

21 October 2024

General Manager
Dungog Shire Council
PO Box 95
Dungog NSW 2420

Via email: shirecouncil@dungog.nsw.gov.au

Re: S4.55(1A) modification to DA 72/2019 – Staged 3 into 30 Lot Subdivision – 231 & 215 Glen William Road, Clarence Town, NSW, 2321 (LOT: 1/DP 1308304, LOT: 2/DP 1308304 formerly LOT: 2 DP: 662441, LOT: 109 DP: 1236403, PLT: 110 DP: 1236403)

INTRODUCTION

The proposed Section 4.55(1A) modification aims to modify the approved development under DA 72/2019 (**Appendix 1**) through the application for an amendment to the approved subdivision staging plan.

The modification proposes the amended stages as shown in the proposed staging plan (**Appendix 3**) and will continue to result in the subdivision of site over four (4) stages. The current approved staging is as follows;

- Stage 1: Creation of Lot 1 plus residue
- Stage 2: Creation of Lots 2-6 plus residue
- Stage 3: Creation of Lots 7-26 plus residue
- Stage 4: Creation of Lots 27-30

Please note that Stage 1 is now complete, with DP 1308304 registered 8 October 2024. As such Stage 1 will remain unchanged.

The approved staging of the development is shown below, in **Figure 2**, and **Appendix 2**. The Notice of Determination is provided here as **Appendix 2**.

This modification application proposes the development within the following stages;

- Stage 1: Creation of Lot 1 plus residue (unchanged/completed)
- Stage 2: Creation of Lots 13 - 17, 22 - 25 plus residue
- Stage 3: Creation of Lots 26 - 30 plus residue
- Stage 4: Creation of Lots 2 – 12, 18-21.

The proposed staging of the development is shown below, in **Figure 1**, and **Appendix 3**.

This is proposed to allow for the efficient construction and delivery of civil works and road construction. The proposed modification is suitable as the intent of the development will remain the same as approved in that a 30 lot subdivision will result.

It is considered that the proposed amendment can be appropriately assessed as a modification application as it includes no change to the subdivision layout, and the proposed staging is found to be logical given the consistency with the approved subdivision plan and Notice of Determination.

This proposed Section 4.55 (1A) modification is supported by the following documentation:

- **Appendix 1** – Notice of Determination - DA 72/2019
- **Appendix 2** – Approved Stamped Plans - DA 72/2019
- **Appendix 3** – Proposed Staged Subdivision Plan
- **Appendix 4** – Owners Consent

This letter demonstrates the proposed minor amendment. This letter is to be read in conjunction with the existing Notice of Determination for DA 72/2019.

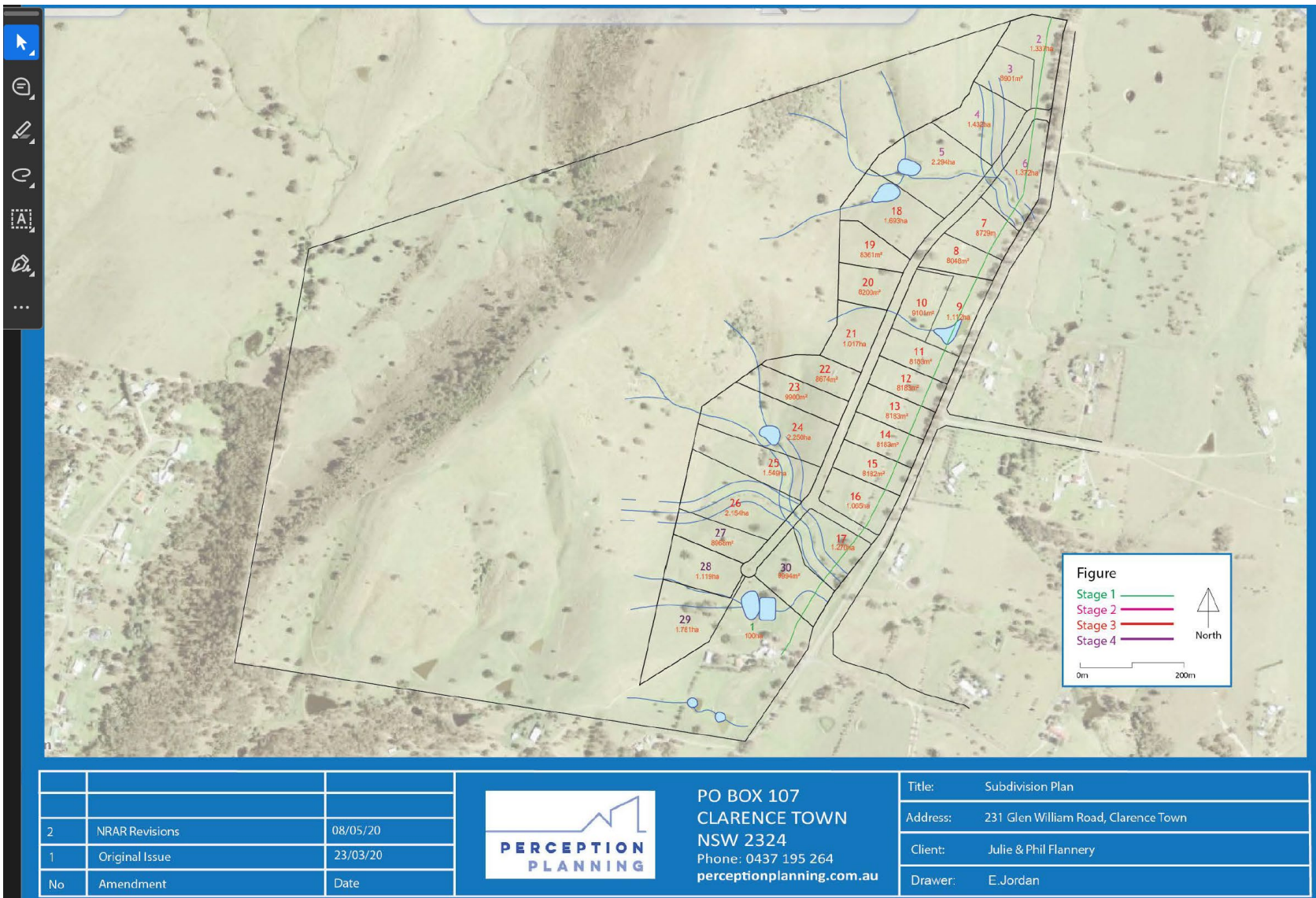


Figure 1 - Approved Subdivision and Staging Plan (Perception Planning, 2020)

