

# LEETON SHIRE COUNCIL

*Preserving the Past, Enhancing the Future*

ABN 59 217 957 665

23-25 Chelmsford Place, Leeton NSW 2705

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Email: [council@leeton.nsw.gov.au](mailto:council@leeton.nsw.gov.au) Website: [www.leeton.nsw.gov.au](http://www.leeton.nsw.gov.au)

AR/KT

8 August 2013

Regional Manager  
Western Region  
Department of Planning and Infrastructure  
PO Box 58  
DUBBO NSW 2830

[Ashley.Albury@planning.nsw.gov.au](mailto:Ashley.Albury@planning.nsw.gov.au)

Cc: [Daniel.Wagner@planning.nsw.gov.au](mailto:Daniel.Wagner@planning.nsw.gov.au)

Dear Sir

**Subject: Request for Initial Gateway Determination: Koonadan Road – Planning Proposal upon Lot 1 DP 848120 cnr Koonadan and Ciccia Roads, Leeton**

I refer to your email dated 25 July 2013 requesting further information on the subject Planning Proposal. Council provides the following justification herein to support that the inconsistencies of the proposal is of minor significance with the statutory provisions.

## **Direction 117 Implications**

### **Direction 1.2 – Rural Zones**

The Planning Proposal is inconsistent with this direction as it seeks to amend the Draft Leeton Local Environmental Plan 2012 Minimum Lot Size Map by reclassifying Lot 1 DP 848120 Koonadan Road, Leeton from 150ha to 2ha. The subject land is not of a size typically required to support sustainable agricultural uses, is located in an essentially rural lifestyle context and conforms to the established pattern of subdivision for rural lifestyle development. For these reasons the inconsistency is of minor significance as the proposal ameliorates the impact of the established pattern of subdivision.

### **Direction 1.5 – Rural Lands**

The Planning Proposal is inconsistent with this direction. However, as detailed in the response to the Minister's Section 117 Direction 1.2 above, this inconsistency is of minor significance as the land is no longer used for the purposes of primary production because of its size and established pattern of subdivision for rural lifestyle development. In turn the proposal ameliorates the impact of the established subdivision pattern which is consistent with the Rural Planning Principles and Rural Subdivision Principles contained in the State Environmental Planning Policy (Rural Lands) 2008 and therefore is of minor significance for the following reasons:

**Rural Planning Principles:*****(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas***

Rural holdings sizes identified in a Holding Analysis of the Planning Proposal locality includes agriculture pursuits (greater than 40ha), horticulture (20ha to 40ha), small rural holdings (8ha to 20ha) and rural lifestyle development (less than 8ha), all of which contribute to the local and regional economy (refer **Attachment 1**). The analysis demonstrates that the subject land and adjacent land located the south and east are considered unsuitable for agriculture or horticulture, due to the established subdivision pattern for rural lifestyle development with an average 2.2ha lot area. It is considered that the conversion of the subject land is acceptable as these adjacent rural lands are most unlikely to return to agricultural production, given the existing lawful developments cannot be practically reversed. **Table 1** below demonstrates these lot sizes and the established subdivision history.

**Table 1 – Size of adjoining lots/ Subdivision history**

|                         | Land                      | Area    | Comments                                          |
|-------------------------|---------------------------|---------|---------------------------------------------------|
| Subject land            | Lots 77 and 140 DP 751682 | 21.39ha | Parent lot, approved 1994 DA003s/945              |
|                         | Lot 1 DP 848120           | 3.9ha   | Child lot, 1 dwelling entitlement                 |
|                         | Lot 2 DP 848120           | 3.9ha   | Child lot, existing dwelling                      |
| Adjacent land east      | Lot 3 DP 848120           | 13.59ha | Parent lot, approved 1997 DA15s/978               |
|                         | Lot 3 DP 848120           | 10.56ha | Child lot, 1 dwelling entitlement                 |
|                         | Lot 4 DP 848120           | 3.3ha   | Child lot, existing dwelling                      |
| Adjacent land southeast | Lot 267 DP 257539         | 0.4ha   | Same lot configuration in 1962                    |
|                         | Lot 549 DP 751742         | 0.78ha  | Same lot configuration in 1962                    |
| Adjacent land south     | Lot 160 DP 751742         | 19.08ha | Parent lot, approved 1996 DA 26s/967              |
|                         | Lot 1 DP 865341           | 15ha    | Child lot, 1 dwelling entitlement                 |
|                         | Lot 2 DP 865341           | 2ha     | Child lot, existing dwelling                      |
|                         | Lot 3 DP 865341           | 2ha     | Child lot, existing dwelling                      |
|                         | Lot 4 DP 865341           | 2ha     | Child lot, existing dwelling                      |
| Adjacent land west      | Lot 90 DP 751682          | 29.64ha | Parent lot, approved 1995 DA 140/945              |
|                         | Lot 1 DP 853459           | 28.66ha | Child lot, existing dwelling                      |
|                         | Lot 2 DP 853459           | 1ha     | Child lot, existing dwelling                      |
| Adjacent land northwest | Lot 89 DP 751682          | 29.4ha  | Same lot configuration in 1962, existing dwelling |
| Adjacent land north     | Lot 137 and 78 DP 751682  | 22.65ha | Same lot configuration in 1962, existing dwelling |

The Department of Primary Industries (DPI) minimum lot size methodology report provides that “*minimum lot sizes for subdivision that may be eligible for a dwelling consent should be determined based on the area required to sustain a farming enterprise typical for that locality.*” The 150ha and 20ha minimum lot size for agricultural purposes and horticulture respectively are considered to be the minimum area of land to sustain a farming enterprise within the irrigation area in the long term.

As demonstrated above, the subject land is well below the suitable area of land to be considered sustainable. It is considered that a 2ha minimum lot size will facilitate the desired outcome and is in accordance with the minimum lot size for the subdivision of land as lawfully permitted under the Leeton Local Environmental Plan No.4 dated 4 March 1983. Further the subject land had Development Consent of the Council for the proposed subdivision dated 19 October 1994 based on these statutory provisions.

***(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State***

Refer to the Planning Proposal report for trends, demands and issues relevant to the proposal.

***(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development***

The reclassification of the subject land will provide the community with additional land for rural lifestyle purposes while enhancing opportunities for social interaction within the locality, which is established largely with rural lifestyle 'ribbon' development fronting Koonadan Road, Leeton. Furthermore the desired outcome can be achieved without causing further fragmentation of rural lands or resulting in any land use conflicts.

