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Dear Colin

SECTION 4.55(1A) MODIFICATION OF CONSENT 10.2024.44.1 - UPDATES TO DEPOSITED PLAN, REDUCTION OF LOTS FROM SIX (6) TO FOUR (4) LOTS

This Statement of Environmental Effects (SEE) is submitted to Greater Hume Shire Council by Twins + One Pty Ltd c/- Human Habitats in support of an application to modify Development Consent no. 10.2024.44.1 which granted permission for "Torrens Title Subdivision – Six (6) Lot Torrens title Subdivision" upon land at 64 Gordon Street, Culcairn, formerly described as 3/34/DP9695.

This request is made in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 ("the EPA Act").

1 Overview

This modification is sought to alter the approved lot layout to reduce the total number of lots from six (6) to four (4).

In accordance with the above, we wish for the provided Deposited Plan (Plan of Subdivision of Lot 3 Sec 34 DP 9695) to supersede the existing approval plans referenced in the conditions. Overall, this change does not create additional impacts beyond what was outlined in the original application. No conditions of the consent are proposed to be changed other than to reference the updated plan of subdivision. This modification request does not represent a change of use or intensification of the subject site.

Overall, there are no significant environmental or planning impacts other than what was outlined in the original application and this request should be approved subject to Council consideration.

2 Site Description

The subject site comprises a 12,384 square metre parcel upon land at 64 Gordon Street, Culcairn NSW 2660. This land is formally described as 3/34/DP9695. The site is rectangular in shape and has approximately 60 metres of frontage to both Gordon Street and Munro Street. The site is relatively flat and is currently improved by a dwelling house, associated outbuildings and domestic landscaping.

The site currently achieves access to the road network by a bitumen crossover. The road edge on both frontages is unfinished and the verges are unimproved by footpaths or other infrastructure. Shallow, open drains are present on both frontages to convey stormwater, although no culverts or constructed stormwater infrastructure are visible. No trees or planted vegetation are present in the verges.



Figure 1 - Subject site, Source: Landchecker 10/10/2022

3 Summary of Modifications

The proposed Consent to be modified is identified as application number 10.2024.44.1, alternatively known as PAN-426906, granted on 4/06/24.

The approved development is described as “Torrens Title Subdivision – Six (6) Lot Torrens Title Subdivision”

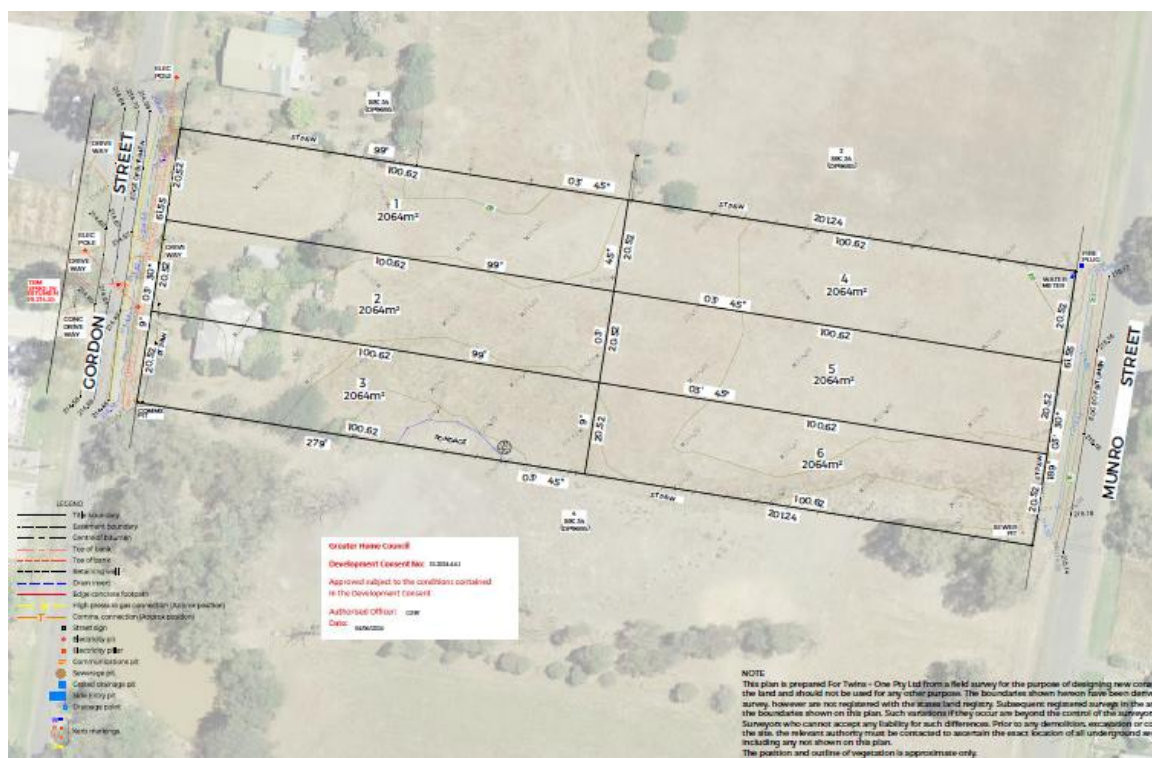


Figure 2 - Approved Plan of Subdivision, Source: Peak Surveyors

The original approval subdivided six lots in accordance with Figure 2. The proposal created three (3) lots with frontage to Gordon Street, and three (3) lots with frontage to Munro Street.

