



# Section 4.55 Modification Report

## Industrial Subdivision

Prepared by Barr Planning

for Gnoo Gnoo Road Pty Ltd

October 2024





Barr Planning acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and all Aboriginal and Torres Strait Islander peoples today, through considerate and respectful approaches to our work, and seeking to facilitate a balance between the transformation of land and the preservation of the natural and cultural environment.

'Connection' by Aboriginal Artist, Lauren Freestone



**BARR**  
**PLANNING**

## Document Control

Title: Modification Report	
Address:	406-424 Goonoo Goonoo Road, Tamworth
Job No.	22NEW0011
Client:	Gnoo Gnoo Road Pty Ltd

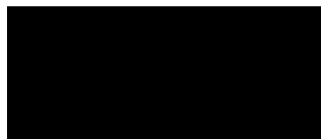
## Document Issue

Issue	Date	Prepared by	Reviewed by
Draft 1	15/07/2024	Kelvin Chu	Rebecca Boresch
Client Review	22/07/2024	Kelvin Chu	Rebecca Boresch
Draft 2	20/08/2024	Kelvin Chu	Rebecca Boresch
Client Review	23/10/2024		Matt Crafts
<b>Final</b>	25/10/2024	Kelvin Chu	Rebecca Boresch

Signed



Kelvin Chu  
Planner  
B.C.P.(Current)



Rebecca Boresch  
Principal Planner  
B.URP.RPIA

For queries about this report please contact

Rebecca Boresch  
Principal Planner  
0401 266 777  
rboresch@barrplanning.com.au

BARR PROPERTY AND PLANNING PTY LTD  
TRADING AS BARR PLANNING  
ABN 57 604 341 302

92 YOUNG STREET CARRINGTON NSW 2294  
PO BOX 96 CARRINGTON NSW 2294  
(02) 4037 2451  
BARRPLANNING.COM.AU

## Contents

1.	Introduction .....	6
1.1	Purpose of this Modification Report .....	6
1.2	Ownership .....	6
1.3	Consent Authority .....	6
1.4	Supporting Documentation .....	7
2.	Site and Context .....	7
2.1	The Site .....	7
2.2	Background .....	8
2.2.1	Development Application 2023-0308 .....	8
3.	Proposed Modification .....	9
3.1	Summary .....	9
3.1.1	Development Consent 2023-0308 Condition No.44 .....	9
3.1.2	Lot Reconfiguration and Areas .....	10
3.1.3	Stage 1 .....	10
3.1.4	Stage 2 .....	12
3.1.5	Stage 4 .....	14
3.2	Traffic Impact .....	14
3.3	Electrical Design .....	15
3.4	Landscaping .....	15
4.	Evaluation .....	16
4.1	Section 4.55(2) .....	16
4.1.1	Section 4.55(2)(a) .....	16
4.1.2	Section 4.55 (2)(b) .....	17
4.1.3	Section 4.55(2)(c) .....	17
4.1.4	Section 4.55(2)(d) .....	17
4.2	Section 4.55(3) .....	17
4.3	Section 4.15(1)(b), the likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality: .....	18
4.4	Section 4.15(1)(c), the suitability of the site for the development: .....	19

4.5	Section 4.15(1)(d), any submissions made:.....	19
4.6	Section 4.15(1)(e), the public interest:.....	19
5.	Conclusion.....	20

## Figures

Figure 1	Locality Plan. Source: Adapted from Six Maps.....	8
----------	---	---

## Tables

Table 1	Ownership Details .....	6
Table 2	Supporting Documents.....	7
Table 3	Changes in lot area for Stage 1 .....	10
Table 4	Changes in Lot Area for Stage 2 .....	12
Table 5	Changes in Lot Area for Stage 3 .....	13
Table 6	Changes in Lot Area for Stage 4 .....	14
Table 7	Overall Changes in Lot Area .....	14

## 1. Introduction

Gnoo Gnoo Road Pty Ltd has requested Barr Planning to modify the consent relation to DA2023-0308, approved on 16 October 2023 for a one into 35 lot Torrens Title subdivision. The works include demolition of existing buildings, earthworks, vegetation removal and drainage with the subdivision being constructed over four stages. The modification seeks to:

- Update Condition No. 44 relating to the agreement with Transport for New South Wales (TfNSW) relative to the intersection of Goonoo Goonoo Road and Craighends Lane.
- Update the staging of the subdivision.
- Update the alignment of internal roads, lot configuration, number of lots and areas within all stages.
- Inclusion of a roundabout in the new proposed road in Stage 2.

