



MEETING NOTICE

| | |
|--------------------|---|
| COMMITTEE | PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING |
| DIRECTORATE | Planning and Environmental Services |
| DATE | 6 May 2020 |
| TIME | 4:00pm |
| VENUE | Via Zoom |
| ATTACHMENTS | Director Planning and Environmental Services Report |

AGENDA

1. Present/Apologies

2. Declarations of Interest
In accordance with Council’s Code of Meeting Practice and specifically Section 451 of the Local Government Act, 1993 declarations of interest are required by Councillors and designated staff attending the meeting.

3. Report of the Director Planning and Environmental Services
 - 3.1 Application to Modify Development Consent 2013/046.002 – Modification to Lot Layout and Introduction of Staging Plan (3 stages) – Lot 2 DP835252 – 31 High Street, Gunnedah 3

Andrew Johns
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Apologies to: 02 6740 2116

The ordinary, extraordinary and committee open meetings of Council will be audio recorded for minute-taking purposes and may be broadcast live over the internet.

*** Local Government Act 1993 – Definition of Closed Meeting Items**

10A Which parts of a meeting can be closed to the public?

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
- (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.

VISION

TO BE A FOCUSED COMMUNITY VALUING GUNNEDAH'S IDENTITY AND QUALITY LIFESTYLE.

MISSION

TO PROMOTE, ENHANCE AND SUSTAIN THE QUALITY OF LIFE IN GUNNEDAH SHIRE THROUGH BALANCED ECONOMIC, ENVIRONMENTAL AND SOCIAL MANAGEMENT IN PARTNERSHIP WITH THE PEOPLE.

ORGANISATIONAL VALUES

In partnership with the community:

- 1. EQUITY***
- 2. INTEGRITY***
- 3. LEADERSHIP***
- 4. OPENNESS & ACCOUNTABILITY***
- 5. CUSTOMER SATISFACTION***
- 6. COMMITMENT TO SAFETY***
- 7. EFFICIENT & EFFECTIVE USE OF RESOURCES***

Director Planning Environmental Services' Report

| | |
|-----------------------|--|
| ITEM | Application to Modify Development Consent No. 2013/046.002 – Modification to lot layout and introduction of Staging Plan (3 Stages) – Lot 2 DP835252 – 31 High Street, Gunnedah |
| MEETING | Planning, Environment and Development Committee – 6 May 2020 |
| DIRECTORATE | Planning and Environmental Services |
| AUTHOR | Senior Development Officer |
| POLICY | Nil |
| LEGAL | Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012 |
| FINANCIAL | Nil |
| STRATEGIC LINK | Community Strategic Plan 4.9.3 Investigate and act on preservation of our natural and built environment. Operational Plan 2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation. |
| ATTACHMENTS | Nil |

OFFICER'S RECOMMENDATIONS:

That the Application to Modify Development Consent No. 2013/046.002, to amend development lot layout and introduce a staging plan (3 stages), at Lot: 2 DP: 835252 – 31 High Street, Gunnedah be approved subject to the deletion and insertion of the following conditions of consent:

(Modified conditions have been underlined)

A. THAT DEVELOPMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

A1. Deleted

A1a. The proposed development shall be carried out strictly in accordance with the details set out in the following

- Development Application form lodged 09/05/2013;
- Statement of Environmental Effects, prepared by Kathryn Yigman, dated March 2013;
- Application to Modify a Development Consent, dated 18/02/2020; and
- Submitted plans:
 - Prepared by Stewart Surveys, dated 28 January 2020, ref: 5293, Sheet 1 of 3 (Stage 1), Sheet 2 of 3 (Stage 2), Sheet 3 of 3 (Stage 3);
 - Prepared by Stewart Surveys, dated February 2020, ref: 5293, Drawing No. 1 of 3 (Site Servicing Plan), Drawing No. 2 of 3 (Site Servicing Plan), Drawing No. 3 of 3 (Site Servicing Plan – Stormwater and Sewer Sections);

except as otherwise provided by the conditions of consent.

Reason: Compliance with application and plans.