This modification will maintain the originally approved lots 4, 5, and 6, but retain lots 1, 2, and 3 as a single lot.

Table 1 - Proposed lot summary (MOD)

| Schedule of Proposed Lots (MOD) | |
|---------------------------------|---------------|
| Lot Number | Lot Size (m2) |
| Lot 1 | 2064 |
| Lot 2 | 2064 |
| Lot 3 | 2064 |
| Lot 4 | 6194 |

As per the original approval, lots 1, 2, and 3 will connect to all necessary urban services including sewer. Lot 4 will also achieve connection to all urban services, however, future residential development will dispose of waste via an on-site septic system.

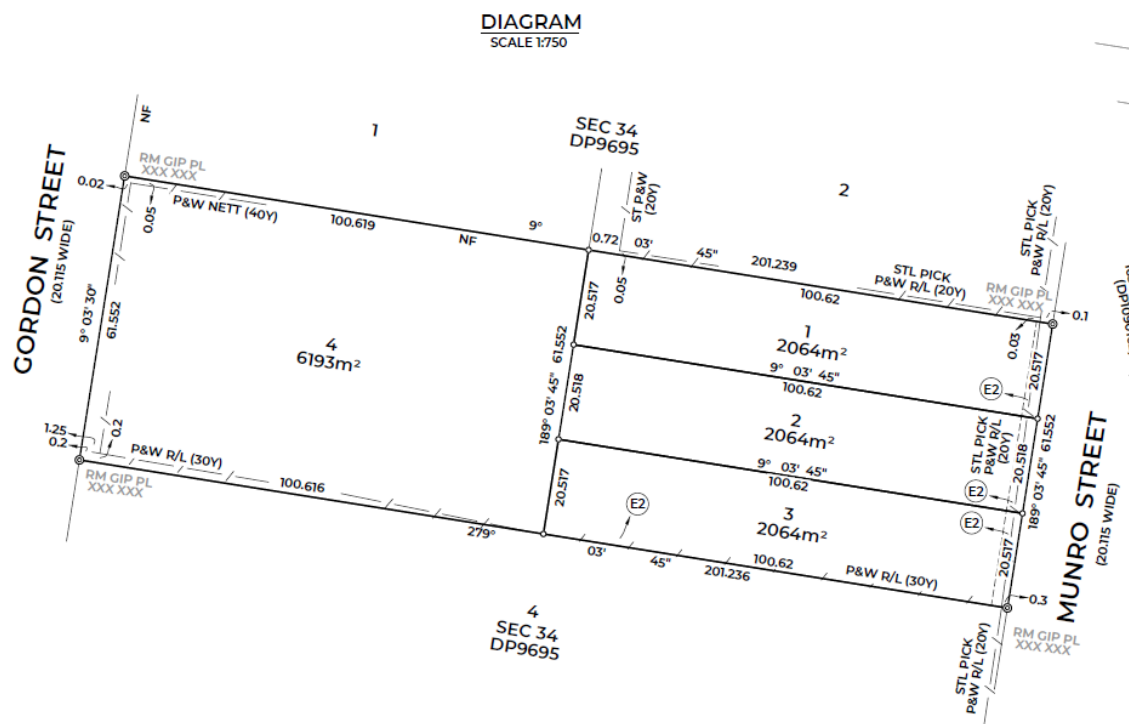


Figure 3 - Proposed Deposited Plan, Source: Peak Surveyors

Condition 2 of the Notice of Determination issued by Greater Hume Council states:

Development must be carried out in accordance with the attached approved plans and the particulars and statements submitted with the development application receipted. The development must be carried out in accordance with Great Hume Council's Engineering Guidelines for Subdivisions and Developments Standards and applicable conditions of this consent. All conditions of consent must be fulfilled at the expense of the application in conjunction with advice from Council.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

As such, we seek amendment of this condition to reference the updated plans provided as part of this Modification request.