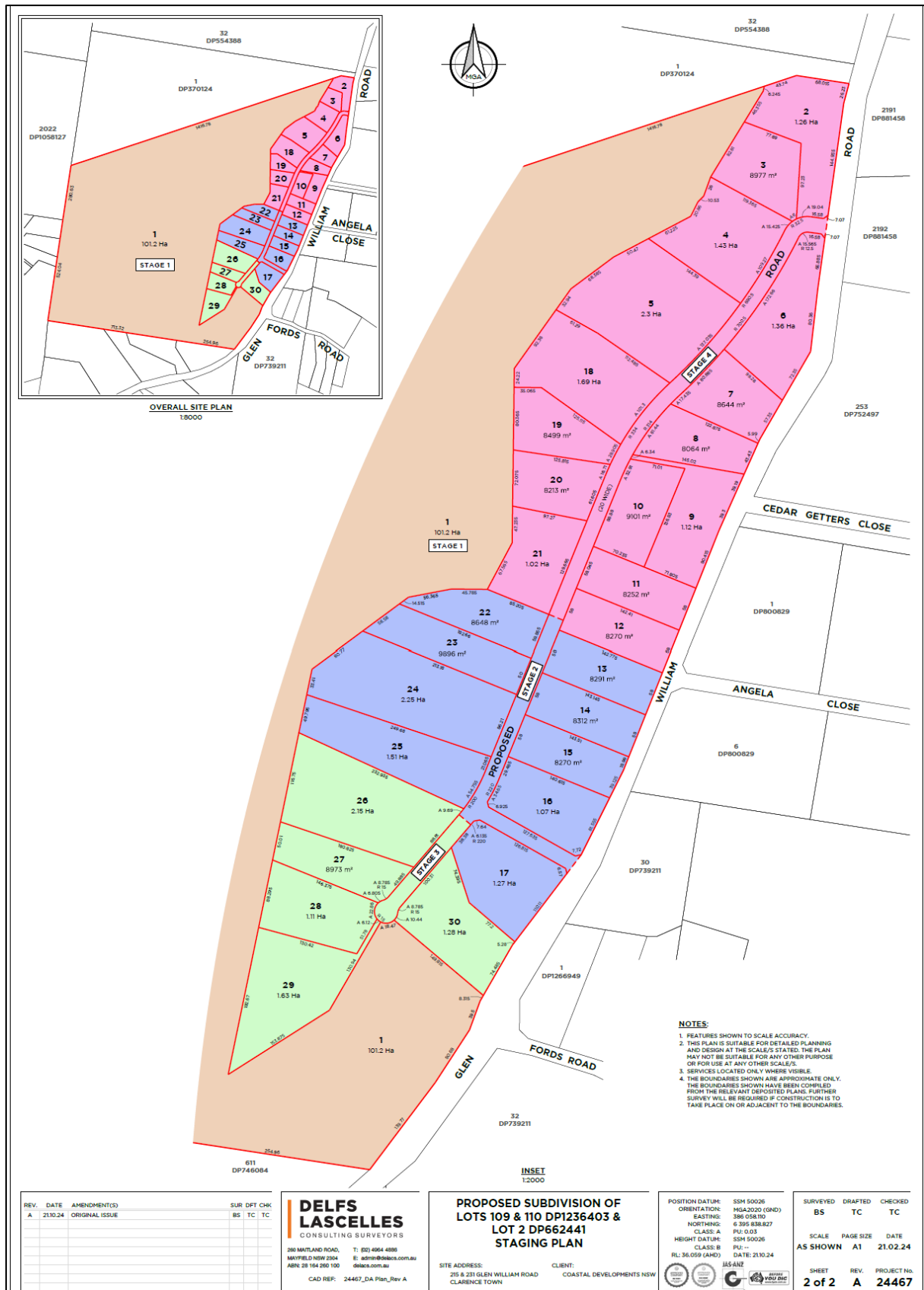


Figure 2 – Proposed Subdivision and Amending Staging Plan (Delf Lascelles Consulting Surveyors, 2024)

PROPOSED MODIFICATION

The proposed Section 4.55(1A) modification aims to modify the approved development under DA 72/2019 as previously amended (**Appendix 1**) through the application for an amendment to the approved staging plan.

The development was originally approved by Dungog Shire Council on 15 July 2020 for a three into thirty lot subdivision, including the civil construction works. On 15 November 2023, Council approved an application to modify the approved conditions of development consent relating to the requirement to establish the riparian zones outside the development footprint as 'Conservation Areas'.

The modification seeks to amend the approved staging of the subdivision, as shown in the Proposed Subdivision and Amending Staging Plan (Delf Lascelles Consulting Surveyors, 2024) (**Appendix 3**).

It is considered that the proposed modification poses no change to the subdivision layout or lot sizes, and the proposed staging is considered logical given the civil works required. As mentioned above, Stage 1 is now complete, with DP 1308304 registered on 8 October 2024. As such Stage 1 will remain unchanged. No civil works were required in order to achieve Stage 1.

Proposed Stages 2 - 4 will be facilitated by the application and issue of the required Subdivision Works Certificate for each stage and satisfaction of all required conditions of consent prior to the release of the subdivision certificate for that relevant stage.

The conditions required to be amended as a result of the proposed modification are detailed in **Table 1** below.

Table 1: Conditions required to be amended as part of the modification application

Condition Number	Proposed modification
PRESCRIBED CONDITIONS	
1. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out- a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.	No amendment to this condition.
GENERAL AND AT ALL TIMES	
2. This development is to be carried out in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent, or as modified in red.	Modification proposed - Approved Plans and Supporting Documentation is proposed to be modified to include the Proposed Subdivision and Amending Staging Plan (Delf Lascelles Consulting Surveyors, 2024) as provided within Appendix 3 .

Plan No/ Supporting Document Reference	Version	Prepared by	Date		
Subdivision Plan	-	Perception Planning	8 May 2020		
Bushfire Assessment Report	3	Perception Planning	6 June 2019		
Ecological Assessment	-	Firebird EcoSultants Pty Ltd	9 April 2019		
Wastewater Management Report	2	Decentralised Water Consulting	5 June 2020		
Site Analysis/Landscape Masterplan	-	Green Space Planning Co.	October 2019		
Statement of Environmental Effects	2	Perception Planning	5 June 2019		
Stormwater Management Plan	2	Decentralised Water Consulting	25 November 2019		
Site Waste Minimisation Management Plan	1	Perception Planning	28 May 2019		
Aboriginal and Cultural Heritage Preliminary Assessment	-	Myall Coast Archaeological Services	22 April 2019		
Traffic Impact Assessment	D	Intersect Traffic	1 November 2019		
Limited Flood Investigation Report	A	DRB Consulting Engineers Pty Ltd	27 November 2019		
Preliminary Site Investigation (Contamination)	0	Douglas Partners	20 September 2019		
S4.55(1A) modification		Perception Planning	10 January 2023		
Vegetation Impacts/ Management	-	Habitat Environmental Services Pty. Ltd.	10 October 2022		
3. This consent provides for the staging of the development as follows: Stage 1: Creation of Lot 1 plus residue Stage 2: Creation of Lots 2-6 plus residue Stage 3: Creation of Lots 7-26 plus residue Stage 4: Creation of Lots 27-30				This proposed modification application will require an amendment to this condition as follows; - Stage 1: Creation of Lot 1 plus residue - Stage 2: Creation of Lots 13 - 17, 22 - 25 plus residue - Stage 3: Creation of Lots 26 - 30 plus residue	

