

BELLINGEN SHIRE COUNCIL



**BELLINGEN
SHIRE COUNCIL**

NOTICE OF DEVELOPMENT PROPOSAL

RENOTIFICATION OF MODIFICATION TO DEVELOPMENT CONSENT 1988/DA-02040

Address: Lot 5 DP 802242 & Lot 19 DP 1197412, 5 & 21 Caseys Lane, BELLINGEN NSW 2454

Approved Development Description: Subdivision – 21 Lots

Proposed Modification Description: Amend subdivision layout and increase number of lots from 21 to 25 lots (resulting in an additional 4 lots to what was originally approved under 1988/DA-02040)

Applicant: Paul Hoschke

Submissions Close: 4:30pm 21 August 2023

Council would like to advise you that the above Modification Application lodged with Council on the 30th June 2021 is being renotified due to an error in the modification description.

The modification application as originally notified to adjoining owners with the following modification description:

Modification Description: Modify existing consent from 17 to 23 lots (resulting an additional 6 lots)

The correct Modification Description (having regard to minor amendments to the modified design since lodgement) is:

Proposed Modification Description: Amend subdivision layout and increase the number of lots from 21 to 25 lots (resulting in an additional 4 lots)

It is Council's practice to notify adjoining property owners and residents when Development Applications are received. This provides an opportunity for owners and residents to identify issues of concern in relation to the proposed development for Council's consideration.

To view the plans, associated documents and to follow the progress of the Development Application, visit the Public Exhibition on Council's website:

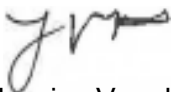
<https://www.bellingen.nsw.gov.au/Your-Council/Council-News-Updates/Items-on-Public-Exhibition>

Submissions may be lodged via email: council@bellingen.nsw.gov.au or via post. Please ensure the application number is provided, the property on which the development is proposed and the reasons for your concerns are made clear in your submission. Submissions must be lodged by the submissions close date above.

Your submission will be formally acknowledged and will be made publicly available, unless otherwise advised. Any objections received will be addressed in the assessment report prepared by Council as part of the assessment process. All persons who make a submission will be advised of the outcome of this Development Application.

Enquiries regarding this Development Application may be made to the undersigned on (02) 6655 7300.

Yours faithfully

A handwritten signature in black ink, appearing to read 'JVM', is written over a faint, illegible background.

Jessica Veenhuizen

DEVELOPMENT PLANNER



BELLINGEN SHIRE COUNCIL

ABN: 26 066 993 265

PO Box 117, BELLINGEN NSW 2454

Phone: 02 6655 7300

Application Form

Office Use Only

BELLINGEN
30 JUN 2021
SHIRE COUNCIL

General Requirements

- The Application Guide, available electronically or at the front counter, can be used to help determine the type of approval that the proposal will require.
- Council will not accept incomplete applications. It is the responsibility of the applicant to ensure required information is provided.
- Tick the boxes and fill out the sections as appropriate.
- Review and submit all the plans and documentation required to support the application.
- This form may be used for a single or combined application. Advice on the combining of applications should be first sought from Council prior to making an application(s).
- Fees **must** be paid at time of lodgement.

Privacy Notice The personal information provided may be available for public access and/or disclosure under various NSW Government legislation. For further information please contact Customer & Business Services.

Office Use Only	DA No: _____	CC No: _____	CDC No: _____	FILE No: 1988/DA-2040
	MD No: <u>2021/MD-21</u>	LG No: _____	BC No: _____	
	SC No: _____	RW No: _____	VP No: _____	DATE REC'D: <u>30/6/21</u>
	SWC No: _____			APPN ID: _____
PROPERTY ID: <u>L6125 & L13865</u>				

1 PROPERTY DETAILS (THE FOLLOWING DETAILS MUST BE COMPLETED)

Lot No	Deposited Plan No	Strata Plan No	Section No
<u>5 + 19</u>	<u>802242 + 1197412</u>		
Address No	Street/Road Name		
<u>5 + 21</u>	<u>Caseys Lane</u>		
Town/Locality			Postcode
<u>Bellingen</u>			<u>2454</u>

USE OF LAND AND BUILDINGS (Please describe, eg vacant land; dwelling; etc)

