

Exhibition of Application to Modify Development Consent 2013/134.003

Notice is hereby given that a Section 4.55(1A) Application to Modify a Development Consent has been submitted to Council by I McArthur that proposes a modification to staging of works for the approved subdivision, amending the application from 4 stages to 3 stages, on Lot: 84 DP: 755503, 243-261 Stock Road, Gunnedah.

The Development Application is 'Integrated' Development, as an approval is required from the *NSW Rural Fire Service under the Rural Fires Act 1997*.

The application and accompanying plans will be exhibited at Council's Administration Office, 63 Elgin Street, Gunnedah between 9am and 4pm, Monday to Friday or can be viewed online at www.gunnedah.nsw.gov.au.

Persons wishing to comment on the application should do so in writing and address submissions to: General Manager, Gunnedah Shire Council, PO Box 63, GUNNEDAH NSW 2380 or council@infogunnedah.com.au.

Submissions should be received no later than 5.00pm on Thursday, 17 March 2022. All submissions must include disclosure of any reportable political contribution or gift made in the previous two years.

It should be noted that you may request that your name and address not be disclosed (by stating prominently "OBJECTION IN CONFIDENCE" on your submission) for reason that disclosure would result in detriment to you, however, Council may be obliged to release details of your complaint excluding your personal information under the Government Information (Public Access) Act 2009 even if these words are used in the submission. Further, submissions that do not contain the author's name and address may not be considered as Council will be unable to validate their authenticity.

Further information may be obtained from Council's Planning and Environmental Services on (02) 6740 2100

Eric Groth

GENERAL MANAGER



Application to Modify a Development Consent

Made under the Environmental Planning and Assessment Act 1979 section 4.55(1) and 4.55(2)

LAST UPDATED 01 OCTOBER 2019

Date: 28/02/2022

MODIFICATION DETAILS

Development Consent Number: 2013/134

Modification of Consent Number: 2013/134.001

Date of Determination: 5 June 2014

Type of Modification: ☐ Minor s.4.55(1) ☒ Minor s.4.55(1a) ☐ Other s.4.55(2)

Provide details of manner and extent and provide evidence that the modification does not substantially alter the development. (In the case of minor – indicate minor error, misdescription or miscalculation):

Modify the proposed staging of works.

APPLICANT DETAILS

Applicant Name: Ian McAuthur C/o- Stewart Surveys

Applicant's Mailing Address: PO Box 592

Town/Suburb: Gunnedah State: NSW Postcode: 2380

Telephone: 6742 2966 Mobile:

Email: office@stewartsurveys.com

LAND TO BE DEVELOPED

Flat/Street No: 243 Street Name: Stock Road

Town/Suburb: Gunnedah State: NSW Postcode: 2380

Lot No: 84 Section: DP/MPS No: 755503

Gunnedah

Shire Council

OWNER'S DECLARATION

Must be completed by the owner of the land. If more than one owner, every owner must sign.

If the applicant is a company or owner's association, must be signed by a director or secretary (or authorised delegate) under common seal.

Owner Name(s): IAN KIRBY McARTHUR Kim McArthur

I/We the undersigned are the owner(s) of the property described in this application and consent to its lodgement.

I/We hereby permit and duly authorise officers of the Gunnedah Shire Council to enter the land or premises to carry out inspections and surveys or take measurements or photographs as required for the administration of the Act(s), Regulations or Planning Instrument.

Signature: [Signature] Date: 16/2/22 *Capacity: OWNER

Signature: [Signature] Date: 16/2/22 *Capacity: Owner

Signature: _____ Date: _____ *Capacity: _____

**If signing on the owner's behalf as the owner's legal representative, you must state the nature of your legal authority and attach documentary evidence (eg, power of attorney, executor, trustee, company director)*

APPLICANT'S DECLARATION

If the applicant is a company or owner's association, must be signed by a director or secretary (or authorised delegate) under common seal.

I/We the undersigned hereby apply for modification of development consent in relation to the development proposal described hereon and in the plans, specifications and documents accompanying the application.

