

ADDITIONAL ITEM

9 September 2015
To the Ordinary Council Meeting

Director's Report
Development and Building Department

2.2 DA/221/2014 - Proposed 43 Lot Subdivision to Create 40 Residential lots, 1 Public Reserve, 1 Detention Basin and 1 Residue Lot

TRIM REFERENCE: DA/221/2014 - D12071837
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SUMMARY

A development application has been received for a proposed subdivision of 30 Jack Grant Avenue, and 31 Aldenham Road Warnervale. The application seeks to subdivide the property into 43 lots comprising 40 residential lots with one public reserve, one detention basin and one residue lot. The application has been assessed having regard to the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements.

Applicant	Wyong Shire Council
Owner	Wyong Shire Council
Application No	DA/221/2014
Description of Land	Lot 26, DP 1159349 No. 30 Jack Grant Avenue Warnervale & Lot 51 DP 9215 No. 31 Aldenham Road Warnervale
Proposed Development	Subdivision
Site Area	3.7 ha
Zoning	R2 - Low Density Residential RE1 - Public Recreation
Existing Use	Vacant
Value of Works	\$2,510,587

RECOMMENDATION

- 1 That Council grant consent to DA/221/2014 at 30 Jack Grant Avenue Warnervale for a 43 lot subdivision to create 40 residential lots, one detention basin, one public reserve and one residue lot subject to the conditions provided in Attachment 1.
- 2 That Council advise those who made written submissions of Council's decision.

PRECIS

- The development comprises a 43 lot subdivision to create 40 residential lots, one detention basin, one public reserve, and one residue lot.
- The land is currently vacant.
- A subdivision is permissible under Wyong Local Environmental Plan (WLEP) 2013 within the R2 Low Density Residential and the RE1 Public Recreation zone.
- DCP 2013 Part 4 Subdivision provides that the maximum length of a cul-de-sac should be no greater than 75m. The proposal includes a cul-de-sac for a distance of approximately 110m. The variation is considered reasonable in this instance and is discussed later in the report.
- The application was referred to the Rural Fire Services as integrated development with approval granted 12 May 2015.
- The application was notified in accordance with DCP 2013 Chapter 1.2 Notification of Development Proposals on two occasions, with 23 submissions received in total.

THE SITE

The site identified as 30 Jack Grant Avenue Warnervale (Lot 26 DP 1159349) is a large parcel of land comprising 455.7 hectares.

The application also applies to Lot 51 DP 9215 (refer to Figure 1, the area subject of the application is outlined in red). The land subject to subdivision through this application is roughly trapezoidal in shape and is approximately 500 metres long and 80 metres wide with an area of approximately 3.7 hectares. The site is located between the existing residential subdivision at Warnervale and the Link Road (including the future extension of the Link Road).

The site is partially cleared in the central portion with bare earth areas, access tracks and vegetated and grassed areas in the northern and southern portions of the site.

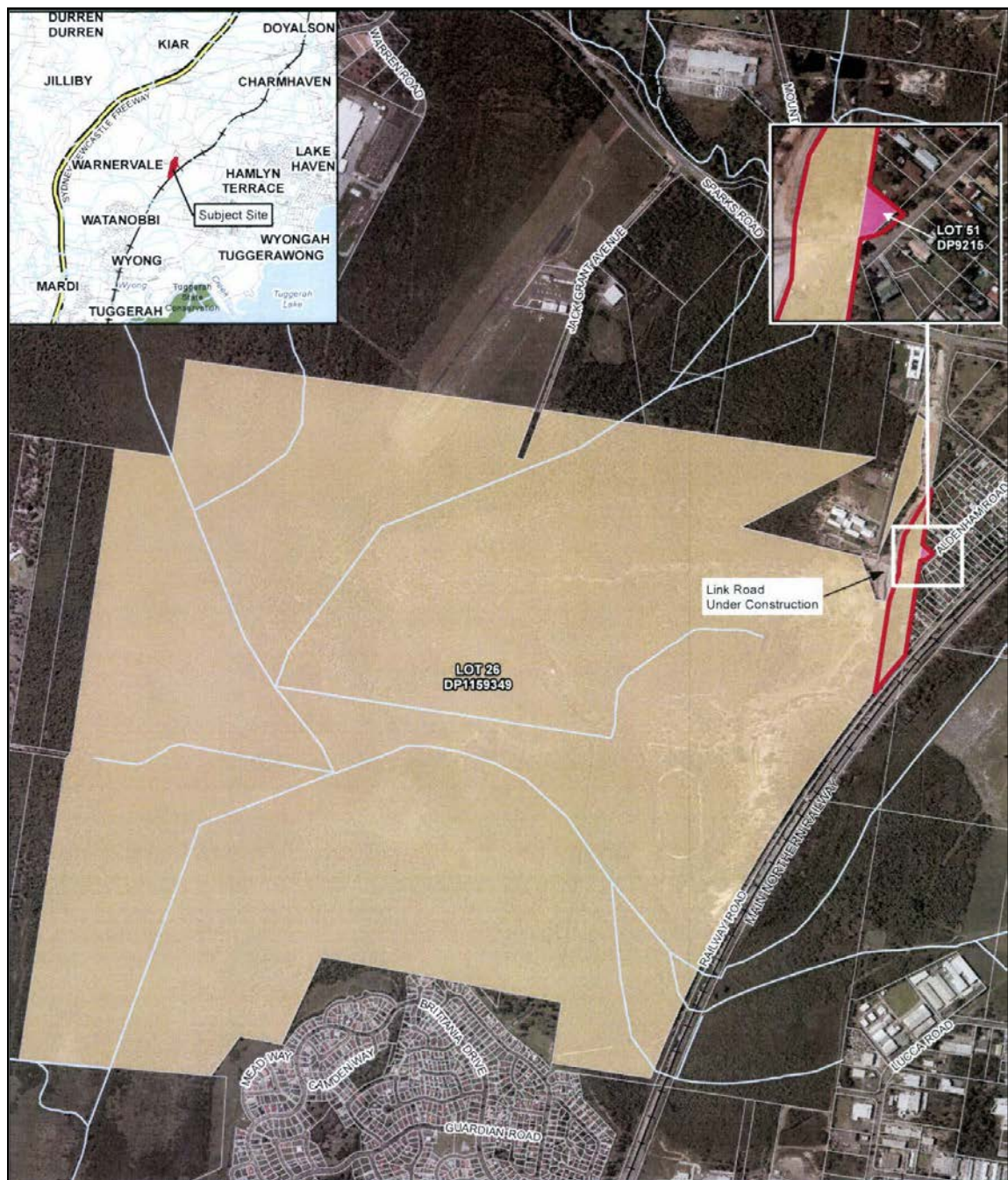


Figure 1: Location of proposed subdivision, Lot 26 DP 1159349 – shown beige, Lot 51 DP 9215 - shown pink. Area subject of subdivision shown edged in red.
Source: Statement of Environmental Effects by GHD

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DA/221/2014 - Proposed 43 Lot Subdivision to Create 40 Residential lots, 1 Public Reserve, 1 Detention Basin and 1 Residue Lot (contd)

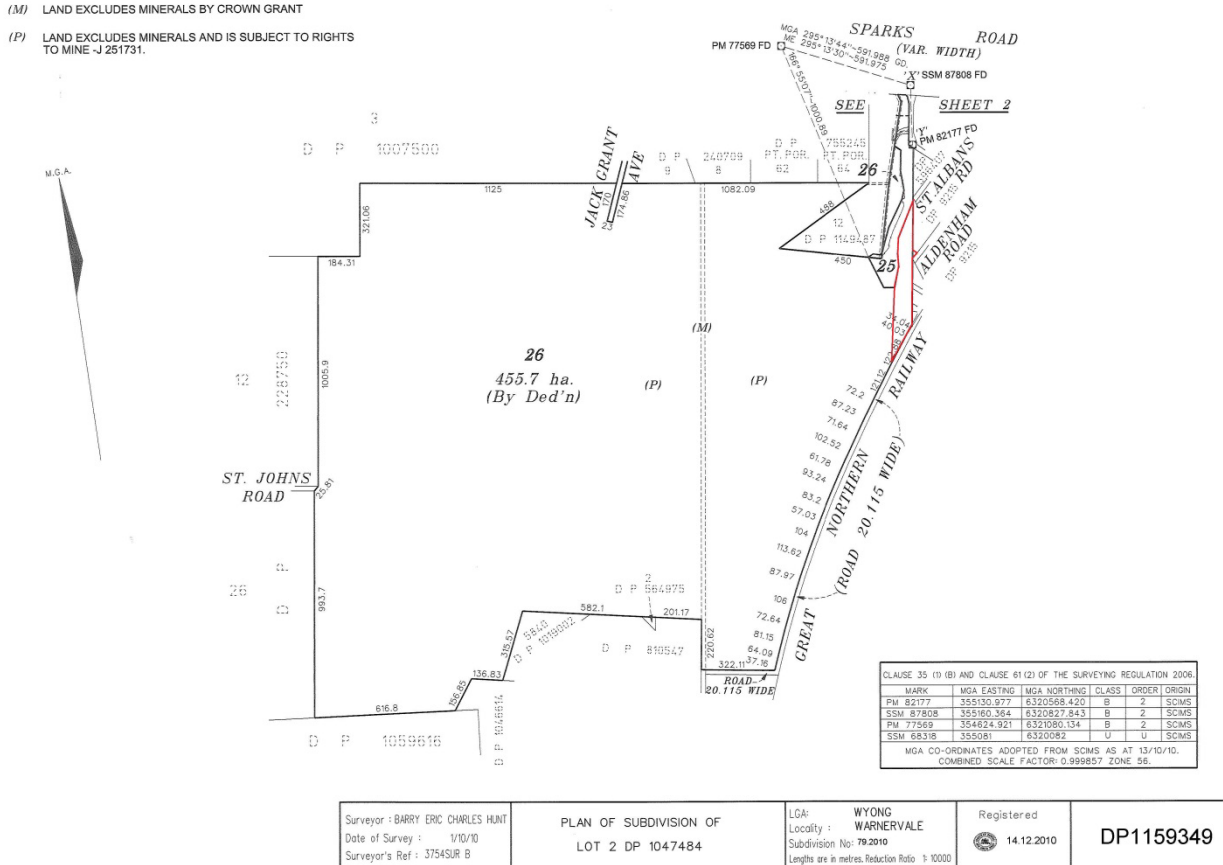


Figure 2: Deposited Plan of Lot 26 DP 1159349 showing the location of the proposed subdivision edged in red.

The site is currently accessed by Aldenham Road. A temporary asphalt access road from Aldenham Road to the Link Road crosses the site in an east-west direction. The access road was used for parking and site access during the recent construction of the completed section of the Link Road. The southern boundary of the site adjoins the road reserve of Railway Road (the unformed portion) and south of the road reserve is the Main Northern Railway. Residential properties are located adjacent to the eastern boundary of the subject site.