Proper management and development of rural areas has significant social and economic benefits to the local and wider community. As discussed above, the subject land provides rural housing opportunities that do not conflict or undermine rural land use activities and is consistent with the established subdivision pattern.

***(d) in planning for rural lands, to balance the social, economic and environmental interests of the community***

Refer to the Planning Proposal report. In summary, the report recognises that rural lands have a range of social, economic and environmental values. **Attachment 1** identifies key rural resources within the locality and demonstrates that the adjacent rural lands located to the north and west that should be protected for the continued agricultural development and long term sustainability for established farming enterprises. However the subject land and adjoining 'ribbon' rural lifestyle developments that do not conform to the minimum lot size provide rural housing opportunities that maximise the efficient use of existing infrastructure and services.

***(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land***

The Planning Proposal report demonstrates that the subject land is not constrained and is appropriate for the rural lifestyle development.

***(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities***

Adjacent rural lands located to the south and east of the subject land have been developed as rural lifestyle development. The established pattern of subdivision for 'ribbon' rural lifestyle development fronting Koonadan Road provides an opportunity to ensure that the development of the area proceeds in an orderly, efficient and economic manner. Further the proposal enhances the opportunities for social interaction and will not conflict with other rural land uses.

***(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing***

The Planning Proposal report details the location of services and infrastructure relative to the subject land. In summary, the land is appropriately serviced with provision of Council's reticulated water supply services, telephone and power supply services, drainage and sealed access from both the primary and secondary roads. The proposal will maximise the utilisation of these services adjacent to the land rather than creating an additional need for infrastructure and services.

***(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.***

There are no known such strategies applicable to the locality.

**Rural Subdivision Principles:**

**(a) the minimisation of rural land fragmentation**

The Planning Proposal report established that the identified location is an appropriate site for rural lifestyle development. The adjacent rural lands have a present pattern of subdivision favourable for the purpose of rural lifestyle development. The recommended 2ha minimum lot size for the subject land recognises the established pattern of subdivision for rural lifestyle development and minimises the risk of further fragmentation of the agricultural base.

Rural lands located adjacent to the subject land are considered suitable for a variety of agricultural pursuits with existing agricultural infrastructure, in particular irrigation and drainage systems, and can sustain a farming enterprise within the irrigation area for the long term. These lands are protected from any further fragmentation as they comply with the provisions of the *State Environmental Planning Policy (Rural Lands) 2008*.

**(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses**

The adjacent rural lands to the north and west of the subject land are lawfully established for intensive plant agriculture and irrigated agriculture respectively. The desired outcome of the Planning Proposal will not conflict with these existing rural farming enterprises. It is desirable to apply an appropriate separation buffer to protect existing agricultural developments in accordance with the recommendations of the 2007 DPI Living and Working in Rural Areas Report. Therefore it is unlikely that the subdivision of subject land would not reduce or impact on the agricultural production value of the land or adjoining lands.

**(c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands**

The Planning Proposal report established that there is a basic need for rural lifestyle development and that the subject proposal is efficiently serviced by physical

infrastructure. Adjacent rural lands have an established pattern of subdivision for rural lifestyle development and the majority of these allotments have existing dwelling-house erected as indicated on **Attachment 1**.

A constraints and Holdings Analysis have formed the basis of the recommended 2ha minimum lot size that takes into account the rural resources that underpin agricultural production and prior statutory control for the subdivision of land within an irrigation area.

**(d) the consideration of the natural and physical constraints and opportunities of land, and ensuring that planning for dwelling opportunities takes account of those constraints**

The opportunity for new dwellings has been considered in the proposed reduction of the minimum lot size. As discussed above, the subject land is no longer used for the purposes of primary production because of its size and established pattern of subdivision for rural lifestyle development. The proposal does not significantly increase the impact of the established subdivision pattern and maximises the use of existing infrastructure and services for rural lifestyle development.

**Approval History/Holdings**

- A development application (DA003s/945) for the subdivision of lots 77 and 140, DP 751682, Farm 134 Koonadan Road, Leeton was granted development consent for the purpose of a four lot subdivision on 19 October 1994. The approved plans permitted the subject land to subdivide one into two lot subdivision with each allotment approximately 2.3ha (refer **Attachment 2**).

A written request to modify the development was granted consent for the purpose of a three lot subdivision on 21 November 1994. The request detailed the applicant was reluctant to comply with Council requirement to seal Ciccia Road. Existing dwelling rights apply to both lots 1 and 3 as specified holdings (refer **Attachment 3**).

- A development application (DA15s/978) for the subdivision of lot 3, DP 848120, Farm 134, Colinroobie Road, Leeton was granted development consent for the purpose of a two lot subdivision on 24 September 1997. Existing dwelling right applies to lot 3 as specified holding (refer **Attachment 4**).
- A development application (DA26s/967) for the subdivision of lot 160, DP 751742, Farm 215 Colinroobie Road, Leeton was granted development consent for the purpose of four lot subdivision on 15 October 1996. Existing dwelling right applies to lot 4 and 2 as specified holding (refer **Attachment 5**).

As demonstrated above, the subject Planning Proposal seeks to facilitate the subdivision of land as approved by Council on the 19 October 1994. For the reasons outlined above the inconsistency is of minor significance.

**SEPP Rural Lands (2008)**

Council's original Leeton Local Environmental Plan No. 4, gazetted on 4 March 1983, permitted under clause 11, the provision for rural subdivisions to minimum 2ha lot area and in some cases to 0.1ha. The relevant subclause of the subject clause stated that;

3. *"except as provided by subclause 4, the council shall not consent to the subdivision of land to which this clause applies, unless:-*
  - a. *each allotment created by the subdivision has an area of not less than 2 hectares; and*
  - b. *the council is satisfied that:-*
    - i. *each allotment will be used for a purpose for which it may be used under the plan;*
    - ii. *a portable water supply, which, in the opinion of the council, will be adequate and appropriate to the purposes for which each allotment is being created, will be available to each allotment;*
    - iii. *arrangements which, in the opinion of the council, will be adequate have been made for the disposal of waste within the curtilage of each allotment; and*
    - iv. *road access to and from the each allotment will be satisfactory to the council.*
4. *The council may consent to one subdivision of an irrigation farm to create not more than one allotment of not less than 1000 square metres where it is satisfied that the allotment:-*
  - a. *Is not being created for the purposes of a dwelling-house; or*
  - b. *Is being created for the purposes of a dwelling-house which will be occupied by:-*
    - i. *The owner of the irrigation farm;*
    - ii. *A relative of that owner; or*
    - iii. *A person employed or engaged by that owner in the use, for the purpose of agriculture, of land belonging to that owner which adjoins or is adjacent to the irrigation farm."*

This clause provided Council flexibility in approving rural residential type developments until the introduction of the Rural Lands SEPP in 2008. Anecdotally these developments were never excessive in number, caused or resulted in any interference with surrounding rural land uses and were quickly taken up and developed. The original subdivision, plus those surrounding the lot were created under clause 11 of the Leeton Local Environmental Plan No.4.