I/We undertake to develop in accordance with the development consent approval granted by Council and conform with the provisions of the relevant Acts, Regulations, Codes and Local Environmental Plan.

I/We further undertake to indemnify against all claims arising from negligence (or otherwise) resulting from work carried out in connection with the development within the road reserve

Applicant Signature: [Signature] Date: 16/2/22

[Signature]

16/2/22

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

Amendments made to the Local Government Act 1993 and Environmental Planning & Assessment Act 1979 in relation to political donations and gifts will become effective from 1 October 2008.

These introduce obligations on applicants, those making submissions and decision makers in relation to the disclosure of information relating to political donations and gifts during the plan making or development assessment process.

When must an applicant/proponent make a disclosure?

A disclosure must be made by any person who has a financial interest in a planning application and who has made a reportable political donation in the 2 years before a planning application is made and/or determined.

When must a person making a submission make a disclosure?

Any submissions must include disclosure of any reportable political contribution or gift made in the previous two years, and up to the time the application is determined, by you or your associate to anyone including:

- (i) all reportable political donation made to any local councillor of the council
- (ii) all gifts made to any local councillor or employee of that council.

A reportable political donation made to a local councillor of any local council includes any donation made at the time the person was a candidate for election to the council.

You are advised that a person is guilty of an offence under s125 of the Environmental Planning & Assessment Act 1979 if the person fails to make a disclosure of a reportable political donation or gift if it is reasonable for that person to know such a reportable donation or gift should have been disclosed. It is also an offence to make a false statement. Currently, the maximum penalty is \$22,000 or imprisonment for 12 months, or both.

A blank disclosure statement which meets the requirements of the legislation is provided on the backside of this information. If you require any further information as to the definition of terms used, or clarification of your obligations, the Guideline produced by the Department of Planning may be obtained from their web-site – www.planning.nsw.gov.au, or a printed copy obtained from Council's Customer Services Centre.

Gunnedah

Shire Council



Application No:

Date Disclosure Made:

DISCLOSURE STATEMENT OF POLITICAL DONATIONS AND GIFTS

A disclosure statement of a reportable political donation or gift must accompany a planning application or submission if the reportable donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application, a disclosure statement must be sent to the relevant consent or approval authority within 7 days after the donation or gift is made.

Name of the person making donation or gift:

Residential address or Registered/official office:

ABN if not an individual:

Name/address of development application or planning matter:

Date application lodged:

Consent or approval authority: **Gunnedah Shire Council**

Person's interest in application:

Applicant:

Person with *financial interest* (explain):

Person making submission in opposition:

Person making submission in support:

Name of the person to benefit from the donation	Date donation made	Amount of the donation*
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Name of the person to whom gift is made	Date gift made	Amount or value of the gift*
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*Note: A reportable political donation of:

- \$1,000 or more made to or for the benefit of the party, elected member, group or candidate; or
- \$1,000 or more made by a major political donor to or for the benefit of a party, elected member, group or candidate; or
- Less than \$1,000 if the aggregated total of the donation made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) is \$1,000 or more.

Applicant contact details

Title	Mr
First given name	Ian
Other given name/s	
Family name	McArthur
Contact number	02 6742 2966
Email	office@stewartsurveys.com
Address	C/- Stewart Surveys, 109 Conadilly Street, Gunnedah NSW 2380
Application on behalf of a company, business or body corporate	No
tion?	

Owner/s of the development site

Owner/s of the development site	I am the only owner of the development site
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Developer details

ABN	
ACN	
Name	
Trading name	
Address	
Email Address	

Development details

Application type	Modification Application
On what date was the development application to be notified determined	4/06/2014
Type of modification requested	S4.55(1A) - Modification involving minimal environmental impact, where the development will remain substantially the same as the development that was originally approved
Development Application number of the consent to be modified	2013/134
Description of the proposed modification	Modify the proposed staging of works.
Was the DA applied for via the NSW Planning Portal?	No
Site address #	1
Street address	243 STOCK ROAD GUNNEDAH 2380
Local government area	GUNNEDAH
Lot / Section Number / Plan	84/-/DP755503 <input checked="" type="checkbox"/> 1/-/DP1252473 <input type="checkbox"/>
Primary address?	Yes
	Land Application LEP Gunnedah Local Environmental Plan 2012 Land Zoning R5: Large Lot Residential Height of Building NA