### 1.1 Purpose of this Modification Report

This Section 4.55 Modification Report accompanies an application under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) lodged to the Tamworth Regional Council.

### 1.2 Ownership

Ownership of the associated lots is provided in the table below.

*Table 1 Ownership Details*

Lot	Ownership
Lot 1 DP1304039	Gnoo Gnoo Road Pty Ltd

### 1.3 Consent Authority

The consent authority is the Tamworth Regional Council.

## 1.4 Supporting Documentation

This Modification Report is supported by the documents detailed within the following table and uploaded to the Planning Portal.

*Table 2 Supporting Documents*

Document	Author	Revision	Date
S4.55 Subdivision Plan	ADW Johnson	D	30/07/2024
S4.55 Staging Plans Stages 1 to 4	ADW Johnson	E	22/10/2024
S4.55 Landscaping Plan	Conzept Landscape Architect	L	01/07/2024
S4.55 Traffic Impact Assessment	Stantec		13/08/2024
Tamworth Industrial Subdivision UG Electrical Reticulation HV 11kV Concept Plan	Power Solutions	A	03/07/2024
Concept Engineering Plans	ADW Johnson	F	14/08/2024
S4.55 Development Reticulation Layout	ADW Johnson	B	11/10/2024
S4.55 Stormwater Strategy	ADW Johnson	B	04/10/2024

## 2. Site and Context

### 2.1 The Site

The site is located on the traditional lands of the Kamilaroi and Gomeroi people within the boundary of the Tamworth Local Aboriginal Land Council.

The subject site comprises Lot 1 DP 1304039, 406-424 Goonoo Goonoo Road Hillvue. It is irregular in shape comprising an area of 53.9 hectares. The site is largely vacant and mostly cleared of significant vegetation with a single stand of trees located to the north of the site. Goonoo Goonoo Creek runs from north to south and is located east of the site. It is affected by easements for power transmission line connections to the Transgrid substation which intersects the site, predominantly from the north and east.



Figure 1 Locality Plan. Source: Adapted from Six Maps

## 2.2 Background

The previous owners, the Crowe family, owned and managed the site for many years for sheep grazing land and rotation cropping. Development Application (DA2023-0410) granted consent for the consolidation of land known as Lot 19 and Lot 20 DP1111059, Lot 2 DP1192677, Lot 24 DP95997, and Lot 1 DP153665, 406-424 Goonoo Goonoo Road, Hillvue to form a two-lot subdivision separating the B5 Zoned Land from the RU4 Primary Production Small Lots zoned land. These lots are now known as Lot 1 and Lot 2 of DP 13004039.

### 2.2.1 Development Application 2023-0308

The Tamworth Regional Council approved DA2023-0308 on 16 October 2023 for a one into thirty-five (35) lot Torrens Title subdivision to facilitate the future sale and development of land uses permissible within the E3 Productivity Support zone. The consent provided four stages of development:

- Stage 1 provides the construction of 16 lots.
- Stage 2 provides the construction of 11 lots.
- Stage 3 Provides the construction of 8 lots.
- Stage 4 provides the construction of 5 lots.

