

Our Ref: F929-15804  
Your Ref MP 05\_0106

October 8, 2010

Director of Regional Projects  
NSW Department of Planning  
GPO Box 39  
SYDNEY NSW 2001



Attention Mr John Phillpot, Mr Alan Bright,

Dear Alan,

**Re: Request to Modify a Major Project – 05 0106**  
**SunnySide - Lot 7 DP 10669956 Banyula Drive, OLD BAR**

In accordance with our email of September 16 and 17, 2010 please find enclosed a duly completed application form, a cheque value \$750 as the fee and a copy of the email from Council.

As you can see the Council engineers have requested we formally amend the road widths table and have provided an alternate table for inclusion in the modification of Clause B13a).

In addition we would appreciate the adjustment of clauses B1 and E17.

We understand that Greater Taree City Council are seriously considering that open space in this and the adjoining Precinct 2B may be dedicated to an alternate entity made up of, among others, elders of the Biripi people known as the Guiwan Cultural Elders Association.

To this end we believe a modification that would see the land dedicated to Council "**or an alternate entity approved by Council**" may be appropriate, should Council wish to go ahead with their plans.

The construction of the works in the open space will generally parallel the construction of the roads & drainage required of each stage of the development. For this reason the requirement to dedicate all open space land prior to issue of Stage 2 construction certificate is not really appropriate. Might we suggest that wording similar to the Statement of Commitments, "**or at a time acceptable to Council**" may be added into the abovementioned clauses to make the dedication work within the bounds of construction of each stage of development.

We trust that these modifications of the Project Approval clauses may be available and look forward to a favourable outcome. Should you wish to discuss any of these items feel free to phone or email Grant on 65521566 or [grant@mcglashancrisp.com.au](mailto:grant@mcglashancrisp.com.au)

Yours faithfully  
McGLASHAN & CRISP Pty Ltd  
per

117 Victoria St, Taree  
P.O. BOX 139,  
Taree. 2430. N.S.W.  
Ph : (02) 6552 1566  
Fax: (02) 6551 0606  
Email: [admin@mcglashancrisp.com.au](mailto:admin@mcglashancrisp.com.au)  
A.B.N. 15 061 028 019

The Institution of  
Surveyors Australia



CONSULTANTS IN SURVEYING  
ENGINEERING & PLANNING

SURVEYORS  
Brian Crisp  
Greg Crisp

Grant Calvin  
Eric Gilfillan

M.I.S. NSW  
B.App.Sc (Surv.),  
M.I.S.Aust. & M.I.S. NSW  
B. Surv. M.I.S. NSW  
B. Surv.

# Request to modify a major project



NSW GOVERNMENT  
Department of Planning

Date duly made: \_\_\_\_/\_\_\_\_/\_\_\_\_

Modification No. \_\_\_\_\_

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](http://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

Company/organisation/agency		ABN	
Hill Top Planners Pty Ltd		86 065 112 334	
<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/> Dr <input type="checkbox"/> Other			
First name		Family name	
Richard		Bennett	
Position			
Director			
STREET ADDRESS			
Unit/street no.		Street name	
2A		Kensington Road	
Suburb or town		State	Postcode
Maitland		NSW	2320
POSTAL ADDRESS (or mark 'as above')			
PO Box 469			
Suburb or town		State	Postcode
Maitland		NSW	2320
Daytime telephone	Fax	Mobile	
4930 0288	4930 0290	0408 652 950	
Email			
hilltop@hunterlink.net.au			

### 3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

38

Street or property name

Banyula Drive

Suburb, town or locality

Old Bar

Postcode

2430

Local government area(s)

Greater Taree

State Electorate(s)

Myall

REAL PROPERTY DESCRIPTION

Lot 7 DP1069956

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

Residential Subdivision of 98 Lots (and residual allotment)

What was the original project application no.?

05\_0106

What was the date of the approval?

8<sup>th</sup> April 2009

What was the original application fee?