A2. To confirm and clarify the terms of this approval, consent is granted for the development to be undertaken as per the stages of development outlined as follows:

- Stage 1 – Lots 1 & 2 (Lot 2 being residual lot area) and required infrastructure works and service connections;
- Stage 2 – Lots 2 & 3 (Lot 3 being residual lot area) and required infrastructure works and service connections;
- Stage 3 – Lots 3 & 4 and service connections;

Reason: To ensure compliance with proposed staging plan.

B. PRIOR TO WORK COMMENCING

B1. A Construction Certificate is to be obtained prior to commencement of any subdivision works and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 1998, the Principal Certifying Authority must be the Council.

Reason: To ensure compliance with application and plans.

B2. Sediment and erosion control measures must be installed prior to the commencement of any construction and maintained for the duration of the works in accordance with legislative requirements.

Reason: To ensure that adequate control measures are installed.

C. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

C1. Engineering drawings and specifications for the construction and installation of all works relative to the proposed subdivision shall be submitted to Council for approval prior to the issue of a Construction Certificate. The design of all works is to be related to the adjoining infrastructure. All drawings and specifications are to be in accordance with Council's relative standards.

Reason: To ensure compliance with application and plans.

C2. All works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council specifications and requirements. The inspection fee is applicable for all sections of the work carried out by the contractors and shall be paid prior to the issue of a Construction Certificate.

Reason: To ensure compliance.

C3. The contractors engaged on the development of the subdivision must maintain public liability insurance cover to the minimum value of \$10 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

Reason: To ensure compliance.

C4. A compliance certificate under Division 2 of Part 3 of the Water Supply Authorities Act 1987 must be obtained from the Council (as the local water supply authority).

Council requires the following payments to be completed prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.

| | |
|---------------------------------|----------------------------|
| Sewer headworks contribution is | \$8,200 per additional lot |
| Water headworks contribution is | \$6,810 per additional lot |

The required payment is to be undertaken must be completed and the applicable developer contributions paid prior to the issue of a Construction Certificate.

Note: The contributions required by this condition are allowed by and determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2013/2014 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Contributions and Development Services Plan.

- C5.** Council is satisfied that the proposed development is likely to increase the demand for the following public amenities and public services within the area:

- * Stormwater Drainage

Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 Council requires the payment of a monetary contribution of:

- * \$2,198 per additional lot

The contributions shall be paid prior to issue of the Construction Certificate.

The contributions required by this condition are allowed by and determined in accordance with the Gunnedah Shire Council Section 64 Developer Services Plan – Stormwater commencing on 17 January 2013, a copy of which may be inspected at the office of the Council.

Note: The above contributions have been adopted under the 2013/2014 Council Management Plan. Revised rates adopted in subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Contributions and Development Services Plan.

D. GENERAL

Allotment Filling

- D1.** All allotment filling will require a submission from the applicant's Consulting Engineer. The submission shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the submission shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

Reason: To ensure compliance with Council's requirements.

- D2.** Where allotment filling has been carried out, the “Works-As-Executed” plans shall indicate the contours prior to and after filling and also the compaction test results.

Reason: To ensure compliance with Council’s requirements.

Stormwater Drainage

- D3.** Runoff from all hard surfaces areas is to be collected and piped via a storm water main into the existing main in George Street, in accordance with Council’s specifications. A stormwater main shall be constructed within the existing easement, located through Lot 3 DP 835252 (13A George Street). Stormwater runoff is not to be directed onto adjoining land.

Reason: To ensure compliance with Council’s requirements.

Water Supply

- D4.** A single water supply service shall be provided to each lot. The water service shall be provided by connecting to Council’s existing water main located in High Street, in accordance with the Council’s specifications and requirements.

Note: A Water Application Form shall be submitted to Council, together with the installation costs. The installation costs adopted in the Council’s 2013/2014 Management Plan are \$1,640 per lot. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council’s requirements.

Sewer

- D5.** A single sewer service shall be provided to each lot. The sewer service shall be provided by connecting to Council’s existing sewer main located in the north-western corner of the development site. All works are to be undertaken and inspected in accordance with Council’s standards and specifications.

Reason: To ensure compliance with Council’s requirements.

- D6.** A three (3) metre wide easement shall be created over all Council water, sewer and stormwater mains.

