

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate, under delegation executed on 10 November 2014, I approve the section 75W modification of the project approval referred to in Schedule 1, subject to the modified conditions of approval outlined in Schedule 2.



Chris Ritchie
Manager
Industry Assessments

Sydney 2 FEBRUARY

2015

SCHEDULE 1

Development Consent:

MP 06_0143 granted by the Minister for Planning on 05 March 2009

For the following:

A residential subdivision of land into 524 lots, site earthworks (cut and fill), the provision of roads and associated infrastructure, open space, recreation facilities and playing fields, and a pedestrian/cycleway network

On land comprising:

Lots 1 and 2 DP 725785, Moonee Beach in the Coffs Harbour local government area

Modification:

MP 06_0143 MOD 3:

- Modify Condition B1 (3) and Condition E18 to reflect the revised section 94 contribution rates in the *Moonee Release Area – Development Contributions Plan 2014*.

SCHEDULE 2

- 1) In Schedule 2, Condition A4, insert new Condition A4(5) immediately after Condition A4(4) as follows:
 - (5) Section 75W modification application and supporting documents prepared by Rothwell Boys Pty Ltd and dated 26 November 2014.
- 2) In Schedule 2, Condition B1(3), delete the words "Moonee Developer Contributions Plan 2008" and replace with "Moonee Release Area Developer Contributions Plan 2014".
- 3) In Schedule 2, delete Condition E18 in its entirety and replace it with new Condition E18 as follows:

E18 Section 94 Monetary Contributions

- 1) Prior to the endorsement of a Subdivision Certificate for each stage of the subdivision, the proponent must pay, in proportion to the additional lots created by that stage, a contribution to Council pursuant to Section 94 of the Act and Council's *Moonee Release Area Developer Contributions Plan 2014*, being as follows:

Moonee Developer Contributions Plan 2014			
Facility	No of Lots	\$ per Lot	Sub-Total
Community Facilities	522	1,007.08	525,695.76
Open Space (Neighbourhood: Moonee) subject to 'works in kind', refer point 3 below	522	2,092.07	1,092,060.54
Moonee Transport and Traffic, subject to 'works in kind', refer point 4 below	522	1,818.58	949,298.76
Urban Planning	522	12.75	6,655.50
Moonee local roads, subject to 'works in kind', refer point 4 below	522	6,413.00	3,347,586.00
Coffs Harbour Open Space Developer Contributions Plan 2014			
Facility	No of Lots	\$ per Lot	Sub-Total
District Open Space	522	3,682.12	1,922,066.64
Surf Rescue Equipment Developer Contributions Plan 2013			
Facility	No of Lots	\$ per Lots	Sub-Total
Surf Rescue Facilities	522	70.19	36,639.18
Coffs Harbour Road Network Developer Contributions Plan 2014			
Facility	No of Lots	\$ per Lot	Sub-Total
Coffs Harbour Road Network	522	518.88	270,855.36
Coffs Harbour Administration Levy Developer Contributions Plan 2014			
Facility	No of Lots	\$ per Lot	Sub-Total
Co-ordination and Administration	522	511.92	267,222.24
TOTAL CONTRIBUTIONS PAYABLE		\$8,418,079.98	
Stage 1 - 60 Lots		967,595.40	
Stage 2 - 40 Lots		645,063.60	
Stage 3 - 47 Lots		757,949.73	
Stage 4 - 47 Lots		757,949.73	
Stage 5 - 51 Lots		822,456.09	
Stage 6 - 61 Lots		983,721.99	
Stage 7 - 48 Lots		774,076.32	

Stage 8 - 48 Lots	774,076.32
Stage 9 - 50 Lots	806,329.50
Stage 10 - 42 Lots	677,316.78
Stage 11 - 28 Lots	451,544.52
Total	8,418,079.98

- 2) The contribution shall be paid in the form of cash or bank cheque, made out to Coffs Harbour City Council, except as agreed with Council in relation to any credits for 'works in kind', as specified below. For accounting purposes, the contribution may require separate payment for each of the categories specified in the Contributions Plan and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for each stage of the project.

- 3) Contributions for Neighbourhood Open Space can comprise in part 'works-in-kind' for the construction of two recreation nodes within the site, refer to conditions **A2** and **B13**. 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 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.
- 4) Contributions for the Transport and Traffic and Moonee Local Roads components of the Contributions Plan shall be paid to a total combined rate of \$13,941.51 per lot, combined total amount of \$7,277,468.22 for the estate, as adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans. These contributions can comprise in part 'works-in-kind' for the construction of the collector road (refer to condition **B1**) and in part a monetary contribution for the balance of the total contributions owing, following 'works-in-kind'. The value of 'works-in-kind' to be undertaken plus the monetary contributions shall be at least equal to the Transport and Traffic and the Moonee Local Roads contributions as assessed, and adjusted, in accordance with the plan.

Note: The collector road is to be completed to the satisfaction of Council prior to the issue of any Subdivision Certificates, in accordance with condition **E3**.

- 5) The contribution rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans. The proponent is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.
- 6) Contribution calculations recognise the two existing lots and have therefore only been imposed on the additional 522 lots. The existing lot entitlements have been recognised in Stage 1 of the development.
- 7) The Contribution Plans may be inspected at the Council Administration Offices, 2 Castle Street, Coffs Harbour or on Council's web site, www.coffsharbour.nsw.gov.au.

END OF MP 06_0143 MOD 3