	- Stage 4: Creation of Lots 2 – 12, 18-21.
4. Management and monitoring of the development area is to be conducted in accordance with the approved Environmental Management Plan (and Vegetation Management Plan) for a period of 3 years following the completion of works within the development areas. (Modified 15/11/2023).	No amendment to this condition.
5. The land may be subject to flooding and if it is flooded Council will not, pursuant to Section 733, Local Government Act 1993, incur any liability in respect of the granting of this consent.	No amendment to this condition.
6. This development consent does not give approval to harm an Aboriginal object. Under the NPW Act 1974, it is the responsibility of all persons to ensure that harm does not occur to an Aboriginal object. If human skeletal remains are found during the activity, work must stop immediately, the area secured to prevent unauthorised access and the NSW Police and OEH contacted.	No amendment to this condition.
7. A Cultural Education Program for the induction of personnel involved in the construction activities in the project area is to be undertaken prior to commencement of works on the site. The proponent has a duty of care to ensure each worker is aware of individual responsibilities under the NPW Act.	No amendment to this condition.
8. Any relocation or alteration of public utilities made necessary as a result of the development are to be carried out at no cost to Council.	No amendment to this condition.
9. The developer being responsible for any costs relating to minor alterations and extensions of existing roads, drainage and Council services for the purposes of the development.	No amendment to this condition.
10. This consent does not relate to or authorise the erection of any dwellings or buildings on any of the lots created by the subdivision. The erection of dwellings and other buildings on the subdivided lots and will be subject to separate prior approval.	No amendment to this condition.
11. Separate application will be required for the installation of an on-site sewage management system to be approved by Council for all newly created lots.	No amendment to this condition.
PRIOR TO THE COMMENCEMENT OF WORKS	
12. The attached GTA issued by the Department of Planning and Environment - Water do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to the Department for a Controlled Activity Approval after consent has been issued by Council and before the commencement of any work or activity (Modified 15/11/2023)	No amendment to this condition. A Controlled Activity Approval will be supplied for each stage of the development as proposed to be modified.
13. Stage 1 - A detailed Environmental Management Plan (EMP) for the site (including environmental works within all stages) shall be prepared and submitted to Council for approval prior to commencement of works for Stage 1. The plan must:-	Stage 1 has been completed. No amendment to this condition.

(a) Incorporate the latest subdivision layout (Subdivision Plan dated 8 May 2020 prepared by Perception Planning) (b) Incorporate/Implement the recommendations contained in: i) Table 5.1 in the Ecological Assessment report prepared by Firebird ecoSultants Pty Ltd (reference to Conservations areas is to be replaced with reference to development area) (Modified 15/11/2023) ii) the Wastewater Management Report dated 5 June 2020 & Stormwater Management Plan dated 25 November 2019 prepared by Decentralised Water Consulting iii) the Limited Flood Investigation Report prepared by DRB Consulting Engineers Pty Ltd dated 27 November 2019 iv) Site Analysis/Landscape Masterplan Green Space Planning Co dated October 2019 and v) the Bushfire Threat Assessment prepared by Perception Planning dated 6 June 2019	
14. Stage 1 - A Vegetation Management Plan (VMP) to be incorporated in the EMP, is to be established, prescribing management measures for the conservation area, which will include the following: • Periodic weed control will be conducted where required. • Supplementary plantings of indigenous flora species (if and where there are any significant gaps in any strata) will occur. Flora species used must be indigenous and characteristic of the vegetation communities that once occurred in the site. Plantings must also include the Phascolarctos cinereus (Koala) feed tree, Eucalyptus tereticornis (Forest Red Gum). Plants from locally sourced seed must be used, to avoid the planting of human created cultivars. Annual monitoring of the development area will be conducted by a suitably qualified ecologist, for a period of three years. Monitoring will include an inspection of the development area (to ensure that the area is being protected and the vegetation is being restored successfully). (Modified 15/11/2023)	Stage 1 has been completed. No amendment to this condition.
15. All Stages - The boundaries of the E3 zone, any riparian zones and the habitat trees are to be clearly marked on a Site Plan (to be incorporated into the Construction Environmental Management Plan (CEMP)) and in the field, prior to the commencement of any works. The boundaries of the development footprint must be delineated in the field using bunting / flagging tape to ensure inadvertent clearing / disturbance of the retained vegetation / habitat does not occur.	No amendment to this condition.
16. All Stages - The E3 zone, riparian zones, habitat trees and any other retained areas of vegetation / habitat must be marked clearly as 'No-Go' zones. There is to be no movement of vehicles/ machinery and no stockpiling of materials in these areas.	No amendment to this condition.
17. All Stages - Any site workers/ contractors are to be inducted on the ecological sensitivities of the site	No amendment to this condition.

18. Stages 2, 3 & 4 - Any ground timber within the development footprint is to be retained and redistributed within the site's E3 zone.	No amendment to this condition.
19. All Stages - Erosion and sediment control measures must be established before excavation or vegetation clearing begins and are to remain in place until all surfaces have been fully restored and stabilised.	No amendment to this condition.
20. Stages 2, 3 & 4 - A suitably qualified fauna ecologist is to conduct a pre-clearing survey. This must include a search for any nests or fauna within vegetation to be removed.	No amendment to this condition.
21. Stages 2, 3 & 4 - Prior to the importation of any fill onto the site, the applicant shall provide Council with documentary evidence that the proposed fill material is either:- a. Uncontaminated virgin excavated natural material (VENM) as defined under the provisions of the NSW Protection of the Environment Operations Act 1997. The material is to be from known origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores or other foreign matter. b. Fill which has been characterized and validated by suitably qualified and experienced site contamination consultant, in accordance with the NSW Department of Environment and Climate Change publication "Contaminated Sites - Sample Design Guidelines". c. Written details are to be kept of:- • Address of the origin of the fill. • Quantities, dates and times of delivery from each location. • Registration numbers and drivers identification details. • Laboratory test results/consultants reports.	No amendment to this condition.
22. Stages 2, 3 & 4 - A Subdivision Works Certificate is to be issued for each stage by the Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.	No amendment to this condition.
PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE	
23. Stages 2, 3 & 4 - Prior to the issue of a Subdivision Works Certificate for each stage, a copy of the Controlled Activity Approval issued by Natural Resources Access Regulator (NRAR) is to be submitted Council.	No amendment to this condition.
24. Stages 2, 3 & 4 - Separate approval from Council as the Roads Authority must be obtained under Section 138 of the Roads Act 1993 prior to the issue of any Subdivision Works Certificate which includes any works within a Council road reserve. For any such works, detailed engineering design plans must be submitted to Council for	No amendment to this condition.

approval prior to issue of the Subdivision Works Certificate	
25. Stages 2, 3 & 4 - In accordance with the provisions of Section 6.12 of the Environmental Planning and Assessment Act 1979 subdivision works approved by this consent must not commence until: a) A Subdivision Works Certificate has been issued by the consent authority, Council or an accredited certifier; and b) The person having benefit of the development consent has engaged Council as the Principal Certifying Authority for the subdivision works; and c) At least two (2) days before commencement of subdivision work, the person having benefit of the development consent is to notify Council as to the intention to commence subdivision work.	No amendment to this condition.
26. Stages 2, 3 & 4 - Prior to preparation of any engineering design plans, the consultant preparing the design plans will need to contact Council's Infrastructure & Assets Department to discuss the extent and scope of all works and details required on the design plans. Some of the issues to be discussed and incorporated in the design plans may include the following: • Location of passing bays. • Erosion & sediment controls. • Stormwater drainage. • Pavement standards including carriageway widths etc. • Vehicle access locations. • Provision of Water & Sewer. • Road widening. • Standard of river/creek crossing detail. • Earthworks details including quantities. • Traffic control details. • Restoration details. • Street trees. Consultation shall occur prior to issue of a Subdivision Works Certificate for each stage of the development.	No amendment to this condition.
27. Stages 2, 3 & 4 - A Construction Environmental Management Plan (CEMP) for the site (including all stages) shall be prepared by a suitably qualified consultant, in consultation with Council and submitted for approval by Council prior to the issue of a Subdivision Works Certificate.	No amendment to this condition.