Vacant land + dwelling house

2 APPLICATION SUMMARY TYPE OF WORK PROPOSED (PLEASE TICK THE RELEVANT BOXES)

<input type="checkbox"/> Building Works – New	<input type="checkbox"/> Building Works – Additions/Alterations	<input type="checkbox"/> Advertising Sign/s <small>(Also complete attachment)</small>
<input type="checkbox"/> Demolition	<input checked="" type="checkbox"/> Subdivision / Boundary Adjustment	<input type="checkbox"/> Change of Use
<input type="checkbox"/> Earth Works	<input type="checkbox"/> Works in Road Reserve	<input type="checkbox"/> OSMS
<input type="checkbox"/> Tree Removal/Pruning <small>(Also complete attachment)</small>	<input type="checkbox"/> Activities & Events etc	<input type="checkbox"/> Other

DESCRIBE THE WORKS

Modify existing subdivision consent; 17 lots to 18

VALUE OF WORKS	AND	NO OF ADDITIONAL LOTS
\$ <u>N/A</u>		<u>N/A</u>
<small>(Relates to subdivision of land)</small>		

3 APPLICANT DETAILS

APPLICANT NAME(S)

PAUL HOSCHKE

Postal Address Postcode

[REDACTED]

2450

Home Phone

[REDACTED]

Business Phone Business Fax Mobile Phone

[REDACTED]

[REDACTED]

[REDACTED]

I/we the applicants declare to the best of my/our knowledge and belief that all the particulars hereon are correct in every detail and the information required has been supplied. I/we also hereby consent to the Bellingen Shire Council displaying and copying the application/s and supporting documentation, including designs, for the purposes of seeking public comment, when necessary.

Signature(s) Date

P. Hoschke

4 OWNER CONSENT DETAILS

ALL owners **must** complete this section. Where the owner is a corporation, the company seal must be applied and a statement of the capacity of the person signing the application. If you have recently purchased the land, you must provide a Certificate of title or Transfer Certificate showing the transferor, transferee and the current Lot and DP number of the property.

I/we the owners of the land to which the application/s apply hereby consent to the making of the application/s, and hereby grant to the council the power to enter and carry out inspections in relation to any land or building relating to the application/s.

OWNER(S) NAME

PAUL HOSCHKE

Address No Street/Road Name Town/Locality Postcode

[REDACTED]

2454

E-mail Address Phone

[REDACTED]

[REDACTED]

Signature(s) Date

P. Hoschke

OWNER(S) NAME

ESTATE OF THE LATE PATRICIA HOSCHKE

Address No Street/Road Name Town/Locality Postcode

[REDACTED]

[REDACTED]

E-mail Address Phone

AS ABOVE

AS ABOVE

Signature(s) Date

P. Hoschke as executor for estate of Patricia HOSCHKE

(C) APPROVALS ISSUED UNDER THE ROADS ACT 1993 (SECTION 138)

Roads Act Consent

Proposed works or use of the road reserve: _____

6 FORWARDING INSTRUCTIONS (PLEASE PROVIDE INSTRUCTIONS FOR FORWARDING THE DETERMINATION)

Post to Applicant

Pick Up (Phone No: _____)

7 BUILDING DETAILS

Please complete **ONLY** if you require a construction certificate or complying development certificate.

CLASSIFICATION: (AS PER BUILDING CODE OF AUSTRALIA)

BUILDER/COMPANY NAME

Address No.	Street/Road Name	Town/Locality	Postcode

E-mail Address _____

Licence No.	Business Phone	Mobile Phone

PLUMBER/WASTEWATER CONSULTANT

Address No.	Street/Road Name	Town/Locality	Postcode

E-mail Address _____

Licence No.	Business Phone	Mobile Phone

8 BUILDING SUSTAINABILITY INDEX (BASIX)

BASIX Certificate supplied (see application guide for further details)

→ Email preferable.

9 CONSTRUCTION DETAILS (REQUIREMENT OF THE ABS)

No of existing dwellings on the land on which the new building is to be erected?

No of existing dwellings to be demolished in connection with the erection of the new building?

Does the land contain a dual occupancy?

STRUCTURE 1

Description of new building (eg dwelling, shop, garage, shed or carport)

No of dwellings included in the new building

Value of new work \$ (including GST)

Is the building to be attached to any existing building?

