

190433 ABR

12<sup>th</sup> December 2025

Maitland City Council  
263 High Street  
MAITLAND NSW 2320

Dear Sir/Madam

**RE: PROPOSED S4.56 MODIFICATION OF DA2023/497  
TORRENS TITLE SUBDIVISION  
NINE LOTS INTO 281 LOTS (STAGED)**

## **1.0 Introduction**

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On behalf of Avid Property Group Pty Ltd (“Avid”), Council is requested to modify development application No 2023/497 (DA2023/497) pursuant to the provisions of Section 4.56 of the Environmental Planning and Assessment Act 1979.

The subject development application relates to a 281 lot Torrens Title residential subdivision constructed in three stages – this being Stage 81, 82 and 83 of the Waterford Development which sits within the north western portion of the Thornton North Urban Release Area.

The modifications proposed includes amendments to the biodiversity management plan and making a minor adjustment to the approved development staging and associated amendments to lot numbering.

This modification application should be read in conjunction with the following:

- LEC Judgement & Consent Conditions (refer to **Appendix A**);
- Proposed DA Plans (refer to **Appendix B**);
- Proposed CENG Plans (refer to **Appendix C**);
- Biodiversity Management Plan – Retained Land (**Appendix D**).

## **2.0 Background – DA2023/497**

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DA2023/497 was lodged with Maitland City Council on 14<sup>th</sup> July 2023 for a 282 lot Torrens Title Residential Subdivision in three stages over land known as 29 Stillwater Parade, 40 Goldring Street, 3 and 7 Caldera Street, 16 and 18 Darkmouth Street, 9 Rockmaster Street, Billabong Parade and 261 Settlers Boulevard (now known as 227 Settlers Boulevard), Chisholm NSW (the site).

Avid Residential Estates Pty Ltd made an appeal pursuant to s 8.7 of the *Environmental Planning and Assessment Act 1979* against the deemed refusal of DA2023/497 (*Avid Residential Estates Pty Ltd v Maitland City Council (2025) NSWLEC 1210*).

A s 34 conciliation conference under s 34 of the *Land and Environment Court Act 1979* between the parties was convened by the Court on 2<sup>nd</sup> September 2024. The conciliation conference was adjourned a number of times before a s 34 agreement was reached between the parties on 18<sup>th</sup> December 2024.

On 4<sup>th</sup> April 2025 the Court upheld the appeal, granting development consent to DA2023/497. The decision consented to a 281 lot residential subdivision constructed in three stages including two stormwater drainage reserve lots and three residue lots over the site.

### 3.0 Amendments

The modification seeks to amend the approved subdivision staging from three to seven separate stages and amend a portion of the biodiversity management lands to provide lands with higher ecological value for ongoing management. The revised BMP lands will also allow for the lot owner to the north access the approved road network in the event of a flood at Four Mile Creek.

#### 3.1 Subdivision Staging

The approved staging is proposed to smaller sub-stages to allow for more manageable construction packages and expedite the supply and release of residential lots to the market. The amendments only relate to the staging boundaries and subsequent residue lots, and will not alter the overall subdivision layout, footprint or lot yield.

Associated amendments are also proposed for the lot numbering to maintain consistency of lot numbers within the amended stages.

Extracts from the approved and proposed staging are provided within **Figure 1** and **Figure 2** respectively.