There are no buildings within the site. The site has a high point of 27.50 metres Australian Height Datum (AHD). From the high point the site has a fall of approximately 12 metres to the north and to the southeast a fall of approximately 15 metres. Surface water runoff follows the grade of the site with drainage lines running to the south along the south eastern side of the site and across the site from the southern end of Aldenham Road. The site is also identified as being bushfire prone.

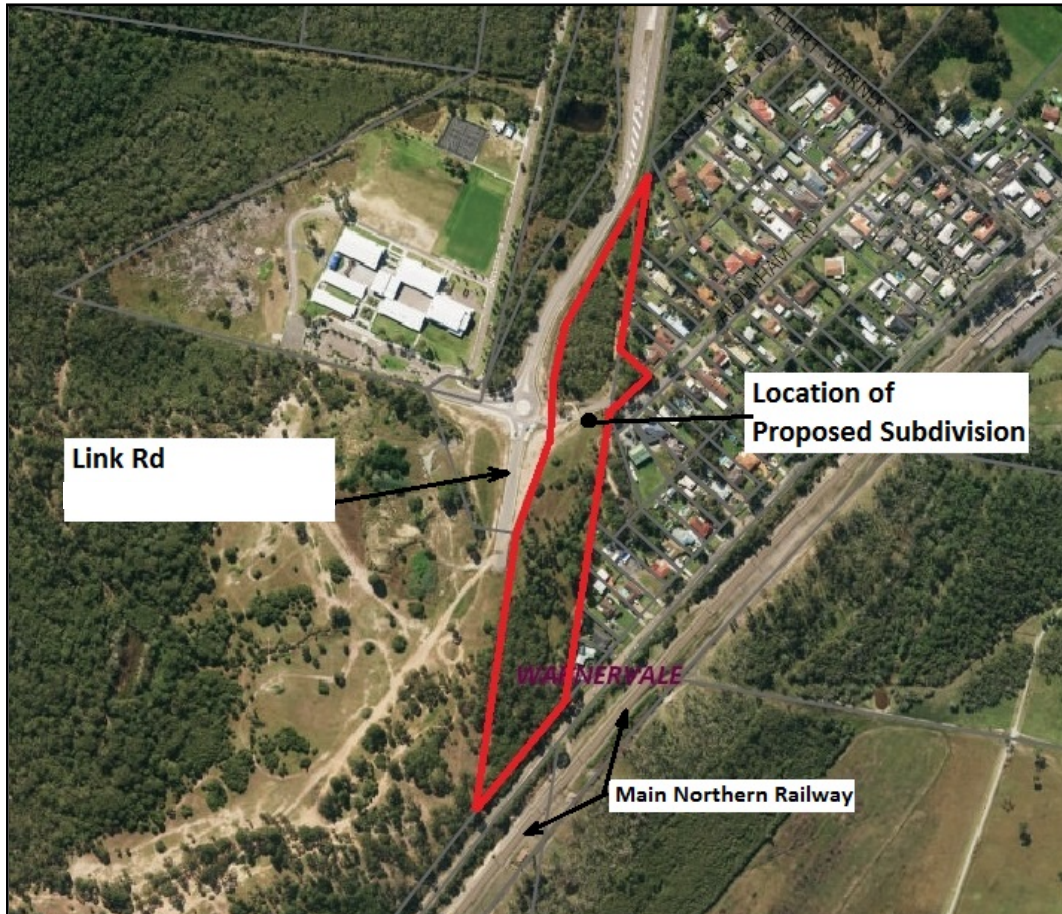


Figure 3: Location of proposed subdivision and surrounding area.

THE PROPOSED DEVELOPMENT

The proposed development is for a 43 lot subdivision comprising 40 residential lots, one detention basin, one public reserve and one residue lot (remainder of the parent lot – Lot 26 DP 1150349). The proposed subdivisional street and lot layout is shown below in Figure 4.

It is proposed to construct Railway Road within the existing road reserve, develop a new road approximately through the centre of the site connecting in the south to Railway Road and in the north-east to Aldenham Road, generally with lots orientated east-west. In the north as the lot narrows it is proposed to continue the new road in a cul-de-sac form servicing six lots along the eastern side and the proposed public reserve at the north.

The proposal also involves the following:

- Clearing and grading,
- Road construction,
- Lighting installation,
- Stormwater and drainage,
- Sewerage and wastewater system construction, and
- Landscaping.

A temporary compound would be established during construction for the provision of facilities for construction staff and for the storage of equipment and materials. Separate stockpile sites would also be established for the temporary stockpiling of topsoil and capping materials. The temporary compound and stockpile areas would be contained within the site with the exact location determined during detailed design and prior to the release of a Construction Certificate. During construction fencing will be erected around the perimeter of the site.

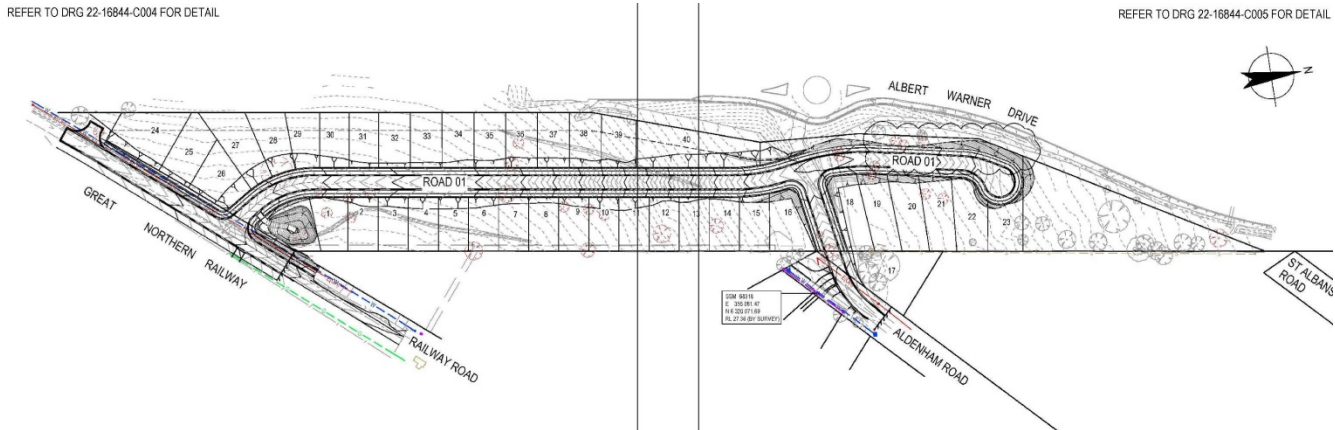


Figure 4: Proposed subdivision layout.

VARIATIONS TO POLICIES - SUMMARY

The proposed subdivision seeks to vary the following DCP provisions:

LEP/DCP	WDCP 2013 Part 4 Subdivision
Clause	3.4. Street Layout and Design (p)
Standard	The length of a cul-de-sac is to be no more than 75m.
Departure basis	<p>The proposed cul-de-sac has a length of approximately 110m and represents a variation of 46% to the cul-de-sac length.</p> <p>The proposed variation is supported as per below. These matters are discussed further within the report.</p> <ul style="list-style-type: none"> • The shape of the subject site restricts the design of the subdivision resulting in a north/south road orientation. • The cul-de-sac head is north of Aldenham Rd and provides access to six lots and the park. • The length of the cul-de-sac is unavoidable due to the shape of the subject site and the existing location of Aldenham Road which provides access to the local road network. • The length of the cul-de-sac is compliant with <i>Planning for Bush Fire Protection 2006</i> and Council's civil guidelines.

HISTORY

The applicant undertook a title search acquiring Title deeds from 1892 to the present. Based on this review, it appears that over time several lots have been divided or consolidated to create the present lot configuration. Council acquired portions of the site between 1982 and 1995.

Lot 26 has had minimal use in the past other than being the site of the previous Country Music Festival which was sited on land south of the proposed subdivision. In recent years a BMX bike competition has been held on Lot 26 on the portion of the site south of Lakes Grammar Anglican School.

The site of the proposed residential subdivision was rezoned to 2(a) Residential on 19 December 2000 as part of amendment No. 114 of the WLEP 1991. The amendment rezoned a portion of the site to allow for the development of a university and other education establishments, a proposed road corridor and to permit certain additional ancillary purposes in conjunction with the university and education establishments.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

The application was notified in accordance with DCP 2013 – Chapter 1.2 Notification of Development Proposals on two occasions, the first from 9 April 2014 to 5 May 2014 with 21 submissions being received. The second notification period was undertaken from 3 October 2014 to 22 October 2014 with 2 additional submissions received. The general issues raised in relation to the proposal are outlined below.

- *The local road network is not capable of servicing the additional traffic load once the subdivision is established. Railway Road and Aldenham Road need major upgrade to cope with additional traffic.*

Comment:

Council's Asset and Planning section has advised that the local roads are of suitable design to cater for the additional traffic generated from the proposed residential lots. The road width and alignment is appropriate to service the residential area and the proposed subdivision. The proposed 40 residential lots are not considered to be large enough to generate the traffic that would require an upgrade of the existing road network. It is noted that existing roads are maintained in line with a works program established within Council's Strategic Plan.

- *Local streets are not of suitable standard to cater for construction traffic. Aldenham Road, Railway Road and Albert Warner Drive are not designated for heavy vehicle traffic.*

Comment:

It is noted that the local streets do not have restricted access for heavy vehicles. Construction traffic is proposed to be routed along Albert Warner Drive from the Link Road outside of commuter and school peak periods to avoid conflict with school children and to limit the impact on existing peak period traffic. An appropriate condition of consent is proposed to audit road conditions prior to and post development and to require rectification where necessary.

- *The local streets do not have adequate civil infrastructure (kerb & gutter, footpaving, lighting, drainage) making them unsafe for pedestrians.*

Comment:

The proposed subdivision will include adequate civil infrastructure to provide an acceptable level of safety for potential pedestrians. Included in the works are footpaving, kerb and guttering, sewer, drainage and lighting.

- *Traffic flow from proposed subdivision should be directed to the Link Road not the local street network. The Link Road should be completed.*

Comment:

The Link Road is proposed as a major collector road connecting between the Pacific Highway and Sparks Road. To maximise safety and capacity along the route it is appropriate to limit accesses onto the Link Road.

Access to the proposed subdivision from the existing road network is to be at the southern end of Aldenham Road and Railway Road. The road access to the subdivision has been suitably designed to connect with the local road network. The design and completion of the Link Road between the Pacific Highway and the roundabout at Lakes Anglican Grammar School is currently being pursued by Council.

- *Increase of vehicles in the area will increase potential accidents.*

Comment:

The posted speed limit on roads in the area is 50km/hr with a marked school zone of 40 km/hr during the times of 8.00-9.30am and 2.30-4pm between Sparks Road and St Albans Road on school days. The speed limit is suitable for the local road network and is designed to reduce the potential for vehicle accidents.