The CEMP shall detail strategies and measures to be implemented to minimise environmental impacts, contingency actions for managing any environmental problems that may arise and environmental monitoring and recording procedures to ensure that the land will be developed and managed in an environmentally sustainable manner. The CEMP is to provide a framework for managing and mitigating any environmental impacts associated with the proposed development, during the construction phase of the development. Further, the CEMP must include the commitments made in the DA (including the recommendations contained in the various specialist reports) and the requirements imposed by Council and other Government authorities are fully implemented. The CEMP is to incorporate a program for ongoing monitoring and review to ensure that the CEMP remains relevant and appropriate to manage the impacts within each stage of the subdivision.	
28. Stages 2, 3 & 4 - Prior to issue of a Subdivision Works Certificate for Stages 2, 3 and 4 the developer shall arrange for detailed landscape plans (generally in accordance with the Landscape Masterplan prepared by Green Space Planning Co dates October 2019) to be submitted to Council for approval, detailing the following: • A detailed planting schedule including species listed by botanical and common names, specific location, planting densities and quantities of each species, pot sizes, estimated sizes of plants at maturity and proposed staking methods, if applicable.	No amendment to this condition.
29. Stages 2, 3 & 4 - Prior to issue of a Subdivision Works Certificate for Stages 2, 3 and 4 the developer shall arrange for detailed engineering design plans to be submitted to Council for approval for: - The provision of a stormwater system with water quality control facilities required to treat stormwater runoff from the development to the satisfaction of Council. The water quality control facilities shall be designed generally in accordance with the approved Stormwater Management Plan prepared by Decentralised Water Consulting and shall demonstrate a Neutral or Beneficial Effect (NorBE) on water quality in accordance with Hunter Water Guidelines for developments in the drinking water catchments and shall be designed in accordance with Council's current Auspec standard. Engineering design plans shall include vehicular access from the internal road network to the bio retention basins for maintenance purposes.	No amendment to this condition.
30. Stages 2, 3 & 4 - Prior to issue of a Subdivision Works Certificate for stages 2, 3 and 4 the developer shall arrange for detailed engineering design plans to be submitted to Council for approval to provide: - A Soil and Water Management Plan incorporating the following matters: a) Minimise the area of soils exposed at any one time	No amendment to this condition.

b) Conservation of top soil c) Identify and protect proposed stockpile locations d) Preserve existing vegetation. Identify revegetation technique and materials e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner f) Control surface water flows through the site in a manner that: i. Diverts clean-runoff around disturbed areas ii. Minimises slope gradient and flow distance within disturbed areas iii. Ensures surface run-off occurs at non erodible velocities iv. Ensures disturbed areas are promptly rehabilitated. g) Sediment and erosion control measures in place before work commences h) Materials are not tracked onto the road by vehicles entering or leaving the site i) Details of drainage to protect and drain the site during works. The requirements of the Soil and Water Management Plan shall be in place prior to the commencement of demolition works and/or construction works and shall be maintained throughout the demolition and/or construction process	
31. Stages 2, 3 & 4 - Prior to issue of a Subdivision Works Certificate for each stage detailed engineering design plans shall include a coordinated service plan overlaying the civil design. Service pits, street light columns, electrical pillars, etc. must not be provided within the road pavement (including the gravel road shoulder) or within table drains. Full details shall be submitted to Council prior to issue of the Subdivision Works Certificate.	No amendment to this condition.
32. Stages 2, 3 & 4 - Prior to issue of a Subdivision Works Certificate for Stage 2, 3 and 4 the registered proprietor of the land shall prepare a Plan of Management for the on site detention and water quality facilities within the development. The plan shall set out all design and operational parameters for the detention facilities, including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The plan shall be submitted to and approved by the Certifying Authority for prior to the issue of the Subdivision Works Certificate.	No amendment to this condition.

33. Stages 2, 3 & 4 - Prior to issue of a Subdivision Works Certificate for Stages 2, 3 and 4 the developer shall arrange for detailed engineering design plans to be submitted to Council for approval for: - The provision of an on-site-detention system within the boundaries of the site to reduce the peak stormwater discharge from the developed lot to that of the peak stormwater discharged from the undeveloped lot for all storm events from the 1 in 1 year to the 1 in 100 year storm event. The on site detention facilities shall be designed generally in accordance with the approved Stormwater Management Plan prepared by Decentralised Water Consulting and shall be designed in accordance with Council's current Auspec standard. Engineering design plans shall include vehicular access from the internal road network to the detention basins for maintenance purposes. Advice: All works to be constructed and approved by Council prior to the release of the Subdivision Certificate for each stage.	No amendment to this condition.
34. Stage 2 - The developer shall arrange for detailed engineering design plans to be submitted to Council for approval for: - Construction of Road 1 for the full frontage of the Stage 2 lots with associated storm water systems. Plans shall include (but not limited to) the following: • Construction of the intersection of Road 1 and Glen William Road to a minimum • BAR/BAL standard • Construction of Road 1 to a Rural Local 1 (RL1) standard • All table drains shall be suitably armored to prevent damage due to scour • A temporary turning head shall be provided at the termination of Road 1 All works shall be designed and constructed in accordance with Council's current Auspec design and construction specification and Council's Roads Management Strategy. Advice: All works to be constructed and approved by Council prior to the release of the Subdivision Certificate.	Condition to be amended to reflect proposed modified staging plan. Proposed amended Condition 34; <i>Construction of Road 1 for the full frontage of the Stage 2 lots with associated storm water systems.</i> <i>Plans shall include (but not limited to) the following:</i> • <i>Construction of the intersection of Road 1 Road 2 and Glen William Road to a minimum BAR/BAL standard</i> • <i>Construction of Road 1 to a Rural Local 1 (RL1) standard</i>

	• All table drains shall be suitably armored to prevent damage due to scour • A temporary turning head shall be provided at the termination of Road 1 <i>All works shall be designed and constructed in accordance with Council's current Auspec design and construction specification and Council's Roads Management Strategy.</i> <i>Advice: All works to be constructed and approved by Council prior to the release of the Subdivision Certificate.</i>
35. Stage 3 - The developer shall arrange for detailed engineering design plans to be submitted to Council for approval for: - Construction of Road 1 and Road 2 for the full frontage of the Stage 3 lots with associated storm water systems. Plans shall include (but not limited to) the following: • Construction of the intersection of Road 2 and Glen William Road to a minimum • BAR/BAL standard. • Construction of a bus bay on either side of Glen William Road. • Construction of Road 1 and Road 2 to a Rural Local 1 (RL1) standard. • All table drains shall be suitably armored to prevent damage due to scour. • A temporary turning head shall be provided at the termination of Road 1. • Construction of a 4m wide bitumen sealed access for the full length of the access handle serving proposed lot 9. • Construction of a bitumen sealed access crossing from the edge of the Road 1 pavement to the access handle serving proposed lot 9.	Condition to be amended to reflect proposed modified staging plan. Proposed amended Condition 35; <i>Stage 3 - The developer shall arrange for detailed engineering design plans to be submitted to Council for approval for:</i> <i>Construction of Road 1 and Road 2 for the full frontage of the Stage 3 lots with associated storm water systems.</i> <i>Plans shall include (but not limited to) the following:</i> • Construction of the intersection of Road 2 and Glen William Road to a minimum BAR/BAL standard.