Reason: To ensure compliance with Council’s requirements.

Access

- D7.** Vehicular access to each lot shall be from High Street and will require the construction of a concrete driveway across the footpath in accordance with Council’s standards and specifications. A copy of the concrete crossover specification sheet can be downloaded or viewed on Council’s website at:

<http://www.gunnedah.nsw.gov.au>

- a) Before commencement of this work, construction levels are to be obtained from Council’s Infrastructure Services. A security bond being half of the estimated cost of the construction work is to be lodged with Council, before work on the driveway is commenced.
- b) Upon the satisfactory completion of the driveway by the developer, the security bond will be released.

Note: Council promotes a nominal cross-fall across the footpath from the kerb top to the boundary line of 2%. Internal driveway grades shall be in accordance with AS 2890 – 2004. Council's Infrastructure Services can be contacted on 02 6740 2130.

Reason: To implement Council's policy.

- D8.** The internal driveway of Lots 3 and 4 (from the kerb and gutter to the end of the access handle) shall be constructed with a base course of adequate depth to suit design traffic, being sealed with either asphaltic concrete, concrete or interlocking pavers and being properly maintained to facilitate the use of vehicular access. Full details of compliance are to be included on the plans accompanying the Construction Certificate Application.

Reason: To minimise any associated noise and dust nuisance.

- D9.** Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Driveway crossing standards and specifications.

Reason: To ensure the integrity of Council's road infrastructure is maintained in an acceptable standard.

E. DURING WORKS

E1. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Reason: To ensure environmental health standards are met.

- E2.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday - 7.00am to 5.00pm;

Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

Note: The builder shall be responsible to instruct and control sub-contractors regarding the hours of work.

Council will exercise its powers under the Protection of the Environment Operations Act, 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

Reason: To ensure amenity of the neighbourhood is maintained.

- E3.** Erosion and sediment control facilities shall be provided to avoid damage to the environment during construction. The plan and specification for these facilities are considered an integral part of the development and must be approved prior to the issue of a construction certificate, (a requirement prior to the commencement of work on the site). The approved erosion and sediment control measures are to be maintained throughout the construction of the development.

Reason: To ensure compliance with Council's requirements.

F. DEMOLITION

- F1.** Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.

Reason: To meet statutory requirements.

- F2.** Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.

Reason: To ensure compliance and safety of workers and general public.

- F3.** Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: Demolition of structures.

Reason: To meet statutory requirements.

- F4.** The hours of demolition work are limited to between 7:00am and 5.30pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.

Reason: To meet statutory requirements.

- F5.** Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Department of Environment and Climate Change NSW.

Reason: To meet statutory requirements.

- F6.** Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

Reason: To ensure compliance and safety of workers and general public.

- F7.** During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles

Reason: To ensure compliance and safety of workers and general public.

- F8.** All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.

Reason: To ensure compliance and safety of workers and general public.

- F9.** The burning of any demolished material on site is not permitted and offenders will be prosecuted.

Reason: To meet statutory requirements.

- F10.** Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.

Reason: To ensure the integrity of public infrastructure.

- F11.** Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.

Reason: To meet statutory requirements.

G. PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

G1. Deleted

G1a. One set of approved construction drawings shall be amended to show the "work-as-executed". These drawings in both hard copy and electronic form shall be provided prior to issue of the subdivision certificate. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. Also an electronic copy of the WAE in dwg format shall be also provided prior to the issue of

the Subdivision Certificate for each stage of development works listed within condition A2.

Reason: To ensure compliance with Council’s requirements.

- G2.** Written notification being provided that an electricity supply connection has been provided to each lot.

Reason: To ensure that electrical services are provided.

- G3.** Written notification being provided that telecommunication cables have been provided to each lot in accordance with community expectations.

Reason: To ensure that telecommunication services are provided.

- G4.** Deleted

- G4a.** The subdivision certificate release fee of \$143 shall be paid prior to the issue of the subdivision certificate for each stage of development works.

Note: The above fee has been adopted under the Council’s 2019/2020 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure payment of application fee.

PURPOSE

This application, to modify a development consent, is being referred to Council for determination as the development exceeds staff delegations for determination as matters raised within the received submissions where unable to be addressed by the applicant or via the imposition of a condition of consent.