Is the building to be attached to any other new building?

No of storeys (including underground)

New floor area created by the building work (does not include area of unenclosed carports, verandahs etc)..... m²

Floor

- 20 concrete or slate
- 40 timber
- 80 other
- 90 not specified

Frame

- 40 timber
- 60 steel
- 70 aluminium
- 80 other
- 90 not specified

Walls

- 11 brick (double)
- 12 brick (vener)
- 20 concrete or stone
- 30 fibre cement
- 40 timber
- 50 curtain glass
- 60 steel
- 70 aluminium
- 80 other
- 90 not specified

Roof

- 10tiles
- 20concrete or slate
- 30fibre cement
- 60steel
- 70aluminium
- 80other
- 90not specified

STRUCTURE 2

Description of new building (eg dwelling, shop, garage, shed or carport)

No of dwellings included in the new building

Value of new work \$ (including GST)

Is the building to be attached to any existing building?

Is the building to be attached to any other new building?

No of storeys (including underground)

New floor area created by the building work (does not include area of unenclosed carports, verandahs etc)..... m²

Floor

- 20 concrete or slate
- 40 timber
- 80 other
- 90 not specified

Frame

- 40 timber
- 60 steel
- 70 aluminium
- 80 other
- 90 not specified

Walls

- 11 brick (double)
- 12 brick (vener)
- 20 concrete or stone
- 30 fibre cement
- 40 timber
- 50 curtain glass
- 60 steel
- 70 aluminium
- 80 other
- 90 not specified

Roof

- 10tiles
- 20concrete or slate
- 30fibre cement
- 60steel
- 70aluminium
- 80other
- 90not specified

10. LIST DOCUMENTS AND PLANS ACCOMPANYING THIS APPLICATION

- 1. *Peteren Consulting Group Correspondence 16 June 2021*
- 2. *Plan of Subdivision*
- 3.
- 4.

Office Use Only

FEES & CHARGES

FILE NO	APPN ID	VALUE \$		
FEE OR CHARGE	AMOUNT	DATE PAID	RECEIPT No.	
INTEGRATED FEE RECEIVED \$ _____				
S012 INTEGRATED DEVELOPMENT FEE – COUNCIL.. \$ _____				
S100 PLANNING REFORM FUND \$ _____				
S011 DEVELOPMENT APPLICATION \$ _____				
S018 COMPLIANCE LEVY \$ _____				
S009 DA NOTIFICATION..... \$ _____				
S008 ADVERTISING..... \$ _____				
S011 MODIFICATION..... \$ _____				
S013 CONSTRUCTION CERTIFICATE..... \$ _____ GST inc				
S049 MANDATORY INSPECTIONS (No of _____).... \$ _____ GST inc				
S021 LONG SERVICE LEVY \$ _____				
S242 WATER SUPPLY \$ _____				
S125 WASTE SYSTEM INSTALLATION (SEPTIC, ETC). \$ _____				
S239 WASTE SYSTEM (SEWER)..... \$ _____				
S094 LOCAL GOVERNMENT APPROVAL \$ _____				
S017 ROADS ACT..... \$ _____				
S049 OCCUPATION CERTIFICATE..... \$ _____				
S191 SUBDIVISION CERTIFICATE \$ _____				
B023 BUILDING CERTIFICATE..... \$ _____				
B117 COMPLYING DEVELOPMENT \$ _____				
B136 PLAN APPROVAL FEE \$ _____				
A013 PRIVATE CERTIFIER..... \$ _____				
A230 BOND..... \$ _____				
B027 OTHER (eg. copies of plans and documents, etc) \$ _____ GST inc				
TOTAL FEES \$ _____		RECEIPTED BY _____		

REGISTRATION

- Activity File record.
- Building Structure records.
- Referral Sheet/Merge doc.
- Workflow created.
- Application records.
- Copies to Engineers.
- Land Parcel links.
- Waste System records.