Further Council records indicate that the allotment that is subject to this Planning Proposal was originally given approval by Council in the proposed format of the Planning Proposal i.e. two (2) 2ha allotments fronting Ciccia Road. However this consent was later modified to one 3.8ha allotment by the applicant due to reluctance by the developer to bitumen seal Ciccia Road for the full length of the development. Ciccia Road has subsequently been sealed.

Council's original LEP No.4 therefore reflected and supported the community views and objectives. The provision for the creation of rural residential within the Leeton Shire has been therefore supported by the Leeton community.

In addition the creation of rural residential developments in the Leeton Shire has not created any issues that may have influenced the introduction across NSW of standard regulations prohibiting this type of development.

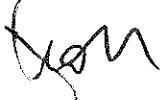
### **Conclusion**

Council supports and recommends that consideration for a reduction in the Minimum Lot Size apply to Lot 1 DP 848120, cnr Koonadan Road and Ciccia Road, Leeton.

In summarising this proposal the following applies:

1. The variation to the s117 Directions are considered to be of minor significance.
2. Council's original Leeton Local Environmental Plan No. 4 permitted this type of subdivision until the introduction in 2008 of the Rural Lands SEPP.
3. Between 1983 and 2008 rural residential subdivisions have not caused or resulted in any significant loss of agricultural land or any interface issues.
4. The original subdivision of Lot 1 DP 848120, Koonadan Road, Leeton was in the exact layout as this Planning Proposal (i.e. two 2ha allotments fronting Ciccia Road).
5. The application of a reduction in the Minimum Lot Size over Lot 1 DP 848120, Koonadan road, Leeton will not create a precedent given the history and background of this matter.
6. Council is prepared to undertake a Rural Settlement Strategy after the gazettal of the Consolidated Leeton LEP to fully underpin future rural land settlement strategies.

Yours faithfully



Garry Stoll  
Director

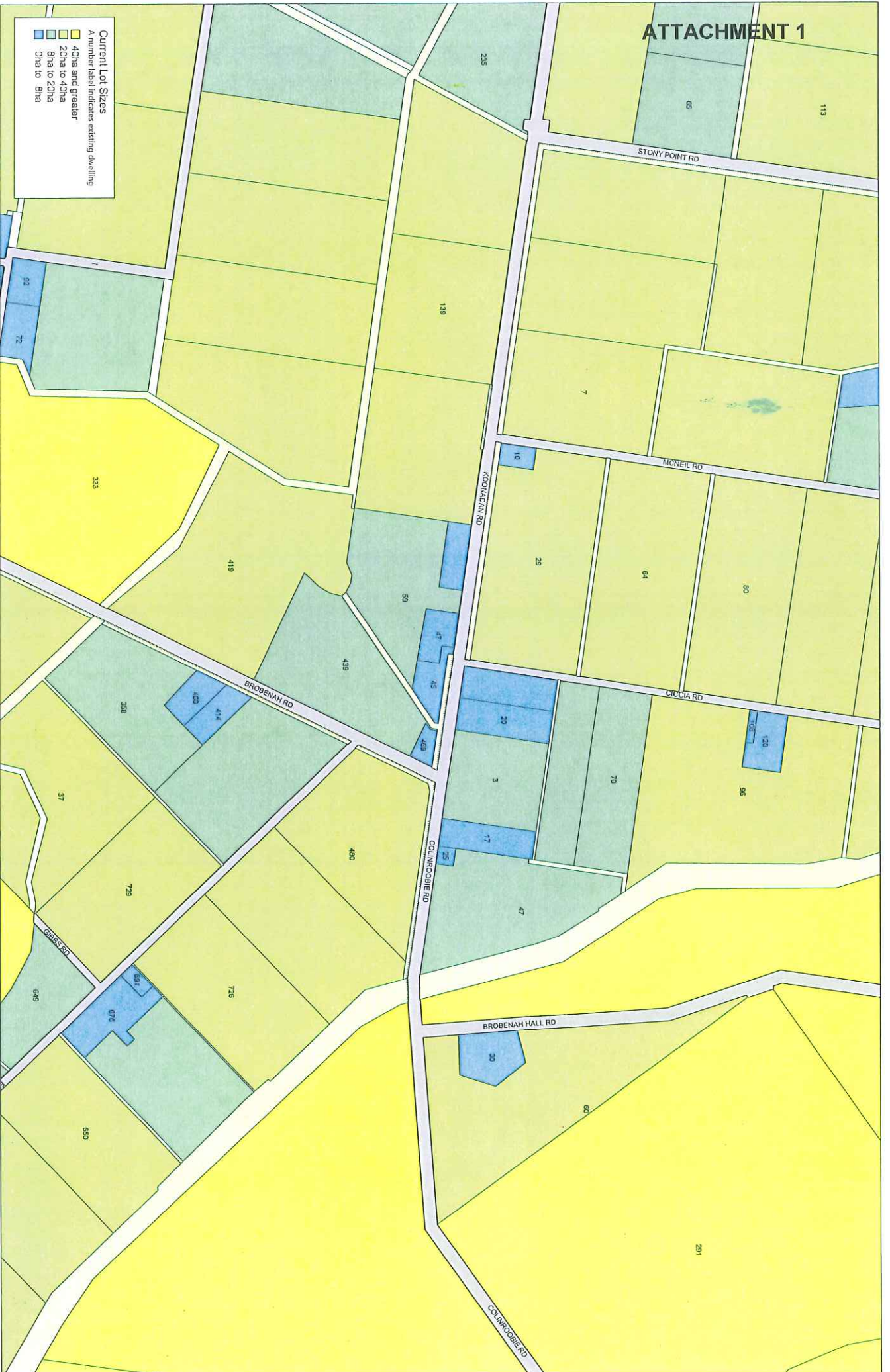
**Environmental and Community Services**