All works shall be designed and constructed in accordance with Council's current Auspec design and construction specification and Council's Roads Management Strategy.

Advice: All works to be constructed and approved by Council prior to the release of the Subdivision Certificate.

- Construction of a bus bay on either side of Glen William Road.
- Construction of Road 1 and Road 2 to a Rural Local 1 (RL1) standard.
- All table drains shall be suitably armored to prevent damage due to scour.
- ~~A temporary turning head shall be provided at the termination of Road 1.~~
- ~~Construction of a 4m wide bitumen sealed access for the full length of the access handle serving proposed lot 9.~~
- ~~Construction of a bitumen sealed access crossing from the edge of the Road 1 pavement to the access handle serving proposed lot 9.~~
- A turning head shall be provided at the termination of Road 1
- Construction of a 4m wide bitumen sealed access for the full length of the access handle serving proposed lot 29
- Construction of a bitumen sealed access crossing from the edge of the Road 1 pavement to the access handle serving proposed lot 29

All works shall be designed and constructed in accordance with Council's current Auspec

	<i>design and construction specification and Council's Roads Management Strategy.</i> <i>Advice: All works to be constructed and approved by Council prior to the release of the Subdivision Certificate.</i>
36. Stage 4 - The developer shall arrange for detailed engineering design plans to be submitted to Council for approval for: - Construction of Road 1 for the full frontage of the Stage 4 lots with associated storm water systems. Plans shall include (but not limited to) the following: • Construction of Road 1 to a Rural Local 1 (RL1) standard • All table drains shall be suitably armored to prevent damage due to scour • A turning head shall be provided at the termination of Road 1 • Construction of a 4m wide bitumen sealed access for the full length of the access handle serving proposed lot 29 • Construction of a bitumen sealed access crossing from the edge of the Road 1 pavement to the access handle serving proposed lot 29 • All works shall be designed and constructed in accordance with Council's current Auspec design and construction specification and Council's Roads Management Strategy. Advice: All works to be constructed and approved by Council prior to the release of the Subdivision Certificate.	Condition to be amended to reflect proposed modified staging plan. Proposed amended Condition 36; <i>Stage 4 - The developer shall arrange for detailed engineering design plans to be submitted to Council for approval for:</i> <i>Construction of Road 1 for the full frontage of the Stage 4 lots with associated storm water systems. Plans shall include (but not limited to) the following:</i> • <i>Construction of Road 1 to a Rural Local 1 (RL1) standard</i> • <i>All table drains shall be suitably armored to prevent damage due to scour</i> • <i>A turning head shall be provided at the termination of Road 1</i> • <i>Construction of a 4m wide bitumen sealed access for the full length of the access handle serving proposed lot 29</i> • <i>Construction of a bitumen sealed access crossing from the edge of the Road 1 pavement to the</i>

	access handle serving proposed lot 29 • Construction of the intersection of Road 2 and Glen William Road to a minimum BAR/BAL standard. • Construction of a 4m wide bitumen sealed access for the full length of the access handle serving proposed lot 9. • Construction of a bitumen sealed access crossing from the edge of the Road 1 pavement to the access handle serving proposed lot 9. <i>All works shall be designed and constructed in accordance with Council's current Auspec design and construction specification and Council's Roads Management Strategy.</i> <i>Advice: All works to be constructed and approved by Council prior to the release of the Subdivision Certificate.</i>
DURING WORKS	
37. Stages 2, 3 & 4 - An appropriately qualified consultant must be engaged to carry out preliminary sampling and testing of surface soils, imported fill (if present along access tracks) and dam sediment to confirm site conditions and requirements for remediation (if any). This work must be undertaken at the commencement of development in conjunction with preliminary site works. Any soils requiring removal from the site must be classified prior to disposal / re-use in accordance with NSW EPA waste classification guidelines and current regulatory requirements. A copy of the test results are to be submitted to the accredited certifier and Council.	No amendment to this condition.
38. All Stages - All work is to be carried out in accordance with the recommendations of the Ecological Assessment prepared by Firebird ecoSultants and submitted with the development application as follows:	No amendment to this condition.

• Vegetation removal and earthworks is to be undertaken during dry weather conditions only and is not to be undertaken during overland flow events. • Appropriate weed control measures must be implemented, including: • All weeds removed from the site must be transported in a sealed container or bag and disposed at a waste management facility licenced to accept green waste. • Vehicles, machinery and equipment must be free from weed material (including seeds) before entering the construction corridor. • Any spoil storage areas or stockpiles will have appropriate erosion control devices installed to control runoff and prevent sedimentation • Materials, plant and equipment are not to be stored within the drip-lines of any retained trees in or near the site. • Topsoil is to be removed from newly cleared areas and then stockpiled for later use in the rehabilitation and/or landscaping works. • Cleared vegetation will be mulched and stockpiled for later use in any vegetation restoration/landscaping activities (provided that it doesn't contain weed material). • Sediment and erosion control devices will be inspected regularly, maintained to ensure effectiveness over the entire duration of the project, and cleaned out before 30% capacity is reached.	
39. All Stages - Trees containing trunk or branch hollows provide habitat and shelter to native wildlife. Removal of hollow bearing trees is to be done under the advice and supervision of a qualified and experienced Ecologist who holds an appropriate licence to mitigate against any animal welfare issues. The Ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use. When fauna are present, the animals are to be removed and suitably relocated by the Ecologist prior to felling or the tree shall be sectionally dismantled under the supervision of the Ecologist before relocating animals. Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the Ecologist.	No amendment to this condition.
40. All Stages - Nest boxes are to be provided on a one for one basis for any natural hollow removed by the development. Nest boxes are to be constructed of appropriate durable materials (eg. painted marine ply, native hardwood or similar) and fixed to recipient trees with stainless steel screws, wire or similar. All nest boxes are to be erected prior to any clearing occurring on the development site. The nest boxes must be located to minimise the risk of vandalism and maximise the likelihood of occupation by native fauna. Nest boxes are to be monitored by the Ecologist to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following	No amendment to this condition.