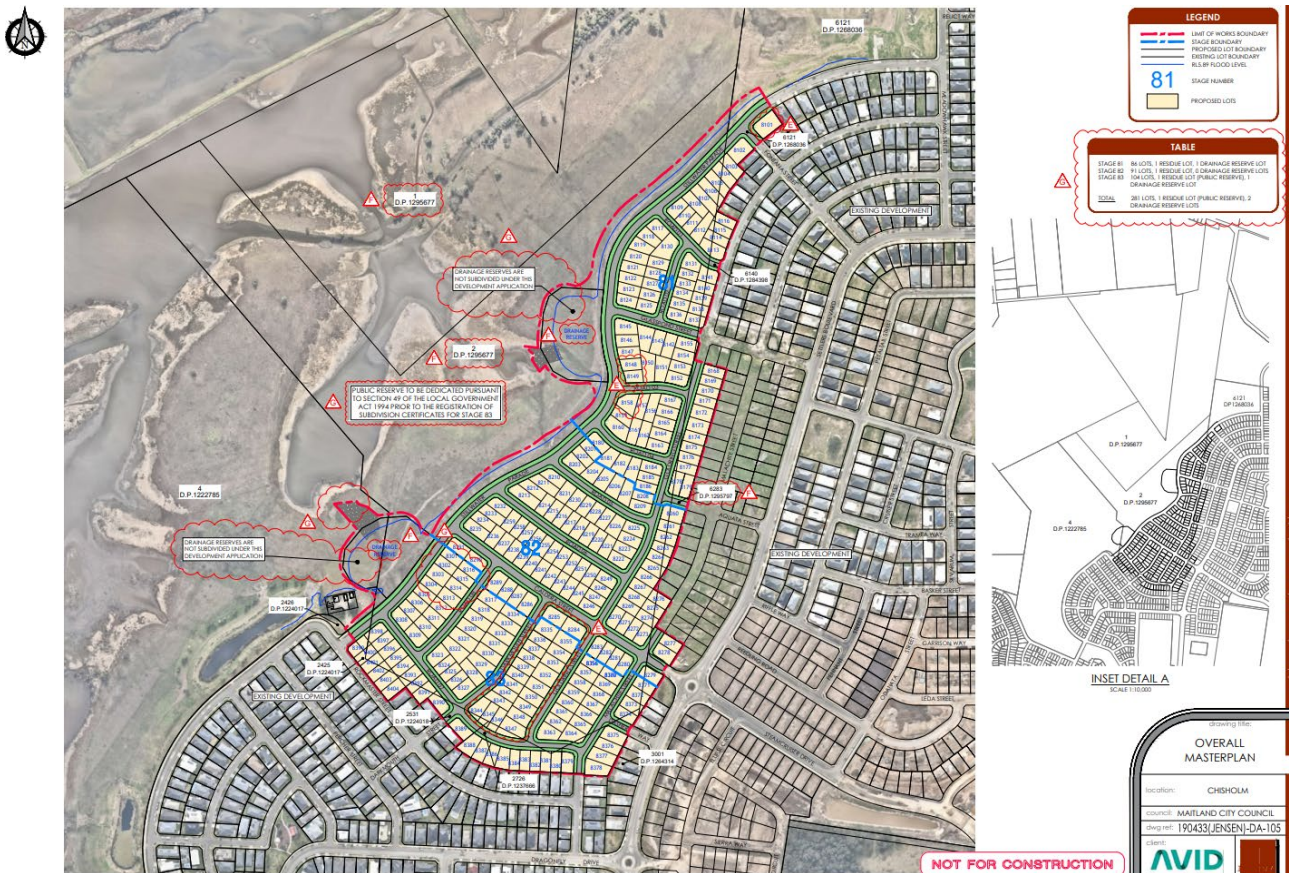


Figure 1: Approved Overall Masterplan

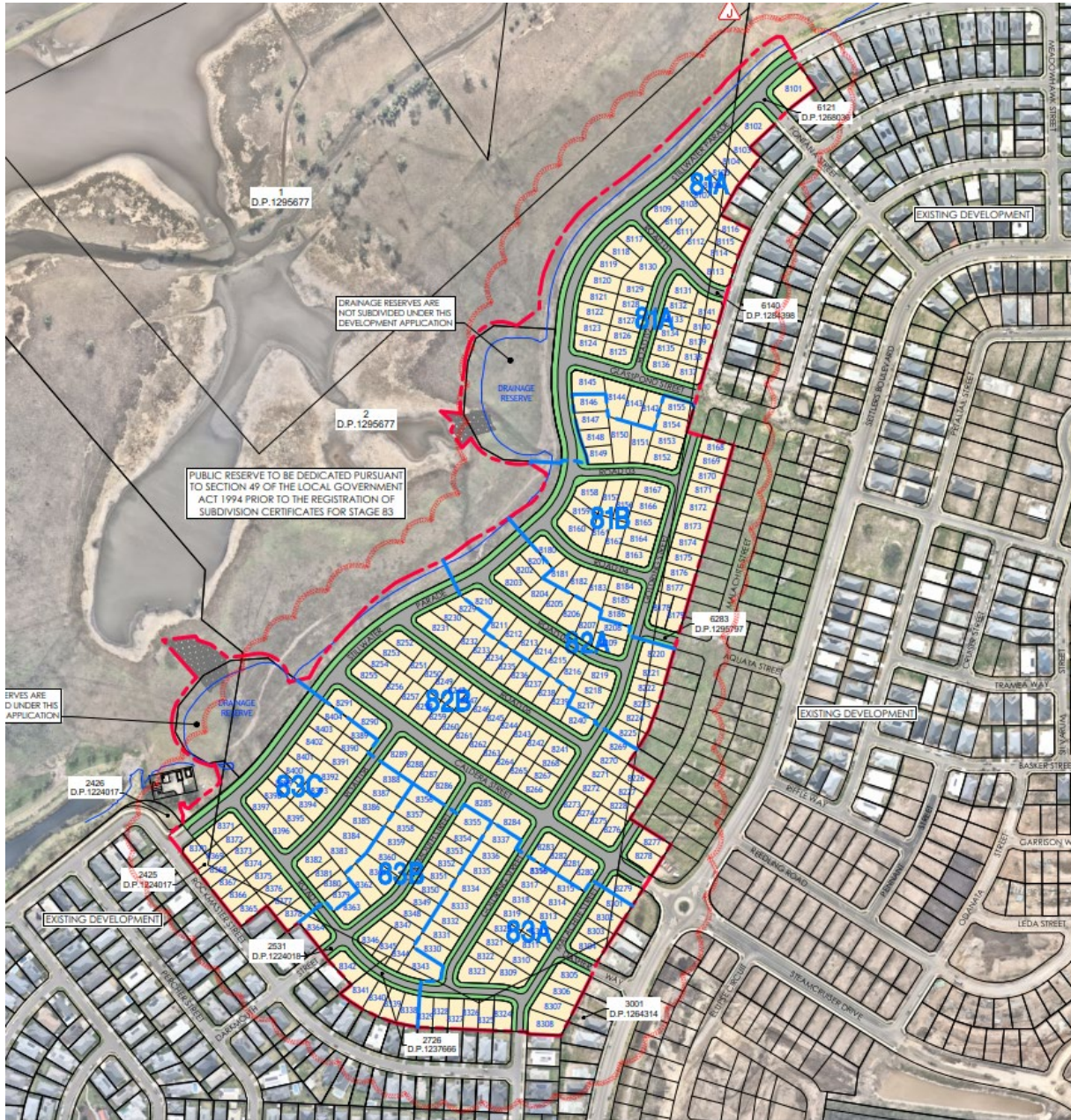


Figure 2: Amended Staging Plan

The proposed subdivision staging is described in **Table 1**, with extracts of the approved and proposed staging provided in **Figure 3** to **Figure 5** below to further illustrate how the existing staging will be split.

Table 1: Approved and Proposed Subdivision Staging

Approved Stage	Approved Lots	Lot Numbers	Proposed Stage	Proposed Lot	Lot Numbers
81	86 lots, 1 residue lot, 1 drainage reserve lot	8101 - 1186	81A	45 lots, 1 residue lot, 1 drainage reserve lot	8101 - 8145
			81B	41 lots	8146 - 8186
82	91 lots, 1 residue lot	8201 - 8291	82A	25 lots, 1 residue lot	8201 - 8225
			82B	66 lots	8226 - 8291

Approved Stage	Approved Lots	Lot Numbers	Proposed Stage	Proposed Lot	Lot Numbers
83	104 lots, 1 residue lot (public reserve), 1 drainage reserve lot	8301 - 8404	83A	37 lots	8301 - 8337
			83B	27 lots	8338 - 8364
			83C	40 lots, 1 residue lot (public reserve), 1 drainage reserve lot	8365 - 8404
<u>Total</u> = 281 lots, 1 residue lot (public reserve), 2 drainage reserve lots			<u>Total</u> = 281 lots, 1 residue lot (public reserve), 2 drainage reserve lots		