REGISTRATION COMPLETED BY _____



SCALE: 1:1000	ORIGINAL SHEET SIZE A3	PLAN NO. A	SHEET NO. 1	NO. OF SHEETS 1
DATUM: AHD		JOB No: 5905-22		DRAWN: IGE
ORIGIN: TOPO		DATE: 17-10-2022		
R.L.:				

REVISIONS	
DATE	DETAILS

IAN G EVISON & PARTNERS
CONSULTING SURVEYORS, ENGINEERS AND PLANNERS

2 SEMAPHORE STREET
EMERALD BEACH NSW 2456

Mobile 0408 655 191
Email ige@aapt.net.au

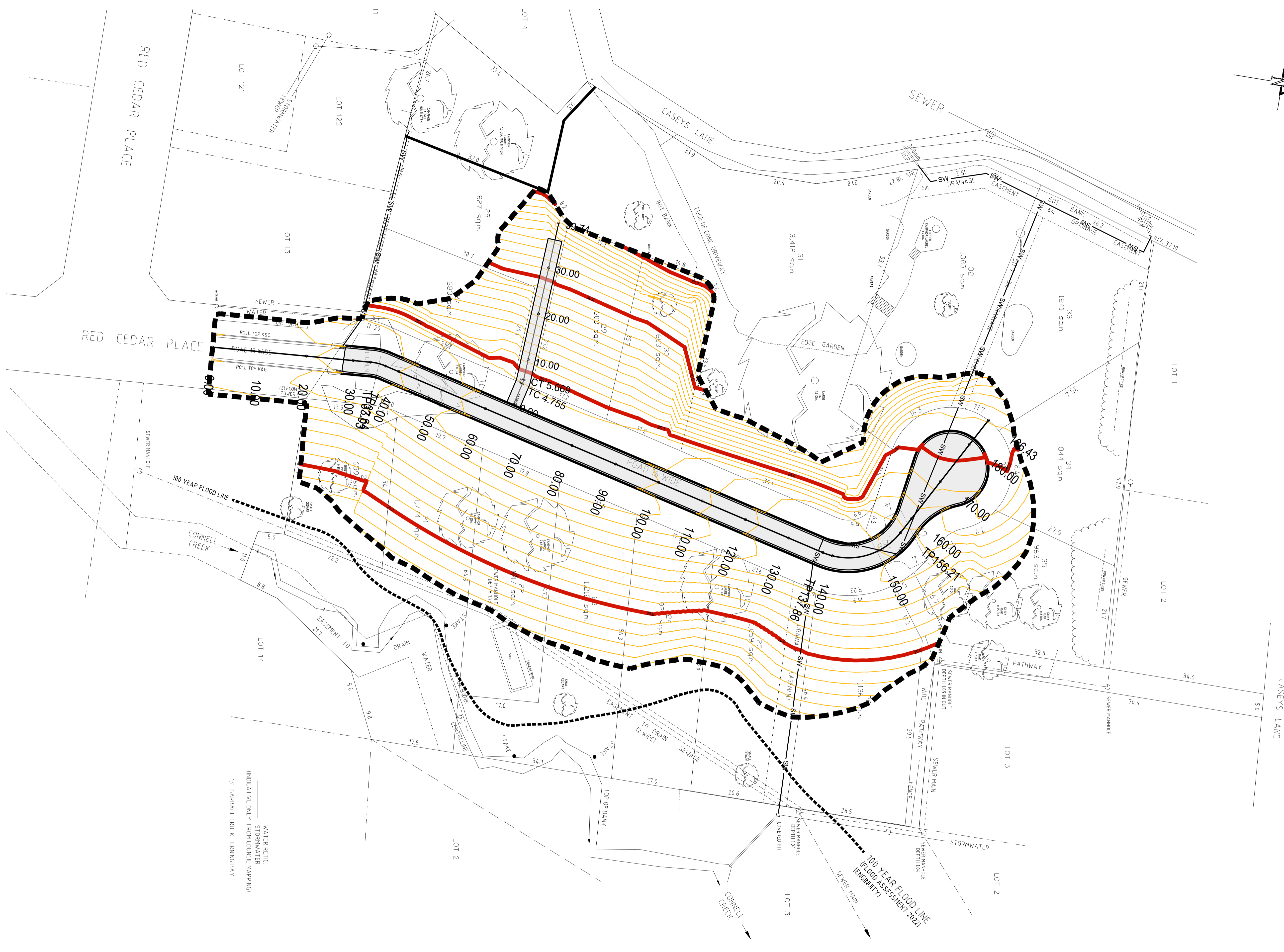
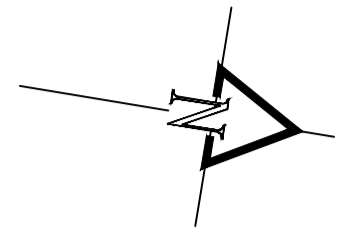
**PLAN OF PROPOSED SUBDIVISION OF
LOT 19 DP 1197412 & LOT 5 DP 802242
RED CEDAR PLACE, BELLINGEN**

PAUL HOSCHKE

BELLINGEN SHIRE COUNCIL

APPROVED ON BEHALF OF COUNCIL

COUNCIL PLAN NO.