The implementation of Stages 2 to 4 relies on the construction of a roundabout requiring a WAD agreement with Transport for New South Wales (TfNSW) as prescribed by Condition No. 44 below:

*'The intersection between Goonoo Goonoo and Craigend's Lane shall be upgraded to a dual lane roundabout before the issue of a subdivision certificate for Stage 2. The proponent must*

*obtain Roads Act 1993 consent from Transport for NSW (TfNSW) for all works within the classified State Road (Goonoo Goonoo Road) reserve in the form of a Works Authorisation Deed (WAD).'*

The design (i.e., roundabout or signalised intersection), funding or construction timeframes for the intersection were not confirmed by TfNSW at the time of the development application. This has had implications for the staging of construction for the subdivision and the ability to provide services that will benefit the community within the short and medium term.

### **3. Proposed Modification**

#### **3.1 Summary**

The proposed modification of development application DA2023-0308 seeks to achieve the following:

- Amend Condition No. 44 relative to the arrangements with TfNSW to enable the implementation of Stages 2 to 4 respective of the intersection upgrade being completed to provide the services expected by the community.
- Changes to the staging of the development.
- Changes to the alignment of internal roads, lot reconfiguration, number of lots and areas within the subdivision to meet market demand and provide clear delineation of infrastructure.
- Inclusion of a roundabout in the new proposed road in Stage 2.

##### **3.1.1 Development Consent 2023-0308 Condition No.44**

This condition of consent requires a Works Authorisation Deed to be obtained from TfNSW and the upgrades to the intersection to be constructed before the issue of a subdivision certificate for Stage 2 can be issued. This restricts the implementation of Stages 2 to 4 of the subdivision until the design is completed and funding for the full extent of the work can be obtained. The general intent is to modify the wording to reflect that an agreement on the intersection upgrade is in place and works for a dual-lane roundabout have commenced.

Recent consultation with TfNSW confirms that funding and definitive delivery timeframes for construction works by the agency have been extinguished. The revised condition provides certainty for the Council and Gnoo Gnoo Road Pty Ltd that an arrangement is in place and upgrading works will commence. The recommended revised wording of Condition No. 44 is provided below:

*'Before the issue of a subdivision certificate for Stage 2, delivery of an upgrade to the intersection between Goonoo Goonoo and Craigend's Lane, to a dual lane roundabout shall be agreed upon with TfNSW and works on the roundabout substantially commenced. The proponent must obtain Roads Act 1993 consent from Transport for NSW (TfNSW) for all works within the classified State Road (Goonoo Goonoo Road) reserve in the form of a Works Authorisation Deed (WAD).'*

This provides certainty to the community, the Council and Gnoo Gnoo Pty Ltd that services and infrastructure that benefit the community can occur within the short and medium term.

### 3.1.2 Lot Reconfiguration and Areas

The overall intention for the staging of the subdivision will remain within four stages. The modification seeks reconfiguration of lots and lot areas to meet market demand and requirements of prospective development for Stages 1 and 2. The boundary between Stages 2 and 3 has been modified to include two lots previously within Stage 2 to Stage 3. Further detail is provided within Sections 3.1.3 to 3.1.5. Refer to the Subdivision Plan Version D prepared by ADW Johnston dated 30 July 2024 and Staging Plans 1 to 4 dated 22 October 2024.

### 3.1.3 Stage 1

This stage has been modified to meet the commercial requirements of interested parties. Modifications within this stage relating to the realignment of boundaries and lot areas are detailed in the table below, please refer to Subdivision Stage 1 Plan Version L for visual detail. The stage boundary remains unchanged from the original consent.

*Table 3 Changes in lot area for Stage 1*

Lot	Original Approved (m <sup>2</sup> )	Proposed Modification (m <sup>2</sup> )	Comment
101	6,368	2,019	Realignment of road/cul-de-sac location and reserve for drainage. Realignment of lot boundaries – to include new Lots 101, 102 and 112.
102	5,461	2,002	Realignment of road/cul-de-sac location. Realignment of lot boundaries part of previous Lot 101 and 102. Previous Lot 102 is now the new Lot 102, 103 and 104.
103	5,438	2,658	Former Lot 103 was realigned to form new Lots 113, 114 and part Lot 115. Realignment of road/cul-de-sac location. New Lot 103 was created from part of former Lot 102.
104	6,386	2,801	Realignment of road/cul-de-sac location. Previous Lot 102 is now the new Lot 103 and 104.
105	19,708	5,002	Relocation to former Lot 108. Realignment of road/cul-de-sac location.