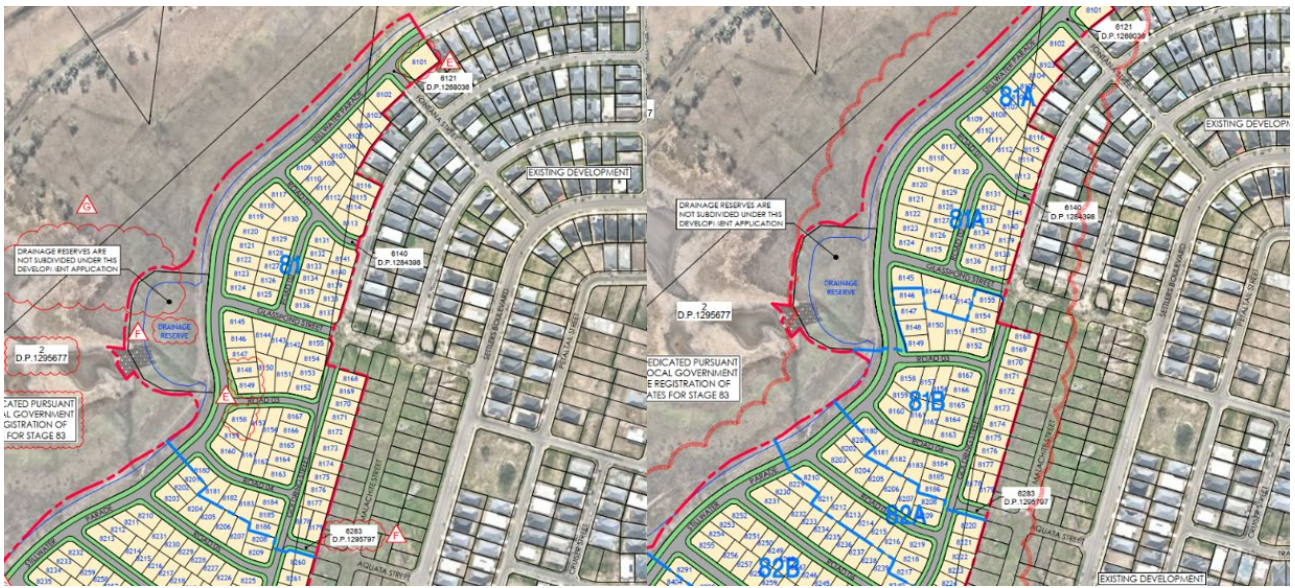


Figure 3: Approved (left) and Proposed (right) Stage 81

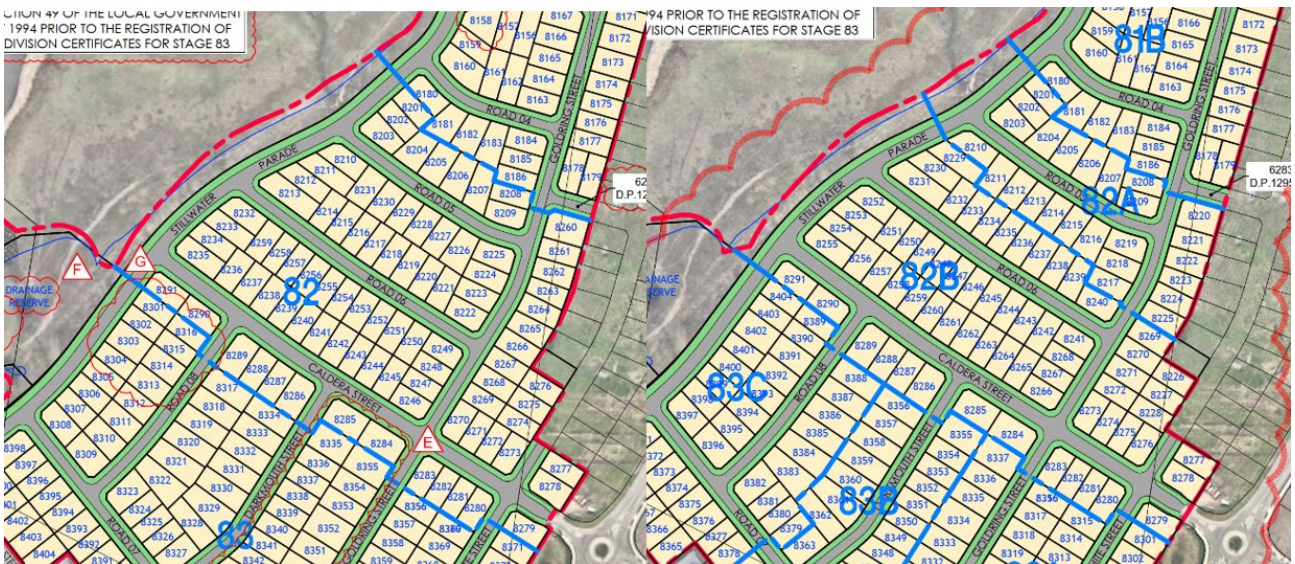


Figure 3: Approved (left) and Proposed (right) Stage 82

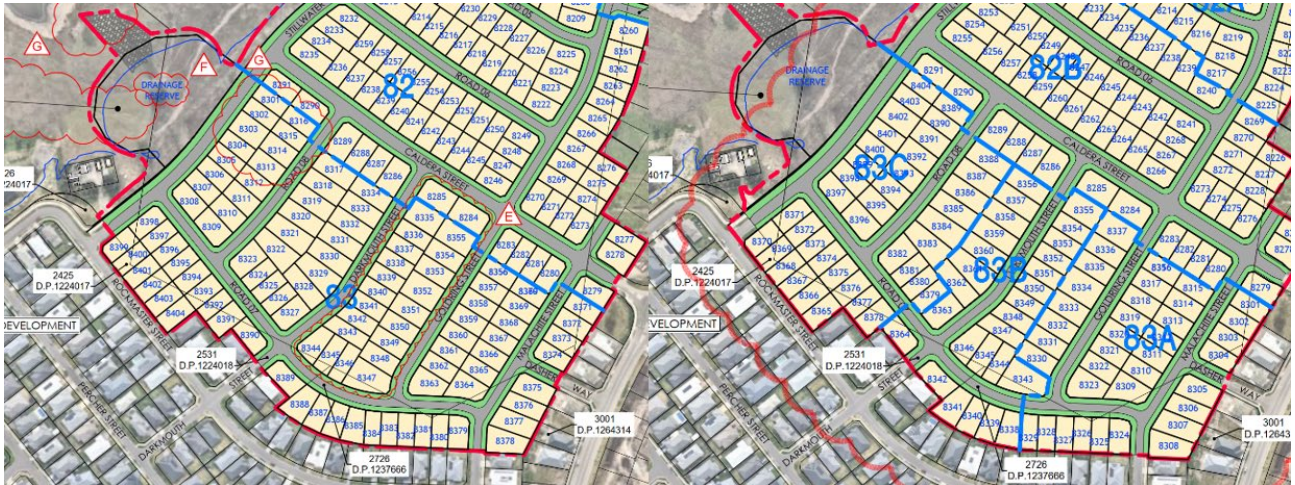


Figure 4: Approved (left) and Proposed (right) Stage 83

### 3.2 Updates to Biodiversity Management Lands

The proposed update to the Biodiversity Management Plan (BMP) comprises of an adjustment to the offset area within the retained lands. It is noted that the total offset area remains unchanged at 1.17ha (see Figures 5 and 6) but the proposed realignment of the BMP lands intends to secure an area of higher ecological value for long-term protection. This revised configuration strengthens the overall environmental outcome by prioritising vegetation and habitat that deliver greater contributions to biodiversity conservation.

It is also noted, the amended layout provides an opportunity to formalise access to the approved road network for the adjoining northern property, Lot 1 DP1295677, providing access to the southern portion of that property without crossing the watercourse on the site. These modifications deliver both ecological and planning benefits while maintaining the same offset area and requirements.