Planning controls affecting property	Floor Space Ratio (n:1) NA Minimum Lot Size 3000 m ² Heritage NA Land Reservation Acquisition NA Foreshore Building Line NA
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Proposed development

Proposed type of development	Subdivision of land
Description of development	Subdivision (1 Lot into 22 Lots)
Dwelling count details	
Number of dwellings / units proposed	0
Number of storeys proposed	
Number of pre-existing dwellings on site	
Number of dwellings to be demolished	
Number of existing floor area	
Number of existing site area	
Cost of development	
Estimated cost of work / development (including GST)	\$0.00
Do you have one or more BASIX certificates?	No
Subdivision	
Number of existing lots	1
Is subdivision proposed?	Yes
Type of subdivision proposed	Torrens Title
Number of proposed lots	22
Proposed operating details	
Number of staff/employees on the site	
Number of parking spaces	
Number of loading bays	
Is a new road proposed?	
Concept development	
Is the development to be staged?	Yes, this application is for staged development which may include concept and/or multiple stages.
Description of the proposed staging of the development	Stage 1 - Lots 101-104 & a residual Lot (5 Lots). Construction of Stock Road and part Kurrumbede Lane Stage 2 - Lots 201-210 & a residual Lot (15 Lots total). Construction of proposed road 1, 20 wide, part proposed road 2, 15 wide and part Kurrumbede Lane Stage 3 - Lots 301-308 (22 Lots total). Construction of new road 2 and 3 15 wide and variable
Crown development	
Is this a proposed Crown development?	No

Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact	

on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	No
Is the application accompanied by a voluntary planning agreement (VPA) ?	No
Section 68 of the Local Government Act	
Is approval under s68 of the Local Government Act 1993 required?	No
10.7 Certificate	
Have you already obtained a 10.7 certificate?	No
Tree works	
Is tree removal and/or pruning work proposed?	No
Local heritage	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	No
Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
Affiliations and Pecuniary interests	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?	No
Political Donations	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
Please provide details of each donation/gift which has been made within the last 2 years	

Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The Environmental Planning and Assessment Regulation 2000 and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees. Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

First name	Ian
Other given name(s)	
Family name	McArthur
Contact number	

Email address	office@stewartsurveys.com
Billing address	C/- Stewart Surveys, 109 Conadilly Street, Gunnedah NSW 2380

Application documents

The following documents support the application.

Document type	Document file name
Other	5619 Concept A3 5619_Modification to Consent ltr 5619_Form - Modification of Consent Application_signed

Applicant declarations

I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct.	Yes
I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
I understand that the consent authority may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice	Yes
I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes
I agree to pay any required NSW Planning Portal Service Fee/s specified under Clause 263B of the Environmental Planning and Assessment Regulation 2000 to the Department of Planning, Industry and Environment.	Yes
I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).	

16 February 2022
Our Ref: 5619

The General Manager
Gunnedah Shire Council
Elgin Street
GUNNEDAH NSW 2380

Dear Sir,

**APPLICATION TO MODIFY DEVELOPMENT CONSENT DA 2013/134
RESIDENTIAL SUBDIVISION OF 243 STOCK ROAD, GUNNEDAH**

It is proposed to modify development consent DA2013/134 for a residential subdivision at 243 Stock Road, Gunnedah, being Lot 84 in DP755503. The proposed modification is to the staging of this development.

We understand physical commencement of this approval was gained and the end of Kurrumbede Lane has been closed in accordance with conditions C1 and D1. The new lot particulars are Lot 1 in DP1252473.

