



14 April 2014

Our Ref: 6096  
Your Ref: MP-06-212

Ms K Masters  
Industry, Key Sites & Social Projects  
Planning & Infrastructure  
Department of Premier & Cabinet  
GPO Box 39  
SYDNEY NSW 2001

Dear Kate,

Re: MP 06 212 – Environmental Assessment  
Riverpark Sancrox Estate, Sancrox Road, Sancrox

I refer to our recent dealings relating to the abovementioned Major Project application which obtained Concept and Project Approval on 22<sup>nd</sup> December 2010.

We now re-submit our application to enable the NSW Agency of Planning & Infrastructure to modify the conditions relating to the Riverpark Sancrox Concept and Project Approvals.

As per discussions, the intended modifications can be summarised as:

- Re-ordering of the 13 stages of development in that the number of lots being released at each stage will differ from the original approved plans;
- A corresponding creation of additional development (residue) lots in the initial stage release;
- Shifting the entrance road some 25m west of the existing location. This is intended to increase sight distances at the intersection with Sancrox Road;
- Minor re-configuration of the pre-subdivision boundary adjustment (Stage A) to reflect the requirements of affected land-owners.

It is once again stressed that no additional lots or stages are being created by this proposed modification.



**Directors**

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Included with this application you will find:

- A new sheet-set of plans which comprise the original 10 sheets of the approved plans with the current subdivision layout updated, and which now also illustrate all thirteen (13) modified stages of the subdivision;
- Accompanying the subdivision sheet-set, you will note a table which summarises the changes in lot areas to reflect the boundary adjustments between the approved/modified lots resulting from the otherwise minor road realignments;
- The “Overlay of Approved Lots with New Layout” plan dated 19<sup>th</sup> July 2013 provides a direct comparison to illustrate the intended changes to lot and road boundaries;
- Scanned copies of both the Concept Approval and Project Approval documents with our suggested mark-ups of the conditions which will require modification to reflect the new staging and lot numbering details. These are provided as a guide to assist with your comparison of the original approvals to the currently proposed layout;
- Copies of the draft Neighbourhood Management Statement, draft Voluntary Planning Agreement and draft Development Contract associated with the community title subdivision (and referenced in the two approvals), which again now reflect the intended changes to lot numbers and stage order details;
- To provide justification for the intended changes, we have prepared written summaries of the justifications/explanations for the changes proposed to both the Concept and the Project Approvals;
- Lastly, we have also undertaken an Environmental Assessment addressing the impacts of the proposed modifications.

As a final point, and as indicated in recent discussions, we still hold concerns in regards to the quoted fee for this modification request.

At the time that Port Macquarie-Hastings Council mistakenly processed this same modification request as a Section 96(1A) application during 2013, the total fees charged were \$785.00. This included the costs of re-notifying the local community.

As you will recall, the application was duly assessed by Council's Development Manager, Dan Croft and was at the point of being approved when the anomaly regarding the need to re-lodge this under the since-repealed Part 3A process was discovered.

The quote now received for fees to be applied at the “highest rate” under the now defunct Part 3A legislation (@\$5,000 per approval) is clearly not

commensurate with the impacts of the proposed modification. In that regard, this application requests only “administrative” type changes to the staging and lot numbering of an approved subdivision.

As demonstrated in the accompanying Environmental Assessment, the modification has a negligible impact on the environment, and was deemed to constitute a Section 96(1A) assessment under Part 4 of the EP&A Act - that is, a modification for which Council had determined:

*“... it is satisfied that the proposed modification is of minimal environmental impact”*

Accordingly, we would respectfully request that some discretion be applied to the determination of appropriate fees for this modification. While we have provided adequate justification for why the intended modifications are proposed, it would be hard to see what justification exists for charging \$10,000 to assess this application.

Please do not hesitate to contact the undersigned should you have any questions, or require any further information from us in relation to the proposed modification to the concept & project approvals.

Yours faithfully



Andrew Lister  
Senior Town Planner

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1. Plans of proposed subdivision as modified (Sheets 1-13)
2. Replacement sheet-set of approved plans with new layout updated
3. Plan of comparison between approved final layout and proposed modified layout
4. Block size comparisons between approved and proposed modified layout
5. Concept Approval document with annotated modifications
6. Project Approval document with annotated modifications
7. Justification for modification to Concept Approval
8. Justification for modification to Project Approval
9. Environmental Assessment
10. Copy of Draft Management Statement
11. Copy of Draft Development Contract
12. Copy of Draft Voluntary Planning Agreement
13. Copies of owners' authorisations to the proposed modification