Lot	Original Approved (m <sup>2</sup> )	Proposed Modification (m <sup>2</sup> )	Comment
106	10,973	10,406	Same Lot reference, realignment of lot boundaries and area to accommodate the realignment of road and cul-de-sac location.
107	4,917	5,004	Same Lot reference, realignment of lot boundaries and area to accommodate the realignment of road and cul-de-sac location.
108	4,915	10,206	New Lot 108 is Burdened by Easements and was excluded from the approved plan. The new Lot 108 is located where the excluded lot is shown in 'white' on the approved plan.
109	1,422	2,047	Same Lot reference and location, the realignment of road and cul-de-sac location and lot boundaries with the removal of Lots 112 and 113 from this location.
110	1,407	2,000	Same Lot reference and location, the realignment of road and cul-de-sac location and lot boundaries with the removal of Lots 112 and 113 from this location.
111	1,424	4,312	Same Lot reference, in the location of former Lots 112 and 113.
112	1,471	3,549	Realignment of road/cul-de-sac location. A new lot formed from the realignment of former Lot 101 and part Lot 115.
113	2,197	2,720	Realignment of road/cul-de-sac location. A new lot formed from the realignment of former Lot 103 and part Lot 115.
114	2,317	2,317	Realignment of road/cul-de-sac location. A new lot formed from the realignment of former Lot 103 and part Lot 115.
115	7,181	7,181	Realignment of road/cul-de-sac location. Part of former Lots 104, part 103 and 101.
116	20,034	20,034	Realignment of road/cul-de-sac location and boundaries is based on further survey work. The realignment of boundaries includes the area of the previous Lot 105.
<b>Total</b>	<b>101,619</b>	<b>84,258</b>	<b>16 Lots (+3)</b>

### 3.1.4 Stage 2

This stage has been modified to meet the commercial requirements of interested parties. Modifications within this stage relating to the realignment of boundaries and lot areas are detailed in the table below, please refer to Subdivision Stage 2 Plan Version L for visual detail. The stage boundary has been modified with the former Lots 210 and 211 now excluded from this stage. The revised Stage boundary runs along the eastern and the southern boundary of Lot 204, along the eastern extent of the road reserve and across the southern boundary of the new Lot 209-211.

*Table 4 Changes in Lot Area for Stage 2*

Lot	Original Approved (m <sup>2</sup> )	Proposed Modification (m <sup>2</sup> )	Comment
201	12,063	12,141	Revised boundary and lot areas based on the realignment of the road. Now includes an easement for drainage.
202	11,000	10,747	Revised boundary and lot areas based on the realignment of the road and the inclusion of a roundabout. Now includes an easement for drainage.
203	11,429	11,609	Revised boundary and lot areas based on the realignment of the road.
204	17,517	19,268	Revised boundary and lot areas based on the realignment of the road.
205	9,773	5,677	Revised boundary and lot areas based on the realignment of the road and Lots 207 and 208.
206	9,517	4,674	Revised boundary and lot areas based on the realignment of the road and Lots 207 and 208.
207	30,452	36,781	Realignment of boundaries based on revised road realignment and roundabout. The new lot area extended to the previous Lots 205 and 206 to form the new lot 207.
208	13,885	8,685	Forms part of the former Lot 207 and provides part of a right of carriageway for the Uniting Church (Proposed Lot 2)
209	8,869	8,854	Revised boundary and lots based on the realignment of the road, part of the former Lot 208. Provides part of a right of carriageway for the Uniting Church (Proposed Lot 2).