erection. Monitoring reports are to be prepared by the Ecologist and forwarded to Council after each monitoring event	
41. Stages 2, 3 & 4 - There is to be no construction including deliveries on or to the site prior to 7.00 am or after 6.00 pm Monday to Friday, prior to 8.00 am and after 1.00 pm on Saturdays. There is to be no construction including deliveries to the site on Sundays or public holidays. NOTE: Exclusion or inclusions may apply to the above hours of operation via NSW Government directions amid the COVID-19 emergency measure period only. Confirmation is to be sought by contacting Council on (02) 4995 7777 prior to working outside the abovementioned hours.	No amendment to this condition.
42. Stages 2, 3 & 4 - Construction Noise is to be limited as follows; a. For Construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20dB(A). b. For construction periods of more than four (4) weeks and not exceeding twenty six (26) weeks, the L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)	No amendment to this condition.
43. Stages 2, 3 & 4 - All necessary works are to undertaken to control dust pollution from the site. These works must include, but are not limited to; a. Restricting topsoil removal; b. Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion); c. Alter or cease construction work during periods of high wind;	No amendment to this condition.
44. Stages 2, 3 & 4 - Trees to be retained on site are to be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence is to be constructed: a. with a minimum height of 1.2 metres, b. outside of the dripline of the tree, c. of steel star pickets at a maximum distance of 2 metres between pickets, d. using a minimum of three strands of wire to enclose the tree, and e. with orange barrier mesh, or similar, attached to the outside of the fence and continuing arounds its perimeter, f. the fence is to be maintained for the duration of the site clearing, preparation and construction works.	No amendment to this condition.
45. Stages 2, 3 & 4 - Temporary Toilet(s) shall be provided and maintained on site from the time of commencement of construction to completion. The number of toilets shall be one toilet per 20	No amendment to this condition.

persons or part of 20 persons employed on the site at any one time. The temporary toilet is to be connected to an approved septic tank or otherwise may be a chemical toilet supplied by a licenced contractor.	
46. Stages 2, 3 & 4 - The applicant shall ensure that arrangements are made for the Principal Certifying Authority, Council or Private Certifier, to carry out STAGE INSPECTIONS indicated as follows in bold.	No amendment to this condition.
47. Stages 2, 3 & 4 - The requirements of the Soil and Water Management Plan shall be in place prior to the commencement of demolition works and/or construction works and shall be maintained throughout the demolition and/or construction process.	No amendment to this condition.
PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE	
48. All Stages - An application for Subdivision Certificate is required to be made to Council. The application for Subdivision Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000. A Subdivision Certificate will not be issued nor the final plan signed and released by Council until all works required by this development consent and associated Subdivision Works Certificate(s) have been constructed to the satisfaction of Council and conditions of consent have been complied with.	No amendment to this condition.
49. All Stages - Submission of an original plan of survey by a Registered Surveyor and six (6) copies to Council for subdivision approval. Advice: The final plans must conform generally with the subdivision proposal shown on the subdivision layout plan submitted with the Development Application and incorporate Council's requirements. Council's fee covers the cost of providing copies of the plan of survey to relevant internal Council departments and to Government departments as required.	No amendment to this condition.
50. All Stages - A certificate of compliance under Section 50 of the Hunter Water Act, 1991 for each stage of this development shall be submitted to the Principal Certifying Authority.	No amendment to this condition.
51. All Stages - Suitable arrangements being made with an energy provider to ensure that: (a) electricity will be available to each allotment created by the subdivision when and if development is proposed on the land; (b) that any transmission lines or other assets of an energy provider on private land be "protected" by an easement; and (c) where development requires the relocation of transmission lines or other assets, the applicant is required to make satisfactory arrangements with an energy provider for such relocation to be carried	No amendment to this condition.

out. A letter from an energy provider stating that satisfactory arrangements have been made for the supply of electricity in the subdivision is to be submitted to Council and accepted, prior to issue of a Subdivision Certificate. Advice: An energy provider is responsible for the supply of electricity to this land. The applicant must contact an energy provider on all matters concerning electricity supply.	
52. Stages 2, 3 & 4 - The applicant shall service all lots within the subdivision with underground services in accordance with the requirements of the relevant authorities	No amendment to this condition.
53. All Stages - Prior to issue of a Subdivision Certificate for each stage, boundary fencing shall be completed by the developer, in accordance with the Dividing Fences Act 1998. All boundary fencing within the development shall be post and rail/wire rural type fencing. Removal of vegetation for fencing shall generally be limited to 1m width unless the tree is identified as protected.	No amendment to this condition.
54. All Stages - If any lot on the subdivision is to be filled by over 0.2 metres depth, the entire depth of fill is to be certified by a practising geotechnical engineer as being compliant with AS3798 and AS1289 as relevant.	No amendment to this condition.
55. All Stages - All fees, Section 7.11 and other Contributions will need to be adjusted in accordance with Councils Fees & Charges applicable at the time of payment.	No amendment to this condition.
56. Stage 1 - The detailed Environmental Management Plan (EMP) for the site (including all stages) shall be prepared and submitted to Council for approval prior to the issue of a Subdivision Certificate for Stage 1. The plan must:- (c) Incorporate the latest subdivision layout (Subdivision Plan dated 8 May 2020 prepared by Perception Planning) (d) Implement the recommendations contained in: i) Table 5.1 in the Ecological Assessment report prepared by Firebird ecoSultants Pty Ltd, (reference to Conservations areas is to be replaced with reference to development area) (Modified 15/11/2023) ii) the Wastewater Management Report dated 5 June 2020 & Stormwater Management Plan dated 25 November 2019 prepared by Decentralised Water Consulting iii) the Limited Flood Investigation Report prepared by DRB Consulting Engineers Pty Ltd dated 27 November 2019 iv) Site Analysis/Landscape Masterplan Green Space Planning Co dated October 2019 and v) the Bushfire Threat Assessment prepared by Perception Planning dated 6 June 2019 Certification that all works associated with Stage 1 of the development have been implemented is to be submitted by suitably qualified person prior to the issue of the Subdivision Certificate for Stage 1.	Stage 1 has been completed. No amendment to this condition.

57. Stage 1 - Certification is to be provided by a registered surveyor that proposed Lot 1 contains all the land zoned E3 Environmental Management located on the subject site and a minimum of 8000 m ² of land zoned R5 Large Lot Residential. Advice: GPS coordinates of zoning boundaries are available from Council in accordance with the adopted Fees and Charges.	Stage 1 has been completed. No amendment to this condition.
58. Stage 1 - Prior to the issue of a subdivision certificate and in perpetuity, land to the north, east, south and west of the existing dwelling on proposed Lot 1 for a distance of 20m shall be maintained as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and the RFS, 2006, 'PBP' and the RFS, 'Standards for Asset Protection Zones'.	Stage 1 has been completed. No amendment to this condition.
59. Stage 1 - Prior to the issue of a subdivision certificate the existing property access road (driveway) shall comply with Section 4.1.3 (2) of the NSW RFS, 2006, 'Planning for Bushfire Protection'.	Stage 1 has been completed. No amendment to this condition.
60. Stage 1 - In accordance with section 88B of the Conveyancing Act 1919, a restriction to the land use shall be placed on any residual lot (subject to a future development stage) to construct a temporary turning head (of 12m radius) where through roads have not yet been constructed.	Stage 1 has been completed. No amendment to this condition.
61. Stage 1 - Water, electricity and gas is to comply with the following of Section 4.1.3 of the NSW RFS, 2006, 'Planning for Bushfire Protection'.	Stage 1 has been completed. No amendment to this condition.
62. Stage 1 – Prior to the issue of a Subdivision Certificate, certification by a suitably qualified person is to be provided to the Principle Certifying Authority demonstrating compliance with the recommendations of the Bushfire Assessment Report as detailed in conditions above.	Stage 1 has been completed. No amendment to this condition.
63. Stages 2, 3 & 4 - Prior to the issue of a Subdivision Certificate Certification is to be provided by a suitably qualified and experienced ecologist that the recommendations of the approved Environmental Management Plan (EMP) have been satisfactorily completed in accordance with the approved EMP.	No amendment to this condition.
64. Stages 2, 3 & 4 - The developer shall ensure that satisfactory arrangements have been made with Council for the supply and erection of property identification numbers in accordance with Council's Rural Addressing Program. Advice: A payment of \$195 to Council for each lot created is required for rural addressing purposes.	No amendment to this condition.
65. Stages 2, 3 & 4 - The plan of subdivision shall include the dedication as Public Road of such land as is necessary to contain the proposed roads. In the event existing fencing is located within the dedicated road reserve, the developer will be responsible for relocating those fences onto the	No amendment to this condition.

