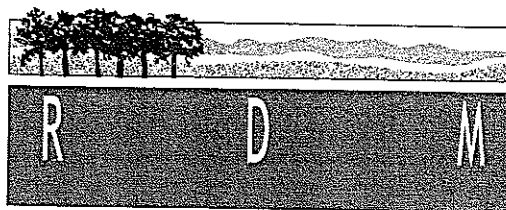




ANNEX W

Section 94 Contributions Letter from Council



RESOURCE DESIGN & MANAGEMENT PTY LTD

Our Ref: 05025LM01
Contact: Matthew Cooper
Date: 2nd June 2008

ACN 060 179 866
ABN 53 243 724 089

The General Manager
Coffs Harbour City Council
Locked Bag 155
Coffs Harbour NSW 2450

Attention: Mr Mark Hannon

Dear Sir,

**RE: MOONEE DEVELOPER CONTRIBUTIONS PLAN 2008
NORTHERN COLLECTOR ROAD, MOONEE**

I write with respect to Council's Moonee Developer Contributions Plan 2008 seeking Council's clarification concerning the collector road extending northwards from Moonee Beach Road to the southern boundary of Lot 1 in DP 725785.

We acknowledge previous discussions in relation to this matter associated with the development of the Rothwell Boys land described as Lots 1 & 2 in DP 725785. We also acknowledge your recent discussion with Mr Dale Holt concerning the abovementioned plan.

Having recently reviewed the most recent contributions plan we are uncertain as to the level of funding which will be available for the construction of the northern collector road. We are therefore seeking Council's clarification concerning the nature of funding arrangements and the provisioning of contributions under the plan. We kindly request Council's comment in relation to the following items;

- Funding for environmental investigations and development application costs;
- Funding for engineering investigations and design;
- Funding for road construction;
- Funding for land acquisition;
- Funding for administrative fees and or charges (including legal's);

In addition to the above, we also seek Council's clarification with respect to the following matters;

- If a shortfall in funding is experienced for works associated with the investigation, design or construction of the collector road (as provided for under the contributions plan) what opportunity is available to recoup any cost overrun(s).
- If forward funding of the collector road were proposed and costs were to exceed funds allocated for such under the contributions plan, what opportunity is available to recoup or offset (i.e. credit) the cost difference under the same or another contribution plan.

We appreciate Council's response to the issues raised in this letter at their earliest convenience. If further clarification is required please do not hesitate to contact the writer on 6651 2688.

Yours faithfully,

RESOURCE DESIGN & MANAGEMENT PTY LTD

Matthew Cooper
Registered Surveyor & Environmental Planner

>> PLANNING >> ENGINEERING >> SURVEYING >> MAPPING >> ENVIRONMENTAL MANAGEMENT >>

Suite 34 Jetty Village Shopping Centre 361 Harbour Drive
(PO Box J430) COFFS HARBOUR JETTY NSW 2450
Ph (02) 6651 2688 Fax (02) 6651 3689
www.resdesman.com.au

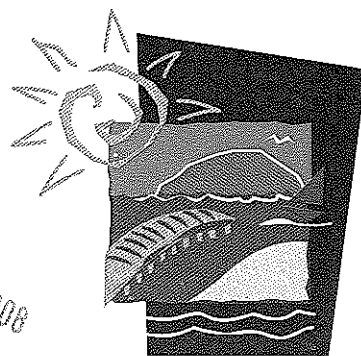
COFFS HARBOUR CITY COUNCIL

Your ref: 05025LM01

Our ref: 1949410

23 June 2008

25 JUN 2008



Mr M Cooper
Resource Design & Management Pty Ltd
PO Box J430
COFFS HARBOUR JETTY NSW 2450

Dear Mr Cooper

Moonee Developer Contribution Plan Northern Collector Road

Council refers to your correspondence of 2 June 2008 and advises as follows:

- **Funding for environmental and engineering investigations and design:**

The Contributions Plan includes \$1.879M for design and supervision costs associated with the collector road for the **entire** Moonee release area. It is estimated that \$300,000 of this amount can be attributed to the collector road north of Moonee Beach Road.

- **Construction costs and land acquisition funding:**

The Contributions Plan provides for funding of land acquisitions for the proposed collector road (road reserve) and the full cost of the construction of an 11 metre wide collector road from Moonee Beach Road up to the southern boundary of Lot 1 DP 725785. The Plan allows \$2,368,855 for construction costs plus a contingency allowance. The land acquisition allowance under the Plan is \$696,000.