# ATTACHMENT 1

Current Lot Sizes  
A number label indicates existing dwelling

- 40ha and greater
- 20ha to 40ha
- 8ha to 20ha
- 0ha to 8ha



**Leeton Shire Council**  
Phone: (02) 6953 0911  
Email: [council@leeton.nsw.gov.au](mailto:council@leeton.nsw.gov.au)  
23-25 Chelmsford Place, Leeton

## Holding Analysis

This map has been created for the purpose of showing basic locality information over Leeton Shire Council. Property boundary line network data is supplied by State Government. Any error should be reported to the GIS Section, Leeton Shire Council. This map is a representation of the information currently held by Leeton Shire Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

Date: 2/08/2013  
Compiled By: Leeton GIS  
Scale: 1:12,000  
Projection: GDA 1994 - Zone 55





All communications to  
be addressed to the  
General Manager  
P.O. Box 394  
LEETON 2705



Council Chambers  
Chelmsford Place  
LEETON 2705

Phone: (069) 53 2611  
Fax: (069) 53 3337

Reference No.:  
ES/RM/270C(i)/94

Contact Person:  
Mrs E Stoneman

19 October 1994

Mr and Mrs W P Trembath  
Farm 134  
LEETON 2705

**NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

Being the applicant in respect of Development Application No 003s/945.

Pursuant to Section 92 of the Environmental Planning and Assessment Act 1979 and Section 331 of the Local Government Act 1919, as amended, NOTICE is hereby given of the determination by Council of Development Application No 003s/945 relating to the land described as follows:

Lots 77 and 140, DP 751682, Farm 134, Koonadan Road, Leeton.

The Development Application has been determined by granting consent to the following development:

four (4) lot subdivision

subject to the following conditions:

- 1 The Applicant is to install a 300 mm concrete pipe culvert in the existing table drain, 5 m wide (nominal), complete with Rocla type precast concrete headwalls for access to the new allotments. Pipes are to be Class X (minimum) and rubber ring jointed.
- 2 The applicant is to gravel pave the proposed new accesses to the new lots from the edge of the existing road to the allotment boundary, to a width of 6 m (nominal) and 150 mm thickness of compacted gravel.

Mr and Mrs W P Trembath

- 2 -

19 October 1994

- 3 The Applicant is to provide a bitumen surface for the new accesses consisting of a double application of binder and aggregate using 14 mm and 7 mm crushed stone respectively, 5 m wide (nominal) with 2 m splays adjoining the bitumen road, from the edge of the bitumen for a distance of 5 m.
- 4 Gravel for this work is to be either crushed roadbase or an approved ridge gravel. All work is to be carried out to the satisfaction of the Shire Engineer or his nominated representative.
- 5 Any new access is to be located a minimum of 50 m away from the intersection of Koonadan Road and Ciccia Road.
- 6 Ciccia Road is to be gravelled from the intersection with Koonadan Road, to 100 m past the access to proposed Lot 3, with 120 mm compacted depth, 6 m wide.
- 7 A primer seal is to be provided over Ciccia Road from the intersection with Koonadan Road to 100 m past the access to proposed Lot 3.
- 8 Submission to Council of the final survey plan and one film copy.
- 9 The applicant is to provide written evidence to Council of satisfactory arrangements with Murrumbidgee Electricity and Telecom Australia for the reticulation of electricity supply and telephone line respectively, to serve each allotment.

Note: The applicant is to obtain the approval of the Department of Water Resources and Department of Conservation and Land Management, respectively, if required.

The conditions have been imposed for the following reasons, respectively:

- 1 To ensure safe access over drains to the allotment. (Section 90(1)(i) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(d) of the Local Government Act 1919, as amended).
- 2 To provide all weather vehicular access to the land. (Section 90(1)(i) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(d) of the Local Government Act 1919, as amended).
- 3 To provide all weather vehicular access to the land. (Section 90(1)(i) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(c) of the Local Government Act 1919, as amended).

.../2

Mr and Mrs W P Trembath

- 3 -

19 October 1994

- 
- 4 To ensure an adequate standard of materials for the required work. (Section 90(1)(i) of the Environmental Planning and Assessment Act 1979).
  - 5 To maintain sight distance from the intersection. (Section 90(1)(j) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(b) of the Local Government Act 1919, as amended).
  - 6 To provide all weather access to the proposed lots. (Section 90(1)(j) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(b) of the Local Government Act 1919, as amended).
  - 7 To reduce dust nuisances to the new dwellings. (Section 90(1)(j) and (q) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(b) and (c) of the Local Government Act 1919, as amended).
  - 8 To permit Certification by the General Manager pursuant to Section 327 of the Local Government Act 1919, as amended, and to enable Council to retain and catalogue a copy of the plan. (Section 90(1)(s) of the Environmental Planning and Assessment Act 1979 and Section 331(a) of the Local Government Act 1919, as amended).
  - 9 To provide for the supply of electricity and the connection of telephone lines respectively, to serve each allotment. (Section 90(1)(l) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(c) of the Local Government Act 1919, as amended).

Endorsement of date of consent: 18 October 1994

Note: See attached sheet for Explanatory Notes.

Yours faithfully

R C Pluis  
GENERAL MANAGER

LEETON SHIRE COUNCIL  
DEVELOPMENT APPLICATION

(Environmental Planning & Assessment Act, 1979  
Section 77(3) and Regulation Form 3)

OFFICE USE ONLY

D.A. 363-946 DATE 5.7.94FEE \$200.00 RECEIPT 80161

ASST. NO. \_\_\_\_\_

APPLICATION

I/We \* ..... WILLIAM PATRICK AND KATHLEEN TREMBATH  
of ..... FARM 134, LEETON  
Postal Address AS ABOVE ..... Telephone: 533403

hereby apply for Development Consent to carry out the development described below:

## A. DESCRIPTION OF LAND

Lot FARM 134 77/140 DP/SP 751682 ..... Allotment .....  
Section ..... Portion ..... Town of .....  
Parish of ..... County of .....  
No/Name FARM 134 ..... Street Colmarville Rd Locality Leeton .....

## B. DESCRIPTION OF DEVELOPMENT of other activity (e.g. advertisement, demolition, type of subdivision including number of lots, etc.) for which development consent is sought (Refer to Instruction 2.)

..... SUBDIVISION INTO 4 LOTS .....

Where development involves the erection of a building, the proposed use of that building when erected. (Refer to Instructions 3 and 4).