Figure 5: Approved BMP Area

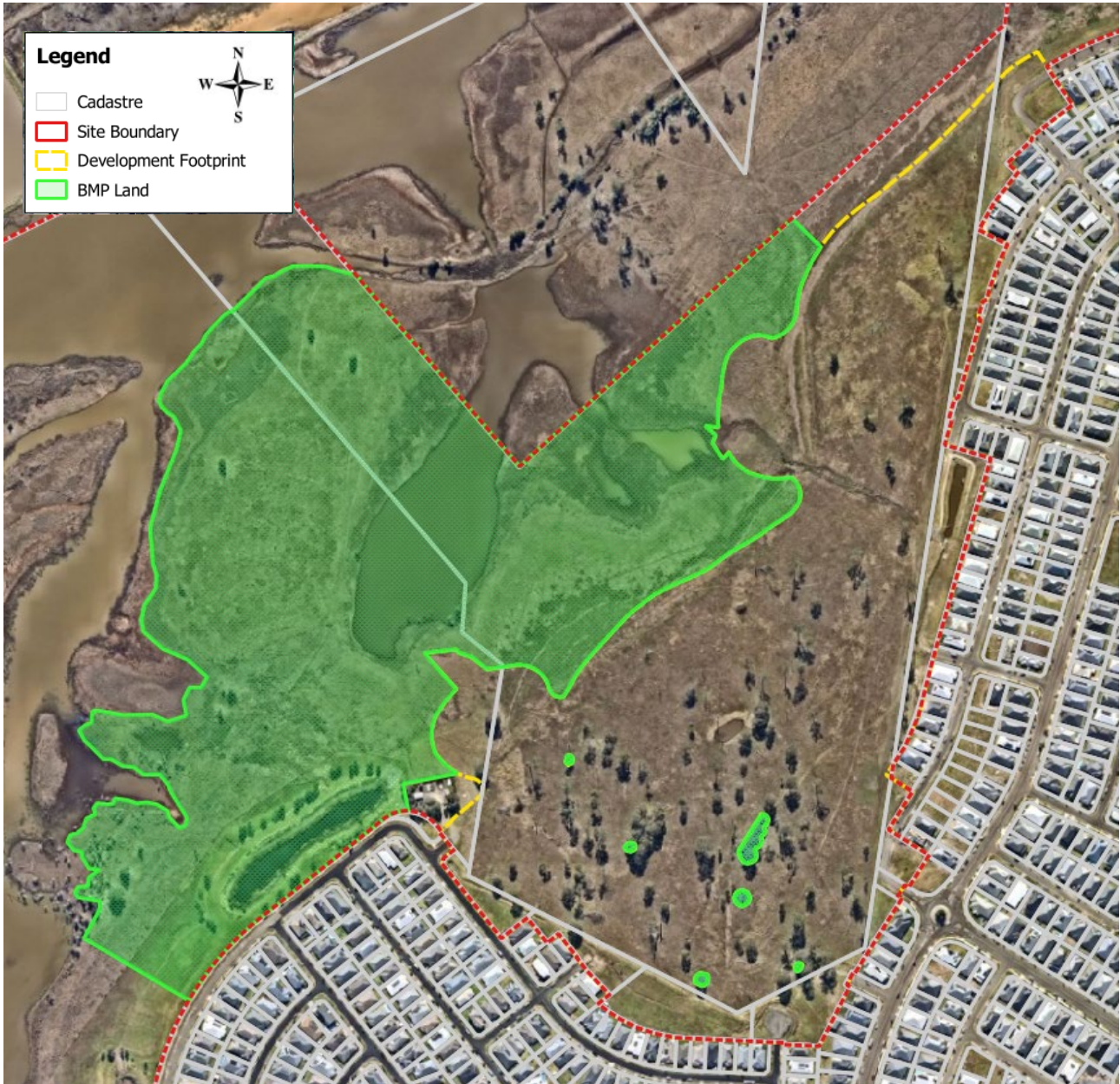


Figure 6: Proposed BMP Area

### 3.3 Summary

In summary, the following modifications are requested:

- Increase subdivision staging from three to seven sub stages;
- Amend lot numbers to suit amended staging; and
- Update to biodiversity management plan and offset area.

The following aspects of DA2023/497 will remain the same:

- No change to the development footprint or associated environmental impacts;
- No change to the lot layout or yield;
- No change to the road configuration or width of roads; and
- The objectives and size of the BMP remain unchanged.

Amended plans are provided as follows:

- **Appendix B** – Proposed DA Plans; and
- **Appendix C** – Proposed CENG Plans.

## 4.0 Details of and Justification for Proposed Modification

To accommodate the proposed modifications, the following conditions require amendment (**red** = additions; ~~strikethrough~~ = deletions):

### **Condition 1 – Amend**

*The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions of this consent or as shown in red colour on the plans:*

Revised Subdivision Plans prepared by: ADW Johnson, drawing reference 190433 (ensen)			
Name of Pan	Drawing Number	Issue	Date
Cover sheet and drawing index	DA-101	H-K	9 October 2024 <b>28 November 2025</b>
Overall masterplan	DA-105	H-K	9 October 2024 <b>28 November 2025</b>
Detail plan sheet 1	DA-106	H-K	9 October 2024 <b>28 November 2025</b>
Detail plan sheet 2	DA-107	H-K	9 October 2024 <b>28 November 2025</b>
Detail plan sheet 3	DA-108	H-K	9 October 2024 <b>28 November 2025</b>
Detail plan sheet 4	DA-109	H-K	9 October 2024 <b>28 November 2025</b>
Detail plan sheet 5	DA-110	H-K	9 October 2024 <b>28 November 2025</b>
Detail plan sheet 6	DA-111	H-K	9 October 2024 <b>28 November 2025</b>
Detail plan sheet 7	DA-112	H-K	9 October 2024 <b>28 November 2025</b>
Subdivision staging plan A	DA-118	H-K	9 October 2024 <b>28 November 2025</b>
Subdivision staging plan B	DA-119	H-K	9 October 2024 <b>28 November 2025</b>
Subdivision staging plan C	DA-120	H-K	9 October 2024 <b>28 November 2025</b>