\$26,000

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

Replace Road widths table in B13 a) refer also request for modification from Greater Taree City Council, Development Engineer, Mr Will Barr

B1&E17 Modify clause to dedicate Open Space to Council or an entity approved by Council dedicated in Stages that are appropriate for the construction completed at each stage release

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).

\$0 change

#### 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) 0

Operational jobs (FTE) 0


#### 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

Lot 7 DP 1069956

Signature

 DIRECTOR

Name

Robert Lauder

Date

21 September, 2010

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](http://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

Date

September 21, '10

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

Registered Surveyor

Name, if you are not the proponent

Grant Calvin

**Current 2010**

**From:** "Will Barr" <Will.Barr@gtcc.nsw.gov.au>  
**To:** "Grant Calvin" <grant@mcglashanecrisp.com.au>  
**Sent:** Thursday, 16 September 2010 5:02 PM  
**Subject:** FW: TRIM: Sunnyside subdivision, Precinct 2A, Old Bar, GT6844

Grant,

Greater Taree City Council Development Engineer's have noted that there is discrepancy in the **road widths** in the approved plans. The road widths approved in PART A-ADMINISTRATIVE CONDITIONS, b)Plans differs from those detailed in PART B Table a). (See; Project Approval MP 05\_0106, SCHEDULE 2, CONDITIONS OF APPROVAL, PART A-ADMINISTRATIVE CONDITIONS, A3 Development in accordance with plans, b)Plans, and PART B - PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATES, ENGINEERING AND ROAD WORKS, B13 Civil Works Table a).)

It is envisaged that the stages of construction may continue for around 10 years subject to demand. Due to this conflicting information in the approval, Council Development Engineers preference is for a modification to be submitted so that this point be formally amended. The following table should replace Table a) in the ENGINEERING AND ROADWORKS B13 Civil Works section of the approval:

Road No	Hierarchy	Carriageway Width (Metres)	Road Reserve Width (Metres)
1,1a	Collector	11	19
1b	Local Street	9	18
2	Local Street	9	18
3a	Local Street	8	16
3b	Shareway	5/7.5	12
4,4a	Access Place	7.5	15
4b	Shareway	5/7.5	12
5, 5a	Access Place	7.5	15
5b	Shareway	5/7.5	12
6	Local Street	9	18
7	Local Street	8	16
8, 8a	Local Street	8	16
8b	Shareway	5/7.5	12
9	Local Street	8	16
10	Local Street	8	16

The original plans were carried out based on AUSPEC design Specification which was current at the time. These road widths and design specifications are acceptable to Council, as they are consistent with neighbouring and adjoining roads. They do not lessen the level of service to the motorist or resident, or incur additional maintenance to Council. There is minor variation to these road widths in the current version of AUSPEC, due to changing trends, however this is not to the detriment of Council, road user or resident.

Will Barr  
 Development Engineer  
 GTCC

Lisa,

We have considered the possible wording of A2 Staging in the approval.

Please consider the following: -

"The Staging is to be undertaken generally in accordance with Drawing No 05 Staging Plan. Construction Certificates may be made up of more than one stage.

Open Space and sections of the land adjacent the stages are to be dedicated to Council, or another entity acceptable to Council, prior to release of the final subdivision certificate for each stage or at a point of time acceptable to Council."

I think the Subdivision Certificates in A2 are covered in A7 however as discussed, the stages are often broken up into smaller lot releases. Accordingly A7 might read in part "must be obtained from the consenting Authority for each stage, [or part thereof](#), of the subdivision before the registration of a plan...." (You might prefer to use [or part stage](#) in lieu of part thereof.)

A10 in part might also read:- "are to be dedicated to Council, [or another entity acceptable to Council](#), in accordance with the... "

We consider B1 a bit erroneous in that the residual allotment consists of Lot 99 to 106, 121 to 134, 141 to 146, 163 to 166, 176 to 179, 185 to 189 and 194 & 195 a portion of wetlands no 571 plus other residential land off the end of Corkwood Street to the north east of the Staging Plan. The Open Space allotment adjacent the development however can be seen quite clearly on the attached Staging Plan and may be dedicated to Council, or another entity acceptable to Council, as each stage to the works are completed.

