



Planning Submission

Section 4.55(1A) Modification to DA51507/2017
(Proposed Part 4)

23 - 27 Meadow Road, Springfield

Prepared for Meadow Rd Pty Ltd

August 2020

1. INTRODUCTION

This Planning Submission has been prepared on behalf of Meadow Rd Pty Ltd in support of a section 4.55(1A) application to Central Coast Council to modify Development Consent DA51507/2017 for the approved subdivision at 23 – 27 Meadow Road, Springfield (Lots 1 and 2 DP 1239452).

Development Consent DA51507/2017 was issued by Council on 21 November 2017 to subdivide the land into 11 residential lots & demolition of an existing dwelling.

Development Consent DA51507/2017 was modified by Council on 12 July 2019 (Part 2) to stage the approved subdivision in four (4) stages.

Development Consent DA51507/2017 was modified by Council on 14 August 2020 (Part 3) to stage the approved subdivision in two (2) stages.

The current proposal is to modify the consent under section 4.55(1A) of the Environmental Planning & Assessment Act 1979 to amend the approved Stage 1 subdivision to create one (1) additional lot, which is in effect excising proposed Lot 3 from the larger development site. The proposal is of minimal environmental impact, and remains substantially the same as the development for which consent was originally granted.

This submission considers the proposal against the requirements of section 4.55(1A) of the *Environmental Planning & Assessment Act*, and relevant planning instruments including Gosford LEP 2014 Gosford DCP 2013 and relevant state planning controls. The assessment also addresses the matters for consideration under Section 4.15(1) of the *Environmental Planning & Assessment Act, 1979*.

2. THE PROPOSED MODIFICATION

The proposal is to modify development consent DA51507/2017 to amend the approved Stage 1 plan, and there is no change to the approved Stage 2 plan.

The current approved (Part 3) Stage 1 is for subdivision of Lots 1 and 2 DP 1239452 to create 2 Lots, with Lot 1 having an area of 1264.1m² and Lot 2 having an area of 8,874.5m², and resulting in no additional lots being created. Easements and construction of infrastructure works for stormwater and sewer are proposed over Lot 2 in favour of Lot 1, and provision is made for on-site detention and bio retention filtering on Lot 1. Approved Stage 1 is shown below.