- **Administrative fees and charges including legals:**

The Plan has no specific allocation for administrative costs. Costs associated with the preparation of and fee for a development application for the collector road are not available under this Plan. An allowance is made in the Plan for reasonable legal costs associated with the land acquisitions component (i.e. included within the \$696,000).

- **Funding shortfalls:**

The Plan has no alternative funds to allocate to the northern collector road in the event of a funding shortfall.

The Plan is monitored on a regular basis and would be reviewed should a significant change be identified in the costs of works. The Plan also contains a contingency amount that may address cost over runs for works under the Plan.

- **Contribution Offsets:**

Council cannot support contributions being offset against contributions levied under other Contribution Plans as this arrangement may jeopardise the provision of facilities under those Plans. There may be some scope to offset some contributions against other contributions payable under the Moonee Area Contributions Plan.

In terms of any proposed expenditure of developer contributions for this collector road the developer must demonstrate to Council value for money outcomes through open tendering in a competitive market using ethical behaviour that is fair and accountable. One option is that the developer procure the developer contributions works in accordance with Section 55 of the Local Government Act and the accompanying Local Government (General) Regulations 2005, Part 7, Tendering, with the developer acting as Council. Where these controls cannot be met the developer should propose an alternative for Council's consideration.

You are reminded that there is no provision in this Contributions Plan for forward funding of infrastructure. The release of any (collected) contributions allocated to this section of the collector road will only be made available upon the registration of this road as a public road.

For further information please contact the undersigned on (02) 6648 4631.

Yours faithfully



Mark Hannon
Project Manager Development

MSH:cts



ANNEX X

**Correspondence from Council
Concerning Collector Road
Approval Path**

Our Ref: 1994243 (DA 631/08)

5 August 2008

Department of Planning
Coastal Assessments
Attention: Mr R Lawlor
PO Box 39
SYDNEY NSW 2001

Dear Mr Lawlor

**Major Projects 06-0143 – The Glades Estate – Collector Road
Lots 1 and 2, DP725785, Pacific Highway, Moonee Beach**

Council refers to your email of 24 July 2008 and provides the following advice on the collector road approval process:

1. The developer shall make all necessary arrangements with the relevant land owners and Council for the opening of the public road, or the dedication of land as a public road by the Council. That is, the land must be dedicated to Council, to be then dedicated by Council as public road to satisfy the "without consent" provisions of State Environmental Planning Policy (Infrastructure) 2007.
2. The developer is to arrange for the preparation of the Review of Environmental Factors (REF). The brief for the REF is to be approved by Council. The REF is to be approved by Council.
3. The developer is to arrange all tender documentation for the construction for the collector road, including design plans and specifications. The tender documents design plans and specifications are to be approved by Council. Council is to approve the successful tenderer for the work.
4. The developer is to supervise the construction of the collector road.
5. All costs associated with the establishment of the collector road being met by the developer with recoupment for the costs being met from the Moonee Contributions Plan as funds become available.

Council is prepared to review any alternative approval process that may be proposed for this collector road. The developer may wish to investigate whether the provisions of Section 4B(3)(c) of the Environmental Planning and Assessment Act may be used as a mechanism to facilitate the collector road's transfer to Council and its dedication as public road. Further, the developer may pursue development consent for the collector road's construction. It is reiterated that items 1 and 2, above, provide for the opening of a public road, or the dedication of land as a public road by Council and not the developer or some other party.

For further information on this matter please contact Mark Hannon on 6648.4631.

Yours faithfully

Mark Hannon
Project Manager Development

MSH:sms



ANNEX Y

Correspondence Related to Consultation with Aboriginal Groups

22 October, 2007

Heather Warton
Director Coastal Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Our Reference: 0037659L07RL.DOC

Dear Heather,



**RE: LOTS 1 AND 2 DP 725785, PACIFIC HIGHWAY, MOONEE BEACH -
CONCEPT PLAN AND PROJECT APPLICATION FOR
RESIDENTIAL SUBDIVISION - MP06_0143**

I refer to your letter dated 5 October 2007, regarding the Aboriginal Cultural Heritage Assessment for the above Major Project and advise that consultation with interested parties was undertaken in accordance with the *Interim Community Consultation Requirements for Applications* (DEC 2005).

The following organisations were given written notification about the proposed development in March, 2006:

- Coffs Harbour Local Aboriginal Land Council (CHLALC);
- Coffs Harbour City Council;
- the NSW Department of Environment and Conservation;
- Native Title Services; and
- Registrar of Aboriginal Owners.