As discussed the Open Space adjacent each stage could be dedicated as the adjacent area develops. For example swales to be installed to protect the saltmarsh are to be installed along with construction of for example Stage 8. We consider that it would be preferable that this remain in the hands of the developer until the construction is completed and the ground works stabilised.

As in A2 above B1 might read.

"Open Space and sections of the development land adjacent the stages are to be dedicated to Council, or another entity acceptable to Council, prior to release of the final subdivision certificates for each stage or at a point of time acceptable to Council."

Similar to A7 Clause E4 might in part might read "The plan of Subdivision for each stage, [or part thereof \(or part stage\)](#), of the project....

a) may read in part "...have been paid for [the relevant lots to be released](#)."

We trust that these comments and the information provided will assist you with your deliberations and the department will provide a favourable response to our application for modification.

If you have any further queries please don't hesitate to email or phone Grant on 6552 1566.

Regards

Grant Calvin

McGlashan & Crisp Pty Ltd

Ph 6552 1566 - Mobile 0428 512626.

Enquiries to: Richard Pamplin  
File Ref: 2002/1999R()  
RP



9 September 2010

Administration Centre 2 Pulteney Street  
PO Box 482, Taree NSW 2430

Garry Wray  
Project Coordinator  
Guiwan Cultural Elders Aboriginal Associated Corporation  
Guiwan Cultural Enterprise  
PO Box 95  
OLD BAR BEACH NSW 2430

Dear Garry

**POSSIBILITY OF AN ABORIGINAL CULTURAL HERITAGE TRAIL NETWORK IN  
THE OLD BAR/WALLABI POINT AREA**

Following on from our conversation today I am writing to confirm my understanding of a proposal the Guiwan Cultural Elders Aboriginal Associated Corporation are currently working on in the Old Bar/Wallabi Point area, and the Precinct 2B Old Bar area in particular.

As the Precinct 2B Old Bar rezoning is nearing gazettal, it is my understanding that the Corporation is investigating the possibility of persuading landowners to dedicate land to the Corporation in exchange for tax offsets that may be available under taxation legislation.

This manner of obtaining the land is now being pursued by the Corporation as a result of Council being unable to be in a position to include the environmental corridor within Precinct 2B within the Old Bar Development Contributions Plan (Section 94) for acquisition and embellishment due to the State Government cap on contributions as well as the impost that this cost would place on development costs across the Precinct.

The Corporation is understood to be seeking dedication of the land within the corridor to undertake rehabilitation work and construct trails (foot/cycle paths), forming part of a proposed cultural heritage trail network. Sources of funding available to the Corporation to undertake this work could come from government grants, conservation agreements, Bio-Banking Agreements and the like.

Whilst this proposal appears to be able to provide greater environmental and cultural outcomes than environmental zoning of the corridor alone can achieve, Council does not have a formal policy position on this proposal, and it would appear to be a private matter between the Corporation and the landowners within the corridor.

I am happy to be kept informed of any progress you make in regard to this proposal and can be contacted on (02) 6592 5266 if required.

Yours faithfully,

  
**RICHARD PAMPLIN**  
Senior Leader Strategic Planning

Phone 02 6592 5399 • Fax 02 6592 5311  
Email [gtaree@gtcc.nsw.gov.au](mailto:gtaree@gtcc.nsw.gov.au) • Web: [www.gtcc.nsw.gov.au](http://www.gtcc.nsw.gov.au)  
ABN 45 851 497 602

G:\LEP\Amendments\Rezoning 2002-1999R - No 60 - Precinct 2B - Old Bar\Correspondence with Landowners\Latter to Garry Wray 09-09-10.docx

Enquires to: Laura Black  
File Ref: 2002/1999R-20 (10/8429 & 10/8432) GT3009-2  
LB



9 April 2010

Greater Taree Council  
PO Box 442, Taree NSW 2430

Mr Garry Wray  
PO Box 95  
OLD BAR NSW 2430

Dear Mr Wray

Thank you for meeting with Ron Posselt, Craig Swift-McNair and myself on Wednesday 7 April 2010. You requested that I respond to two specific questions:

1. The legitimacy of privatisation of the APZ on the western border of Precinct 2B.
2. Council's consideration of the dedication of open space to an organisation that is an eligible Tax Deductible Gift Recipient.