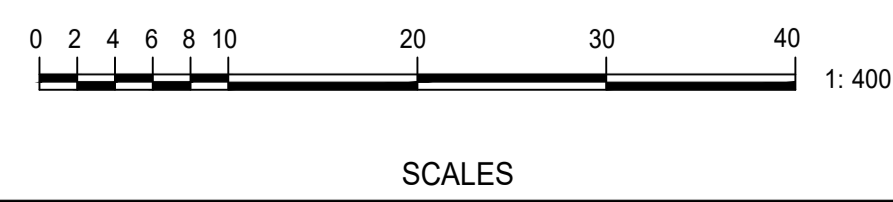
INDICATIVE ONLY - FLOOD COUNCIL MAPPING
 'B' GARBAGE TRUCK TURNING BAY
 WATER RETIC
 STORMWATER

D:\Civil Innovations\21007 Red Cedar Place, Bellingin\CAD\DWG\21007 RED CEDAR PLACE.dwg

PLOTTED: 30-Apr-23

(C) COPYRIGHT
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Datum: A.H.D			
Grid : GDA94(MGA)			
Origin : SSM			
Reference Plans:		WMC	29/04/23
C FOR REVIEW		WMC	13/08/22
B FOR REVIEW		WMC	02/11/21
A FOR REVIEW			
Issue	Amendments	Apprd.	Date



Survey	
Designed	
Drawn	
Checked	
Status	
Job Ref.:	

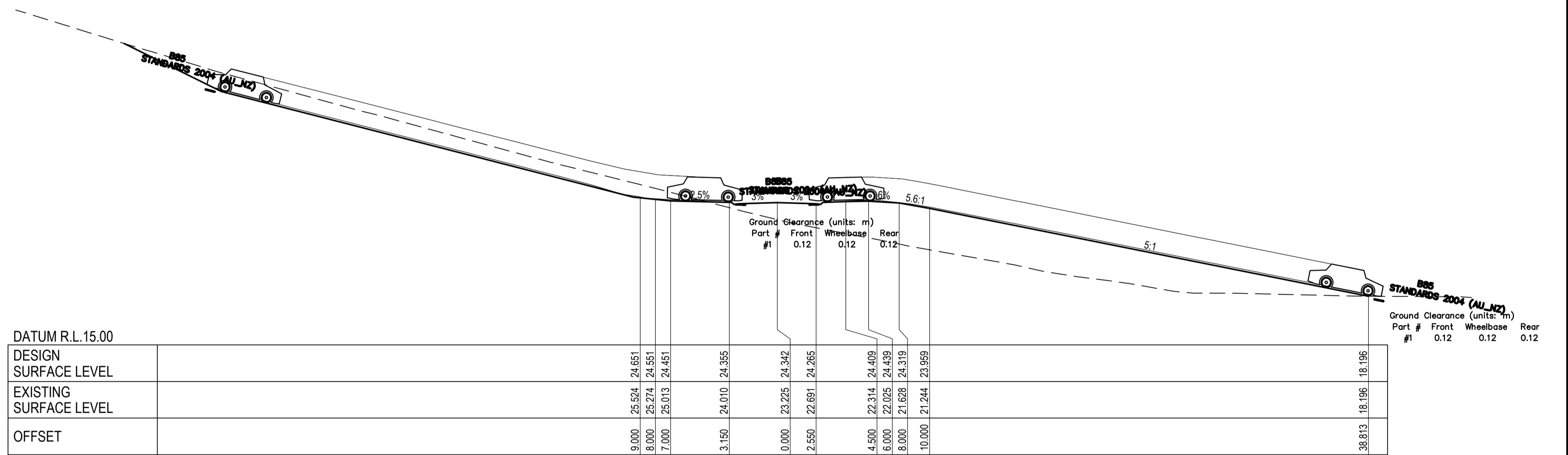
SIGNED APPROVALS ON ORIGINAL	
Approved for Construction	Yes/No/DATE/DM
Drawing Status : Unless there is an approved signature hereon, this plan is not for construction.	