Generally, in accordance with revised Engineering Plans prepared by: ADWJohnson, project number 190433(81-83)			
Name of Pan	Drawing Number	Issue	Date
Cover sheet, index of drawing and locality sketch	CENG-001	G I	9 October 2024 <b>28 November 2025</b>
Overall site plan	CENG-002	G I	9 October 2024 <b>28 November 2025</b>
Demolishing and tree removal plan	CENG-003	G I	9 October 2024 <b>28 November 2025</b>

Detail and services plan - sheet 1	CENG-101	G I	9 October 2024 <b>28 November 2025</b>
Detail and services plan - sheet 2	CENG-102	G I	9 October 2024 <b>28 November 2025</b>
Detail and services plan - sheet 3	CENG-103	G I	9 October 2024 <b>28 November 2025</b>
Detail and services plan - sheet 4	CENG-104	G I	9 October 2024 <b>28 November 2025</b>
Detail and services plan - sheet 5	CENG-105	G I	9 October 2024 <b>28 November 2025</b>
Detail and services plan - sheet 6	CENG-106	G I	9 October 2024 <b>28 November 2025</b>
Detail and services plan - sheet 7	CENG-107	G I	9 October 2024 <b>28 November 2025</b>
Typical road profiles and kerb details	CENG-201	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Stillwater Parade - sheet 1	CENG-211	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Stillwater Parade - sheet 2	CENG-212	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Stillwater Parade - sheet 3	CENG-213	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Stillwater Parade - sheet 4	CENG-214	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section -Golding Street - sheet 1	CENG-215	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section -Golding Street - sheet 2	CENG-216	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section -Golding Street - sheet 3	CENG-217	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section -Malachite Street - sheet 1	CENG-218	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section -Malachite Street - sheet 2	CENG-219	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Caldera Street - sheet 1	CENG-220	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Caldera Street - sheet 2	CENG-221	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section -Aquata Street	CENG-222	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Darkmouth Street	CENG-223	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Dasher Way	CENG-224	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Fontana Stree	CENG-225	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Glasspond Street	CENG-226	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Road No.1 and Road No.2	CENG-227	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Road No.3 and Road No.4	CENG-228	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Road No.5	CENG-229	G I	9 October 2024 <b>28 November 2025</b>
Road longitudinal section - Road No.6	CENG-230	G I	9 October 2024 <b>28 November 2025</b>

Road longitudinal section - Road No.7 - Sheet 1	CENG-230	G I	9-October 2024 <b>28 November 2025</b>
Road longitudinal section - Road No.7 - Sheet 2	CENG-232	G I	9-October 2024 <b>28 November 2025</b>
Road longitudinal section - Road No.8	CENG-233	G I	9-October 2024 <b>28 November 2025</b>
Site regrade plan - sheet 1	CENG-501	G I	9-October 2024 <b>28 November 2025</b>
Site regrade plan - sheet 2	CENG-502	G I	9-October 2024 <b>28 November 2025</b>
Site regrade plan - sheet 3	CENG-503	G I	9-October 2024 <b>28 November 2025</b>
Site sections - sheet 1	CENG-511	G I	9-October 2024 <b>28 November 2025</b>
Site sections - sheet 2	CENG-512	G I	9-October 2024 <b>28 November 2025</b>
Site sections - sheet 3	CENG-513	G I	9-October 2024 <b>28 November 2025</b>
Retaining wall detail plan - sheet 1	CENG-551	G I	9-October 2024 <b>28 November 2025</b>
Retaining wall detail plan - sheet 2	CENG-552	G I	9-October 2024 <b>28 November 2025</b>
Retaining wall detail plan - sheet 3	CENG-553	G I	9-October 2024 <b>28 November 2025</b>
Erosion and sediment control details and notes - sheet 1	CENG-611	G I	9-October 2024 <b>28 November 2025</b>
Erosion and sediment control details and notes - sheet 2	CENG-612	G I	9-October 2024 <b>28 November 2025</b>
Services plan - sheet 1	CENG-701	G I	9-October 2024 <b>28 November 2025</b>
Services plan - sheet 2	CENG-702	G I	9-October 2024 <b>28 November 2025</b>
Services plan - sheet 3	CENG-703	G I	9-October 2024 <b>28 November 2025</b>
Services plan - sheet 4	CENG-704	G I	9-October 2024 <b>28 November 2025</b>
Services plan - sheet 5	CENG-705	G I	9-October 2024 <b>28 November 2025</b>
Services plan - sheet 6	CENG-706	G I	9-October 2024 <b>28 November 2025</b>
Services plan - sheet 7	CENG-707	G I	9-October 2024 <b>28 November 2025</b>