Correspondence with CHLALC and DEC resulted in the identification of an additional 22 Aboriginal interest groups, all of whom were invited to register their interest in the project. In addition, an advertisement was placed in the public notices section of the Coffs Harbour Advocate on 8th March 2006 and the National Indigenous Times on 9th March 2006. The closing date for registrations of interest was 23rd March 2006. A copy of the advertisement is attached.

CHLALC and Yarrawarra Aboriginal Corporation (in conjunction with Garby Elders) registered an interest in the project. Both groups were provided with further information regarding the proposed development and its specific location. Three representatives of CHLALC and one representative each from Yarrawarra Aboriginal Corporation and Garby Elders participated in the field survey (refer to *Section 1.6*). A copy of the draft report was forwarded to all groups. No comments were received.

As requested, the methodology section of the Aboriginal Cultural Heritage Assessment Report has been updated accordingly.

In addition, we have made a number of minor editorial changes to the Environmental Assessment (EA). A copy of the revised document is enclosed for your review.

I look forward to receiving your written confirmation of the dates proposed for the public exhibition of the EA and associated documentation.

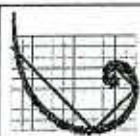
Should you require any additional information please do not hesitate to contact me on 4964 2150.

Yours sincerely,
for Environmental Resources Management Australia Pty Ltd

A handwritten signature in black ink, appearing to read 'S. O'Connor', with a stylized flourish at the end.

Steve O'Connor
Project Director

Encl.



**Aboriginal cultural
heritage assessment
INVITATION TO
ERM REGISTER INTEREST**

Environmental Resources Management Australia Pty Ltd (ERM) has been commissioned to undertake an assessment of Aboriginal cultural heritage in relation to a proposed residential sub-division at Moonee Beach, north of Coffs Harbour, New South Wales.

ERM seek registrations of interest from the Aboriginal community. If you, or a group you represent, wish to be consulted about this project please register your interest by contacting Nicola Roche at ERM in writing by the **23rd of March 2006**.

Nicola Roche, Archaeologist
Environmental Resources
Management Australia Pty Ltd
53 Bonville Avenue
Thornton, 2322
Fax: 4964 2152
Phone: 4964 2150

Steve Oconnor

From: Steve Oconnor
Sent: Friday, 22 February 2008 2:54 PM
To: 'Keats Jon'
Cc: Krister Waern (krister.waern@environment.nsw.gov.au)
Subject: RE: The Glades Estate, Pacific Highway, Moonee
Attachments: Map6.jpg; 0037659hv_EA_res_sub_Fg4 Buff...pdf

Jon,

Thanks for your emails yesterday and the day before in relation to this Part 3A application. I can advise as follows in respect of each of the four points raised in your email below;

1. We understand your concerns about Recreation Node 2 and are preparing more detailed overlays to illustrate how the recreation area interacts with the adjoining EEC and the buffer to Skinners Creek.
2. As indicated in my previous email the proposal to widen the central north south corridor is not consistent with the DCP (I have attached a copy of Map 6 the Open Space Network Map from the DCP). We have ensured that the APZs to this vegetation are located outside this 100 metre wide corridor. If a 25 metre wide additional buffer area were added either side of this corridor it would increase the proposed width of the corridor by 50%, significantly impact on lot yield and necessitate a complete redesign of this portion of the estate. For these reasons we do not wish to increase the width of this proposed open space area.
3. In a letter dated 30 March 2006 Brendan Diacono, Manager Planning and Aboriginal Heritage North East, Environmental Protection Division, Department of Environment and Conservation, advised that our letter dated 6 March 2006 was in accordance with the Interim Community Consultation Requirements for Applicants which was released by DEC in December 2004. A list of Aboriginal Stakeholders on the Central Mid North Coast was provided with the DEC's letter and we proceeded to consult with a wide range of groups including the Gumbila Julipi Aboriginal Elders, Mudjay Aboriginal Elders, Yarrowarra Aboriginal Corporation, Garby Elders, Coffs Harbour Local Aboriginal Land Council (CHLALC), Jalumbo Cultural Heritage and Research Unit and others. As stated at page 4 of ERM's Aboriginal Cultural Heritage Assessment (ERM 2007) an advertisement was placed in the Coffs Harbour Advocate and the National Indigenous Times on 8th and 9th March 2006 respectively. Two groups registered an interest in the project (CHLALC and Garby Elders) and representatives of both these groups participated in the field survey as well as a representative from the Jalumbo Cultural Heritage and Research Unit. On 14 June a copy of the draft report was sent to the groups who participated in the field survey. Despite follow up phone calls to these groups no verbal or written response was received.
4. As the DCP Maps do not have dimensions on them and are drawn only approximately to scale, it is not possible to accurately dimension the encroachment envisaged into the 100 metre buffer to Moonee Creek in the north eastern portion of the site. However, by referring to the attached Open Space Network Map it is clear that the buffer to Moonee Creek was intended to vary widely from significantly less than 100 metres to well in excess of 100 metres. The Concept Plan we have prepared adopts the same development footprint as envisaged in the DCP and maintains the same buffers. The figure I previously sent you (which is also attached to this email) showing the actual dimensions as they relate to the subdivision design documented in the Part 3A application.