CIVIL Innovations
 Ph 0428 426 292
 wayne.cooper88@gmail.com

RED CEDAR PLACE, BELLINGEN
 PROPOSED 17 LOT RESIDENTIAL SUBDIVISION
 OF LOT 19 DP1197412 & LOT 5 DP802242
 RED CEDAR PLACE, BELLINGEN

Drawing No.	DA01
Sheet 1 of 8	
Size	A1
Issue	C

D:\Civil Innovations\21007 Red Cedar Place, Bellingham\CAD\DWG\21007 RED CEDAR PLACE.dwg

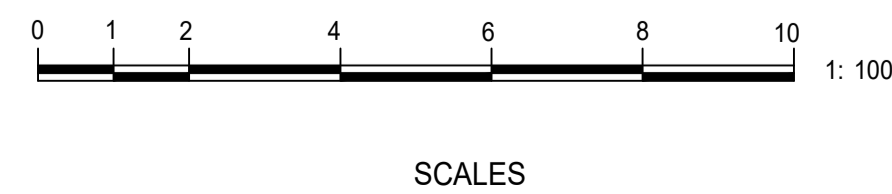


70.000 EXTENDED SECTION

Scales Hor. 1:200 (A1)
Ver. 1:200 (A1)

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A FOR REVIEW	WMC	02/11/21	
Issue	Amendments	Apprd.	Date



Survey		SIGNED APPROVALS ON ORIGINAL	
Designed		Approved for Construction	Yes/No/DATED/DM
Drawn			
Checked			
Status		Drawing Status : Unless there is an approved signature hereon, this plan is not for construction.	
Job Ref.:			

CIVIL Innovations
Ph 0428 426 292
wayne.cooper88@gmail.com

RED CEDAR PLACE, BELLINGEN
PROPOSED 17 LOT RESIDENTIAL SUBDIVISION
OF LOT 19 DP1197412 & LOT 5 DP802242
RED CEDAR PLACE, BELLINGEN

Drawing No.	DA05
Sheet	5 of 8
Size	A1
Issue	C



Petersen Consulting
GROUP

ABN 27 620 258 639

1 May 2023

The General Manager
Attn: Jessica Veenhuizen
Bellingen Shire Council
PO Box 117
BELLINGEN NSW 2454

Dear Jessica

Application to Modify Development Consent 2040 – Lot 5 DP802242 and Lot 19 DP1197412, 5 and 21 Casey's Lane, Bellingen

Introduction

Reference is made to your correspondence dated 27 March 2023 regarding the above Application.

The following responses are provided in relation to the issues raised in your correspondence.

1. Description of Development

We have had the benefit of viewing the original approved plan associated with the Consent.

We agree that the Consent approved the creation of 21 x lots (across Lot 22 DP738329 as it then was), and that 9 x of these approved lots have since been created.

The Application seeks to rearrange the layout of the remaining approved lots, as well as create an additional 4 x lots. So, the Application seeks to modify the Consent so as to create a total of 25 x lots, from the 21 x lots originally approved. A short description of the development would therefore be rearrangement and increase in lots (21 to 25).

2. Road Design

Please see the attached amended Engineering Drawings (Issue C) from Civil Innovations; the Drawings now detail verges falling to gutters.

The road grade was originally adjusted to reduce the grade at the cul de sac head (Engineering Drawings Issue A -> Engineering Drawings Issue B), with the Engineering Drawings Issue B attached to our correspondence dated 18 October 2022. The Issue B Drawings were provided in response to Council's email dated 9 December 2021. These grades were (verbally) advised as being satisfactory from Council's then Development Engineer. These grades are

address 6 WHITE BLUFF ROAD
SAPPHIRE BEACH NSW 2450

email
web
telephone
mobile



Town Planning & Development

shown on the attached Engineering Drawings, and do not exceed 5% at the cul de sac head; see Engineering Drawing DA03.