surveyed alignments. The registered surveyor who prepares the plan of subdivision shall certify to the Principal Certifying Authority that the existing constructed road is wholly contained within the road reserve boundaries shown on the plan of subdivision.	
66. Stages 2, 3 & 4 - All civil engineering works to be transferred to Council ownership shall be covered by a 12 month maintenance bond in accordance with Council's Bonding Policy. The maintenance bond shall be lodged with Council prior to release of the Subdivision Certificate for each of the stages 2, 3 & 4 of the development, and will be held for a minimum period of twelve (12) months following completion of each of Stages 2, 3 & 4, after which time Council will make an assessment as to the extent of any outstanding or substandard works. Advice: The maintenance bond will attract a Bond Administration Fee, as identified in Council's Fees and Charges, applicable at the time of lodgement. The bond fee currently stands at 5% of the cost of the civil works for each stage.	No amendment to this condition.
67. Stages 2, 3 & 4 - The provision of Work as Executed information for each of stages 2, 3 & 4 prior to release of the Subdivision Certificate for each of those stages of the development. The information is to be submitted in hard copy and in electronic format compatible with AutoCAD. This information is to be approved by Council prior to issue of the Subdivision Certificate.	No amendment to this condition.
68. Stage 2 - Prior to the preparation of the final plan of subdivision for Stage 2 the developer shall submit to Council 3 road/street name options for each of the new roads created within the subdivision. The new road/street names shall be submitted in accordance with Council's "Street Naming" policy. Council's Fees and Charges incorporate a fee for new road/street names needing to be paid by the developer prior to proceeding with advertising in accordance with Council's policy. The Applicant should verify this fee at the time of payment.	No amendment to this condition.
69. Stages 2, 3 & 4 - Pursuant to section 7.11 of the EP&A Act and in accordance with the Dungog Local Infrastructure Contributions Plan 2019 (adopted April 2019) a contribution of \$10,301.82 per additional lot shall be paid to Council. The contribution is for the following: Open space and recreation \$2,057.30 Roads and traffic facilities \$8,092.54 Plan administration \$151.98 The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions in section 6.3 of the Dungog Local Infrastructure Contributions Plan 2019.	Advice to be amended to reflect proposed modified staging.

The contribution is to be paid prior to the release of any Subdivision Certificate. Advice: Payment for stage 2 shall be for 2 additional lots. Payment for stage 3 shall be for 20 additional lots. Payment for stage 4 shall be for 5 additional lots.	
70. All Stages - The making good to the satisfaction of Council, or payment of the costs incurred by Council in making good, any pavement damage or structural deterioration caused to Council's roads by the use of such roads as haulage routes for materials used in construction or the operation of the approved development.	No amendment to this condition.
71. All Stages - Prior to issue of a Subdivision Certificate for each stage, landscaping and rehabilitation shall be completed in accordance with the approved Vegetation Management Plan and approved Landscape Plan to the satisfaction of Council. All temporary erosion and sediment control devices such as silt-stop fencing will be removed from the site at the completion of the works, but not until the site is fully stabilised.	No amendment to this condition.
72. Stages 2, 3 & 4 - A designated Building Envelope, compliant with Council's adopted building line setbacks, is to be delineated and fully dimensioned on each vacant lot on the final plan of survey, and a Section 88B Instrument submitted for Council's acceptance that restricts building outside of the building envelope. The building envelopes are to be designed to address the following: (i) 30 m setback to Glen William Road; (ii) Flood waters (ponding) as detailed in the Limited Flood Investigation Report; (iii) Buffers to watercourses; (iv) Effluent disposal areas as detailed in the Wastewater Management Report; (v) Bio-retention and detention basins as approved with the Subdivision Works Certificate.	No amendment to this condition.
73. Stages 2, 3 & 4 - Pursuant to section 88B of the Conveyancing Act 1919, easements, positive covenants and restrictions as-to-user shall be created to achieve the following purposes: (a) Retention of existing remnant trees and maintenance of landscaping/vegetation (including vegetation within riparian zones where they occur on private	No amendment to this condition.

property), be maintained at all times in accordance with an approved Landscape Management Plan and Vegetation Management Plan; (b) Establish all necessary rights of carriageway, asset protection zones, requisite drainage easements and electricity easements; (c) Prohibit construction of buildings outside the building envelopes; (d) A requirement that external building materials be limited to earthy tones (e.g. muted greens, browns and greys) and highly reflective materials/colours not be used. (e) Provide that no boundary fence of any kind shall be erected other than a rural type fence which allows the movement of native fauna across the site and is free from 'netting' type material. (f) Prohibiting vehicular access from Glen William Road to all lots, other than Lot 1. The restrictions are to be clearly marked on the plan of subdivision and Council is to be nominated as a party empowered to release, vary or modify those easements, and/or restrictions required by the conditions of this development consent.	
74. Stages 2, 3 & 4 - Prior to the issue of a subdivision certificate for Stages 2, 3 and 4, a positive covenant must be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) of each lot as follows: a. Prior to issue of an Occupation Certificate for a dwelling on the burdened lot, the registered proprietor of the land shall construct: i. A minimum 40kl rainwater tank; and ii. Rain garden having: Minimum Surface Area 25m²; Extended Detention Volume 3.2m³; Extended Detention Depth 0.2m; Filter Area 9m²; Filter Depth 400mm. The rainwater tank and rain garden are required to provide onsite detention and water quality treatment on each lot and shall be designed and installed in accordance with the approved Stormwater Management Plan prepared by Decentralised Water Consulting. b. Keep the rain garden clean and free from silt, rubbish and debris; c. Maintain and repair at the sole expense of the registered proprietors the whole of the onsite stormwater detention and water quality system in accordance with the approved plan of management so that it functions in a safe and efficient manner;	No amendment to this condition.

d. Permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant; and Comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice. Council is to be nominated as a party empowered to release, vary or modify those easements, and/or restrictions required by the conditions of this development consent.	
75. Stage 2 - The registered proprietor of the proposed lot 6 hereby burdened will in respect of the onsite stormwater detention and water quality system: • Keep the onsite stormwater detention and water quality system clean and free from silt, rubbish and debris; • Maintain and repair at the sole expense of the registered proprietors the whole of the onsite stormwater detention and water quality system in accordance with the approved plan of management so that it functions in a safe and efficient manner; • Permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant; and • Comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice. Pursuant to Section 88F (3) of the Conveyancing Act 1919 the Council shall have the following additional powers: a. In the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to above; and b. The Council may recover from the registered proprietor in a Court of competent jurisdiction: i. Any expense reasonably incurred by it in exercising its powers under subparagraph (a) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the	Condition to be amended to reflect proposed modified staging plan. Lot 6 will now be created as part of Stage 4.

work referred to in (a) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work. ii. Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to Section 88F of the Act or providing any certificate required pursuant to Section 88G of the Act or obtaining any injunction pursuant to Section 88H of the Act. This covenant shall bind all persons who are of claim under the registered proprietor(s) as stipulated in Section 88E (5) of the Act.	
76. Stage 3 - The registered proprietor of the proposed lots 10 and 17 hereby burdened will in respect of the onsite stormwater detention and water quality system: • Keep the onsite stormwater detention and water quality system clean and free from silt, rubbish and debris; • Maintain and repair at the sole expense of the registered proprietors the whole of the onsite stormwater detention and water quality system in accordance with the approved plan of management so that it functions in a safe and efficient manner; • Permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant; and • Comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice. Pursuant to Section 88F (3) of the Conveyancing Act 1919 the Council shall have the following additional powers: a. In the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to above; and	Condition to be amended to reflect proposed modified staging plan. Lot 10 will now be created as part of Stage 4. Lot 17 will now be created as part of Stage 2.

b. The Council may recover from the registered proprietor in a Court of competent jurisdiction: i. Any expense reasonably incurred by it in exercising its powers under subparagraph (a) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (a) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work. ii. Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to Section 88F of the Act or providing any certificate required pursuant to Section 88G of the Act or obtaining any injunction pursuant to Section 88H of the Act. This covenant shall bind all persons who are of claim under the registered proprietor(s) as stipulated in Section 88E (5) of the Act.	
77. All Stages - Positive/restrictive covenants, under Section 88B or 88E of the Conveyancing Act 1919, are to be registered on the property title to specifically protect the habitat trees detailed in the Firebird ecological assessment. Removal of these trees must be prohibited under the covenants. Council is to be nominated as a party empowered to release, vary or modify any easements, and/or restrictions required by the conditions of this development consent.	No amendment to this condition.
78. All Stages - The Section 88B instrument will be submitted to Council with all relevant signatures and company seals (where applicable) prior to endorsement of the linen plan of subdivision and issue of the Subdivision Certificate. Alternatively, Council will accept, at their discretion, a copy of the Section 88B instrument with an accompanying letter from the acting solicitor or surveyor giving an undertaking that the Section 88B Instrument will be signed and submitted as presented to Council, unaltered, and registered with the linen plan of subdivision.	No amendment to this condition.
79. Stages 2, 3 & 4 - The developer shall construct all roadworks, vehicle access/footpath crossings, stormwater drainage and erosion and sediment control facilities in accordance with the signed Subdivision Works Certificate plans issued for each stage of the development, in accordance with the standards set out in AUS-SPEC and to the satisfaction of Council.	No amendment to this condition.
80. All Stages - Prior to issue of a Subdivision certificate, the applicant will repair any damage to a public road or associated structures such as kerb and gutter, drains, footpath and utility services	No amendment to this condition.

caused as a consequence of the development works. Any remediation work is to be completed to Council's satisfaction.	
81. Stages 2, 3 & 4 - Prior to issue of a Subdivision certificate, the proposed public roads within the development shall be dedicated to Council at no cost. The public roads shall be delineated on the final plan of development and submitted with the application for a Subdivision Certificate.	No amendment to this condition.

SECTION 4.55(1A) ASSESSMENT

(1A) Modifications involving minimal environmental impact 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

The proposed modification does not incorporate any physical modifications to the built form associated with roads or stormwater management or development layout. The requested amendment to the Notice of Determination is limited to the modification of the staging plan and minor administrative amendments to the conditions of consent as detailed above, which will ensure the subdivision of land and overall development is carried out in a financially viable manner. The proposed staging amendment is not anticipated to result in any change to the environmental impact beyond what has been previously approved. To this extent, the proposed modification is of minimal environmental impact.

(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).

The proposed amended staging plan will result in the same built form however allows for a modified staging of lots and infrastructure delivery. The proposed modification seeks consent to stage the development to manage the financial feasibility of the development while ensuring future sale of land provides high quality residential growth within the Clarence Town area.

In this instance, it is necessary to consider whether the proposed modified development would be essentially or materially or having the same essence as that which had been originally approved. This comparison involves an appreciation, qualitative, as well as quantitative, of the development being compared in their proper contexts.

Quantitative comparison

From a quantitative perspective, the proposed modification results in the same overall area of the development footprint. The proposed modification will not numerically alter the approved subdivision development. As such from a quantitative review, the development is substantially the same.

Qualitative comparison

From a qualitative perspective, the development as modified will continue to reflect a subdivision development without departing from the approved development definition.

No additional conditions of consent are understood to be required to facilitate the staging amendment.

Taking into consideration both the quantitative and qualitative aspects of the proposed modification, it is considered that the development to which the consent as modified is substantially the same as that for which the consent was originally granted.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The Provisions of Relevant Planning Instruments

The development will remain compliant with regard to the provisions of the LEP and DCP as previously assessed. The application does not seek to modify the approved development plans outside of the staging.

Due to the nature of the proposed modification, no updated supporting studies have been prepared.

Social, Economic and Environmental Impacts

There are no anticipated adverse social or economic impacts as a result of the approved development, nor this modification. The proposed modification will not result in any further social, economic, or environmental impacts.

Public interest and suitability of the site

No additional safety, security or crime prevention measures are required as a result of the proposed development. The approved development, nor this modification will not contribute to any safety, security or crime concerns on or around the site.

The Suitability of the Site for the Development

The site remains suitable for the development being a rural residential subdivision.

CONCLUSION

The proposed Section 4.55(1A) modification aims to modify the approved development under DA 72/2019 (**Appendix 1**) through the application for an amendment to the approved staging plan.

The modification seeks to amend the approved staging, as shown in the amended subdivision plan (**Appendix 3**).

It is considered that the proposed modification poses no change to the subdivision layout, road layout or required civil works.

This letter clearly demonstrates that the development (as modified) is of minimal environmental impact and is substantially the same to the development which was originally approved.

Should you have any questions regarding this matter, please contact me at the below.

Kind Regards,

PETA HARRIS

Senior Environmental Planner

BEnvMgt (UoN)

 www.perceptionplanning.com.au

Find us on    

Where town planning is our sixth sense



PERCEPTION
PLANNING

Town Planning
(DAs and Planning Proposals)
Environmental Assessment
Business Solutions

Negotiation / Facilitation / Mediation
Project Management
Training
Bushfire Assessments