- *Traffic Report does not reflect current traffic flows.*

Comment:

The traffic report adopted the latest traffic counts provided by Wyong Council in 2009, 2006 and 2001. These counts can be utilised as development in the vicinity of the site has been minimal. Council's Transport Planner has confirmed that the estimated of traffic counts are considered a suitable method of identifying the current and future traffic generated in the area.

- *Development will have an impact on the cohesive neighbourly atmosphere that exists within the area.*

Comment:

The area was zoned residential in December 2000. The proposal will be an extension of the existing residential village and therefore compatible. In addition there will be no increase in density therefore maintaining the low density residential character of the area.

- *There is a risk of damage to the properties located in the vicinity of the extension of Aldenham Road.*

Comment:

A condition of consent will require the developer to submit a dilapidation report before and after construction. This dilapidation report details the current state of the adjoining properties including public assets to ensure that no damage has occurred during the construction stage. If damage does occur, rectification will be required at the cost of the developer.

- *The proposed development will cause further flooding of downhill properties.*

Comment:

The proposal will include a stormwater management system to ensure that stormwater generated by the proposal is suitably managed, therefore causing no unreasonable impact on adjoining properties. Stormwater from the northern portion of the proposed subdivision will be directed to an existing open channel to the north west of the site adjacent to the Link Road. The stormwater generated by southern portion of the site will be directed to the proposed detention basin within the subdivision where it will slowly drain at a pre-development flow rate to the existing swale located in Railway Road.

- *The property address of the application is misleading and does not appear to be accurate.*

Comment:

The property address of the application is the street address for Lot 26, an allotment of land which encompasses a total area of 455.7ha and includes the Porters Creek Wetlands. The street frontage for the lot is via the end of Jack Grant Avenue. The proposed subdivision is within a small portion of the parent lot and the remaining lot area will continue to be identified as being on Jack Grant Avenue.

- *The studies provided with the application are inadequate and out of date.*

Comment:

The development application was lodged in March 2014 supported by studies undertaken in 2013 and 2014. The planning and environmental studies were prepared by appropriate professionals and are considered relevant for the proposed development. Where further information may have been required through the assessment process it has been requested of the applicant.

- *The application does not state the break-up of the lots in regard to density. A density of 28 single lots, 8 dual occupancies and 4 high density lots was suggested in the report to Council 12 March 2014.*

Comment:

This application seeks subdivision to create 40 residential lots and does not include any built form details. The subdivision seeks to provide 12 dwellings per hectare; and in total across the subdivision this equates to 10 lots less than the development density recommended by the WDCP (based on 15 dwellings per hectare). All lots within the subdivision are larger than 510m² and the average size across the proposal is 619m². This means that while additional lot yield could have been permissible on the site, the proposal seeks to deliver lots of a larger size consistent with the surrounding properties. The redevelopment of each lot will be subject to future development applications.

- *Road contribution payments have been required in the past when developing individual lots.*

Comment:

The developer will be required to pay contributions in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*. These fees will include a contribution payment towards the roads, drainage, open space and community facilities in the area. This is in addition to the delivery of road and civil works to service the proposed subdivision.

- *The proposed park should provide playground equipment.*

Comment:

The Section 94 Contributions include a payment towards the embellishment of parks.

- *The proposal will cause destruction of flora and fauna within that area.*

Comment:

The subject site has been modified in the past and includes partially cleared areas. Twenty nine trees within the site are proposed to be removed including some hollow-bearing trees however no trees to be removed are identified as threatened species under the *Threatened Species Conservation Act 1995*. Ecological assessments were undertaken and recommended that the proposal is unlikely to significantly impact on any threatened or endangered flora and fauna which was supported by Council's Ecologist.

- *Size of blocks not in keeping with rural aspect.*

Comment:

The subject site is zoned R2 Low Density Residential under the WLEP 2013. The minimum lot size requirement for R2 zoned land is 450m². The proposed allotment size meets the minimum requirements for R2 zoned land.

EXTERNAL CONSULTATION

The development application was referred to the NSW Rural Fire Service as integrated development.

The Rural Fire Service issued a Bushfire Safety Authority on 12 May 2015.

INTERNAL CONSULTATION

The application was referred to internal Council staff as follows:

Council's Principal Development Engineer – No objection was raised subject to appropriate conditions of consent.

The Principal Development Engineer has been involved in discussions with the applicant to determine satisfactory drainage for stormwater runoff from the subject site and from the Link Road. The Principal Development Engineer is satisfied that an appropriate drainage management design for the subdivision has been proposed. It was noted in the referral that the adjoining Link Road may result in runoff being directed toward the western boundary of the site. The Principal Development Engineer has confirmed that suitable arrangements can be made during the future construction design for the Link Road.

Suitable conditions of consent have been included requiring construction details for the subdivision drainage to be provided prior to the release of a Construction Certificate.

Council's Ecologist – The applicant submitted an Ecological Assessment in support of the proposed development. Following a review of these documents and additional information provided, no objection from Council's Ecologist was raised subject to appropriate conditions of consent.

Council's Arborist and Landscape Assessment Officer – No objection was raised subject to appropriate conditions of consent.

Council's Senior Contributions Officer – No objection was raised subject to appropriate contributions being imposed on any consent.

Council's Team Leader Water & Sewer Planning – No objection was raised subject to appropriate conditions of consent and appropriate requirements included in the Section 306 letter.

Council's Senior Environmental Health Officer - No objection was raised subject to appropriate conditions of consent. The Officer was satisfied that by implementing the recommended actions of the Phase 1 Contamination Assessment report the land will be successfully remediated and suitable for residential use.

Council's Manager of Contracts and Project Management – The Manager of Contracts and Project Management was consulted in regard to the construction of the Link Road and its integration with the proposed residential subdivision. The Manager of Contracts and Project Management confirmed that the acoustic wall required for noise attenuation would not be built until such time as the Link Road was constructed and traffic generation was at a level to warrant its construction.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, the following matters are considered to warrant further discussion, as provided below:

Bushfire Protection: The site is identified as bushfire prone land and was referred to the NSW RFS as integrated development due to the proposal being for a residential subdivision. The RFS has provided conditions of consent which include the provision of temporary Asset Protection Zones to several of the proposed lots. The APZs can be removed upon development of the extension of the Link Road. Appropriate conditions of consent have been added to ensure delivery of APZs.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Clause 149 Certificate details, the assessment has identified the following key issues, which are discussed for Council's information.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan 2013

Permissibility

The subject site is zoned R2 Low Density Residential and RE1 Public Recreation under the WLEP 2013 (see Figure 5).

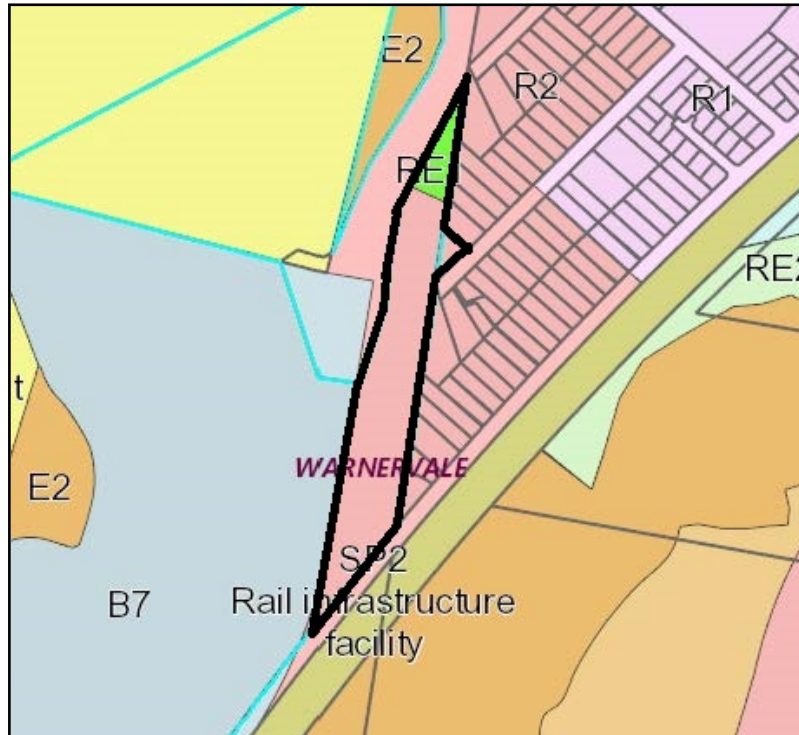


Figure 5: Zone boundaries – subject site shown edged heavy black

The proposed development is defined as a “subdivision” which is permissible with consent under the R2 and RE1 zones subject to compliance with the minimum lot size specified on the lot size maps. The proposed residential lots are contained wholly within the residential zones. The objectives of the R2 and RE1 zones are as follows:

Zone R2 Low Density Residential

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain and enhance the residential amenity and character of the surrounding area.*
- *To provide a residential character commensurate with a low density residential environment.*

The proposal complies with the objectives of the above zone by creating a residential subdivision that provides a variety of sizes suitable for a variety of housing types for the community. The proposal will facilitate the creation of a walkable neighborhood, will provide a suitable streetscape and is compatible with the neighbouring residential subdivisions in the local area.

Zone RE1 Public Recreation

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

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- *To provide linked open space for ecosystem continuity, public access, local community recreation and waterway protection.*
- *To provide space for integrated stormwater treatment devices for flow and water quality management.*
- *To enable ancillary development that complements land zoned for recreational purposes.*

The portion of the subdivision zoned RE1 is shown on the subdivision plan to contain a public reserve. The proposal achieves the objectives of this zone as the park and reserve would provide public space for recreational uses while protecting the vegetation contained with that location.

Subdivision

Clause 2.6 states that land may be subdivided with development consent.

Minimum subdivision lot size

Clause 4.1 refers to minimum lot sizes. The objectives of the clause are:

- *to ensure that minimum lot sizes reflect the outcomes of any adopted settlement strategy for Wyong,*
- *to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative effects, create capacity problems for existing infrastructure,*
- *to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls.*

The minimum lot size in a R2 zone is 450m². The residential lots within the subdivision comply with the minimum lot size with lots varying in size from 510m² to 1407m².

The small portion of the site at the northern end is zoned RE1 Public Recreation. The subdivision plan identifies a public reserve in this location of 3628m². There is no minimum lot size for land zoned RE1. It is suggested that the public reserve lot be classified as Community Land upon issue of the subdivision certificate.

Acid Sulphate Soils

The subject site is identified as being partly affected by Class 5 acid sulphate soils (shown in beige in figure 6). WLEP 2013 requires additional consideration of such land where works are likely to lower the water table. The proposed development(subdivision) is unlikely to impact the water table in the adjacent Class 3 soils; therefore it is considered that no further detail is required.