..... NOT APPLICABLE .....

## C. ESTIMATED COST/NO. OF LOTS (See Instruction 1) .....

## D. ENVIRONMENTAL IMPACT (See Instructions 5 and 6). The application is: \*

1. accompanied by an Environmental Impact Statement; or
2. information as to the impact of the proposal; or
3. of a minor nature and will have no appreciable effect on the environment.

\* Strike out whichever is inapplicable.

[Signature] ..... AGENT ..... 4/7/94  
Signature of Applicant ..... Capacity of Applicant ..... Date

CONSENT OF OWNER

I/We \* ..... WP & KM TREMBATH ..... of ..... FARM 134, LEETON  
being the owner(s) of the land to which the application relates hereby consent to the making of this Application and authorise Council's Town Planning Department to enter the property for purposes of inspections, surveys and taking measurements and photographs in pursuance of Section 117 of the Environmental Planning & Assessment Act, 1979.

[Signature] ..... OWNER ..... 4/7/94  
Signature of Owner, or person ..... Where not signed by Owner ..... Date  
acting on behalf of the Owner. ..... Capacity

CUT HERE

ACKNOWLEDGEMENT OF RECEIPT OF DEVELOPMENT APPLICATION

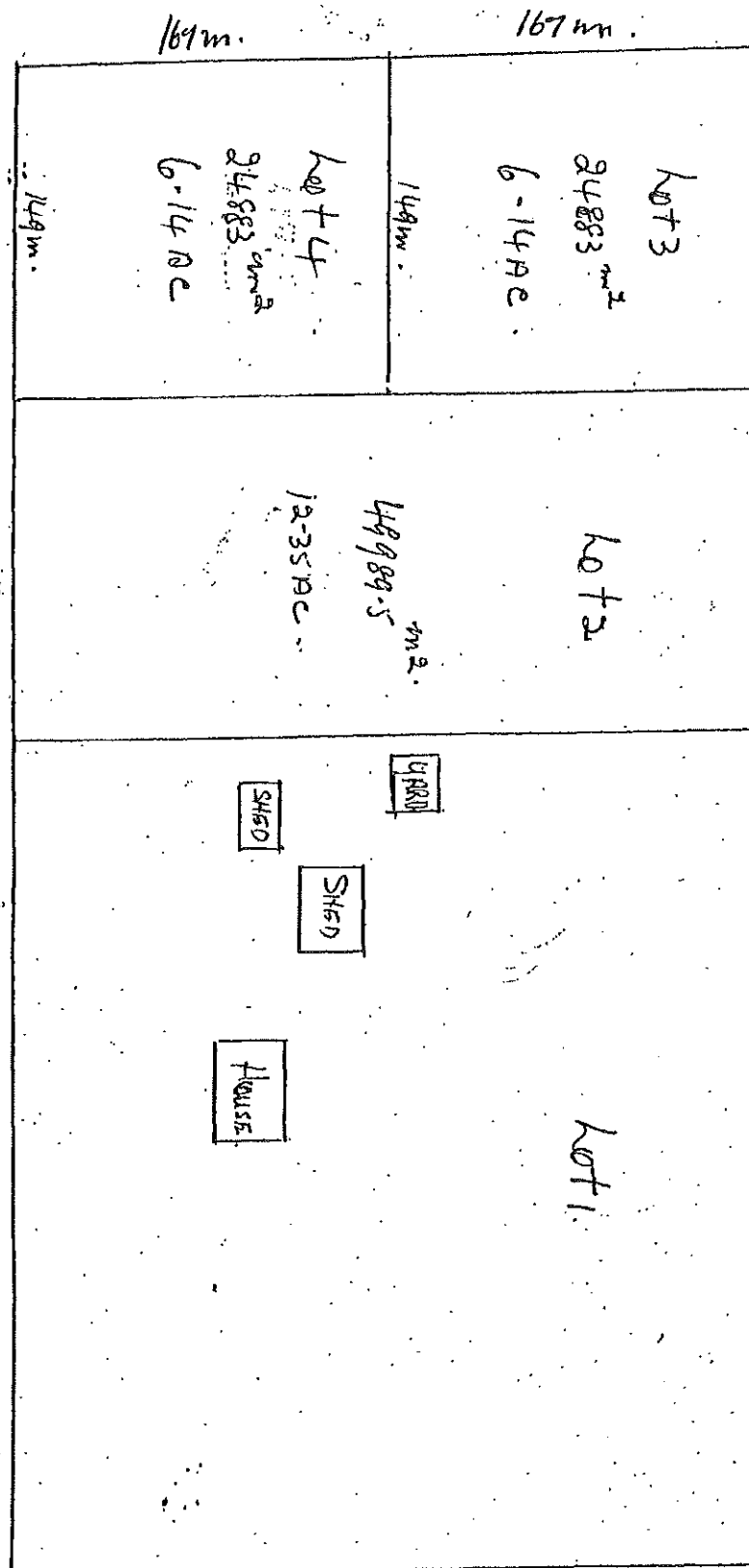
RECEIPT is acknowledged of your application for development in respect of land.

Name & Address ..... at .....  
of Applicant .....  
Date ..... DA No. ....

LEETON SHIRE COUNCIL Shire Clerk .....

CISSIA ROAD

WR. 12m Shemlath 134



KOONADAN ROAD



All communications to  
be addressed to the  
General Manager  
P.O. Box 394  
LEETON 2705



Council Chambers  
Chelmsford Place  
LEETON 2705

Phone: (069) 53 2611  
Fax: (069) 53 3337

Contact Person:  
Mrs E Stoneman

Reference No:  
ES/RM/270C/94

---

21 November 1994

Mr and Mrs W P Trembath  
Farm 134  
LEETON 2705

**NOTICE TO APPLICANT OF MODIFICATION  
OF A DEVELOPMENT CONSENT**

Being the applicant in respect of Development Application No 003s/945.

Pursuant to Section 102 of the Environmental Planning and Assessment Act 1979,  
notice is hereby given of the modification by Council of Development Application  
No 003s/945 relating to the land described as follows:

Lots 77 and 140, DP 751682, Farm 134, Koonadan Road, Leeton.

Description of development: three (3) lot subdivision

The Development consent has been modified by waiving Condition Nos 6 and 7.

The reasons for the imposition of these conditions are waived.