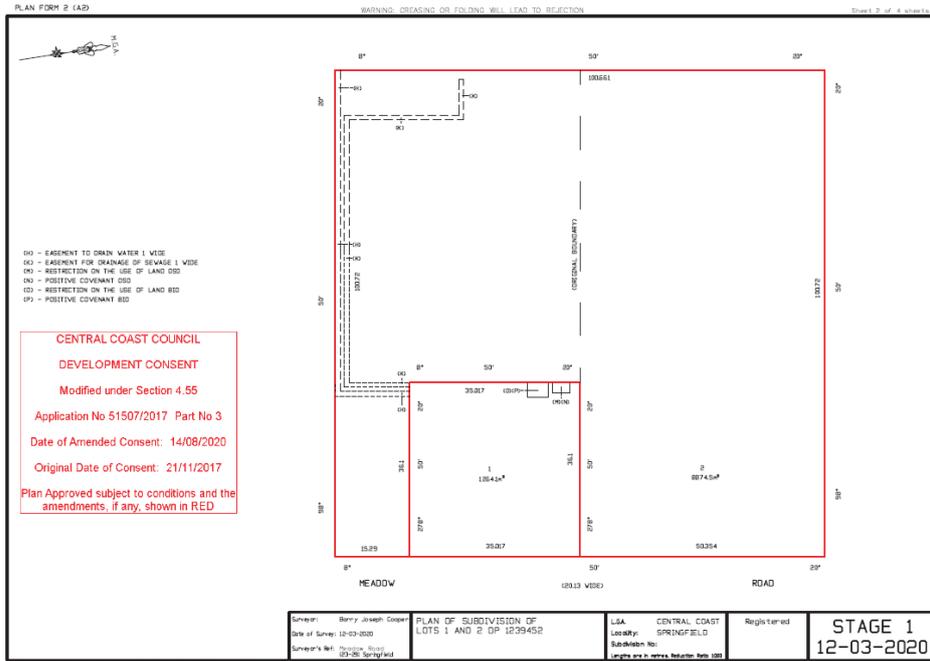


Figure 1 - Approved (Part 3) Stage 1 Plan

The proposed amended Stage 1 is for subdivision of Lot 1 DP 1239452 to create 2 Lots, with Lot 1 having an area of 1264.1m² and Lot 2 having an area of 3,802.8m², and resulting in one additional lot being created which is in effect excising future Lot 3 from the larger development site (Stage 2), and there is no subdivision or re-subdivision of Lot 2 DP 1239452. Easements and construction of infrastructure works for stormwater and sewer are proposed over Lot 2 in favour of Lot 1, and provision is made for on-site detention and bio retention filtering on Lot 1. The proposed amended Stage 1 is shown below

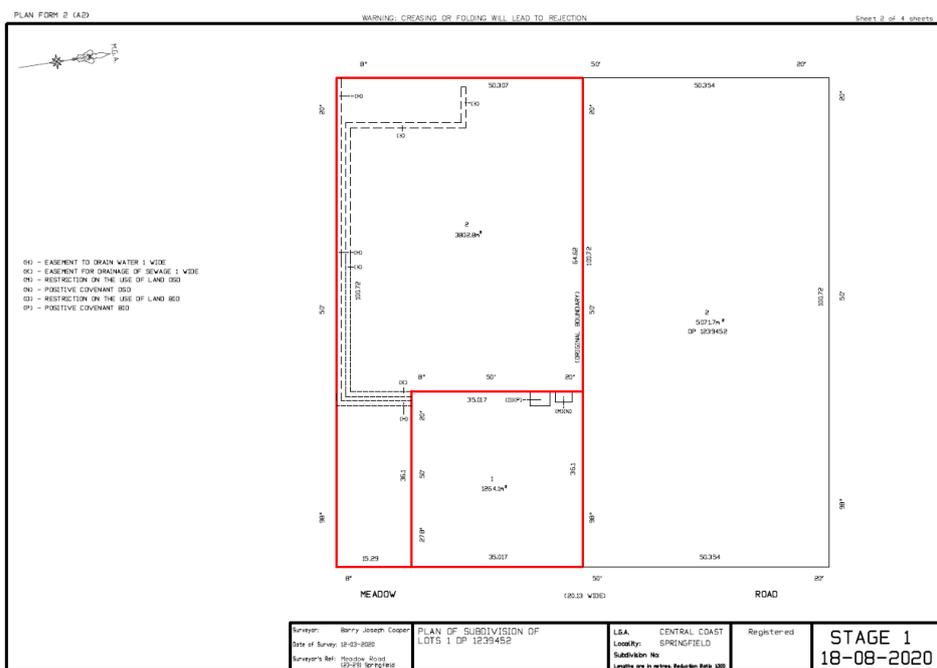


Figure 2 - Proposed (Part 4) Stage 1 Plan

The modification does not make any changes to the approved Stage 2 plans, which is for the remainder of the subdivision of proposed Lot 2 (in Stage 1) and Lot 2 DP1239452 into ten (10) lots and associated easements and construction works for access and all services.

The modification continues very minor adjustment to some of the original approved lot sizes, which will remain the same as the approved Part 2 modification Stage 4 and the approved Part 3 modification Stage 2.

The modification will require adjustment to the development consent to incorporate any required changes to conditions relevant to the changes to Stage 1, and as only 1 additional lot is being created at Stage 1, it is submitted that the roadworks in Meadow Road should remain a requirement of Stage 2 works.