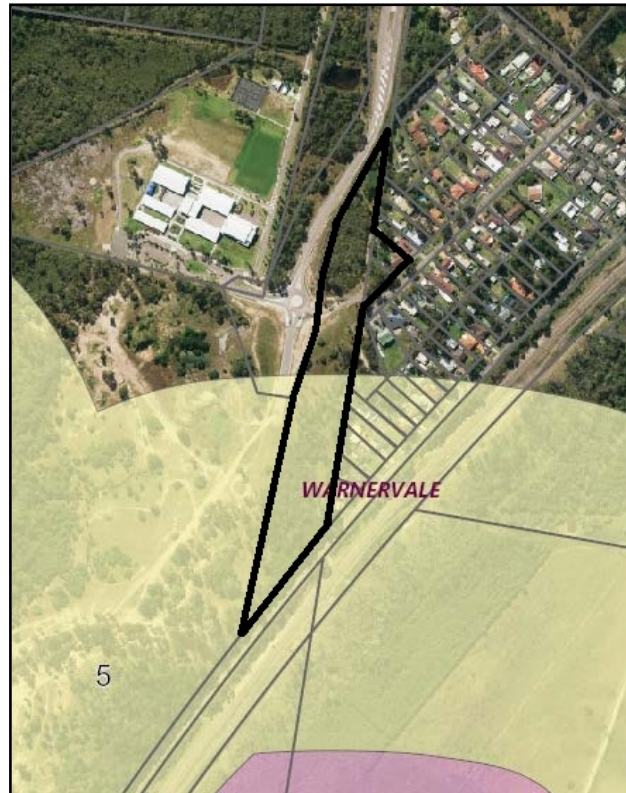


Figure 6: Class 5 Acid Sulphate Soils shown beige – subject site edged heavy black

Preservation of Trees or Vegetation

This clause aims to preserve the amenity of an area through the preservation of trees and other vegetation. The clearing of vegetation is required to create the subdivision and the adjoining Asset Protection Zone (APZ) to the west of the site. The proposed park at the north of the site is also to be managed as an APZ with mature trees to be retained where possible.

This site forms part of the broader Precinct 7A release area. Large areas of native vegetation in good condition will be protected and managed within the conservation lands in Precinct 7A as per Umwelt (2014). Given the relatively small area of vegetation (noted to not include EECs) to be removed, Council's Ecologist has concluded that the vegetation proposed for removal as part of this subdivision is not deemed significant. The biodiversity values of the area are discussed further in the report under the Natural Environment section of this report.

Arrangements for Designated State Public Infrastructure

Clause 6.1 refers to satisfactory arrangements being made for the provision of designated State public infrastructure to satisfy the needs that arise from development within urban release areas. However this clause only applies to those lands that would create smaller lots than those permitted prior to the commencement of the WLEP 2013 as follows:

- (2) *Development consent must not be granted for the subdivision of land in an urban release area **if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before:***

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- (a) *in relation to land identified as “Gwandalan (North)” on the Urban Release Area Map—1 September 2008, or*
- (b) *in relation to land identified as “Louisiana Road, Hamlyn Terrace (West)” on the Urban Release Area Map—18 July 2008, or*
- (c) *in relation to land identified as “**Warnervale South (Part A)**” on the Urban Release Area Map—the commencement of this Plan, or*
- (d) *in any other case—immediately before the land became, or became part of, an urban release area,*

In this case the subject site is within the urban release area identified as Warnervale South (Part A) on the urban release area map. The site was zoned 2(a) Residential and 6(a) Open Space and Recreation in 2000 under WLEP 1991. The minimum lot size under a 2(a) Residential zone was 450m² with no minimum lot size allocated to the 6(a) Open Space and Recreation zone. The proposed lot sizes are not less than those permissible prior to the making of the current plan and the Director-General's certification for the provision of designated State public infrastructure is therefore not required.

Public utility infrastructure

Clause 6.2 requires that development consent must not be granted unless it is satisfied that adequate arrangements have been made for essential public utility infrastructure. The proposed development will require extension of all services, including water supply, electricity, telecommunications and sewerage in accordance with the adopted servicing strategies. Adequate arrangements can be achieved to service the development and will be required through conditions of consent.

Essential Services

Clause 7.9 states that development consent must not be granted to a development application unless the consent authority is satisfied that the services that are essential for the development are available or that adequate arrangements have been made to make them available. The site has access to all required services and appropriate conditions have been recommended.

b) Relevant State Environmental Planning Policies (SEPPs)

SEPP 55 – Remediation of Land

SEPP 55 provides a statewide planning approach to the remediation of contaminated land and states that all remediation work must be carried out in accordance with:

- The contaminated land planning guidelines.
- Any guidelines in force under the *Contaminated Land Management Act 1997*.
- In the case of remediation work defined as category 1 works under SEPP 55, a plan of remediation approved by the consent authority and prepared in accordance with the contaminated land planning guidelines.

Clause 7(1) of the Policy states that a consent authority must not consent to the carrying out of any development on land unless:

- a) It has considered whether the land is contaminated, and
- b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Phase 1 Contamination Assessment for the subject site was undertaken. The assessment found that the contamination risk across the site is low, although there is the potential for a higher risk to exist in localised areas of the site where filling and previous construction work has occurred. The recommendations made in the Phase 1 Contamination Site Assessment are to be implemented to manage this risk and will be included as a condition of consent.

SEPP 44 – Koala Habitat Protection

The study area is larger than 1 hectare so SEPP 44 applies and was a consideration of the flora and fauna assessment. Only one SEPP 44-listed Koala feed tree was found on the site – *Eucalyptus tereticornis*. This species does not form more than 15% of the tree canopy layer, therefore the site is not considered to constitute Potential Koala Habitat under SEPP 44. No koalas were observed during the fauna survey and no evidence of koala habitation, such as scats, claw and scratch marks, were located on the site. Therefore the site is not considered likely to form core koala habitat as defined by SEPP 44. No further assessment was required.

c) Relevant DCPs

Wyong Development Control Plan 2013 (WDCP)

DCP Chapter 3.6 – Tree Management

The purpose of Chapter 3.6 is to set out requirements for the management of trees and removal of vegetation in Wyong Shire, to consider native vegetation during development and to facilitate ecological sustainability.

All vegetation within the site will be cleared (approximately 2 ha). The native vegetation on the Public Reserve (0.36 ha) and an additional 0.5 ha on the residue lot to the west will be managed as an APZ meaning that where possible canopy trees will be retained. The site does not contribute to any identified wildlife corridor and does not include any EECs.

The proposed street tree planting includes 71 trees that are a mixture of Australian native species, some of which naturally occur in the locality. Standard conditions of consent regarding tree clearing and tree protection are recommended as conditions of consent.

Part 4 Subdivision

The proposed subdivision has been designed in accordance with the General Design Principles under Section 3 of Part 4 the WDCP with the exception of an increase to the cul-de-sac length which requires a variation. This matter is discussed below in street layout design.

- **Stormwater management:** The stormwater network has been designed to manage surface runoff from the increase in impervious areas. To provide water quality for the proposal a treatment train has been adopted with devices and systems.
- **Erosion and sediment control:** A Sediment and Erosion Control Plan is provided to address erosion and sediment control.
- **Utility services:** Installation of services including lighting, drainage, sewerage and waste water are included as part of the proposal.
- **Cut, fill and earthworks:** The proposed filling and earthworks complies with the provisions of Part 4. Earthworks proposed have been minimised as part of the design where possible and proposed landform modification generally relates to the proposed construction of the roads and the detention basin. A soil and waste management plan will be prepared which will include details of measures to control erosion, dust and surface water to reduce runoff of surface soils to adjoining properties. Appropriate conditions relating soil and waste management are to be included.
- **Street layout and design:** The street network responds to the area's topography with streets oriented in a north/south and east/west direction. The road layout connects to the existing street pattern via Railway Road and Aldenham Road. The roads are proposed to be 16.9 metres wide in accordance with Council's guidelines and intersections have been designed to allow for suitable sight distances and traffic safety. Section 3.4 states that cul-de-sacs should be avoided where possible and if unavoidable the length of the cul-de-sac should be no more than 75m. The length of the cul-de-sac for the proposal is approximately 110m and therefore is not consistent with this requirement.

Cul-de-sacs are generally avoided in modern street design as they can reduce way finding and walkability of the neighbourhood. They also can result in on street parking difficulties and thus the length of the cul-de-sac is limited by the DCP.

With regard to this application it is noted that only the eastern side of the cul-de-sac is proposed to have lots fronting it with the western and northern side of the cul-de-sac adjoining the Link Road and a future public reserve. As such traffic generated on this cul-de-sac is less (by approximately half) than that generated by a double sided cul-de-sac. Further the cul-de-sac is supported for the following reasons:

- The shape of the subject site restricts the design of the subdivision resulting in a north/south road orientation.
- The cul-de-sac provides access to only six residential lots and the park.
- The length of the cul-de-sac is unavoidable due to the shape of the site and the existing location of Aldenham Road which provides access to the local road network.
- The cul-de-sac length maintains width for general emergency vehicles and complies with Planning for Bush Fire Protection 2006 (RFS) in that it is less than 200m in length.
- Turning facilities have been designed in accordance with Council's design guidelines and appropriate signage would be installed to indicate no through road.

- The proposed subdivision is generally consistent with the street layout and design requirements of clause 3.4 in addition to the requirements of the more detailed plan in WDCP Chapter 6.5.
- There is a need to provide street access to the public reserve lot.
- **Footpaths and cycleways:** Footpaths are provided consistent with the requirements of clause 3.5. A condition of consent is also proposed which requires the construction of a footpath linking the subdivision along Railway Road to the station. Cycleways are not required and not identified in Chapter 6.5 for this particular area.
- **Street trees and landscaping:** 71 street trees are proposed.
- **Public open space and parks:** The proposed subdivision includes provision of a public reserve in the location consistent with the open space requirements of the Warnervale District Development Contributions Plan, the open space locations as shown in WDCP Chapter 6.5 and WLEP 2013. The development is to be charged Section 94 contributions in accordance with the proposed condition of consent.
- **Heritage:** Not applicable to this proposal as there are no identified heritage items or Aboriginal archaeological sites within the vicinity as found by the due diligence heritage assessment undertaken.
- **Vegetation management, threatened species and urban interface:** The clearing of vegetation is required to create the subdivision and for the adjoining APZ to the west of the site. The proposed park at the north of the site is also to be managed as an APZ with mature trees to be retained where possible. There is no clearing of any non-urban land. Relevant ecological assessments have been undertaken and none of the trees proposed for removal are threatened species. The park will require some works to maintain the APZ as required by the Rural Fire Service.
- **Community safety and security:** The proposal has been designed to encourage a sense of community through provision of recreational areas. It has also been designed to provide sufficient lighting for residents and access for emergency service vehicles.
- **Land clearing:** Consent for tree removal as proposed on the tree removal plan is sought under this application. All vegetation will be cleared within the proposed residential lots and road reserves (approximately 2 ha). No trees to be removed are threatened species and no threatened species, populations or communities were observed during the ecological surveys. Council's Ecologist has considered the reporting and has concluded there will be no significant impact of the development considering that this development forms part of Precinct 7A for which extensive ecological corridors have been identified and protected.