It is proposed to stage the development as shown in the attached concept plan of proposed subdivision of Lot 84 in DP755503, as follows:

- Stage 1 – Lots 101-104 & a residual Lot (5 Lots)
Construction of Stock Road and part Kurrumbede Lane
- Stage 2 – Lots 201-210 & a residual Lot (15 Lots total)
Construction of proposed road 1, 20 wide, part proposed road 2, 15 wide and part Kurrumbede Lane
- Stage 3 – Lots 301 – 308 (22 Lots total)
Construction of new road 2 and 3 15 wide and variable

Generally, the proposed road layout and lot size and configuration remains the same as the original approval. We request that the following conditions be modified to reflect the change in staging. While the lot number changed there is not changes to the approved site servicing strategy.

Condition A1 Updated to change the development plan to:

Plan of proposed subdivision of Lot 84 in DP755503, prepared by Stewart Surveys Pty Ltd, dated February 2022, ref. 5619. All other development approval documents remain current.

Condition A2 updated to:

- Stage 1 – Lots 101-104 & a residual Lot
- Stage 2 – Lots 201-210 & a residual Lot
- Stage 3 – Lots 301 – 308

Condition D7 amended to *Lots 101 and 102* in place of Lots 201 and 202 this reflects the change in staging and lot numbering.

Stage 1

Conditions E10 Water Supply

Modify condition to reflect new staging. Suggested wording:

A single water supply shall be provided to Lots 101 to 104. The service shall be provided by extending Council's existing water main located in Stock Road to Kurrumbede Lane in accordance with the submitted site servicing strategy. A stop valve and hydrant shall be installed at the end of the main. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Condition E11 Sewer

Modify condition to reflect new staging. Suggested wording:

A single sewer service shall be provided to Lots 101 to 104. The sewer service shall be provided by installing a sewer junctions to the existing sewer main in Stock Road. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Condition E12

Delete condition, as the easement is not required now that the staging has changed.

New Condition E12 (adapted from the wording of condition E19)

Road Works

The southern side of Stock road shall be constructed for the entire development site frontage from the existing formation on the western side of the development site to Kurrumbede Lane, including the intersection of Stock Road and Kurrumbede Lane. The half width of Kurrumbede Lane shall be constructed from the Stock Road intersection to a point 20 metres south of the southern boundary of Lot 104. All roads shall include the installation of kerb and guttering. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Condition E13, E14, E15 and E16 Access

Delete conditions as the right of carriageway and battle axe handle is not required in the modified staging.

Stage 2

Condition E17 Water Supply

Modify condition to reflect new staging. Suggested wording:

A single water supply shall be provided to Lots 201 to 210. The service shall be provided by extending Council's existing water main located in Rosemount Drive and connecting to the existing main in Kurrumbede Lane and to the southern boundary of Lot 208 in the proposed road reserve and Lot 210 in Kurrumbede Lane in accordance with the submitted site servicing strategy. A stop valve and hydrant shall be installed at the end of the main on the southern boundary of Lot 209 with a loop main. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Condition E18 Sewer

Modify condition to reflect new staging. Suggested wording:

A single sewer service shall be provided to Lots 201 to 210. The sewer service shall be provided by extending Council's existing sewer main located at the north western corner of Lot 205 to Kurrumbede Lane through Lots 208, 209 and 210, in accordance with the submitted site servicing strategy. A sewer junction shall be installed in proposed residual lot in this stage. The sewer mains are to include all the necessary manholes and junctions and are to terminate 3 metres beyond the southern boundary of Lots 208, 209 and 210 respectively. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Condition E19 Roadworks (wording from condition E22)

Modify condition to reflect new staging. Suggested wording:

Proposed Road 1 (Rosemount Drive) shall be extended from the existing formation on the western boundary of the development site to Kurrumbede Lane. The intersection of Kurrumbede Lane and

Rosemount Drive shall be constructed. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Move Condition E23 to be New E20

Proposed Road 2 shall be constructed from the intersection of Rosemount Drive to the southern boundary of Lot 208. The road construction will include the construction of a temporary cul-de-sac turning area within the designated road reserve. The works shall be constructed in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013 and Austroads Specifications.