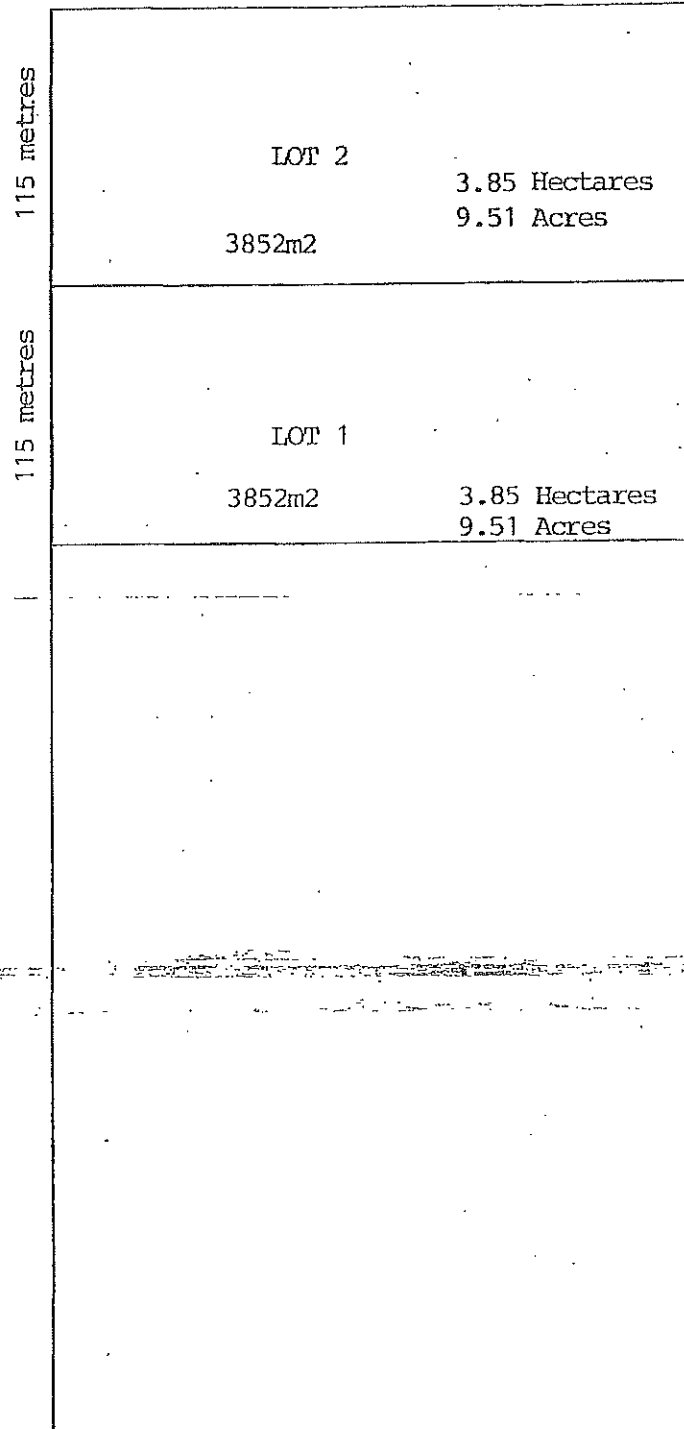
Endorsement of date of consent: 18 October 1994

Note: See attached sheet for Explanatory Notes.

Yours faithfully

R C Pluis  
GENERAL MANAGER

334metres



MEMO TO: Chief Town Planner

FROM: E. Stoneman

SUBJECT: D.A. No. 003-1945 - Form 134

DATE: 15/11/94

FILE: TP-270C(i)

1. A letter requesting modification of the above Development Application has been submitted by the \*applicant/s Wood

& Rendon P/L \*

The letter is at \*Folio 9 \* the original Notice of Determination is at \*Folio 8 \* and subsequent \*Notice of Modification/ ~~letters of extension~~ are at \*Folios 11 \*

2. The modification proposed is to:

\*(a) ~~Amend the approved plans~~

\*(b) ~~Alter the property description/description of development.~~

\*(c) Waive Condition/s \* 6 & 7

\*(d) ~~Alter Condition/s~~ \*

3. The modification

\*(a) requires reconsideration

\*(b) ~~does not require reconsideration~~

\*(c) ~~better meets the consideration~~

under the following heads of Section 90(1): \* (i) & (j)

Because: reduction in number of lots &

all access via sealed roads

4. It is recommended that the consent \*be/~~not be~~\* modified as per the attached draft Notice of Modification.

Signed E. Stoneman

Title CTP

I \*concur / ~~do not~~ concur\*

Comments \_\_\_\_\_

E. Stoneman  
CHIEF TOWN PLANNER

Date: 15/11/94



**WOOD & PRESTON**  
REAL ESTATE

Wood & Preston Pty. Ltd.  
ACN: 001 642 397

Member R.E.I. N.S.W.  
Auctioneers, Stock & Station, Real Estate  
and Business Agents

58 Kurrajong Avenue  
Leeton N.S.W 2705

Telephone: (069) 53 2428  
A.H. (069) 53 3182  
A.H. (069) 53 2740  
Fax: (069) 53 6133

19 October 1994

Mr Raye Pluis  
General Manager  
Leeton Shire Council  
Chelmsford Place  
LEETON NSW 2705

| LEETON SHIRE COUNCIL |             |
|----------------------|-------------|
| REC'D:               | 26 OCT 1994 |
| FILE                 | 2700(1)     |
| INFO                 |             |
| SOLICITOR            |             |
| ENGINEER             |             |
| HEALTH               |             |
| TOWN PLANNER         | /           |

Dear Sir -

**RE: DEVELOPMENT APPLICATION NO. 003s/945 A/C W TREMBATH**

I thank you for your letter of the 19th of October, 1994 re the sub-division of my farm 134 into four parts.

Regretfully the combination of conditions 6 and 7 make such a sub-division impractical to us.

We wish now to change the application to sub-divide the property into three parts as per enclosed plan.

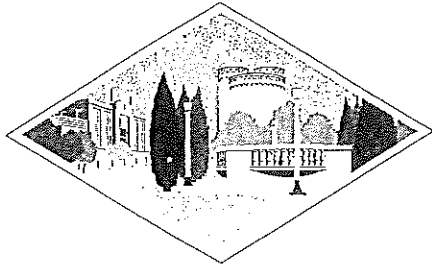
~~We feel we can abide with all other conditions as required.~~

I would appreciate your earliest attention to this matter.