Lot	Original Approved (m <sup>2</sup> )	Proposed Modification (m <sup>2</sup> )	Comment
210	14,357	5,851	Revised boundary and lots based on the realignment of the road, part of the former Lot 208. Former Lot 210 was removed from Stage 2 (Lot 301).
211	20,760	8,527	Revised boundary and lots based on the realignment of the road, form part of the former Lot 209. Former Lot 211 was removed from Stage 2 (Lot 302).
<b>Total</b>	<b>159,622</b>	<b>132,814</b>	<b>11 Lots (no change)</b>

### Stage 3

Modifications within this stage include the former Lots 210 and 211 from the former Stage 2, the realignment of boundaries and lot areas associated with the realignment of the road and the Stage 3 boundary. The changes are detailed in the table below, please refer to Subdivision Stage 3 Plan Version L for visual detail.

Table 5 Changes in Lot Area for Stage 3

Lot	Original Approved (m <sup>2</sup> )	Proposed Modification (m <sup>2</sup> )	Comment
301	14,357	14,839	Former Lot 210
302	20,760	21,393	Former Lot 211
303	21,919	22,466	Former Lot 301
304	31,146	31,969	Former Lot 302
305	15,215	14,380	Former Lot 303
306	18,894	17,634	Former Lot 304
307	14,011	13,707	Former Lot 305
308	8,527	8,527	Former Lot 305
<b>Total</b>	<b>144,829</b>	<b>144,915</b>	<b>8 Lots (+2)</b>

### 3.1.5 Stage 4

Modifications within this stage include the realignment of boundaries and lot areas associated with the realignment of the road. The changes are detailed in the table below, please refer to Subdivision Stage 4 Plan Version L for visual detail.

*Table 6 Changes in Lot Area for Stage 4*

Lot	Original Approved (m <sup>2</sup> )	Proposed Modification (m <sup>2</sup> )	Comments
401	39,884	42,738	Minor adjustments to Lot boundaries and area.
402	36,248	36,544	Minor adjustments to Lot boundaries and area.
403	7,181	8,602	Minor adjustments to Lot boundaries and area.
404	16,540	15,897	Minor adjustments to Lot boundaries and area.
405	24,694	22,546	Minor adjustments to Lot boundaries and area.
<b>Total</b>	<b>124,547</b>	<b>126,327</b>	<b>5 Lots (=)</b>

The table below provides a summary of the changes between the area of the site and services.

*Table 7 Overall Changes in Lot Area*

	Area (m <sup>2</sup> )	Differences (m <sup>2</sup> )	Lots
<b>Site</b>	539,960	1	1
<b>Original DA</b>	530,617	-	35
<b>Modification</b>	488,314	15,874 (8%)	40 (12.5%)

The overall development remains substantially the same. The five (5) additional lots will have a nominal impact on the overall uses and serviceable areas required to establish the subdivision.

## 3.2 Traffic Impact

The approved DA had a parking requirement of 3,465 spaces, the modified scheme results in a reduced parking requirement of thirteen spaces requiring 3,452 car spaces. There will be a minor uplift in traffic generation of 77 vehicle movements within the AM peak and 74 in the PM peak compared to the approved scheme.

Under the modified scheme the level of service (LOS) provided by the two intersections will continue to operate well and cater for the full development of all stages without any adverse impacts within the 2030 operating conditions. The Goonoo Road/Craigends Lane has a LOS A for all approaches within the AM peak, LOS A for the south, east and northern approaches, and LOS B for the western approach

within the PM peak. For the Goonoo Goonoo Road/Jack Smyth Drive intersection LOS A for all approaches with both the AM and PM peaks.

The Goonoo Road/Craigends Lane has a LOS A for the south, east and northern approaches within the AM peak, LOS A on approach from the north, and LOS B for the south, east and western approaches within the PM peak. For the Goonoo Goonoo Road/Jack Smyth Drive intersection LOS A for all approaches within the AM, LOS A on the South, north and western approaches and LOS B on the approach from the east within the PM peak.

The modified format seeks a reduction in GFA by 25,000m<sup>2</sup> with the potential for further reductions pending stormwater detention arrangements. The proposed format is considered suitable from a traffic and transport perspective to support the modified application of 40 lots.

