

SECTION 4.55(1A)

Address: Nos. 1 - 5 Railway Street, Gulgong

Proposal: Residential Subdivision

AUGUST 2024

[Redacted] p: [Redacted]
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13 August 2024

Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

**STATEMENT OF ENVIRONMENTAL EFFECTS
SECTION 4.55(1A) MODIFICATION TO DA0333/2022
NOS. 1 – 5 RAILWAY STREET, GULGONG**

Dear Sir/Madam,

Application is made for modification of the consent issued to Development Application No. D/2019/1350 pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EPAA).

The application seeks approval to modify documentation referenced by Condition No. 1 of the consent issued to Development Application No. DA0333/2022, and as modified. Please find enclosed:

- Landscape Plan (Revision C, dated 9 August 2024)

Background

Applicant:	Roy Amery No. 138 Woorarra Avenue ELANORA HEIGHTS NSW 2101
Site:	Nos. 1 – 5 Railway Street, Gulgong 2852 Lot 2 in Deposited Plan 613429
Local Government Area:	Mid-Western Regional Council
Approved Development:	Subdivision (Torrens Title) – 1 Into 41 Lots
Reference:	Development Application No. DA0333/2022 Consent issued 15 June 2022 Modification No. ME008/2023 Consent issued 24 October 2022

Proposed Modification

Section 4.55(1A) of the EPAA enables Council to consider modifications to development consents involving minimal environmental impact. Council can modify the consent in this manner 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.

The application seeks approval to modify the landscaping regime within proposed Lot 240, which is to be dedicated to Council.

The approved Landscape Plan is referenced by Condition No. 30 of the development consent, where additional detail was required to be submitted prior to issue of the Subdivision Works Certificate. Please find enclosed an amended Landscape Plan which illustrates the intended outcome for the site.

Impact of Proposed Modifications

Lot 240 is a dedicated bio-retention / detention basin and park reserve. The dedicated bio-retention / detention basin can be accessed via locked gate and driveway at proposed Road No. 2 for emergency vehicle access and servicing vehicles.

A linear park was proposed to be created adjacent the reserve's southern boundary, to be embellished with a range of furnishings including bench seating and a picnic shelter for parent comfort and supervision. However, it is intended the park have a more passive focus, given the concentration of active recreational facilities available at the nearby Billy Dunne Oval recreation complex, noting Council is to undertake a further \$100K capital upgrade to the Billy Dunne Grandstand in 2024/25 (see Mid-Western Council Delivery Program and Operational Plan).

The Billy Dunne Oval features disabled amenities and access, car parking, lighting, a grandstand, public toilets, shower facilities and changing rooms, a playground and picnic seating, and is collocated with the Gulgong Skatepark, Gulgong Adventures Playground and Gulgong Swimming Pool (see images on the following pages), which are all within walking distance of the site.





The Council's Recreation Strategy 2013 suggested, following broad consultation, that 'Council's focus should be on the maintenance and embellishment of existing facilities', including the delivery of further play equipment in established parks within Gulgong.

This has included recent delivery of the Gulgong Adventure Playground within the Billy Dunne complex, which offers interactive and accessible play equipment including slides, swings and a flying fox, as well as BBQ facilities and multiple shaded areas. This family friendly playground was planned and developed by Council after consultation with the Gulgong community and was officially opened in 2019.

The Recreation Strategy further notes:

LOCAL / POCKET PARKS

Likely to provide a green buffer and possible amenity mitigation against development, be planted with trees (where possible) and have a lower level of maintenance to a neighbourhood park. Probably suitable for dog walking with reasonable pedestrian access and possibly providing a "green" link to other reserves or open space.

A local park may be a drainage reserve and is likely to have only basic assets ... Play equipment will generally not be required but may be provided in some cases. Not all parks need to be 'developed' to provide benefits to the community and the simple provision of open space and a green buffer may justify the existence of the park.

Conclusion

The proposal is for modification of the Landscape Plan to remove the linear park, approved in association with the consent granted to Development Application No. DA0333/2022.

The proposed subdivision to which the consent as modified relates is otherwise substantially the same development as that for which the consent was originally granted, as there are no proposed changes to allotment yield or lot dimensions, and no changes to the road configuration.

Yours sincerely