Move Condition E24 to be new E21 and modify. We note this conditions states a road width of 18 metres but the stamped plans, which we have kept the same in this modification show a road with of 15 metres. We assume this was an oversight which can be corrected in this modification.

Proposed road 2 shall have a minimum road reserve width of 15 metres. Road formation is to be a minimum of 9 metres wide constructed between kerbs.

Move condition E25 to Condition E23 and modify

The western side half road width of Kurrumbede Lane shall be constructed from the road formation constructed in stage 1 to 20 metres south of the southern boundary of Lot 210 to the existing bitumen seal. Roads construction shall include the installation of kerb and guttering. All works shall be constructed in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013 and Austroad Standards.

Stage 3

Condition E24 Water Supply (reworded from conditions E20)

Modify condition to reflect new staging. Suggested wording:

A single water supply shall be provided to Lots 301 to 308. The service shall be provided by extending Council's existing water main located in Proposed Road 2 and 3 in accordance with the submitted site servicing strategy. A stop valve and hydrant shall be installed at the end of the main on the eastern boundary of Lot 304 with a loop main. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Condition E25 Sewer (reworded from Condition E29)

A single sewer service shall be provided to Lots 301 to 308. The sewer service shall be provided by extending Council's existing sewer main located in stage 2 to service each lot in accordance with the submitted site servicing strategy. The sewer mains are to include all the necessary manholes and junctions. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Condition E26 (rewording from condition E30)

The developer shall undertake full width road construction of Kurrumbede Lane from the road formation constructed in Stage 2 to the southern boundary of Lot 303. The road construction is to include all kerb and guttering and stormwater drainage and shall also include a cul-de-sac at the end of Kurrumbede Lane within the road reserve with a kerb radius of 10.5 metres. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013 and Austroad Standards.

Condition E27 (reworded from Condition E31)

The developer shall install a full width concrete kerb layback and concrete driveway crossing across the footpath to give access to the battle-axe handle of Lot 308. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development 2013.

Condition E28 (reworded from Condition E16)

The developer shall construct a 150mm thick road base gravel access road 4.5 metres wide, over the full length of the battle-axe handle to Lot 308.

All other condition is section E to be deleted as they are not required.

Condition G7 and G8 to be deleted as they are no longer required due to the change in staging.

This modification is considered to be a type 1A modification under the *Environmental Planning and Assessment Act 1979 No 203*, clause 4.55.

A 1A modification involves minimal environmental impact. This clause states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

It is believed that this change to the staging of the subdivision, 243 Stock Road, Gunnedah involves no increased environmental impacts and is substantially the same as the development which was originally granted consent.

In addition to this letter, we enclose the amended development plan showing proposed stages, a completed application to modify a consent form and cheque to cover council's application fees.

If you have any queries regarding this application, please contact our office.

