0229-1E1-EW07	C	Bulk Earthworks Layout Plan Sheet 7 of 8	18 October 2012

Earthworks Drawings prepared by Yeats Consulting Engineers			
Drawing No.	Revision	Name of Plan	Date
YC0229-1E1-EW08	B	Bulk Earthworks Layout Plan Sheet 8 of 8	17 September 2010
YC0229-1E1-EW08	C	Bulk Earthworks Layout Plan Sheet 8 of 8	18 October 2012
YC0229-1E1-ES04	B	Precinct 1 & 2 Borrow Area Earthworks Section Sheet 1 of 1	18 October 2012
YC0229-1E1-EW09	B	Precinct 1 & 2 Borrow Area Earthworks Plan Sheet 1 of 4	18 October 2012
YC0229-1E1-EW10	B	Precinct 1 & 2 Borrow Area Earthworks Plan Sheet 2 of 4	18 October 2012
YC0229-1E1-EW11	B	Precinct 1 & 2 Borrow Area Earthworks Plan Sheet 3 of 4	18 October 2012
YC0229-1E1-EW12	B	Precinct 1 & 2 Borrow Area Earthworks Plan Sheet 4 of 4	18 October 2012

In the original application we note that a reference to Condition 2 was incorrectly made in relation to the proposed modifications to the condition titled "Project in Accordance with Plans". The correct reference is to Condition 3.

2.2 New Condition 21A - Fill Material from Precincts 1 or 2

It is proposed to insert a new Condition 21A, following Condition 21, in Schedule 2 of the Project Approval, in the following terms:

"21A. Fill Material from Precincts 1 or 2

- a. Where fill material is sourced from precincts 1 or 2, the fill must be excavated in a manner that progresses towards the final landform intended under either:
 - i. a nominated development consent; or
 - ii. a development consent that:
 - has been granted on the basis of concept plan approval 06_0316;
 - is in force; and
 - applies to the relevant precinct.
- b. In this condition **nominated development consent** means the development consent granted in response to development application DA10/0800."

2.3 Condition 41 – Earthworks – Limits of Approval

The following modification is proposed to Condition 41. Amendments are shown with new text underlined.

"41. Earthworks – Limits of Approval

Unless either

a. condition 21A applies or;

b. approved sources of fill material are identified in the approved CEMP or approved bulk earthworks construction certificates(s),

no bulk earthworks are to be undertaken outside of the central open space area identified in the approved plans.

Note: fill material required for the Central Open Space area sourced from elsewhere on the site shall be identified in the CEMP and may be subject to separate earthworks approvals over those areas. "

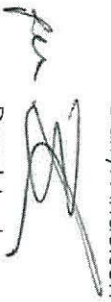
3.0 CONCLUSION

The proposed additional modification of the conditions and terms of the approval as set out above is authorised by Section 75W(1)(a) and (b) of the Environmental Planning and Assessment Act.

The proposed modifications do not give rise to any significant physical changes to the scale, nature or footprint of the approved project. As previously mentioned the source of the borrow material from Precincts 1 and 2 associated with the Project Approval, is consistent with and will progress towards, the final landform for that land already approved under Development Consent DA10/0800. Therefore no additional impacts in terms of landform are likely to arise.

Please do not hesitate to contact Darryl Anderson or Brad Lane should you require any further information in relation to this matter.

Yours faithfully
Darryl Anderson Consulting Pty Ltd



Darryl Anderson
Director

Encl.



ENERGY

RESOURCES

10 December 2012

INFRASTRUCTURE

NSW Department of Planning & Infrastructure
GPO Box 39,
Sydney NSW 2001

Our Ref: YC0229/L041
Your Ref: MP08_0200

ENVIRONMENT

Attention: Heather Warton

Dear Madam

PROPERTY

**COBAKI ESTATE, COBAKI – PROJECT APPLICATION No. 08_0200
BORROW MATERIAL FOR FILLING OF THE CENTRAL OPEN SPACE**

BUILDINGS

Sedgman Yeats has completed the relevant engineering drawings to form part of the Development Application issued to Tweed Shire Council (TSC) for Precincts 1 & 2 of the Cobaki Estate. These drawings provided for the future final levels of the intended subdivision with these Precincts.

Sedgman Yeats also produced all the engineering plans for the Central Open Space Construction Certificate application. These drawings included Precinct 1 & 2 Borrow Area Earthworks Plans and Sections that are generally in accordance with the engineering drawings provided for the Precincts 1 & 2 Development Application.

These engineering drawings have been worked with TSC extensively to ensure the fill material sourced from Precincts 1 & 2 are excavated in a manner that progresses towards the final landform intended for the future subdivision.

Should you require any further information please do not hesitate to contact the undersigned.

BRISBANE

Yours faithfully

SYDNEY

SEDGMAN YEATS

MELBOURNE

PERTH

CRAIG SIGANTO

Project Director

MACKAY

GOLD COAST

Enc.

T 07 5571 2232
F 07 5503 1672

E info@yeats.com.au
W www.yeats.com.au

Level 1, 193 Ferry Road
SOUTHPORT QLD 4217

Cc: Leda Manorstead Pty Ltd - Reg Van Rij

PO Box 9122
GOLD COAST MC
QLD 9726

ABN 99 282 106 832