4 Modifications Involving Minimal Environmental Impact

This application is made in accordance with Section 4.55(1A) of the EPA Act. The proposal qualifies as a Modification involving minimal environmental impact. S4.55(1A) states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Table 2 - S4.55 Summary

| | S4.55 Parameter | Compliant? | Human Habitats Comment |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | it is satisfied that the proposed modification is of minimal environmental impact, and | Yes | The proposed development results in a decrease of residential lots and cannot be considered to have an increased environmental impact compared to the original application. |
| (b) | it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and | Yes | The proposed modifications result in a development which is substantially the same development. The proposal involves subdivision for a residential purpose within a predominately residential area. |
| (c) | it has notified the application in accordance with— (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and | N/A | The original application was notified in accordance with the regulation. The proposal does not involve a modification involving greater than minimal environmental impact, nor was the original consent granted by the Court. As such, there is no obligation for the consent authority to notify. |
| (d) | it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be. | N/A | Not applicable. |



5 Planning Assessment

Section 4.55(3) of the EP&A Act requires the consent authority when assessing a section 4.55 application to take into consideration matters referred to in Section 4.15(1) as relevant to the development.

Section 4.15(1)(a) requires the consent authority to take into consideration the following:

(a) the provisions of—

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates.

The proposed modification does not result in a substantially different development than permitted by the existing consent. The proposal does not result in any intensification or environmental impacts which are not commensurate with the exiting approval. As such, the proposal has been suitably assessed the Greater Hume Environmental Plan 2012 (“The LEP”) and the Greater Hume Development Control Plan 2013 (“The DCP”).

Section 4.15(b) requires the consent authority to consider the following:

(a) The likely impacts of that development including environmental impacts on the natural and built environments and social and economic impacts in the locality.

6 EP & A Regulation Part 5 (2021)

This modification application is made in accordance with Part 5, Division 1, Clause 100 of the Environmental Planning and Assessment Regulation 2021 “Content of a modification application. In accordance with this clause, a modification must contain the following information

Table 3 - Contents of Application

| Content of a Modification Application | | |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | The name and address of the applicant | Twins + One Pty Ltd ATF Metro Home Video Unit Trust C/O – Evan Johnson Human Habitats Level 6, 123 Eagle Street Brisbane City 4000 |
| (b) | A description of the development to be carried out under the consent | Development Consent no. 10.2024.44.1 which granted permission for Torrens Title Subdivision – Six (6) Lot Torrens title Subdivision |
| (c) | The address and folio identifier of the land on which the development will be carried out. | 64 Gordon Street, Culcairn 3/34DP9695 |
| (d) | A description of the modification to the development consent, including the name, number, and date of plans that have | The proposal seeks to modify “Condition 2 – Compliance With Plans and Conditions” of Development Consent no. 10.2024.44.1 to have |

| Content of a Modification Application | | |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| | changed, to enable the consent authority to compare the development with the development originally approved. | the enclosed revised plans supersede the existing plan of subdivision. |
| (e) | Whether the modification is intended to: (i) merely correct a minor error, misdescription or miscalculation, or (ii) have another effect specified in the modification application, | The proposed modification reduces the number of lots approved in the original application. |
| (f) | A description of the expected impacts of the modification | The proposed modification will not have any expected impacts. |
| (g) | An undertaking that the modified development will remain substantially the same as the development originally approved | The proposed modification is substantially the same as the development originally approved. |
| (h) | For a modification application that is accompanied by a biodiversity development assessment report- the biodiversity credits information. | Not applicable. |
| (i) | If the applicant is not the owner of the land – a statement that the owner consents to the making of the modification application | The applicant is the owner of the land, and evidence of owner's consent has been provided as part of this application. |
| (j) | Whether the application is being made to – (i) the Court under the Act, section 4.55, or (ii) the consent authority under the Act, section 4.56. | Not applicable, the application is not being made to the Court. |
| (2) | Subsection (1)(i) does not apply if the consent of the owner is not required under section 98. | Not applicable. |
| (3) | If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development in the development was accompanied by a BASIX certificate, the application must be accompanied by, (a) the BASIX certificate, or (b) a new BASIX certificate if the current BASIX certificate | Not applicable. The application does not relate to BASIX development. The application is for subdivision only. |



7 Conclusion

This Statement of Environmental Effects (SEE) is submitted to Greater Hume Shire Council by Twins + One Pty Ltd ATF Metro Home Video Unit Trust C/O- Human Habitats in support of an application to modify Development Consent no. 10.2024.44.1 which granted permission for "Torrens Title Subdivision – Six (6) Lot Torrens title Subdivision" upon land at 64 Gordon Street, Culcairn, formerly described as 3/34/DP9695.

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- 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).

Overall, the proposed changes are consistent with the development consent sought by the original approval, and represent a reduction in the proposed lots. As such, the proposal should be supported by Council.

Should Council have any questions or comments regarding this application, please do not hesitate to contact the undersigned at evan@humanhabitats.com.au or on 0449 792 230.

Yours sincerely

Evan Johnson
Senior Planner