You are advised of the following in response to each question.

1. While it is understood that Red Gum Grove P/L made an offer to have APZ's for Precinct 2B located on adjacent land, the plan for Precinct 2B dated July 2009 adopted by Council last year, incorporates an APZ along most of the western edge of the Precinct, based upon the Bushfire Protection map on page 12 in DCP 57 - Old Bar Precinct 2B. The APZ range is 0-40m and is dependent upon the bushfire risk of the adjoining land owned by Red Gum Grove P/L. Should this bushfire risk lessen, as a result of an approval for the proposed retirement village, it may provide some additional residential opportunities within Precinct 2B.

APZ's must be within the area being rezoned unless agencies agree to this being off-site and also appearing on the title of the adjoining property. Regardless of the bushfire hazard in place at the time of rezoning, it will be the legislation in place at the time of subdivision and subsequent development that dictates APZ setbacks. The APZ's identified in the DCP are intended to have minimal impact on building design - a lesser setback may be achieved through consent by the Rural Fire Service, however the it is likely that a more costly design will be required to achieve

2. As you are aware Council's resolution to put the Old Bar Precinct 2B Section 94 Plan on public exhibition is sought on 14 April 2010. It is estimated that to dedicate open space to an organisation that is an eligible Tax Deductible Gift Recipient would save approximately \$10 million from the S94 for purchase of the corridor and about \$2 million in drainage. Because this option may get Council under the \$20,000 cap per lot put on by the State government it is one worth serious consideration and as such, it is intended to be workshopped with Council during the exhibition period of the S94 Plan.

I trust that this response meets with your satisfaction.

Yours Sincerely

Laura Black  
Executive Leader - Future Planning

Phone 02 6551 1400 • Fax 02 6551 1401

Website: www.greater-taree.nsw.gov.au • Web: 02 6551 1402  
ARN 45 551 001 002

City of Greater Taree and Shire of Old Bar Council

Lot 110 DP 753149

Note / Lot Numbers, Areas and Dimensions shown on this Plan are all subject to the Final Plan of Survey

Lot 95  
DP 753149

Probable/Lot Release Stages

Stage	Lots	Number of Lots
1	1 to 19	19 lots
2	20 to 28	9 lots
3	29 to 47	18 lots
4	48 to 67	19 lots
5	68 to 80	12 lots
6	81 to 86	6 lots
7	87 to 94	8 lots
8	95 to 98	4 lots

Oyster Creek

Lot 7  
DP1069956

Precinct 2A  
Staging Plan

KESTREL Ave

OLD BAR

Existing Village

TERN Cl.

OSPREY Ave

Existing Village

OLD BAR

MOLONG Road

Site for PS3a SPS3 Sewer Pump Station

BANYULA DRIVE

"Banyula Village"

DP867895

DP1069956

Lot 156 DP 753149

Lot 155 DP 753149

Lot 154

DP 1028968

Future Dual Carriageway

Boulevard 27m wide Reservation



Lot 1 DP 48330 (Closed Road)

PLAN Showing Probable Staging and Lot Release for Proposed Subdivision of Lot 7 DP 1069956, Banyula Drive - OLD BAR



McGLASHAN & CRISP Pty Ltd

CONSULTING SURVEYORS

117 VICTORIA STREET, TAREE 2430. Ph: 02 65521566. DX 7009

SCALE: 1:2500	CLIENT Riverside Oyster Reach Estate Pty Ltd	REFERENCE F929/15804
DRAWN: GC	MUN/SHIRE/CITY Greater Taree	PARISH Bohnock
DATE: June'07		COMPUTER FILE