Yours faithfully

W (Bill) Trembath

*W P Trembath*



# LEETON SHIRE COUNCIL ATTACHMENT 4

*Preserving the Past, Enhancing the Future*

Chelmsford Place, Leeton, NSW 2705

Reply to: P.O. Box 394 Leeton NSW 2705

Telephone: (069) 53 2611 Facsimile: (069) 53 3337

Email: leeton@oeg.pacific.net.au

ES/NP/270C/97

24 September 1997

Mr Tony Wood  
C/- Amato Real Estate  
15 Kurrajong Avenue  
LEETON 2705

## NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Being the applicant in respect of Development Application No 15s/978.

Pursuant to Section 92 of the Environmental Planning and Assessment Act 1979 AND Section 331 of the Local Government Act, 1919, as amended, NOTICE is hereby given of the determination by Council of Development Application No 15s/978 relating to the land described as follows:

Lot 3, DP 848120, Farm 134, Colinroobie Road, Leeton

The Development Application has been determined by granting consent to the following development:

two (2) lot subdivision

subject to the following conditions:

- 1 The applicant is to install a 300 mm concrete pipe culvert in the existing table drain, complete with Rocla type precast concrete headwalls for access to the new lots, 5 m wide (nominal). Pipes are to be Class X (minimum) and rubber ring jointed.
- 2 The applicant is to gravel pave the proposed new access to the new lots from the edge of the existing road to the allotment boundary, to a width of 6 m (nominal) and 150 mm thickness of compacted gravel.
- 3 The applicant is to provide a bitumen surface for the new accesses consisting of a double application of binder and aggregate using 14 mm and 7 mm crushed stone respectively, 5 m wide (nominal) with 2 m splays adjoining the bitumen road, from the edge of the bitumen for a distance of 5 m.

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- 4 Gravel for this work is to be either crushed roadbase or an approved ridge gravel. All work is to be carried out to the satisfaction of the Director Engineering & Technical Services or his nominated representative.
- 5 Seven (7) days notice is to be given to the Engineering & Technical Services Department prior to commencement of any work. All works are to be carried out by an approved contractor.
- 6 The applicant is to provide written evidence to Council of the granting of approval by Murrumbidgee Irrigation and the Department of Land & Water Conservation respectively to the subdivision.
- 7 The applicant is to provide written evidence to Council of satisfactory arrangements with Great Southern Energy and Telstra for the reticulation of electricity supply and telephone service respectively, to serve each allotment.
- 8 Submission to Council of the final survey plan and one film copy.
- 9 Where practicable, the location of the accesses to the new lots are to be located a minimum of 50 m away from road intersection.

The conditions have been imposed for the following reasons:

- 1 To ensure safe access over drains to the allotment. (Section 90(1)(i) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(d) Local Government Act 1919, as amended).
- 2 To provide all weather vehicular access to the land. (Section 90(1)(i) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(d) of the Local Government Act 1919, as amended).
- 3 To provide all weather vehicular access to the land. (Section 90(1)(i) Environmental Planning and Assessment Act 1979 and Section 333(1)(d) Local Government Act 1919, as amended).
- 4 To ensure an adequate standard of materials for the required work. (Section 90(1)(i) and (j) of the Environmental Planning and Assessment Act 1979 and Section 333 (1)(d) Local Government Act 1919, as amended).
- 5 To ensure an adequate standard of design and construction. (Section 90(1)(q) of the Environmental Planning and Assessment Act 1979 and Section 33(1)(d) of the Local Government Act 1919, as amended).
- 6 To ensure compliance with the requirements and Acts administered by those bodies. (Section 90(1)(s) Environmental Planning and Assessment Act, 1979 and Section 333(1)(c) Local Government Act 1919, as amended).

Mr Tony Wood

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24 September 1997

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- 7 To provide for the supply of electricity and the connection of telephone service respectively, to serve each allotment. (Section 90(1)(l) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(c) of the Local Government Act 1919, as amended).
  - 8 To permit Certification by the General Manager pursuant to Section 327 of the Local Government Act 1919, as amended, and to enable Council to retain and catalogue a copy of the plan. (Section 90(1)(s) of the Environmental Planning and Assessment Act 1979 and Section 331(a) of the Local Government Act 1919, as amended).
  - 9 To provide adequate site distances for vehicles entering and leaving the site (Section 90(1)(i) and (j) Environmental Planning & Assessment Act 1979 and Section 333(i)(d) Local Government Act 1919, as amended).

Endorsement of date of consent: 23 September 1997

Note: See attached sheet for Explanatory Notes.