### **3.3 Electrical Design**

Power Solutions revised the Electrical Concept Design and compliance assessment for the revised subdivision layout. The clearance between the modified roadway locations and existing electrical infrastructure (overhead) was reviewed using NEARA, a software package that models infrastructure networks and assets. The existing ground levels were used to determine the appropriate relative level (RL) for the proposed roads. The assessment determined that the modified development:

- Is compliant with Transgrid clearance levels with preliminary approval granted on 25 January 2023.
- Is compliant with Essential Energy clearance level standards (CEOM7097) for the development apart from Section 3A and 3B which are not compliant, however, are compliant with Australian Standard AS/NZ7000.

Consultation with Essential Energy will be undertaken to determine if modifications to the lines within Sections 3A and 3B are required to achieve compliance.

### **3.4 Landscaping**

The TRDCP2012 states that new road construction within a subdivision shall include street tree planting of suitable species to enhance recreational opportunities and visual impact and amenity without compromising access and drainage functions. Concept Landscape Architects have prepared a revised landscape design to address the realignment of lot boundaries and sizes. The design modifies the planting interval from 15m to 30 and a reduction in trees to enable adequate access, street lighting and sight lines. The species Weeping Bottlebrush (Native) has been replaced with Hannah Ray Bottlebrush (Native), with the Snow in Summer (Native) and Chinese Pistachio (Exotic) remaining unchanged.

## 4. Evaluation

Assessment of the relevant considerations under section 4.55 (2) of the Environmental Planning and Assessment Act, 1979 (EP&A Act), is provided in the attached Modification Report. In summary, the application is considered a modification under Section 4.55(2) of the EP&A Act for the following reasons:

### 4.1 Section 4.55(2)

Assessment of the relevant considerations under Section 4.55(2) of the Environmental Planning and Assessment Act, 1979 (EP&A Act) is provided below. Under Section 4.55(2), a consent authority may, on an 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 per the regulations, modify the consent if-

#### 4.1.1 Section 4.55(2)(a)

*(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)*

To be “substantially the same” means to be “essentially or materially the same” as the approved development<sup>1</sup>. Accordingly, the proposed modified plan is considered essentially the same for the following reasons:

- The modification to Condition No. 44 achieves the same intent without impeding the staging of the development or restricting the delivery of outcomes and expectations of the community.
- The intention and outcomes of the subdivision are retained and consistent with those of the original development.
- The changes to the staging relate to boundaries and efficiencies to service each stage.
- The landscape design provides better access, sightlines and lighting outcomes for the development.
- The minor realignments to the road design are generally within the same location.
- The electrical design improves the functionality and efficiency of the electricity supply to the proposed lots whilst minimising impacts on the existing electrical infrastructure.

It is understood that consultation between the Tamworth Regional Council and Transport for NSW will be required to achieve a concurrent arrangement for the agreement to modify Condition No. 44.

---

<sup>1</sup>Moto Projects (No 2) Pty Ltd V North Sydney C [1999] NSWLEC 280

#### **4.1.2 Section 4.55 (2)(b)**

Section 4.55(2)(b) requires the consent authority to consult with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of concurrence to the consent or per the general terms of agreement proposed to be granted by the approval body.

It is understood that consultation between the Tamworth Regional Council and Transport for NSW will be required to achieve a concurrent arrangement for the agreement to modify Condition No. 44.

#### **4.1.3 Section 4.55(2)(c)**

Section 4.55(2)(c) requires the consent authority to notify the application under the regulations, if the regulations so require, or 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.

As the original consent was notified, the modified development will be notified at the discretion of the Council.

#### **4.1.4 Section 4.55(2)(d)**

Section 4.55(2)(d) requires the consent authority to consider any submissions concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan.

Any submissions received regarding the proposed modification will be considered accordingly.

### **4.2 Section 4.55(3)**

Under Section 4.55(3) consideration of the matters referred to in Section 4.15(1), as are of relevance to the development subject to the application, as follows:

**Section 4.15(1)(a), the provisions of:**

#### **(i) any environmental planning instruments (EPIs)**

The EPIs relevant to the original development application have been reviewed relative to the proposed modification.