**Potential Building Envelope Plans prepared by: ADWJohnson, drawing reference 190433(|en)-ESK-039**

Name of Pan	Drawing Number	Issue	Date
Potential building envelopes overview plan	Sheet 1 of 5	D	14 October 2024
Potential building envelopes overview plan 1	Sheet 1 of 5	D	14 October 2024
Potential building envelopes overview plan 2	Sheet 1 of 5	D	14 October 2024
Potential building envelopes overview plan 3	Sheet 1 of 5	D	14 October 2024
Potential building envelopes overview plan 4	Sheet 1 of 5	D	14 October 2024

**Generally, in accordance with landscape plans prepared by: ADW Johnson, drawing reference 190433 81-83**

Name of Pan	Drawing Number	Issue	Date
General Arrangement Plan	LA101	-	-
Part site plan 1	LA102	-	-
Part site plan 2	LA103	-	-
Part site plan 3	LA104	-	-
Typical section	LA105	-	-
Typical details	LA106	-	-
Street tree imagery and plant schedules	LA400	-	-
Embankment imagery and plan schedules	LA401	-	-
Marginal and basin imagery and plant schedules	LA402	-	-

Document	Refernce/Revision	Prepared by	Date
Preliminary Geotechnical Assessment	EP2681.003 Version 1	EP Risk	28 February 2023
Revised Preliminary Site Investigation Report	EP2681.002 Version 3	EP Risk	5 June 2024
Acid Sulfate Soil Management Plan	EP2681.004 Version 3	EP Risk	15 October 2024
Revised Biodiversity Development Assessment Report	1633.08 Revision 9	AEP	23 September 2024
Revised Aquatic Ecology Assessment	1633.08 Revision 5	AEP	23 September 2024
Revised Biodiversity Management Plan - Retained Land	1633.08 Revision 3 <b>4</b>	AEP	<del>23 September 2024</del> <b>26 October 2025</b>
Arborist Report	Project 3232	AEP	15 October 2024
Bushfire Assessment Report	2254 Version 3	Bushfire Planning Australia	8 May 2023
Traffic and Parking Assessment Report	22/134 Issue D	Intersect Traffic	22 February 2023
Revised Stormwater Management Plan	F	ADW Johnson	September 2024
Archaeological Due Diligence Assessment	J202262DD	McCardle Cultural Heritage Pty Ltd	14 June 2022
Revised Flood Impact Assessment	R.T2614.004.01 Revision 4	Torrent Consulting	23 September 2024

**Reason/Justification**

To refer to the amended plans.

## **Condition 4 – Amend**

Prior to issue of the Subdivision Certificate, the subdivision construction shall be carried out in the numerically consecutive stages as shown on the approved plans as follows:

- ~~○ Stage 1 (stage 81) - 86 lots;~~
- ~~○ Stage 2 (stage 82) - 91 lots;~~
- ~~○ Stage 3 (Stage 83) - 104 lots.~~
- **Stage 1 (Stage 81A) - 45 lots;**
- **Stage 2 (Stage 81B) - 41 lots;**
- **Stage 3 (Stage 82A) - 28 lots.**
- **Stage 4 (Stage 82B) - 63 lots;**
- **Stage 5 (Stage 83A) - 37 lots;**
- **Stage 6 (Stage 83B) - 27 lots.**
- **Stage 7 (Stage 83C) - 40 lots.**

### **Reason/Justification**

To refer to the amended staging.

## **Conditions 29, 29A, 30, 31, 33, 34, 37, 39, 41 & 44 – Amend all\***

\*Replace “Biodiversity Management Plan, Revision 3, prepared by AEP, dated 23 September 2024” with **Biodiversity Management Plan, Revision 4, prepared by AEP, dated 26 October 2025**” throughout.

### **Reason/Justification**

To refer to the amended BMP.

## **5.0 Requirements for a Section 4.56 Modification**

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### **5.1 Relevant Issues under Section 4.56**

To lodge an amendment under Section 4.56 of the Act, the applicant needs to prove that the modifications will involve minimal environmental impact, as follows:

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

*(a) it is satisfied that the development to which the consent as modified relates is the same or 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*

**Comment:** The proposed amendments does not alter the overall layout of the development. The proposed development continues to be a staged residential subdivision in the same layout, with the only changes being to the timing of construction work and administrative lot numbering. There are no changes to the subdivision design, footprint, or any other physical aspect of the subdivision scheme. Taking these factors into consideration, the modifications proposed represent a development which is substantially the same as that originally approved.

*(b) it has notified the application in accordance with—*

*(i) the regulations, if the regulations so require, and*

*(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*

**Comment:** It is assumed that Council will notify the application in accordance with s106 of the *EP&A Regs*. It is also expected that Council will notify the Court in accordance with the requirements of s 106(3) of the *EP&A Regs*.

(c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, 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.*

**Comment:** ADW Johnson will be available to assist Council in responding to any submissions received.

**(1A) *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.***

**Comment:** Section 4.15(1) of the Act is addressed below, in Section 5.3 of this report.

## 5.2 Relevant Issues under EPA Regulation 2021

Section 100 of the Environmental Planning and Assessment Regulation 2021 sets out additional requirements that all modification applications must comply with. The relevant requirements and how they have been complied with are set out in the following table:

SECTION 100 REQUIREMENTS	COMMENT
(1) <i>An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act must contain the following information:</i>	
(a) <i>the name and address of the applicant,</i>	See Planning Portal information.
(b) <i>a description of the development that will be carried out under the development consent,</i>	Described within Section 2.
(c) <i>the address and folio identifier of the land on which the development will be carried out,</i>	See Planning Portal information.
(d) <i>a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,</i>	Described within Sections 3 & 4.
(e) <i>whether the modification is intended to—</i> <i>(i) merely correct a minor error, misdescription or miscalculation, or</i> <i>(ii) have another effect specified in the modification application,</i>	Discussed within Section 5.
(f) <i>a description of the expected impacts of the modification,</i>	Discussed within Section 5.
(g) <i>an undertaking that the modified development will remain the same or substantially the same as the development originally approved,</i>	Discussed within Section 5.
(h) <i>for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,</i>	N/A
(i) <i>if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application,</i>	Avid Residential Estates Pty Ltd is the applicant and owner of all subject lots.  Owners consent to the lodgement of this application has been provided.
(j) <i>whether the modification application is being made to—</i> <i>(i) the Court under the Act, section 4.55, or</i> <i>(ii) the consent authority under the Act, section 4.56.</i>	The modification application is being made to the consent authority (Council) under s 4.56 of the <i>EP&amp;A Act</i> .

(2) Subsection (1)(i) does not apply if the consent of the owner is not required under section 98.	N/A
3) If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development if the development application was accompanied by a BASIX certificate, the application must be accompanied by— (a) the BASIX certificate, or (b) a new BASIX certificate if the current BASIX certificate is no longer consistent with the development.	N/A

### 5.3 Relevant Issues under Section 4.15(1)

Under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the following matters that apply to the land to which the development application relates need be considered as part of the assessment of the application:

(a)(i) *the provisions of any environmental planning instrument, and*

#### State Environmental Planning Policies (SEPPs)

The proposed modifications to the development are not inconsistent with any SEPPs.

#### Local Environmental Plans (LEPs)

*Maitland Local Environmental Plan 2011 (MLEP 2011)*

The proposed amendments do nothing to alter the classification of the development as a subdivision, and does not represent any form of non-compliance, or deviation from the original consent.

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

There are no draft environmental planning instruments relevant to the application.

(a)(iii) *any development control plan, and*

The amended plans do not impact the way in which the original DA was assessed under the DCP i.e. no new non-compliances have occurred as a result of the proposed staging changes.

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

A planning agreement has been entered into under s 7.4 of the *EP&A Act* with Maitland City Council in accordance with the terms of the written offer made to the Council on 16<sup>th</sup> December 2024.

(a)(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

There are no matters prescribed by the regulations relevant to the application.

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

The proposed amendments will have the following beneficial impacts:

- By reducing the size of the stage, it allows for a more efficient delivery of allotments assisting with the current housing supply issues; and

- Allowing for legal access to the southern portion of the adjoining property to the north.

### **Context and Setting**

The proposed modifications will have no impact on the context and setting of the subdivision as originally approved under this DA.

### **Access, Transport and Traffic**

The proposed amendments would not produce any additional impacts on transport and traffic to that already assessed.

### **Utilities**

The proposed modifications will have no impact on utilities. As approved, underground water, sewerage, telecommunications and electrical power services will be reticulated for each lot in accordance with the service provider's requirements.

### **Stormwater, Drainage and Water Quality**

The proposed modification will have no impact on stormwater, drainage and water quality.

### **Flora and Fauna**

The proposed modifications will have a beneficial impact on the development with the BMP offset area altered to include an area that is higher in ecological value.

### **Social and Economic Impacts**

The social and economic impact of the proposed modifications will only be positive through expediting the delivery of residential allotments. By increasing the number of stages across the development, the release of residential lots can be more responsive to market demand.

### **Waste Management**

The proposed amendments will have no impact on waste management beyond that already assessed.

### **Bushfire**

There have been no changes to the proposed plans which would impact the existing General Terms of Approval issued by the NSW Rural Fire Service. Asset Protection Zones (APZ's) will be created in accordance with the requirements of the NSW Rural Fire services prior to the issue of the Subdivision Certificate for each stage.

### **Site Design and Internal Design**

The proposed modifications will have no impact on the site or internal design.

*(c) the suitability of the site for the development,*

The subject site remains entirely suitable for the proposed development as previously assessed by Council, and demined by the Court.

*(d) any submissions made in accordance with the Act or regulations,*

As discussed above, ADW Johnson will be available to assist Council in responding to any submissions received.

(e) *the public interest.*

The proposed modifications will only have beneficial impacts to the economic and social fabric of the development as discussed above.

## **6.0 Conclusion**

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Having regard for the provisions of Section 4.56 of the Environmental Planning and Assessment Act 1979, it is considered that the amended proposal is substantially the same as that originally approved by Council and that no prejudice will be caused to other persons as a result of the proposed modification.

Should there be any further enquiries, please do not hesitate to contact me on 4305 4300. Alternatively, I may be contacted via e-mail on [annieb@adwjohanson.com.au](mailto:annieb@adwjohanson.com.au).

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'AB'.

Annie Breen  
Town Planner  
ADW JOHNSON