Yours faithfully



E C M Stoneman

MANAGER

PLANNING & DEVELOPMENT SERVICES



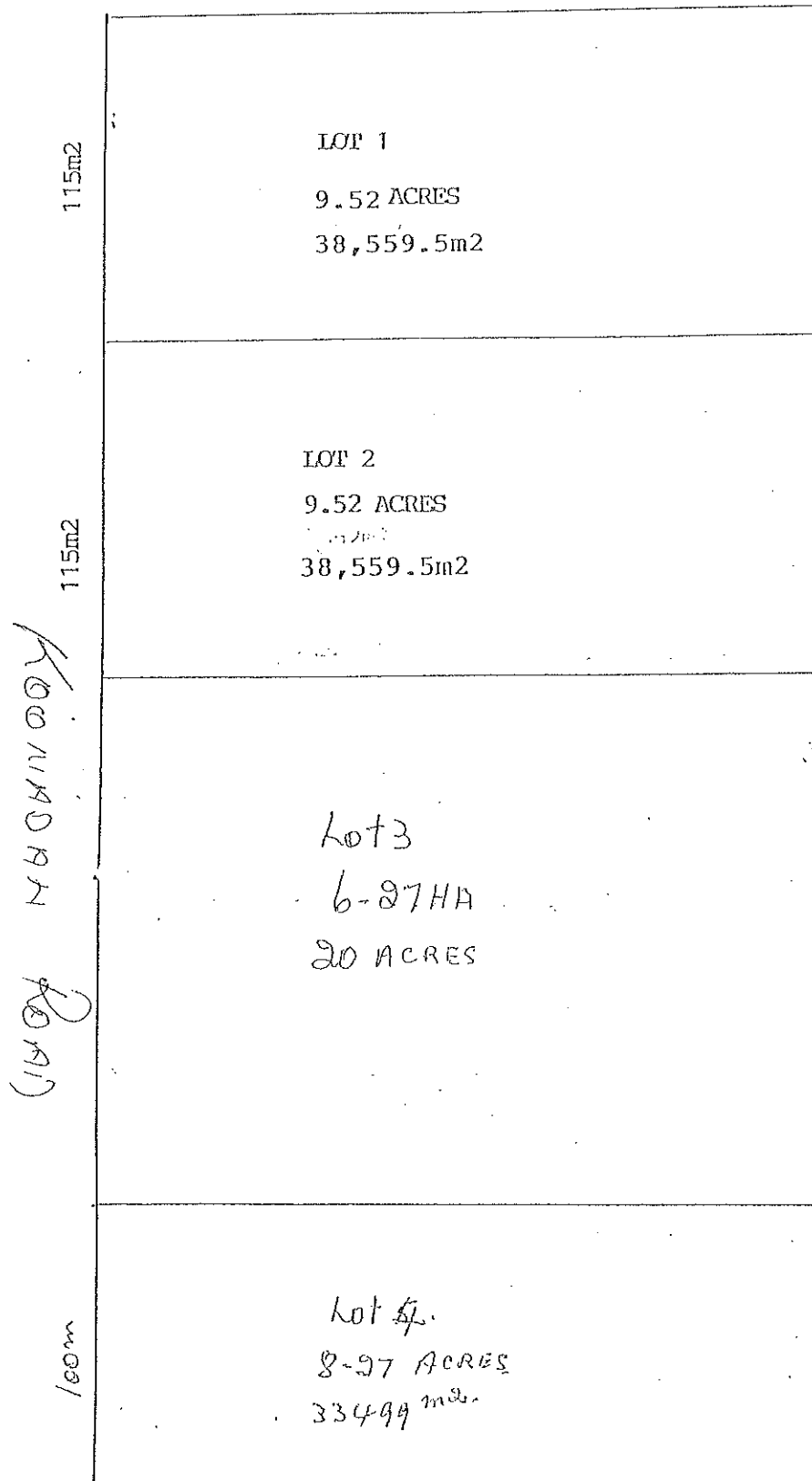
NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION

EXPLANATORY NOTES

1. To ascertain the date upon which the consent becomes effective refer to Section 93 of the Environmental Planning and Assessment Act, 1979.
2. To ascertain the extent to which the consent is liable to lapse refer to Section 99 of the Environmental Planning and Assessment Act, 1979. (Five years from date of letter).
3. Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.
4. Should further explanation of the terms or conditions of the approval be required, please contact Council's Town Planning Department.

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All communications to  
be addressed to the  
General Manager  
P.O. Box 394  
LEETON 2705



**ATTACHMENT 5**  
Council Chambers  
Chelmsford Place  
LEETON 2705

Phone: (069) 53 2611  
Fax: (069) 53 3337

Contact Person:

Reference No.:

ES/RM/270C/96

Mrs E Stoneman

15 October 1996

Mrs G B Oakroot  
Farm 215  
LEETON 2705

**NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

Being the applicant in respect of Development Application No 26s/967.

Pursuant to Section 92 of the Environmental Planning and Assessment Act 1979 and Section 331 of the Local Government Act 1919, as amended, NOTICE is hereby given of the determination by Council of Development Application No 26s/967 relating to the land described as follows:

Lot 160, DP 751742, Farm 215, Colinroobie Road, Leeton.

The Development Application has been determined by granting consent to the following development:

four (4) lot subdivision

subject to the following conditions:

- 1 The applicant is to install a 300 mm concrete pipe culvert in the existing table drain, complete with Rocla type precast concrete headwalls for access to Lots 2, 3 and 4, 5 m wide (nominal). Pipes are to be Class X (minimum) and rubber ring jointed.
- \* 2 The applicant is to gravel pave the proposed new accesses to Lots 2, 3 and 4 from the edge of the existing road to the allotment boundary, to a width of 6 m (nominal) and 150 mm thickness of compacted gravel.

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- 3 The applicant is to provide a bitumen surface for the new accesses consisting of a double application of binder and aggregate using 14 mm and 7 mm crushed stone respectively, 5 m wide (nominal) with 2 m splays adjoining the bitumen road, from the edge of the bitumen for a distance of 5 m.
  - 4 Seven (7) days notice is to be given to the Engineering & Technical Services Department prior to commencement of any work. All works are to be carried out by an approved contractor.
  - 5 The applicant is to provide written evidence to Council of satisfactory arrangements with Great Southern Energy and Telstra for the reticulation of electricity supply and telephone service respectively, to serve each allotment.
  - 6 The applicant is to provide written evidence to Council of the granting of approval by Murrumbidgee Irrigation and Department of Land & Water Conservation respectively to the subdivision.
  - 7 Submission to Council of the final survey plan and one film copy.

The conditions have been imposed for the following reasons, respectively:

- 1 To ensure safe access over drains to the allotment. (Section 90(1)(i) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(d) of the Local Government Act 1919, as amended).
- 2 To provide all weather vehicular access to the land. (Section 90(1)(i) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(d) of the Local Government Act 1919, as amended).
- 3 To provide all weather vehicular access to the land. (Section 90(1)(i) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(c) of the Local Government Act 1919, as amended).
- 4 To ensure an adequate standard of design and construction. (Section 90(1)(q) of the Environmental Planning and Assessment Act and Section 33(1)(d) of the Local Government Act 1919, as amended).
- 5 To provide for the supply of electricity and the connection of telephone services respectively, to serve each allotment. (Section 90(1)(l) of the Environmental Planning and Assessment Act 1979 and Section 333(1)(c) of the Local Government Act 1919, as amended).
- 6 To ensure compliance with the requirements and Acts administered by those bodies. (Section 90(1)(s) of the Environmental Planning and Assessment Act, 1979).

Mrs G B Oakroot

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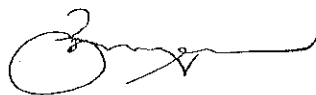
15 October 1996

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- 7 To permit Certification by the General Manager pursuant to Section 327 of the Local Government Act 1919, as amended, and to enable Council to retain and catalogue a copy of the plan. (Section 90(1)(s) of the Environmental Planning and Assessment Act 1979 and Section 331(a) of the Local Government Act 1919, as amended).

Endorsement of date of consent: 15 October 1996

Note: See attached sheet for Explanatory Notes.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Brian McKellar', with a large circular flourish at the start and a long horizontal stroke extending to the right.

Brian McKellar  
DIRECTOR  
ENVIRONMENTAL & COMMUNITY  
SERVICES

