



19 September 2016

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

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

Dear Natasha,

Re: MP_06_212 – Environmental Assessment
Riverpark Sancrox Estate, Sancrox Road, Sancrox

I refer to our recent discussions relating to the abovementioned Major Project application which obtained Concept and Project Approval on 22nd December 2010.

Please find enclosed our application for a minor change to the wording of one condition in the abovementioned project approval (MP_06_212). As per recent email correspondence and discussions, the intended modification relates to Condition E4(4)(e) of the Project Approval.

Condition E4(4)(e) requires a positive covenant to be prepared in favour of the Minister for Environment and Climate Change and Water, and was designed to secure the long-term management of vegetation within the estate.

The condition E4(4)(e) reads:

- e. A positive covenant is to be created over all the 7(h) Environmental Protection – Habitat zoned land under the Hastings Local Environmental Plan 2001 along Haydons Creek and the Bloodwood Open Forest on **Lots 158 – 159**. The covenant is to be in favour of the Minister for Environment and Climate Change and Water and be worded to the satisfaction of the **Office of Environment and Heritage** so as to secure the long-term management of the vegetation contained on the land.

It has since been determined that the Minister for Environment and Climate Change and Water no longer has a vested interest in this arrangement. It has instead been determined that Council is the relevant party.



Directors

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Email correspondence between the land-owner, the Office of Environment & Heritage, and Port Macquarie-Hastings Council has indicated support for the intended change. Specifically, Steve Lewer of the OEH had provided the following advice to Council and the land-owner on 4th August of this year:

“OEH have no objection to Council becoming the signatory to the 88B, given that in the 6+ years since providing our original advice (to Dept. of Planning) on this matter, OEH’s position on 88B covenants has changed (i.e. we no longer support them as mechanisms for long-term conservation of biodiversity offsets). As such we would support the change to the below condition as per your suggestion - i.e. to substitute from E4(4)(e) the words ‘Minister for Environment and Climate Change and Water’ and ‘Office of Environment and Heritage’ with the words ‘Port Macquarie - Hastings Council’.

Council staff are also in favour of the indicated change, and preliminary correspondence with Kate Macdonald of the Department’s office has confirmed that support. A copy of the email correspondence which relates to these discussions, including the above quoted admission from Steve Lewer, is annexed to this Planning Report.

It is stressed that no additional lots, roads or stages are being created by this proposed modification. There are no changes being proposed to the approved plans of subdivision, to the approved methods of vegetation management, or to the provisions of essential services. No other changes are proposed to the remaining conditions of the Project Approval.

In that respect, and as indicated in recent discussions, we hold concerns in regards to the quoted fee for this modification request.

The informal quote for modification fees under the now defunct Part 3A legislation (\$5,000 per approval) is clearly not commensurate with the scale of the proposed modification. In that regard, this application requests only an administrative type change to the wording of a single condition of the Project Approval. The land-owner had no control over the change in authority related to this particular aspect of the positive covenant. As such, we consider this change is representative of a “misdescription or miscalculation”, to which we understand a reduced fee of \$850 can normally be applied.

We would respectfully request that this reduced fee be considered for the determination of appropriate fees for this modification. If you require any further information, please do not hesitate to contact the undersigned.

Yours faithfully,



Andrew Lister
Town Planner