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The proposed modification does not change the outcomes of the original assessment completed under Chapter 4 Koala Habitat Protection 2021. The development remains consistent with the provisions of this EPI with minimal impacts on koala management.

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

The proposed modification does not change the outcomes of the original assessment completed under Chapter 4 Remediation of Land. The development remains consistent with the provisions of this EPI with the land remaining suitable for the proposed use.

#### **Tamworth Regional Local Environmental Plan 2010**

The modification does not change the outcomes of the original assessment relative to the following clauses:

- Clause 2.3 Zone objectives and land use tables - The modification remains permissible with consent and consistent with the objectives of the B5 Business Development Zone.
- Clause 4.1 Minimum Subdivision Lot Size - There is no specified minimum lot size for the B5 Business Development Zone. The modification remains permissible with consent and consistent
- Clause 5.21 Flood Planning - The modification does not change the findings or outcomes of the site-specific assessment for the subdivision and catchment flooding identified within the original consent.

The proposed modification remains consistent with the EPIs that apply to the development.

#### **(ii) any proposed planning instruments**

At the time of the report, no proposed planning instruments apply to this modification of development consent.

#### **(iii) any development control plans**

Assessment of Tamworth Regional Development Control Plan 2010 (TR2010) was previously undertaken in the approved development under DA 2023-0308. The modification requires minor changes to the servicing strategy, road network design, and landscaping; however, it does not require any variation to the controls. The modification remains consistent with the Controls within TRDCP2010.

#### **(iv) any planning agreement or draft planning agreement**

The proposed modification is not subject to any planning agreements.

#### **(v) the regulations**

The proposed modification has been prepared following the provisions of Part 5 of the EP&A Regulation 2021 for modification applications.

#### **4.3 Section 4.15(1)(b), the likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality:**

Under Section 4.15(1)(b), a consent authority must consider the likely impacts of the development, including environmental impact on natural and built environments, along with the social and economic impacts in the locality. The impacts identified relative to traffic, electrical infrastructure and landscaping were considered under sections 3.2, 3.3 and 3.4 of this report. The modification to the development was deemed consistent with the requirements and standards resulting in minimal environmental impacts. The assessment of all other environmental impacts associated with the original consent remains unchanged.

#### **4.4 Section 4.15(1)(c), the suitability of the site for the development:**

This section addresses the development under section 4.15(1)(c) of the Act. The site is considered suitable for the modified development for the following reasons:

- The site is located within an identified employment precinct. The modified development is consistent with the LSPS and New England Regional Plan. The modified proposal will result in commercial land within an identified precinct being fit for purpose.
- The site provides opportunities for business growth and employment within a well-established and connected area.
- The proposal complies with the relevant standards and controls contained within the TLEP and TRDCP and is generally well suited to the modified development.

#### **4.5 Section 4.15(1)(d), any submissions made:**

Any submission received because of the proposal will be considered.

#### **4.6 Section 4.15(1)(e), the public interest:**

This section addresses the development under section 4.15(1)(e) of the Act. This development is considered within the public interest. The public interest is protected through the orderly and economic use and development of land. The modified development does not jeopardise the public interest for the following reasons:

- The modification does not generate any additional environmental, or economic impacts or social benefits accounted for within the original assessments.
- The proposal remains compliant with the relevant B5 and RU4 zone objectives, the relevant standards and controls of the TRLEP and TRDCP and is consistent with the EP&A Act.
- The site is located within an identified employment precinct, where this type of development is encouraged. The modification of lot boundaries and staging of the development ensure the commercial viability of the land aligned with market demand and commercial typologies.
- The proposal provides opportunities for increasing employment and business development in an emerging commercial area, without compromising the integrity of surrounding character and context.

## **5. Conclusion**

Based on the above assessment, the modification to the application should be supported as the changes will have minimal impact on the environment and achieve the intentions and objectives of the original application. This assessment has been undertaken per the relevant parts of section 4.55(2) of the EP&A Act, including the assessment under section 4.15 which has concluded that the amendment to the proposal satisfies the requirements of the EP&A Act and should be supported.