Thanks for the opportunity to meet with yourself and Kirster sometime during the week commencing 3 March (if all outstanding issues have not been satisfactorily dealt with by then). We will correspond with you next week to confirm if a meeting is required and if it is when might be a suitable day during the week you have nominated.

If you have any questions please contact me on 49642150.

Regards

Steve O'Connor
 Project Director
 Environmental Resources Management Australia

53 Bonville Avenue
 Thornton NSW 2322
 PO Box 71
 Thornton NSW 2322

T: +61 2 49642150
 F: +61 2 49642152
 M: +61(0)407 450 724

15/09/2008

From: Keats Jon [mailto:Jon.Keats@environment.nsw.gov.au]
Sent: Wednesday, 20 February 2008 11:58 AM
To: Steve Oconnor
Cc: Waern Krister
Subject: FW: The Glades Estate, Pacific Highway, Moonee

Hi Steve,

Further to my email yesterday, in response to the issues raised in your email below, the DECC provides the following comments:

1. We note your advice that Recreation node 1 (children's playground) can be potentially redesigned to overcome the concern regarding fauna movement corridors in this area. With regard to Recreation node 2 (jetty and ramp), this area will impact on EEC and the buffer area to Skinners Creek. The level of impact associated with this location needs further consideration.
2. The enhancement of the north-south fauna movement corridor by widening it by 25 metres either side is a measure which will counter the reduced wildlife corridor movements as a result of the proposed development. The DECC is aware that Coffs Harbour City Council has also expressed concern about the viability of the proposed north-south fauna movement corridor. Further consideration should be given to enhancing this corridor.
3. As previously indicated, this issue has been forwarded onto our Planning and Aboriginal Heritage (PAH) Section for further comment. Preliminary discussion with PAH has indicated that they would like information regarding the consultation undertaken with local Aboriginal groups, as offered in your email below.
4. You state that the proposed encroachment into the 100 metre buffer zone to Moonee Creek is consistent with the Moonee DCP. However, we understand that Coffs Harbour City Council has raised a similar concern to DECC regarding proposed encroachment into the buffer area. Further clarification is required to validate that the proposal is consistent with the Moonee DCP.

If you have any inquiries please contact Krister Waern on (02) 66402503.

Regards

Jon Keats
 Head Regional Operations Unit North Coast

From: Steve.OConnor@erm.com [mailto:Steve.OConnor@erm.com]
Sent: Thursday, 14 February 2008 4:03 PM
To: Waern Krister
Subject: Fw: The Glades Estate, Pacific Highway, Moonee

Steve
 O'Connor/ERMAU/ERM

Tokristen.waern@environment.nsw.gov.au

cc

SubjectFw: The Glades Estate, Pacific Highway, Moonee

13/02/2008 05:56 PM

Kristen,

Further to our telephone conversation earlier today, I can confirm that following a meeting with officers from the Department of Planning (DoP) in Sydney last Friday, we were requested to meet with your Department to discuss a range of issues arising out of the submissions the DoP recently received in response to the exhibition of the Environmental Assessment Report (EAR) for the above project. Of all the agencies who responded to the exhibition of the EAR, DoP have only asked us to meet with yourselves and Coffs Harbour City Council.

In particular, we would like to discuss the following issues which arise from your response to DoP dated 21 December 2007;

1. The location of the Recreation Nodes. The location of these nodes was the subject of detailed discussions during the preparation of the Moonee Beach DCP which was adopted by Council in 2004. Recreation Node 1 is proposed to be located adjacent to the coastal walk designated in the DCP and close to the point where a bridge is proposed to cross Skinners Creek. There may be some potential to redesign Recreation Node 2 so that the

15/09/2008

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