Applicant: Michael Flannery
 C/- Stewart Surveys Pty Ltd,
 Owner: Mr M Flannery
 Property Description: Lot 2 DP 835252,
 31 High Street, Gunnedah

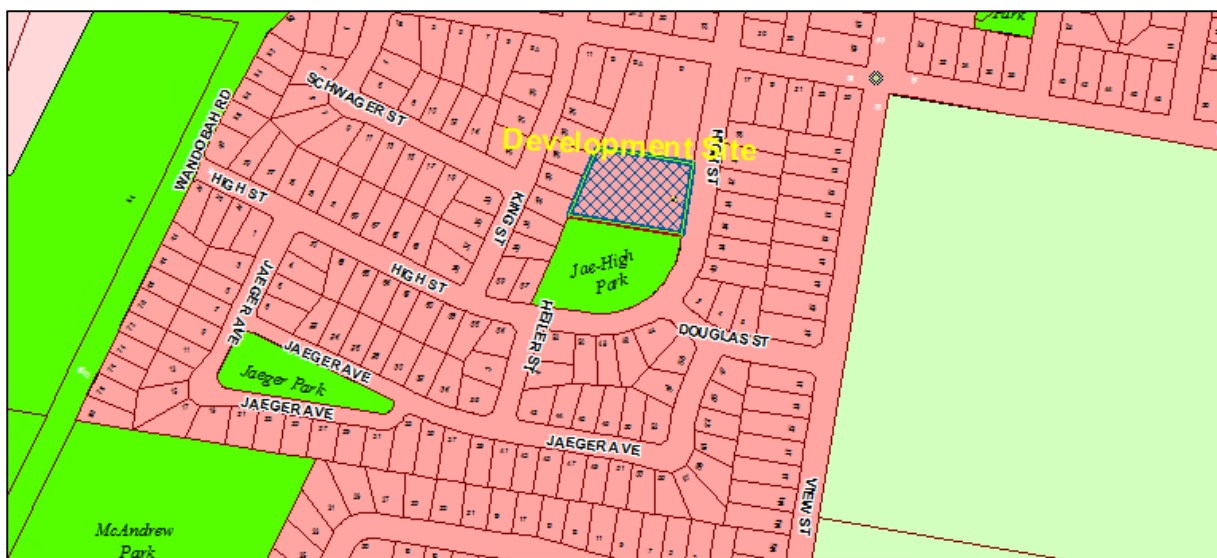


Figure 1 – Site Location

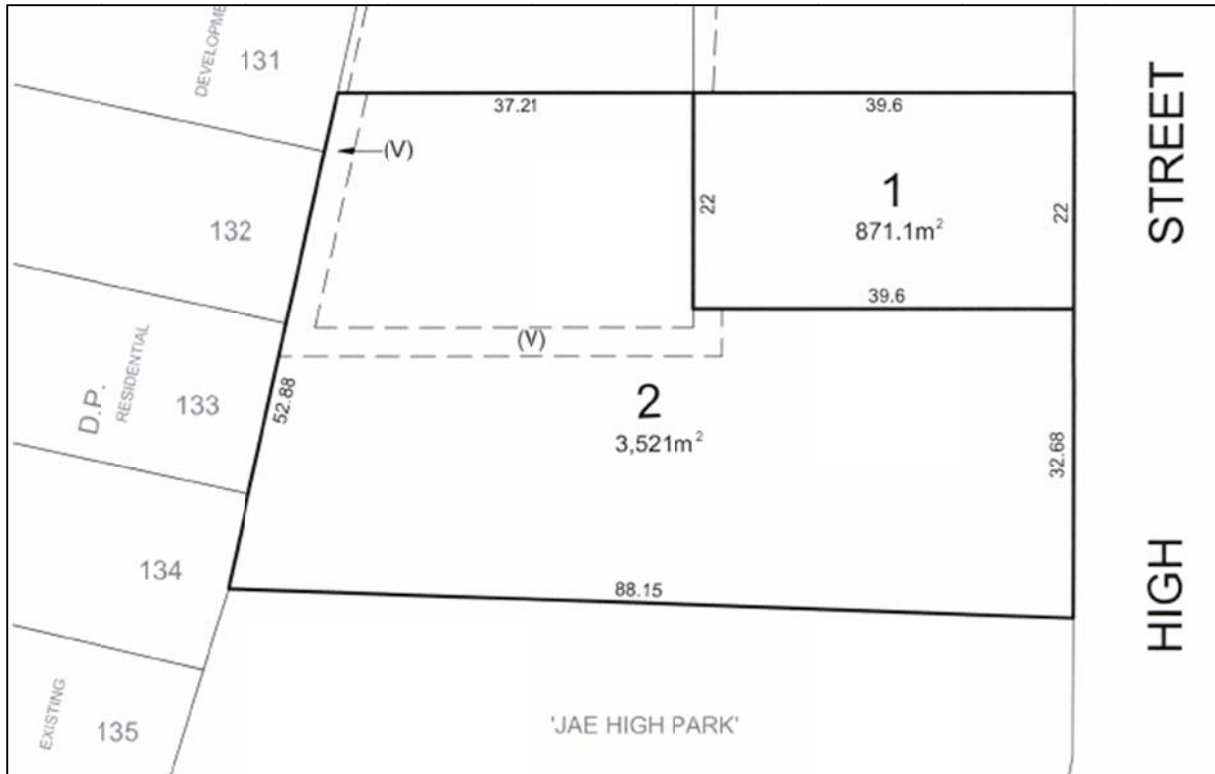


Figure 2 – Stage 1 Layout

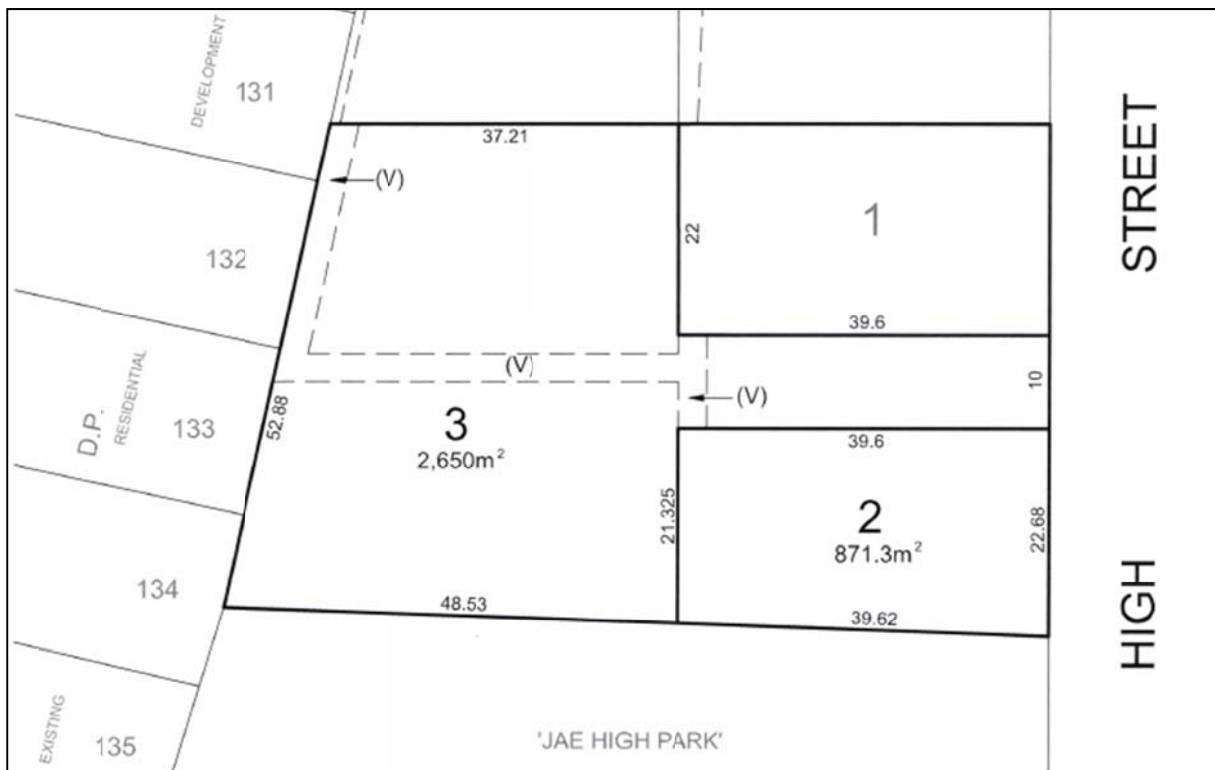


Figure 3 – Stage 2 Layout



Figure 4 – Stage 3 Layout

Proposed Development

The development proposes to modify the approved development plans to reposition boundaries to align with adjoining allotments, amend lot areas and introduce a staging plan over three (3) stages.

BACKGROUND

Council has previously approved Development Consent No. 2013/046 on the 15 July 2013, for the subdivision of 1 lot into 4 lots, including the provision of infrastructure to each lot.

COMMENTARY

Issues

4.15(1)(a)(i) the provisions of any environmental planning instrument

Gunnedah LEP, 2012

The development site is zoned R2 Low Density Residential, under the provisions of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The following GLEP 2012 clauses are applicable to the development:

4.1 – Minimum Subdivision Lot Size