3. PLANNING CONSIDERATIONS

Under section 4.55(1A) of the *Environmental Planning & Assessment Act 1979* Development Consent 51507/2017 is able to be modified, in accordance with the following requirements:

(1A) Modifications involving minimal environmental impact

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 proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (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 any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

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- (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.*

The requirements of section 4.55(1A) are addressed below, together with an assessment of the proposal and its impacts under section 4.15(1A) of the Act.

3.1 Whether the proposed modification is of minimal environmental impact

The proposed modification will have a minimal environmental impact, if any, noting the proposal relates only to the staging of the subdivision, and will maintain the same number of stages (both subdivision and construction works) compared to the Part 3 modification already approved by Council.

The proposal does not result in any additional development potential of the land beyond the original consent, and the resulting Stage 2 subdivision is consistent with the approved plans under the original consent.

3.2 Whether the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted

The proposal, as amended, will remain the same development as was originally approved, being in total an 11 lot residential subdivision, and the only change is to carry out the subdivision in 2 stages, with the Stage 2 subdivision being the same as that already approved.

The proposal maintains the same lot yield as has already been approved, and seeks to modify the approved development in a manner that will not alter the final subdivision layout compared to that already approved by Council.

An assessment of the impacts of the changes has been undertaken and the impacts will remain consistent with those of the already approved development, as detailed below.

3.3 Notification of the application and consideration of any submissions

It is submitted that the nature of the modification does not require public notification, and this is a matter for Council to consider. The application may also require referral to the Rural Fire Service for the issue of a new Bush Fire Safety Authority, if required.

3.4 Consideration of relevant matters under section 4.15(1)

Section 4.15(1) of the *Environmental Planning & Assessment Act* sets out a number of considerations in the assessment of development applications including relevant planning controls and the impacts of the development. The following matters are relevant to the proposed modification.

3.4.1 Zoning, permissibility and zone objectives

The land subject to the modification is zoned R2 Low Density Residential under Gosford LEP 2014.

Subdivision of the land is permissible under clause 2.6 of Gosford LEP 2014, and modification of the consent is permitted under Section 4.55(1A) of the *Environmental Planning & Assessment Act, 1979*.

The proposed modification remains consistent with the objectives of the R2 Low Density Residential zone, and will continue to provide for the housing needs of the community within a low density residential environment.

3.4.2 Minimum Lot Size

The proposal includes lots of between 551.9m² and 1,537.2m², which comply with the minimum lot size under Gosford LEP 2014, and will be the same as the lot sizes approved under the Part 2 modification.

3.4.3 Character

The land is located in the Springfield *scenic buffer (future residential)* character area, and the modification will not result in any change to the appearance of the approved development and the modified development will remain compatible with the desired future character of the area as set out in Chapter 2 of Gosford DCP 2013.

3.4.4 Access and Traffic

The modification will not result in any change to traffic generation or access arrangements compared to the approved subdivision. Roadwork upgrades to Meadow Road are required under the consent and these will be carried out at Stage 2 under the proposed modification.

3.4.5 Services

The modification makes provision for servicing of the site, consistent with the original consent and approved modification, and interim arrangements are proposed to service the proposed Stage 1.

3.4.6 Environmental Impacts

The modification will not result in additional environmental impacts, and the number of stages remains the same as the approved modification.

3.4.7 Bushfire Considerations

The approved subdivision has a Bush Fire Safety Authority from the Rural Fire Service, and the proposal does not change the number of lots or configuration of lots compared to the already approved modification.

3.4.8 Other Considerations

The proposed modification does not alter the compliance of the approved development with relevant State Environmental Planning Policies, Gosford LEP 2014 or Gosford DCP 2013, and will not result in any external impacts on adjoining or surrounding properties.

4. CONCLUSION

In conclusion, the modified development remains the same as has already been approved, with a change to allow a minor change to Stage 1 of the currently approved development.

An assessment of the modification under sections 4.55(1A) and 4.15 of the *Environmental Planning & Assessment Act 1979* demonstrates the proposal is of minimal environmental impact, will be substantially the same as the development for which consent was originally granted, and will not result adverse impacts on adjoining properties or the surrounding area.