

18 November 2009



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Your Reference 06\_0143

Dear Alan,

**RE: SECTION 75W MODIFICATION OF THE PROJECT APPROVAL 06 -  
0143, FOR THE GLADES ESTATE, LOTS 1 AND 2 DP725785,  
PACIFIC HIGHWAY, MOONEE**

## INTRODUCTION

This Section 75W modification application is in respect of the Project Approval for The Glades Estate at Moonee issued by the Minister for Planning on 5 March 2009. 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.

The purpose of this letter is therefore to provide the relevant background information necessary to facilitate the determination of this Section 75W modification application. There are three amendments being sought related to the following three issues;

1. Facilitating the issue of a Construction Certificate to permit bulk earthworks over the site in advance of providing the creation of any easements or instruments of title for the construction of the northern collector road.
2. Permit the staging of the project in a manner generally consistent with the Preliminary Lot Layout Plan (04-1600 Drawing P1 Amendment F dated February 2009), but allowing flexibility regarding the sequencing of the staging.
3. The provision of temporary construction fencing during the bulk earthworks construction in a manner different to Plan 8 Landscape Staging Plan dated December 2008 referred to in Condition C10 of the Project Approval.

The details of the changes requested and the justification for these changes are provided in the following pages.

## **1. SECTION 75W MODIFICATION DEALING WITH THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR BULK EARTHWORKS**

There are a number of conditions attached to the Minister's approval, which state that a Construction Certificate cannot be issued until certain works are undertaken or requirements are satisfied. In particular, condition B1 2) in part sets out the following requirements;

*"Prior to the issue of any Construction Certificate for the project the proponent shall provide to the satisfaction of Council and the Certifying Authority evidence of appropriate legal agreements being signed with landowners of Lot 5 DP 252223, Lots 6 DP 252223, and Lot 1 DP 1097743, as well as creation of any relevant easements or instruments on title, for the construction of the northern collector road and associated project infrastructure works, over the respective lots."*

It is proposed to introduce a new condition B1 4) which states that;

*"Notwithstanding any other conditions in this project approval, a Construction Certificate to undertake earthworks (cut and fill) over the site can be issued at any time provided that satisfactory arrangements have been made to deal with all relevant impacts associated with these works as listed in condition B12."*

The earthworks, required to be undertaken on site, can be more efficiently and cost effectively undertaken if they occur at an early stage prior to any lots being created upon the site. Rather than delay these earthworks until all the issues associated with the construction of the northern collector road are resolved which is the effect of the current conditions, it is proposed to commence earthworks prior to, or in conjunction with, the construction of the northern collector road so that this work can be completed and stabilised prior to any dwellings being constructed and future residents moving into the Glades Estate. This will reduce the potential for the carrying out of these earthworks to impact on future residents (e.g.) noise, dust, hazards associated with truck movements, etc.

It will also allow economies of scale to be achieved, which could result in significant cost savings, both for the construction works on site and in relation to the construction of the northern collector road.

It should be noted that agreement from the three adjoining landowners to the south of the site has been secured in writing to allow the construction of the northern collector road over their land. Copies of these agreements are attached for your records.

## **2. SECTION 75W MODIFICATION DEALING WITH THE ISSUE OF THE STAGING OF THE SUBDIVISION**

Condition A2 states that the project is to be constructed in 11 stages and sets out the number of lots in each stage and other works required in association with each stage. Given the need to amend the staging to facilitate the early construction of the northern collector road, it is proposed to add the following words to the end of condition A2.

*"This approval relates to the subdivision of 524 allotments and is not bound by the staging shown in the approved plans."*

This will allow, for example, stage 9 to be constructed as the first stage as it will be the stage closest to the northern collector road when it is constructed. Similarly, other stages will be able to be developed in a logical manner consistent with the provision of infrastructure in an economical fashion irrespective of the staging sequence implied in the Preliminary Lot Layout Plan dated February 2009 or the wording of condition A2.

### **3. SECTION 75W MODIFICATION DEALING WITH THE ISSUE OF THE CONSTRUCTION OF TEMPORARY FENCING**

The location of temporary and permanent fencing as shown in Plan 8 Landscape Staging Plan dated December 2008 was prepared on the basis that the earthworks would be carried out in stages consistent with the staging shown in the Preliminary Lot Layout plan dated February 2009. It is now proposed to carry out the bulk earthworks in a different sequence to facilitate the most efficient and cost effective construction schedule. Temporary construction fencing is now proposed to be installed in all locations where either temporary or permanent fencing is shown on the Landscape Staging Plan.

It is therefore proposed to amend condition C10 to add the words underlined below.

*"Prior to the commencement of any works on site (except for bulk earthworks where temporary construction fencing is only required to be erected) permanent and temporary fencing shall be erected to the perimeters of the riparian buffer zones, habitat areas and corridors of that relevant stage (in particular Open Space Category 1 'Natural Areas' as identified in the approved plan prepared by ERM "Broad Scale Open Space Types" dated December 2008), generally as provided for in the Landscape Staging Plan Annex H Plan 8 prepared by ERM, dated December 2008."*

### **CONCLUSION**

The three changes to the conditions attached to the Project Approval issued by the Minister for Planning for the Glades Estate, will allow works to be undertaken in a flexible manner and help secure better environmental outcomes on site in the most cost effective fashion.

Mr Mark Hannon, Project Manager, Development, from Coffs Harbour City Council advised that he believes Council will support the modifications being sought.

In view of this it is recommended that in accordance with the provisions of Section 75W(4) the Minister modify the Project Approval in the manner indicated above.

Please do not hesitate to contact me if you require any additional information or clarification of any of the points raised in this letter.

Should you require any additional information please contact me our Bill Sarkis on 9929 5000.

Yours sincerely,



William Sarkis  
Director, Residential Estates