The development site has a minimum lot size of 650m². The modification will not result in the reduction of any of the lots to an area of less than 650m². The modification will result in the smallest of the proposed lots being 871.1m². Hence, the modification of consent will not result in the development contravening minimum lot size.

6.5 – Essential Services

The modification will retain the provision of services to each lot. Conditions for servicing of water, sewer, stormwater, electrical and telecommunications are unchanged, as is the requirement for vehicle accesses to each lot from High Street.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The site is currently vacant. The previous application for subdivision considered the implications of site contamination. The modification will not encompass any areas of the site that were not previously considered.

State Environmental Planning Policy (Koala Habitat Protection) 2019

The development site has previously been assessed under the provisions of SEPP No. 44. However, SEPP No. 44 has been repealed. *State Environmental Planning Policy (Koala Habitat Protection) 2019*, now applies. The site has an area of less than 1 hectare. Hence, no assessment under the SEPP is triggered.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The modification of consent proposal does not include the removal of any trees or vegetation from the site.

4.15(1)(a)(iii) provisions of any development control plan**Gunnedah Development Control Plan 2012 (Gunnedah DCP)*****1.7.1 – Notified Development Applications***

The modification was notified to adjoining land holders as the original development was notified. Council received one (1) submission during the exhibition period. The matters raised within the submission are addressed further through this report.

5.1 – Lot Size

The modification will enlarge the front two lots that have direct access to High Street. The remaining two lots are battle axe shaped lots. These lots have an area greater than 1,300m², which is considered to be an acceptable lot area for future residential development. The lot frontages will not be affected.

5.2 – Service Strategy

The modification of consent will not impact the ability for the site to be serviced by essential services, as the location of previously approved services within the servicing strategy is unchanged. The modification will include a staged plan that indicates the timing of service provision to coincide with lot creation.