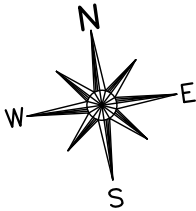
Yours faithfully

STEWART SURVEYS PTY LTD

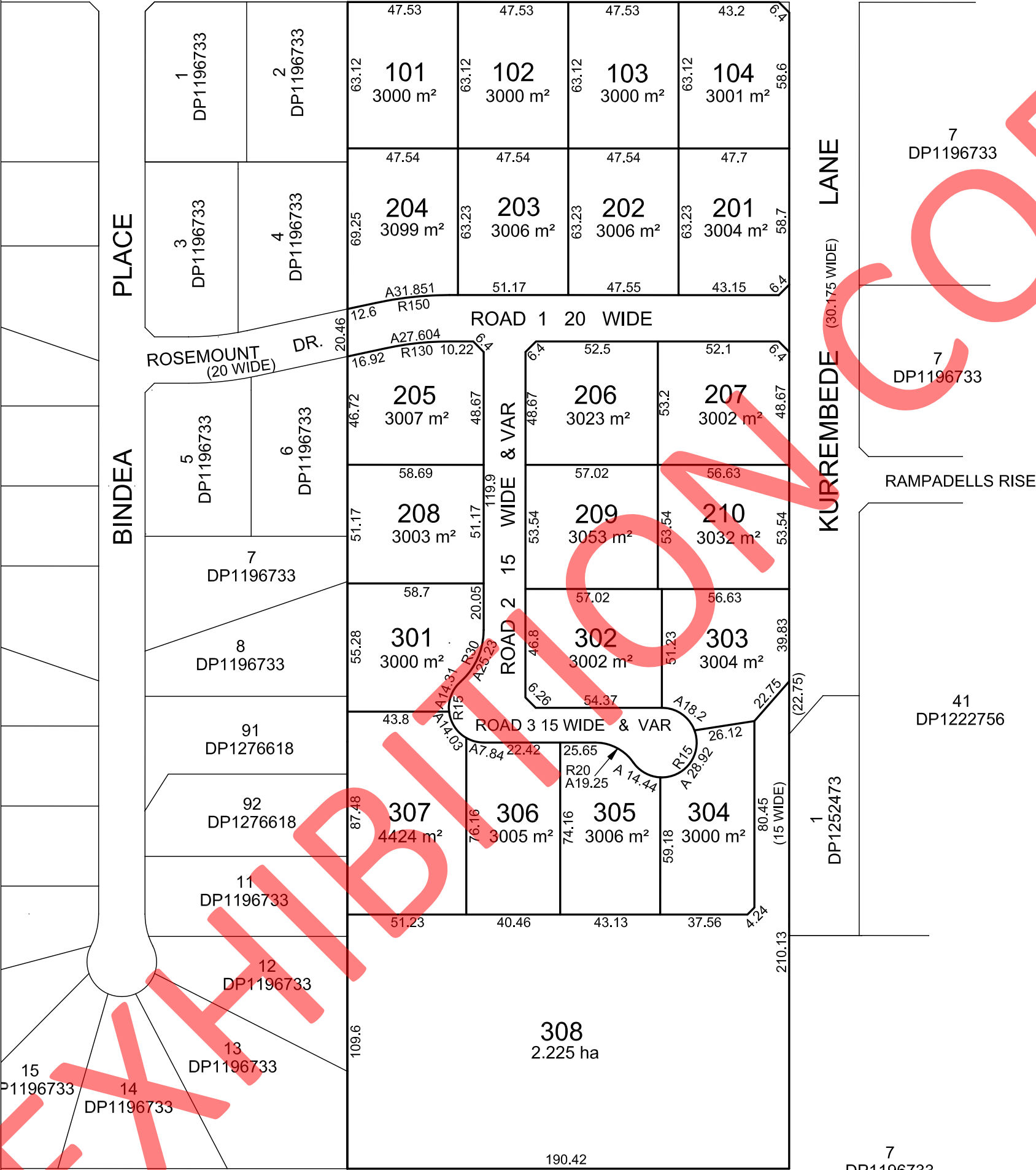


Kathryn Yigman
BL Arch (UNSW) M EnvMgmt (UNSW)
Encl.

** CONCEPT PLAN ONLY **
AREAS AND DIMENSIONS ARE
APPROXIMATE AND SUBJECT TO
APPROVALS AND SURVEYS



STOCK (60.35 WIDE) ROAD



NOTES:
This subdivision layout is a concept only & dimensions & areas are approximate & subject to council approval. This subdivision layout should not be used for financial planning prior to council approval. The lot yield on this plan may change to reflect council requirements. This plan is to accompany an application to Gunnedah Council and should not be used for any other purpose. Further easements may be created on the final subdivision plan. Restriction on the use of land may be created on the final subdivision plan. These notes are an integral part of this plan.

STAGE 1 - LOTS 101 TO 104
STAGE 2 - LOTS 201 TO 210
STAGE 3 - LOTS 301 TO 308



CLIENT: MR IAN McARTHUR
PROJECT: No 243 STOCK RD, GUNNEDAH
Date: JANUARY 2022 File Ref: 5619

DESCRIPTION: PLAN OF PROPOSED SUBDIVISION OF LOT 84 DP755503
Drawn: LAS Scale: 1:2000 Sheet: