

Armidale Regional
Council

19 JUL 2016

RECEIVED

Paul & Wendy Clark
930 Puddledock Road
Puddledock NSW 2350

16 July 2016

The General Manager
Armidale Regional Council
POP Box 75A
Armidale NSW 2350

Dear Sir


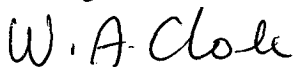
Re: Road Closure and Purchase

As owners of Lot 128 DP 661884, we would like to request that we purchase the Council road that dissects our land. The land affected is Lot 128 DP 661884 and is known as 930 Puddledock Road, Puddledock.

We recognise that this road will require closing prior to the purchase being legally undertaken, and as such, as well as per the requirements of Condition 18 Option 3 in Development Consent DA-69-2016/A, we accept the responsibility of the closure costs as well as the bonded amount.

Attached is a cheque for the bonded amount of \$10,000.

Yours

Paul & Wendy Clark

REQUEST FOR MODIFICATION OF DEVELOPMENT CONSENT

CONSENT NO: DA-69-2016/A

Responsible officer: John Goodall

Primary location: Lot 128 DP 661884, being 930 Puddledock Road PUDDLEDOCK NSW 2350 being

Details of modification sought: New Dwelling - Consent Modification to Alter Access Condition and modify the wording of condition 18

Condition 18 currently reads:

To ensure that legal access is available to the site, access is to be gained directly from Puddledock Road or the access handle located within the Crown Road reserve located along the north-western boundary of the site. In this sense, the internal access is to be relocated to be wholly within the property boundary and clear of the unformed Council Road prior to the occupation of the manufactured home.

Reasons given (covering letter) Yes, E-mail from consultant on behalf of owners attached to file.

Does applicant have authority to act (owner/original applicant) Yes ?

Revised plan numbers - N/A

Date of request for modification: 7 July 2016

Fees paid \$N/A

ASSESSMENT

Is the development substantially the same as original proposal? Yes (if not a new application must be lodged):

Further referrals carried out? N/A

Re-notification required? N/A

IDENTIFICATION OF SECTION 79C(1) MATTERS:

Indicate (ie. by bolding text) which of the following heads of consideration are relevant to the application, and attach comments -

79C(1)(a)(i) The provisions of any environmental planning instrument:

The subject site is currently zoned RU1 Primary Production under ADLEP 2012.

The proposed development which replaces an existing dwelling on the site will not result in any conflict between existing rural land-uses as there will be no fragmentation of rural land as it replaces a like with like land-use.

79C(1)(a)(ii) The provisions of 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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved):

Not Applicable.

79C(1)(a)(iii) The provisions of any Development Control Plan:

4.3 Rural and Environmental Protection Zone Residential Development – Single and Dual Occupancy Dwellings

The following comments were made in regards to the access to the subject site during the assessment of DA-69-2016:

The existing vehicular access and driveway to the site are proposed to be retained.

However, this option is not considered to be appropriate given that access to the site is currently gained over an unformed Council road.

Discussions have been held with Council's Engineers to determine the most appropriate conditions to ensure that legal and properly formed access is available to the site.

It was concluded that the best course of action is to Condition the Development Consent to ensure that separate legal access is available to Puddledock Road via relocating the internal access to be clear of the Council unformed road. Refer to Condition of Consent.

The section of Crown road on the northern side of the site which the property owners already gain access over is to be constructed to Council's standard as a result of a new dwelling being approved at No. 932 Puddledock Road under DA 208-12. This work has been bonded to the amount of \$14,000 that Council currently holds.

Following receipt of the consent the applicants obtained a quote from a civil construction firm for the construction of a new internal access road to the dwelling to be sited clear of the unformed road reserve.

Advice provided by the applicant was that the cost of constructing a new internal road was in the vicinity of \$25,000.00. This is in comparison to the alternative option of closing and purchasing the road reserve which is believed to be below \$20,000.00. Given the current good condition of this internal access, the property owners have requested Council's consideration for a variation.

In this regard, given that a road closure can take anywhere up to 2-3 years to complete the applicant has suggested that the owners pay a bond amount of \$10,000.00 as surety and as a gesture of authenticity of their intentions to pursue the road closure once the dwelling is installed on the property.

Discussed options with Council's Road Manager Steve Finch given that any bond amount held was only a gesture of goodwill that the owners would close the road and that the amount would probably be inadequate to pay for all costs related to the purchase and ultimate closure.

Given that the existing access to the dwelling currently on the lot has been in place for many years and that it does not service or provide access to any other properties, it is considered that the continued use of the unformed section of road reserve even if not strictly in accordance with the DCP would have minimal impacts on the locality. Furthermore, it is considered that by allowing this variation in this instance would be unlikely to set an undesirable precedent, particular if the rewording of condition 18 gave Council the ability to take enforcement action in the future if the road closure was not pursued by the owners.

79C(1)(a)(iia) The provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:

Not Applicable

79C(1)(a)(iv) The provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph):

Not Applicable

79C(1)(a)(v) The provisions of any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)):

Not applicable.

79C(1)(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:

Satisfactory

79C(1)(c) The suitability of the site for the development:

Satisfactory

79C(1)(e) The public interest:

Satisfactory, minimal impacts on the locality.

Recommendation:

That condition 18 be amended to provide alternative options.

Signed: _____ **Date:** 14 July 2016