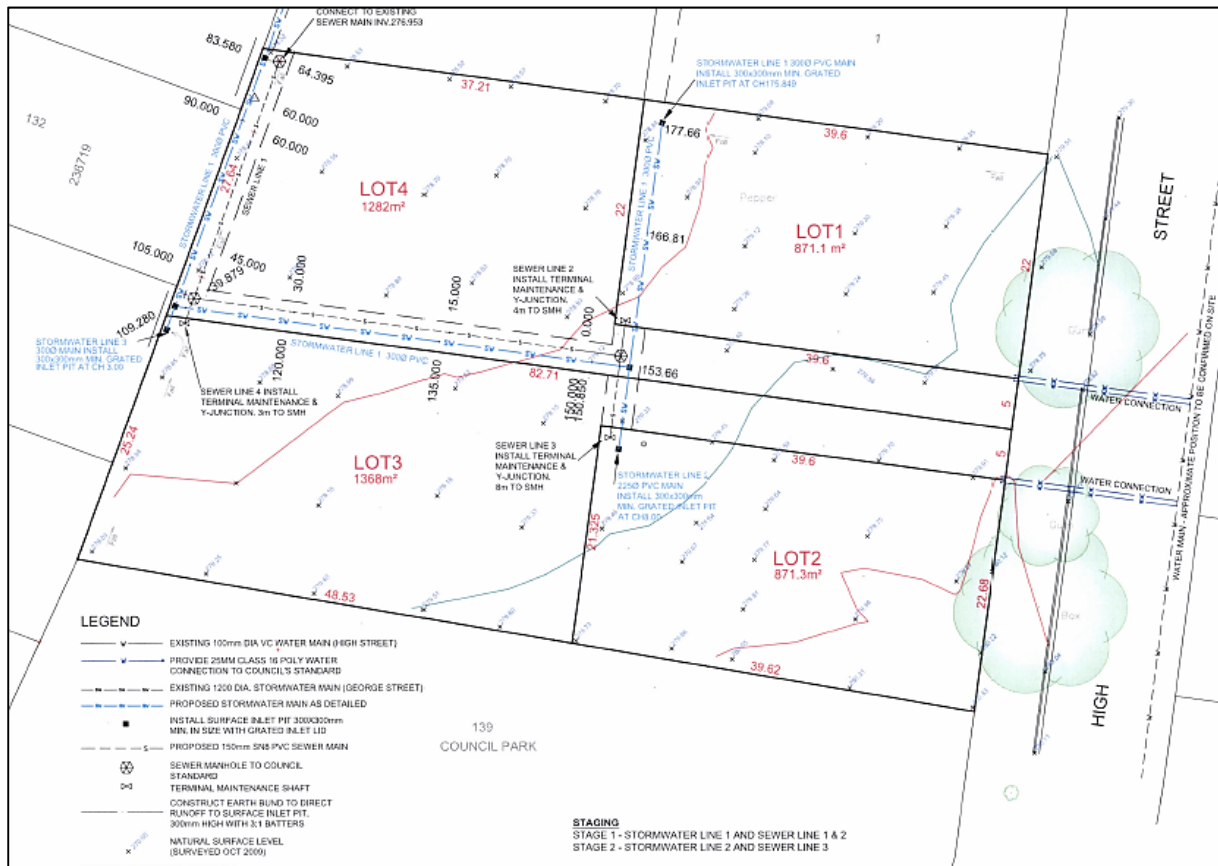


Figure 5 – Updated Servicing Strategy

5.3 – Sewer

Each lot will be serviced by Council’s gravity sewer infrastructure as per the previously approved servicing strategy.

5.4 – Water

Each lot will be serviced by Council’s water main infrastructure as per the previously approved servicing strategy.

5.5 – Stormwater Drainage

Each lot will be serviced by Council’s stormwater infrastructure, including the required construction of inter-allotment drainage lines to service each of the created lots.

5.6 – Telecommunications

Each lot will be serviced by Telecommunications services.

5.7 – Electricity

Each lot will be serviced by Electrical services.

5.8 – Battle-axe Shaped Lots

Lots 3 and 4, released in Stage 3, are both serviced by battle-axe handles. The previously imposed condition for the sealing of the access handle has not been amended.

5.11 – Staged Subdivision

The modification of consent proposal introduces 3 stages to the release of the development lots as per Figures 2, 3 and 4. The staging allows for the creation of lots with the retention of a 'residual' lot, containing the area for lots not yet released. There is no conflict between each of the stages created. All lots are capable of being created independently of other lots. Infrastructure is mostly required to be created at stage 1 to ensure that Lot 1 is able to be adequately serviced with, Sewer and Water Services. Service provision has been adequately staged.

5.14 – Site Access

Each lot will be accessed from High Street, with new kerb laybacks and footpath cross over to be constructed as part of the development.

4.15(1)(b) *the likely environmental impacts on the natural and built environments and social and economic impacts in the locality**Context & Setting*

The development site is currently vacant. The site is located within a low density residential area of Gunnedah to the south of the Gunnedah CBD. The lot configuration is consistent with the surrounding area. The development lot adjoins existing residential development and Jae High Park.

Water

The development will require extension of Council's services to each of the proposed lots to ensure adequate water services are present on all lots. Council's water services are present along the Eastern side of High Street. Stormwater will be disposed of via the proposed easement for stormwater lines to King Street.