Section 4 of Part 4 of the WDCP provides requirements in relation to residential subdivision as follows:

- **Lot size and slope:** All proposed lots are greater than the minimum lot size requirement of 450m² and achieve the minimum width of 15m when measured at the building line. The proposal provides a range of lots consistent with the requirements of Part 4 Subdivision. All lots have been designed in consideration of the slope of the land and have physical access to a street frontage with suitable area for a dwelling location. Corner lots have a minimum area of 700m² as required by section 4.

- **Street orientation and lot design for solar access:** Clause 4.2 requires the lots to be designed to maximise their potential to receive solar access. Lots should be of a shape and orientation which facilitates the design and construction of development to be energy efficient, attractive and functional. The subdivision has been designed so that the main street is oriented north-south which will maximise solar access to the future dwellings and private open space.
- **Urban design:** Clause 4.3 requires quality subdivision designs to ensure allotments promote attractive amenity and visual privacy. The subdivision design should be consistent with any established streetscape and the desired future character of the area. The proposed subdivision reflects a layout suitable for the orientation and size of the subject site. The mix of lot sizes will promote a variety of housing outcomes as anticipated by the zoning.

DCP Chapter 6.5 Warnervale South

Chapter 6.5 provides guidance for development of land in the Precinct 7A area. The objectives of the WDCP collectively are to provide a high quality and varied residential environment. A subdivision should provide safe, attractive streets with a mix of higher density development responding to amenity and the proximity to local services.

Open space: Clause 2.3 requires open space to be provided in accordance with Figure 3 Park and Open Space Locations and the relevant Section 94 Contribution Plan. The proposed subdivision includes a park of suitable size (3,628m²) and the location is as per the DCP and LEP.

Road layout and hierarchy: Clause 2.4, Figure 4 Indicative Road Layout and Hierarchy does not show a road network for the subject site. The road design has therefore considered on merits, in its alignment with the topography and connectivity to the existing road network. The road design is considered suitable for the subject site and will enable the creation of lots in accordance with the relevant requirements and provide an appropriate extension to the existing road network.

Residential subdivision: Clause 2.7 refers to density targets of 15 dwellings per hectare for land zoned R2. Based upon the 15 dwellings per hectare across the site, 50 lots would be provided on the site. The lot yield is 12 lots per hectare which provides for 40 residential allotments which are all greater than the minimum size lot requirement of 450m² and range from 510m² to 1407m².

The width and shape of the site restricts the subdivision design to a north south road configuration with east west lot orientation. The slope of the land dictates the area and width required for the individual lots which has led to the creation of 40 lots.

Noise assessment and mitigation: Clause 2.9 provides objectives relating to the minimisation of noise impacts on residential and other noise sensitive land uses. The subject site is located between the Main Northern Railway and the future extension of the Link Road. An acoustic assessment was submitted which establishes required building treatments to achieve acoustic goals for traffic and railway noise mitigation and appropriate measures can be addressed within the future building designs.

It is proposed to construct a 4.2m high acoustic wall (measured from the road level) with the future extension of the Link Road. The need for the wall will not be triggered until such time

as the Link Road becomes operational and reaches a certain level of traffic generation. The impact of intermittent noise from the railway can be mitigated with design and construction techniques. It is proposed to through conditions to require proposed lots closest to the railway line (lots 1-16 and 24-40) to be treated for noise attenuation. It is also suggested that a notation on all lots to raise awareness of the future noise construction requirements associated with the Link Road.

Water cycle management requirements: Clause 2.10 aims to minimise the impacts of development on the Porters Creek Wetland and provide water quality and quantity control measures. The proposed Stormwater Management Plan accompanying the application identifies the use of water quality treatment devices to treat pollutant runoff on site before discharging into the downstream catchment.

Potential site contamination: Clause 2.12 requires that all development applications consider the potential for any existing site contamination impacting on future land uses. The Preliminary Contaminated Lands Assessment provided as part of the rezoning process for the Warnervale South area has identified sites where historic land uses have increased the potential for site contamination to be present and are likely to require management prior to changes in land use. The identified sites will require further investigation with regard to potential on-site contamination due to historic land use.

The subject site was identified as a site of potential concern and therefore further assessment was required. A Phase 1 Contamination Assessment was undertaken for the proposal. The assessment found that the contamination risk on the site was low with recommendations of the report to be implemented through conditions to manage this risk.

Indigenous heritage: An Archaeological Investigation undertaken with the rezoning process found 18 new Indigenous sites within the Warnervale South area. An Aboriginal Heritage Due Diligence Assessment was undertaken. It was found that there is a low likelihood of locating Aboriginal objects in the study area. Therefore an Aboriginal Heritage Impact Assessment was not required and works could proceed with caution. The recommendations of the report will be included as conditions of consent which includes the cessation of all works if Aboriginal objects are uncovered during ground surface works.

Ecological issues: Clause 2.14 requires that all development satisfy any requirements that are identified in any ecological management plan or offset strategy applicable to the precinct. A Vegetation Management Plan (VMP) is to be submitted to Council wherever land is proposed to be transferred to Council for environmental or recreational management and is to demonstrate consistency with the actions outlined in the Precinct 7A Conservation Management Plan. The proposed public reserve lot is currently owned by Council, so a transfer is not required. However, a VMP for the park at the northern end of the subdivision is required and will be requested as a condition of consent prior to the release of the Construction Certificate.

Development principles for residential: the location of subdivision in Warnervale South should consider the potential for greater reliance on public transport services and be designed to enable a diverse range of housing types. This proposal is located in close proximity to the existing Warnervale Railway Station where public transport is readily available. Local bus routes can also be accessed from the station. The lots have a mix of sizes which are capable of accommodating a variety of dwelling types.

THE LIKELY IMPACTS OF THE DEVELOPMENT

a) Built Environment

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of DCP compliance and in terms of the submissions received.

Roads, Access and Traffic

Access to the proposed subdivision from the existing road network will be via the southern end of Aldenham Road and Railway Road. There will be no connection to St Albans Road. The proposed subdivision roads will not connect to the Link Road (or its extension).

The development is subject to the requirements detailed in WDCP 2013, Chapter 6.5- Warnervale South. The submitted concept civil design details are generally consistent with Appendix A - Streets and Intersections in that there has been due consideration to connectivity, safety, sight lines, widths etc.

The development will necessitate the completion of road infrastructure in accordance with the relevant provisions of Council's Civil Works Design Guidelines. Conditions are recommended requiring the provision of new road construction, street drainage and pedestrian footpaths. These matters will be further addressed through conditions of consent.

Drainage

The site falls both towards the north and south-east. Surface water runoff follows the grade of the site with drainage lines running to the south along the south eastern side of the site and across the site from the south western end of Aldenham Road. Stormwater runoff will be directed to the street drainage system which includes nutrient control and detention systems. A detention basin is identified at the corner of Railway Road and proposed Road 01 and has a total detention volume of approximately 380m³.

The stormwater network has been designed to manage surface runoff from the increase in impervious areas. Roof runoff will be collected and stored in aboveground rainwater tanks for water re-use and each lot will have an additional 2000 litres of storage within the rainwater tanks to provide detention. This will require each lot to have a 5000 litre rainwater tank with the first 3000 litres for re-use and the remainder for detention. Road and lot catchment runoff will be collected via a conventional pit and pipe network.

The outlet for the stormwater system draining the southern portion of the site will be via the existing swale located on the southern side of Railway Road. It is noted that any waters leaving the site toward Railway Road will be at pre-development flow rates as an on-site detention basin is to be provided. The northern part of the site will outlet via a grass swale before connecting into the existing open channel to the north west of the site adjacent to the Link Road.

The issue of surface drainage from the external catchment and the future Link Road has not been finalised. However, the applicant has demonstrated that a solution can be obtained without any surface runoff impacting the proposed subdivision and this issue can adequately be addressed as a condition of consent through a detailed stormwater design.

The proposed development includes stormwater treatment, retention (e.g. rainwater tanks) and detention measures that will minimise impacts on downstream properties.

Sewerage

The proposed development will be constructed in the vicinity of Council's sewer gravity main and sewer rising main. The existing sewer infrastructure must therefore be protected during construction in accordance with Council's guideline for Building Over and Adjacent to Sewer Mains with no structures to be erected above the sewer rising main. Any proposed adjustments to Council's sewage assets will require detailed design to be submitted to Council prior to the issue of a Construction Certificate.

There is an existing sewer rising main that is located in the rear of proposed lots 1 – 18. The discharge manhole and vent stack are currently located within proposed lot 18. The sewer main within proposed lot 18 is required to be extended into the road reserve with a new discharge manhole and vent stack to be constructed. These matters will be conditioned in accordance with the *Water Management Act 2000* Section 306 requirements.

Water

Water supply is available and adequate for the proposed development. Construction works for the extension of Aldenham Road to access the proposed subdivision will impact on the existing asbestos cement water main requiring replacement in PVC from the western end of Aldenham Road. This matter will be conditioned in accordance with the *Water Management Act 2000* Section 306 requirements.

Noise and Vibration

The location of the proposed subdivision is within close proximity to the Main Northern Railway and the Link Road. As a result a Noise and Vibration Assessment was undertaken detailing the potential noise and vibration impacts and mitigation measures. Mitigation measures to be implemented during the construction of the subdivision include:

- Time limitation of construction works between 7am and 5pm Monday to Saturday. No work to be carried out on Sundays and Public Holidays.
- Induction of staff and sub-contractors outlining work site responsibilities in regard to noise.
- Quieter work methods and equipment with the use of mufflers and silencers where possible.
- All plant and equipment to be properly maintained and operated according to manufacturers recommendations in such a manner as to avoid excessive noise.
- Non-tonal reversing alarms to be used.
- Timing of noisy activities to occur simultaneously to reduce their impact and duration where possible.

The Main Northern Railway

The highest vibration levels are expected to be generated by freight trains travelling along the rail corridor. Adverse effects on human exposure and structural damage from passing trains is not expected to occur.

Houses within the proposed residential subdivision that are along the southern portion of the site directly exposed to the rail line will experience greater noise impacts than those located further away. At the closest point, the residences will be located approximately 40 metres from the nearest track and exposed to a mix of passenger and freight trains at a speed of less than 80 kilometres per hour (km/hr). The outcome of the rail noise assessment was that most of the proposed lots will require building elements to have acoustic properties that enable internal noise targets to be met. This advice will be conditioned to be identified on the 88B instrument for lots 1-16 and lots 24-40.

The Link Road

The current noise generated from the existing Link Road and the Lakes Anglican Grammar School is not considered to be of a level to warrant any noise mitigation measures.

The Link Road has been designed for extension. When fully constructed, it will provide a 3.2 km connection from the existing roundabout at the Pacific Highway Watanobbi through to Sparks Road Warnervale. The road is proposed to be delivered in stages:

- Stage 1 was constructed in 2010;
- Stage 2A continues a 2 lane road format from the existing roundabout near Lakes Anglican Grammar for a 0.9 km length which passes through the site.
- Stage 2B is the final 1.4 km linking to the Pacific Highway in the south.