3. Vehicular Access

Driveway grades were previously adjusted in the Engineering Drawings Issue B attached to our correspondence dated 18 October 2022. Changes of grade for domestic driveways require transitions for summit grade changes greater than 12.5% and sag grade changes greater than 15%. 2m transitions have been provided for all domestic driveways (see the various cross sections on the attached Engineering Drawings for Lots 27-30¹).

A vertical clearance diagram is also included in the attached Engineering Drawings for Lot 28 (see Drawing Number DA06).

We are unaware that AS2890.1:2004 includes any guidance on the length of driveways, including linked to gradient. The requirements of clause 2.6 of AS2890.1:2004 are however noted.

It would be appreciated if Council might identify the relevant clause in AS2890.1:2004 linked to driveway length, so that we might further address this.

Regardless of the above, the longitudinal section for Lot 28 (Driveway 1 – Drawing Number DA03) on the attached Engineering Drawings shows a maximum gradient of 25% and the driveway has been designed to comply with clause 2.6 of AS2890.1:2004.

As stated above, the attached Engineering Drawings include cross sections for the lots that will have the steepest driveways (Lots 27-30), so as to demonstrate that acceptable gradients might be achieved across the subdivision. This was considered by Council officers as a sensible approach to demonstrating acceptable grades, with these lots specifically referenced in Council's email dated 9 December 2021. The attached Engineering Drawings retain cross sections for Lots 27-30, demonstrating compliance with clause 2.6 of AS2890.1:2004.

4. Stormwater Discharge

The easement for stormwater purposes between Lots 25 and 26 has been widened to 5m, based on a conservative estimate of flow rates, and 100% blocked drainage infrastructure (see Engineering Drawing DA08).

5. Landowners Consent

The attached Engineering Drawings do not detail any work to Lot 13 DP1073980.

Conclusion

If you have any queries regarding the above information or the Application, please do not hesitate to contact me on [REDACTED]

Yours sincerely



Mark Petersen
Director

¹ The cross section for Lot 28 is referred to as Driveway 1 on the Engineering Drawings.



Petersen Consulting
GROUP

ABN 27 620 258 639

16 June 2021

The General Manager
Bellingen Shire Council
PO Box 117
BELLINGEN NSW 2454

Dear Sir/Madam

Application to Modify Development Consent 2040 – Lot 5 DP802242 and Lot 19 DP1197412, 5 and 21 Casey's Lane, Bellingen

Introduction

This correspondence accompanies the above Application, which seeks to modify Development Consent 2040, a copy of which is attached.

It appears Development Consent 2040 was originally issued on 25 May 1989, and subsequently amended on 20 February 1996. It provides for the subdivision of the site into 21 x lots. In this regard the Notice of Determination for Development Consent 2040 describes the approved development as:

"Proposed redesign of 17 lots and road layout from a subdivision for 21 lots approved on 25th May, 1989"

Development Consent 2040 has been acted on; a number of lots and (public) road (Red Cedar Place) have been created under the Consent.

This Application seeks to modify the Consent by:

- Making changes to the layout of lots along the western side of the cul de sac (Red Cedar Place). This includes the provision of 2 x lots with battle axe handles to the cul de sac (proposed Lots 28 and 29).
- A slight relocation of the cul de sac to the east, which results in a reduction in the area of lots along its eastern edge.
- An increase in the number of lots to be created from 17 to 23 (with 5 x of these lots already having been created along Lucas Avenue and near its intersection with Red Cedar Place).

The modified development will retain the cul de sac extending into the northern portion of the site; maintain lots along its eastern and western edge (well above the minimum lot size); maintain 4 x lots at the head of the cul de sac; and, retain the "future pathway" at the head of the cul de sac through to Caseys Lane (and ultimately Crown Street).

address: 6 WHITE BLUFF ROAD
SAPPHIRE BEACH NSW 2450

email: [REDACTED]@petersenconsulting.com.au

web: [REDACTED].au

telephone: [REDACTED]

mobile: [REDACTED]

Town Planning & Development

The proposed battle axe lots (28 and 29) will have handles 4m wide, and the inclusion of these (battle axe lots) are not a "repeated design measure" – there being only two.

Lots along the eastern edge of the cul de sac retain significant areas above the 1 in 100-year flood event.