Social & Economic impact in the locality

The proposed development is considered to have minimal social and economic impact. The proposed development will result in the creation of 3 additional lots onsite. The development of these 4 lots will provide potential for further residential development in the area.

Site design and internal design

Each of the lots have adequate frontage to a public road. Each proposed lot meets minimum lots size provisions.

S4.15(1)(c) Suitability of the Site

The modification of consent proposes a minor change to the development proposal. The amended layout will allow for the development to align with adjoining development boundaries. The development is consistent with the existing and future development in the locality. The site is not identified as being flood prone or bushfire prone. The site does not contain an item of heritage significance. Hence, the site is considered to be suitable for the proposed modification to the development.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The original development application was notified to the adjoining land holders. The modification is a S4.55(1A) modification and required notification in line with the original development assessment. Council notified the modification for a period of 14 days. One (1) submission was received during the exhibition period. Matters raised within the submission are listed and addressed as follows:

- ***Lots should only be occupied by single storey single dwelling houses***

Future development proposals will be considered at the time that an application is lodged to Council for the development of each lot. Applications will be considered based on permissible land uses within the R2 land zone. This development did not include a development proposal for any of the resulting lots, as the development refers to the subdivision of land only. Council cannot consider the restriction of development type or restrict future development to single storey as part of this development proposal.
- ***There is no street frontage or orientation towards park for lot 4.***

Lot for has frontage to High Street via a battle-axe handle. The general lot configuration and access is not to be changed as part of the modification of consent proposal. Council has a development control that allows for the provision of battle-axed shaped allotments as a suitable lot configuration. The dividing boundary between Lot 2 and 4 and Jae High Park is a property boundary, lot access is not permitted to and from the park. Orientation of any future development is the purview of the developer of any future development including boundary fence construction and design.
- ***Resale Value of surrounding neighbourhood***

Land valuations and resale values of surrounding neighbourhood is not a consideration for a development assessment and not a consideration for this modification of consent proposal.
- ***Noise impacts of enclosed yards for battle-axe lots***

This modification of consent will not increase the likelihood of any noise impacts. Future development of each of the lots will be considered based on their noise impacts on the surrounding area. The development of boundary fences is not part of this development proposal or modification of consent proposal and cannot be considered or presumed as part of this assessment. It is appropriate for residential developments to be adjacent to other residential developments.
- ***Existing remnant services within the site***

Existing services are not a consideration of this modification of consent, as the modification does not propose the abandonment of existing services utilised in the original development proposal. Suitable consideration of servicing has been made by Council's Infrastructure Services Department. Any redundant services will be addressed by Council or the developer during construction works.
- ***Excavation of Easements including length of time and at who's cost does this occur***

Easements may be excavated where installation of services below ground is required. The cost of all development works is to be born by the developer. Existing registered easements, with legal access for stormwater or sewer drainage, are utilised for the development. Council is unable to consider the length of time that a developer takes for construction to occur, however, it should be noted that construction works must be undertaken in accordance with proposed conditions of consent as outlined herein. This development consent has been activated in accordance with Section 4.53(4) of the *Environmental Planning and Assessment Act 1979* and hence does not lapse. Hence, works are able to be conducted at the developer's convenience. Sediment and erosion controls are required to be implemented for the extent of construction works to ensure that excavation material does not impact adjoining neighbours or the environment.

4.15(1)(e) the public interest

The modification of consent was not regarded as being integrated or designated development and did not require referral to any external Federal or State Government agencies. There are no relevant planning studies, strategies or management plans that are applicable to the proposed development.

Conclusion

The Modification of Consent Application is seeking consent to amend the development lot layout and introduce a staging plan consisting of the release of 4 lots over 3 stages. The application has been assessed under the provisions of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Modification of Consent Application has concluded that the proposed development is compliant with the legislative requirements for this development and determined that the modification of consent was substantially the same development as that of the original determination.

As per the recommendation of this report, it is concluded that Modification of Consent Application No. 2013/046.002, at 31 High Street, Lot 2 DP 835252, should be approved subject to the amendment of conditions underlined.

Andrew Johns

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