An assessment of the future Link Road has been undertaken. It is proposed that a 4.2 metre high acoustic wall will be provided to mitigate any potential noise effects on properties within this subdivision. It is noted that an acoustic wall will be implemented with the construction of the Link Road. Council's Manager of Contracts and Project Management has confirmed the acoustic wall will be constructed if and when required.

Acoustic Wall

An acoustic wall will be constructed as part of the Link Road extension.

The wall shall comprise a base of Type F (Jersey) Kerb (0.8 metres height) topped by an acoustic wall of 3.6 metres giving a total height of 4.2 metres. The construction of the Link Road will also require a retaining wall along the road boundary in some areas (dependent on topography and cut and fill works). The current Link Road design shows a retaining wall height in this locality of between 0 metres and 3 metres.

As such a total wall height (retaining wall plus acoustic wall) of between 4.2 metres and 7.2 metres is proposed.

This wall is proposed to run approximately parallel with the western boundary of the subject site, at a distance of 6m from the rear boundary of lots 24 to 40.

Initial design drawings for the Link Road indicate that the acoustic wall and retaining wall would be separated from the western boundary of Lots 24 to 40 by a 6 metre drainage buffer. The acoustic wall will be visible due to the slope of the land. The impact of solar access and amenity will be considered as part of the Link Road construction. It is considered that there will be minimal solar access loss due to the orientation of the lots being east west.

The proposed development is considered to be satisfactory in terms of impacts on the built environment.

Context and Setting

Each allotment provides adequate opportunity for future residential development. 'Planning Principles' established by case law identify issues that should be considered in assessing subdivision development. The findings of *Parrot v Kiama Council 2004* and *Wallis & Moore v Sutherland Shire Council 2006* established an approach to assessing the future development potential of proposed vacant allotments.

In assessing applications for residential subdivisions the Court places major emphasis on the ease with which future dwellings with good solar access can be erected on the proposed allotments. In general, this condition is best fulfilled when the side boundaries of the majority of the allotments are on or near a north-south or east-west axis.

The design of the proposed lots in the subdivision is configured on an east-west axis and provides opportunity to establish a future building footprint with useable open space and reasonable solar access.

A thorough assessment of the impact of the proposed development on the built environment has been undertaken in terms of statutory and DCP compliance, the submissions received and other relevant impacts. As a result, the proposed development is considered to be satisfactory in terms of the built environment.

b) Natural Environment

Flora & Fauna

The subject site is modified due to historical clearing. All remaining vegetation is proposed to be cleared within the proposed residential lots and road reserves (approximately 2 ha).

A range of fauna habitats are present such as trees and shrubs, leaf litter, fallen timber and hollow bearing trees. Twenty nine trees within the site will be removed including some hollow-bearing trees. No trees to be removed are threatened species and no threatened species, populations or communities were observed during the ecological surveys. The vegetation within the proposed park to the north will mostly be retained with the exception of some clearing for the APZ. Although no threatened species, populations or communities were observed on the site, a number of threatened flora and fauna species are considered possible at the site therefore seven part tests of significance were completed to determine the impacts of the proposal. The seven part tests found that the proposal is not likely to have a significant impact on flora and fauna.

Assessments of significance were conducted for 9 flora and 25 fauna species listed under the *Threatened Species Conservation Act 1995* that were determined as likely to occur on the site. The assessment concluded that the proposal is unlikely to have a significant effect

on these species, or their habitats as the species was either not recorded on the site, the low condition of the habitat on the site or the proposal will remove only a relatively small area of potential habitat for highly mobile species with large foraging area. The EPBC Significant Impact Criteria (DE 2013) were considered for 6 flora and 6 fauna species listed as threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* and it was concluded that the proposal is unlikely to have a significant impact on these species. A Species Impact Statement or referral to the Commonwealth Environment Minister is therefore not required for the proposal.

Additional studies were undertaken to determine the impact of land to be cleared for the purposes of a 20 metre wide APZ to the west of the site. The area identified to be used as temporary APZs was inspected to determine if there were any items of ecological value. The inspection and the outcome of the impact assessment found that it is unlikely that any threatened species will be impacted by the creation and management of the temporary APZs. The reason for this is largely due to the small size of the area, young age of regrowth vegetation on the site and the disturbed nature of the area.

It is noted that there are EECs on land the north-west of the site including *Eucalyptus parramattensis*. Drainage from the subdivision has been designed to minimise changes to hydraulic drainage to this area and therefore is appropriately addressed.

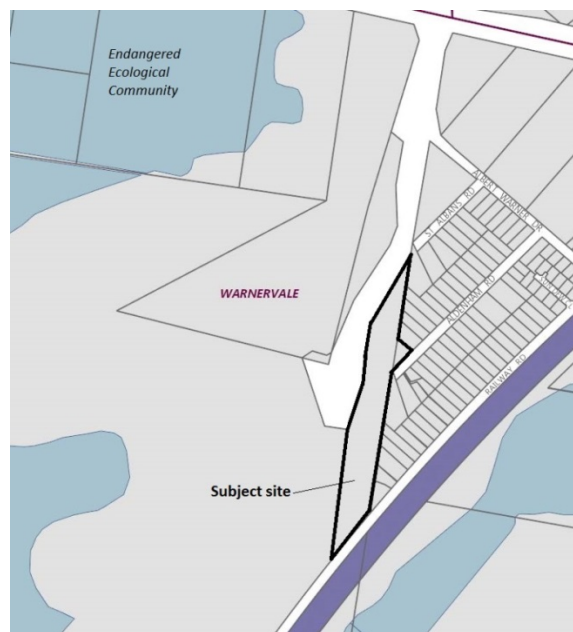


Figure 7: Location of Endangered Ecological Community (shown blue) in relation to the subject site (shown edged heavy black)

Based on the field surveys, habitat assessments and impact assessments Council's Ecologist has concluded that the proposed development is not likely to have a significant impact on any threatened species, populations or ecological communities, or their habitats, which are listed under the *Threatened Species Conservation Act 1995*.

Large Forest Owls

The subject site contains a number of large hollows that are potentially suitable for use as nesting hollows by threatened forest owls. In 2014 Council's Ecologist identified whitewash and collected pellets or scats containing bone fragments, as well as egg shell and feathers on the subject site beneath hollow bearing trees 4 and 5. The suspected pellets were, however, later identified as old fox scats. Nonetheless, additional targeted surveys were requested.

Conacher Consulting (2014) conducted additional sound recording surveys from 22 to 31 August 2014 within the breeding season of locally occurring threatened owl species. One threatened owl species, the Barking Owl (*Ninox connivens*) listed as vulnerable under the *Threatened Species Conservation Act 1995* was recorded on 29 August 2014. The call was reported as being of faint quality suggesting the owl recorded may have been located some distance from the sound recording equipment. Unidentified egg fragments were also recorded on the site but were concluded unlikely to be those of a Barking Owl based on shape. Additional stagwatching was recommended but not conducted prior to the conclusion of the 2014 breeding season.

An owl specialist, Dr Stephen Debus, was engaged to provide an expert report on the likelihood of the Barking Owl utilising the site for breeding purposes. All hollows on the site were physically inspected for any evidence of use. Only 2 of the 8 hollows in the 4 habitat trees on the site to be removed were deemed suitable for Barking Owl and both were either currently or recently occupied by other fauna species. There was no evidence that a Barking Owl had utilised any hollows on the site during the previous 2014 breeding season. It was concluded that the subject site was not occupied by a breeding pair during the 2014 breeding season, due to the lack of evidence of use and the distant single call sequence recorded on the site over 9 nights of recording during the breeding season. An assessment of significance was provided which concluded that the proposed development is unlikely to have a significant impact on the Barking Owl.

Wyong Council engaged an owl specialist in 2015 to conduct surveys across certain Council land, including the subject site. This study has confirmed two Powerful Owl nest trees occur to the west of the subject site and one Barking Owl breeding pair (Young 2015). The subject site provides potential foraging and perching habitat for these species, but does not contain a nest or breeding roosts.

Large areas of native vegetation in good condition will be protected and managed within the conservation lands in Precinct 7A as per Umwelt (2014). The vegetation proposed to be removed is not deemed significant in regards to biodiversity values, including the viability and quality of native vegetation communities, native flora and fauna habitats, connectivity, soil stability, water quality, or protection of adjoining sensitive habitats, such as core habitat, rainforest, streams, estuaries and wetlands due to its relatively small area. The proposed street tree planting plan includes 71 trees that are a mixture of Australian native species, some of which naturally occur in the locality. Detailed conditions of consent relating to tree clearing, relocation of hollows and tree protection are recommended.

Native Vegetation Act 2003

The subject site is zoned R2 - Low Density Residential and the APZ extends into the adjoining land zoned B7 – Business Park. Both of these zones are listed as 'urban zones' in Part 3 of Schedule 1 of the *Native Vegetation Act 2003*, therefore are excluded from the

operation of the Act. Consequently, separate approval for the proposed clearing of native vegetation is not required from Local Land Services.

All relevant issues regarding the likely impacts on the natural environment have been considered and determined to be reasonable for the proposed development.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

A review of Council's Land Information mapping identifies the following constraints:

- Bushfire

The site is shown on the bushfire mapping to be bushfire prone land (see figure 8).



Figure 8: Categories of bushfire prone land (subject site shown edged heavy black)

The application was referred to the Rural Fire Service (RFS) as integrated development. The RFS reviewed the application and initially requested Asset Protection Zones (APZ) to be within the boundaries of the affected lots. Upon representation from Council's Bushfire Management Planner that APZs could be established on Council property, the RFS agreed to allow APZs to extend from the western boundary of affected lots across the area where the proposed Link Road will be constructed. Council will establish a 20 metre wide APZ from the future western boundary of the affected lots. Once established the new APZ will be placed on Council's bush fire management program.

The APZs will be extinguished upon clearing of bushfire source vegetation on land adjoining this subdivision as part of constructing Stage 2A of the Link Road. A resolution of Council is

2.2 DA/221/2014 - Proposed 43 Lot Subdivision to Create 40 Residential lots, 1 Public Reserve, 1 Detention Basin and 1 Residue Lot (contd)

recommended to have the maintenance of the APZs placed on Council's Bushfire Maintenance Program.

- Acid Sulphate Soils

The site is also identified as partially being affected by Class 5 acid sulphate soils and is discussed previously in this report.

There are no other constraints that would render the site unsuitable for development.

THE PUBLIC INTEREST (s79C(1)(e)):

The proposed subdivision for future residential development provides for the efficient development of the subject site. The development is generally compliant with Council's WLEP 2013 with minor DCP variations which are considered reasonable and justified in this instance. The proposal is considered to be in the public interest due to its general compliance with the required legislation and policies and the creation of residential allotments to provide for a variety of residential development.

The proposal will provide for greater housing choice and increased supply within close proximity to a public transport facility.

OTHER MATTERS FOR CONSIDERATION

Section 94 Contributions

Section 94 contributions will be levied under the Warnervale District Development Contributions plan.