It is understood that should the modification be approved; it may be that various conditions of the Consent will also be modified, not least given the dated nature of these. In this regard:

- Conditions 5, 13, 14, 16, 17, 20, 22, 23, 25, 27, 28 and 33 may need to be amended where they refer to outdated documents.
- Condition 15 should be amended to correctly refer to the modified lot numbers.
- Condition 25 should be deleted; any development of proposed lots will be subject to the present planning regime.
- Condition 26 should be deleted; it is unnecessary (future buildings, works etc that move through an approval process will be required to be constructed to meet current flood-related minimum floor levels as part of that process).
- Condition 27 should be deleted; tree removal will be subject to the present planning regime.
- Conditions referencing outdated entities might be amended (such as those that refer to the "Director", "Public Works Department" etc).

The modification is lodged pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Section 4.55(2) of the EP&A Act provides:

"4.55 Modification of consents—generally

...

(2) Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

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

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(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

(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.

Subsections (1) and (1A) do not apply to such a modification.

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

...”

There are numerous cases of the NSW Land and Environment Court that have considered what tests are involved in determining whether a modified development is “substantially the same development”. These cases have resulted in:

- Consideration of whether a development remains qualitatively and quantitatively the same (*Moto Projects (No 2) Pty Ltd v North Sydney Council* [1999] NSWLEC 280; (1999) 106 LGERA 298
- An assessment of whether the modification “does not radically transform the originally approved development”: *Tipalea Watson Pty Ltd v Ku-ring-gai Council* [2003] NSWLEC 253; (2003) 129 LGERA 351.
- An acceptance that the word “substantially” means “essentially or materially having the same essence”: *Vacik Pty Ltd v Penrith City Council* (Land and Environment Court, Stein J, 24 February 1992); *North Sydney Council v Michael Standley & Associates Pty Ltd* [1998] NSWSC 163; (1998) 43 NSWLR 468.

The modified development retains the primary quality of the approved development, that being the subdivision of land (for residential purposes).

Quantitatively, the number of allotments will change, although not radically so, with only 6 x additional lots being added over the site.

In terms of the modified development retaining the same “essence” as the development previously approved, again, the modified development remains a subdivision, with lots likely to be further developed for residential purposes.

The modified development will remain a subdivision of land, involving construction of a central cul de sac; with lots sitting either side and at the head of the cul de sac; and, with changes therefore limited to the number, layout and size of resulting lots. It will therefore not result in a development that is radically transformed from that presently approved. Notably too, the road and lots will remain in roughly the same location, and servicing will remain largely unaffected. The development will therefore remain substantially the same as that presently approved.

Section 4.55(3) of the EP&A Act requires a consent authority to take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. In this regard, notable items for consideration arising from the modification are addressed below:

1. The surrounding road network (Red Cedar Place, Lucas Avenue, Hill/Ford Street) is considered suitable to accommodate the extra traffic movements that the additional lots are likely to generate (Chapter 3 of the Bellingen Development Control Plan 2017).
2. Adequate services (infrastructure) are available to the site and can be extended to service the proposed lots (Chapter 3 of the Bellingen Development Control Plan 2017).

3. A maximum of two battle axe lots are proposed to service lots distant from the cul de sac (Lots 28 and 29); the use of this type of lot is limited within the subdivision (Chapter 3 of the Bellingden Development Control Plan 2017).
4. The proposed lots will all be well above the 600m² minimum lot size as indicated in the Lot Size Map (Bellingden Local Environmental Plan 2010).
5. The proposed lots (eastern side of the cul de sac) contain areas (>400m²) above the 1 in 100-year flood event (Chapter 8 of the Bellingden Development Control Plan 2017).
6. The modification will result in a modest increase in lots consistent with Planning Priority 6 of the *Bellingden Shire Local Strategic Planning Statement 2020-2040*, which is stated as "To meet most of the housing needs of a wide cross section of the community through well designed infill housing". Notably, the Priority includes a "... *wide range of measures to encourage a greater supply and variety of housing types within existing residential areas, measures to address housing affordability ...*" The modification will add to the supply of residential lots within Bellingden.

If you have any queries regarding the above information or the Application, please do not hesitate to contact me on



Yours sincerely

A handwritten signature in black ink that reads "Mark Petersen".

Mark Petersen
Director