Water and Sewer Contributions

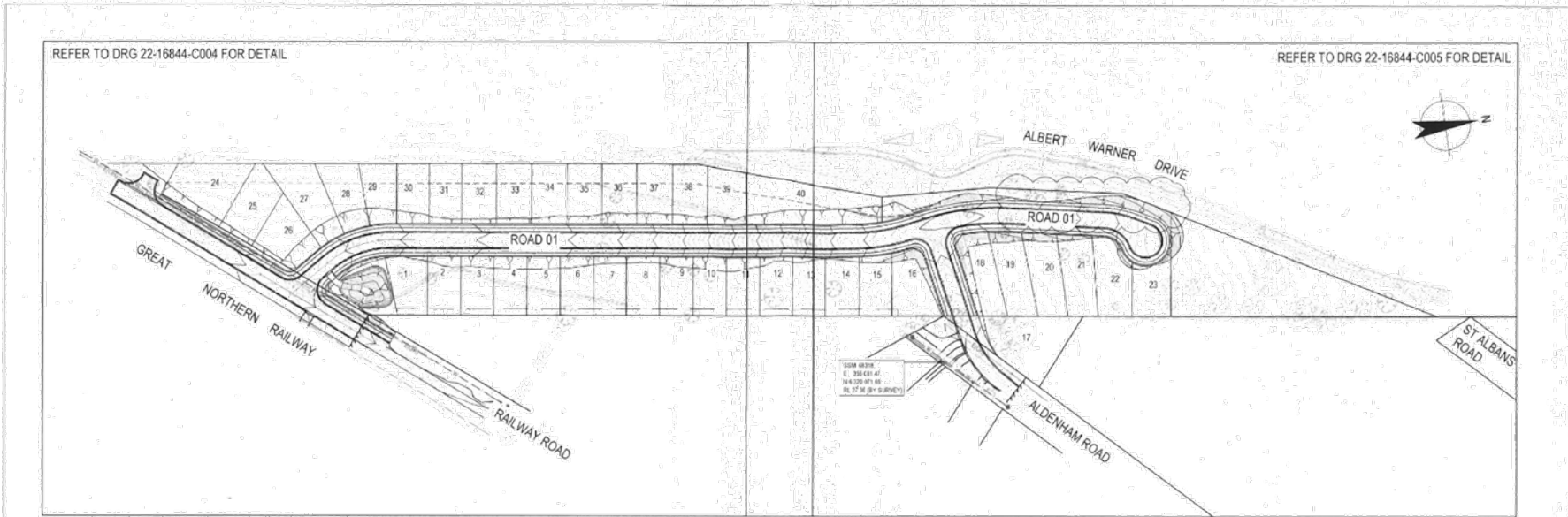
Water and Sewer contributions will be levied under the Water Management Act 2000 and detailed within the Section 306 certificate.

CONCLUSION

The proposal has been assessed in accordance with the heads of consideration in Section 79C of the *Environmental Planning and Assessment Act 1979*. The proposal is considered to be compliant with the relevant legislation and policies and will facilitate the orderly development of the land. It is considered that the proposed development is suitable for approval subject to conditions.

ATTACHMENTS

- | | | |
|---|-------------------|-----------|
| 1 | Development Plans | D12073443 |
| 2 | Draft Conditions | D12072444 |



REFER TO DRG 22-16844-C004 FOR DETAIL

REFER TO DRG 22-16844-C005 FOR DETAIL

NOTES

GENERAL

1. ALL WORKS TO BE CONSTRUCTED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF WYONG SHIRE COUNCIL'S CIVIL WORKS CONSTRUCTION SPECIFICATION.
2. IF THE STANDARD REQUIREMENTS FOR WORKS SHOWN ON THE DRAWINGS DEPART FROM THAT REQUIRED BY COUNCIL'S CIVIL WORKS CONSTRUCTION SPECIFICATION THEN THE REQUIREMENTS OF THE CIVIL WORKS CONSTRUCTION SPECIFICATION WILL GENERALLY PREVAIL. CLARIFICATION SHALL BE OBTAINED FROM COUNCIL'S PRINCIPAL DEVELOPMENT CONSTRUCTION ENGINEER IF THERE IS CONCERN THAT THE REQUIREMENTS OF COUNCIL'S CIVIL WORKS CONSTRUCTION SPECIFICATION MAY NOT BE APPROPRIATE FOR A SPECIFIC CIRCUMSTANCE.
3. THE DEVELOPER, THE DEVELOPER'S PROJECT MANAGER AND THE DEVELOPER'S CONTRACTOR SHALL ADDRESS ALL PRE-CONSTRUCTION REQUIREMENTS OF COUNCIL'S CIVIL WORKS CONSTRUCTION SPECIFICATION PRIOR TO COMMENCEMENT OF ANY WORKS.
4. THE DEVELOPER, THE DEVELOPER'S PROJECT MANAGER OR THE DEVELOPER'S CONTRACTOR SHALL CONTACT COUNCIL'S PRINCIPAL DEVELOPMENT CONSTRUCTION ENGINEER ON PHONE (NECESSARY TO ARRANGE A PRELIMINARY SITE MEETING AT LEAST 3 DAYS PRIOR TO THE PLANNED COMMENCEMENT OF CONSTRUCTION).
5. THE CONTRACTOR IS TO PROVIDE AND MAINTAIN A TRAFFIC CONTROL PLAN (TCP) FOR ANY WORKS THAT AFFECT AN EXISTING COUNCIL ROAD RESERVE, REGARDLESS OF THE NATURE AND EXTENT OF THE WORKS AND/OR IF THE WORKS WILL DISRUPT THE NORMAL FLOW OF TRAFFIC AND PEDESTRIAN. TRAFFIC CONTROL PLANS SHALL BE PREPARED ONLY BY PERSONS THAT HOLD CURRENT AT-TASKS ACCREDITATION. TRAFFIC CONTROL PLANS SHALL BE SUBMITTED ON THE ONLY BY PERSONS WITH AT-TASKS ACCREDITATION. THE CONTRACTOR SHALL PROVIDE TO COUNCIL A COPY OF THE FINAL TRAFFIC CONTROL PLAN PREPARED FOR THE WORKS AND ANY OTHER RECORDS RELATED TO TRAFFIC CONTROL AND AS REQUESTED BY COUNCIL.

THIS DRAWING INCLUDES COLOURED INFORMATION IF YOU HAVE A BLACK AND WHITE COPY YOU DO NOT HAVE ALL THE INFORMATION THIS NOTE IS COLOURED RED

WARNING: PUBLIC UTILITY SERVICES MAY EXIST ON OR ADJACENT TO THE SITE OF WORKS. THESE SERVICES MAY BE LOCATED WITHIN REGISTERED EASEMENTS OR WITHIN STAR-MARKED FOOTPATH ALLOCATIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO IDENTIFY THE LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION WORKS AND TO AVOID DISTURBANCE OF THESE SERVICES.



PLAN
SCALE 1:500

GENERAL LEGEND

EXISTING SERVICES

- EXISTING OVERHEAD ELECTRICITY WITH SINGLE-PHASE POLE
- EXISTING GAS
- EXISTING WATER WITH HYDRANT
- EXISTING STORMWATER
- EXISTING SEWER PUMP STATION ACCESS CHAMBER
- EXISTING TELEPHONE

EXISTING TOPOGRAPHY

- EXISTING CONTOUR WITH HEIGHT
- EXISTING TOP OF BANK
- EXISTING BOTTOM OF BANK
- EXISTING ROAD CROWN
- EXISTING TABLE DRAIN
- EXISTING GROUND WALL
- EXISTING TREE
- EXISTING TREE TO BE REMOVED
- EXISTING BOUNDARY
- EXISTING FENCELINE

PROPOSED

- PROPOSED STORMWATER PIPE WITH PIPE SIZE AND FLOW DIRECTION
- SOIL REPAIR AND DRAINAGE
- PROPOSED 2-INCH BORE TRENCH OR 4-INCH RILET PIPE
- PROPOSED JUNCT ON 150mm GRATED SURFACE IN 150mm DUCT - HORIZONTAL OFFSET
- PROPOSED PIT (P)
- PROPOSED HEADWALL WITH ROCK PROTECTION
- PROPOSED WATERMARK
- PROPOSED HYDRANT
- PROPOSED STOP VALVE
- PROPOSED PROPERTY CONNECTION
- PROPOSED REINFORCEMENT WITH ACCESS CHAMBER AND PROPERTY CONNECTION
- DEPTH OF WORKS
- PROPOSED CONTOUR - MAJOR
- PROPOSED CONTOUR - MINOR
- PROPOSED VEGETATED EASEMENT
- PROPOSED DIVERSION MOUND
- PROPOSED EASEMENT

D	RE-ISSUED FOR DA APPROVAL	SS	AS*	MC*	11.02.15
C	RE-ISSUED FOR DA APPROVAL	RLC	AS*	MC*	02.10.14
B	RE-ISSUED FOR DA APPROVAL	RLC	AS*	MC*	28.01.14
A	ISSUED FOR DA APPROVAL	RLC	AS*	MC*	27.08.12



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Drawn: R. COCKS
Checked: S. CORRETT
Approved: (Project Engineer)
Date:

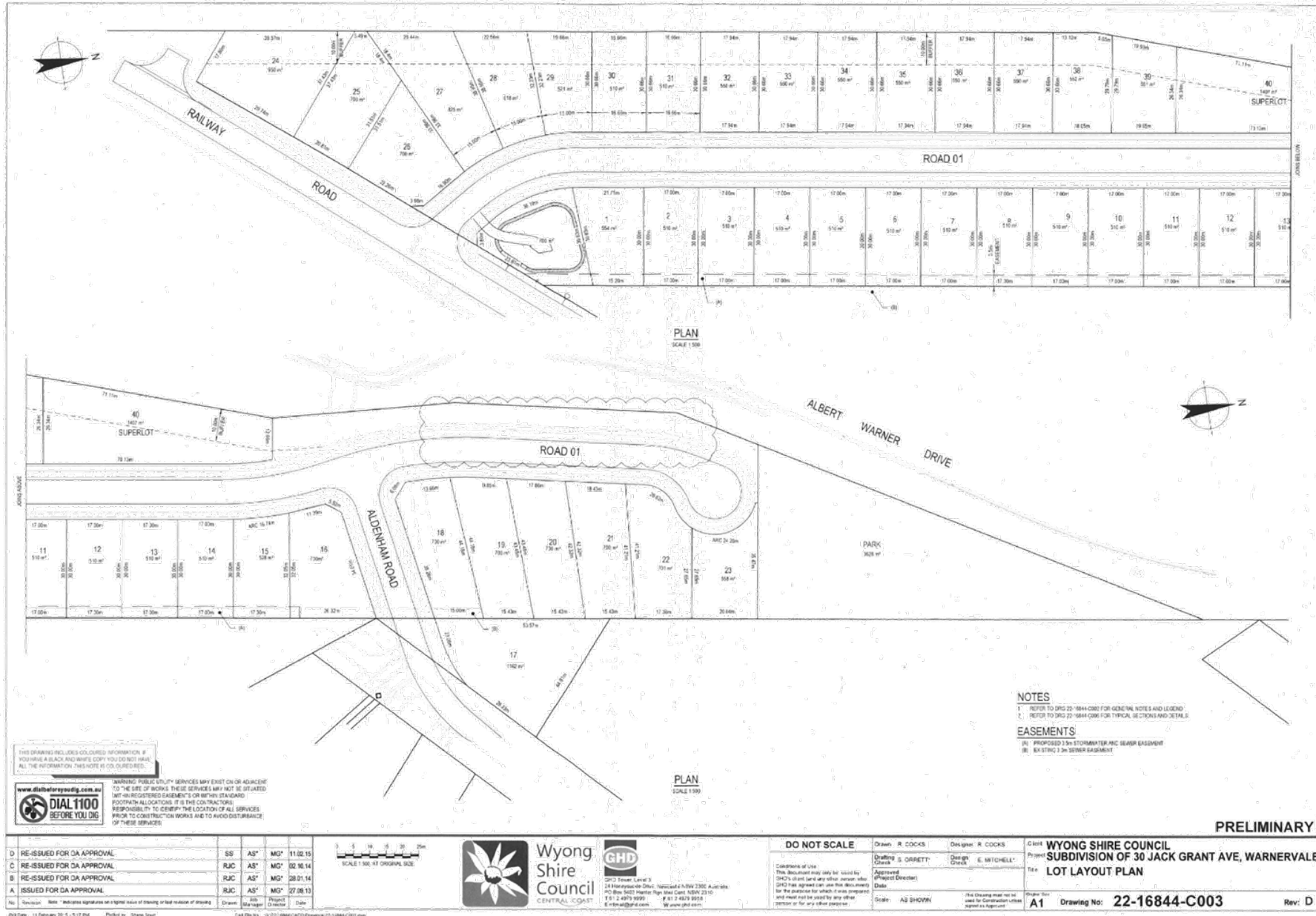
Designer: R. COCKS
Design Check: E. MITCHELL

Scale: AS SHOWN

PRELIMINARY

WYONG SHIRE COUNCIL
SUBDIVISION OF 30 JACK GRANT AVE, WARNERVALE
GENERAL ARRANGEMENT PLAN
NOTES AND LEGEND

Project: WYONG SHIRE COUNCIL SUBDIVISION OF 30 JACK GRANT AVE, WARNERVALE
Title: GENERAL ARRANGEMENT PLAN NOTES AND LEGEND
Original No: A1
Drawing No: 22-16844-C002
Rev: D



NOTES
 1. REFER TO DRG 22-16844-C002 FOR GENERAL NOTES AND LEGEND
 2. REFER TO DRG 22-16844-C001 FOR TYPICAL SECTIONS AND DETAILS

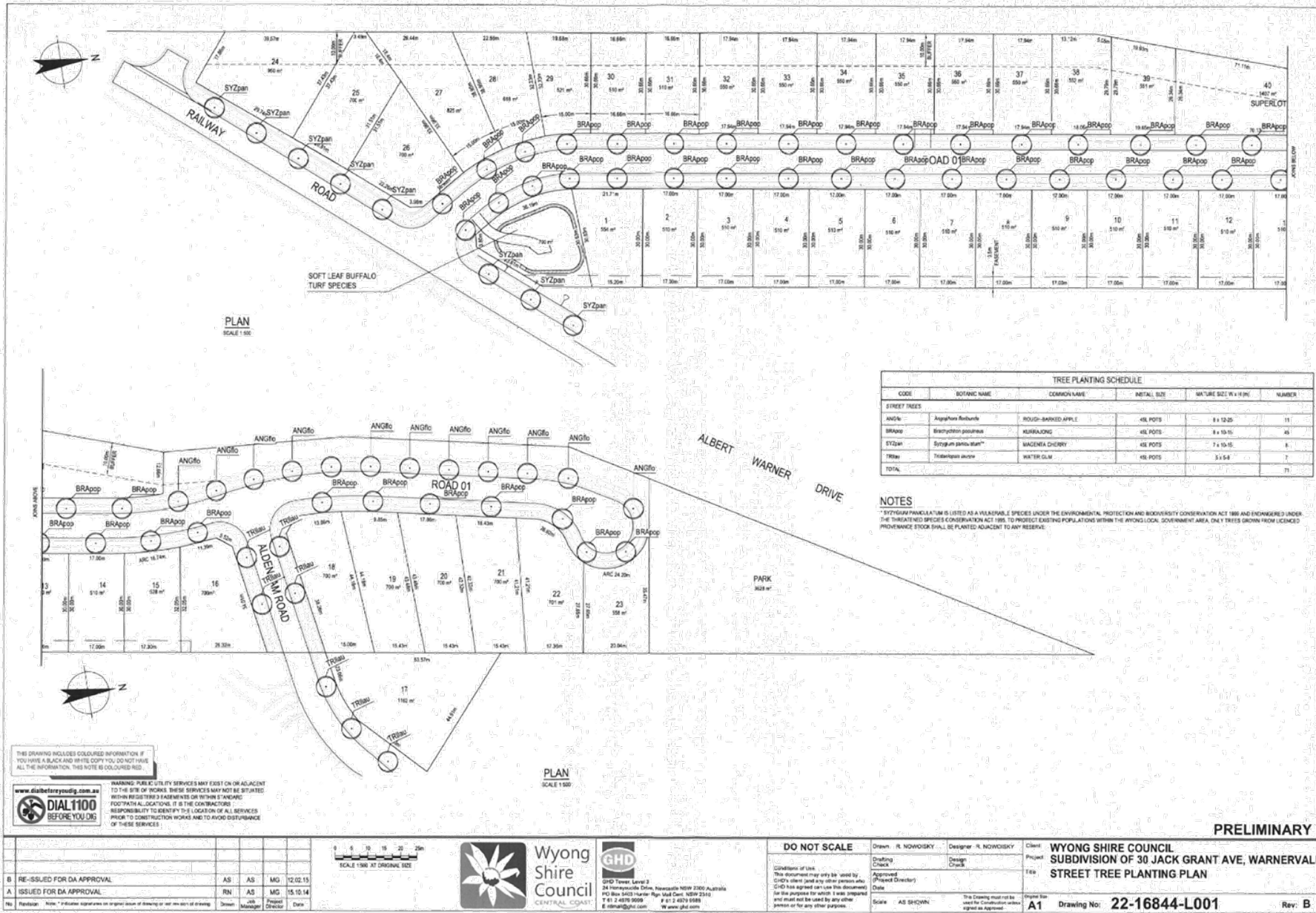
EASEMENTS
 (A) PROPOSED 3m STORMWATER IN-C SEWER EASEMENT
 (B) EXISTING 3m SEWER EASEMENT

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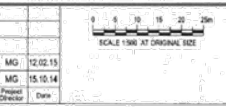


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B	RE-ISSUED FOR DA APPROVAL	AS	AS	MG	12.02.13
A	ISSUED FOR DA APPROVAL	RN	AS	MG	15.10.14
No.	Revision	Note	Drawn	Checked	Date



Wyong Shire Council
CENTRAL COAST

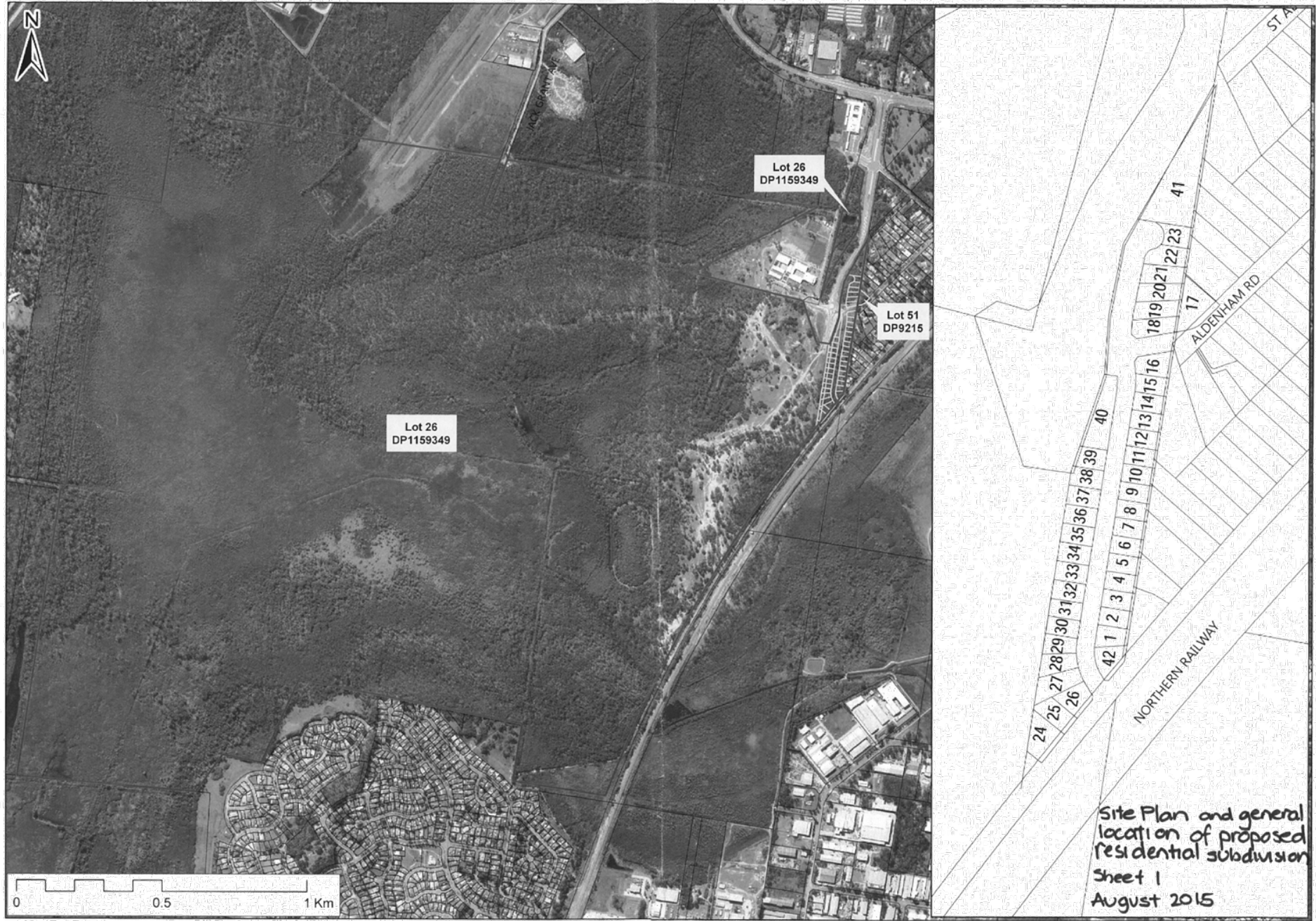
GHD
GHD Tower Level 3
26 Wentworth Street, Newcastle NSW 2300 Australia
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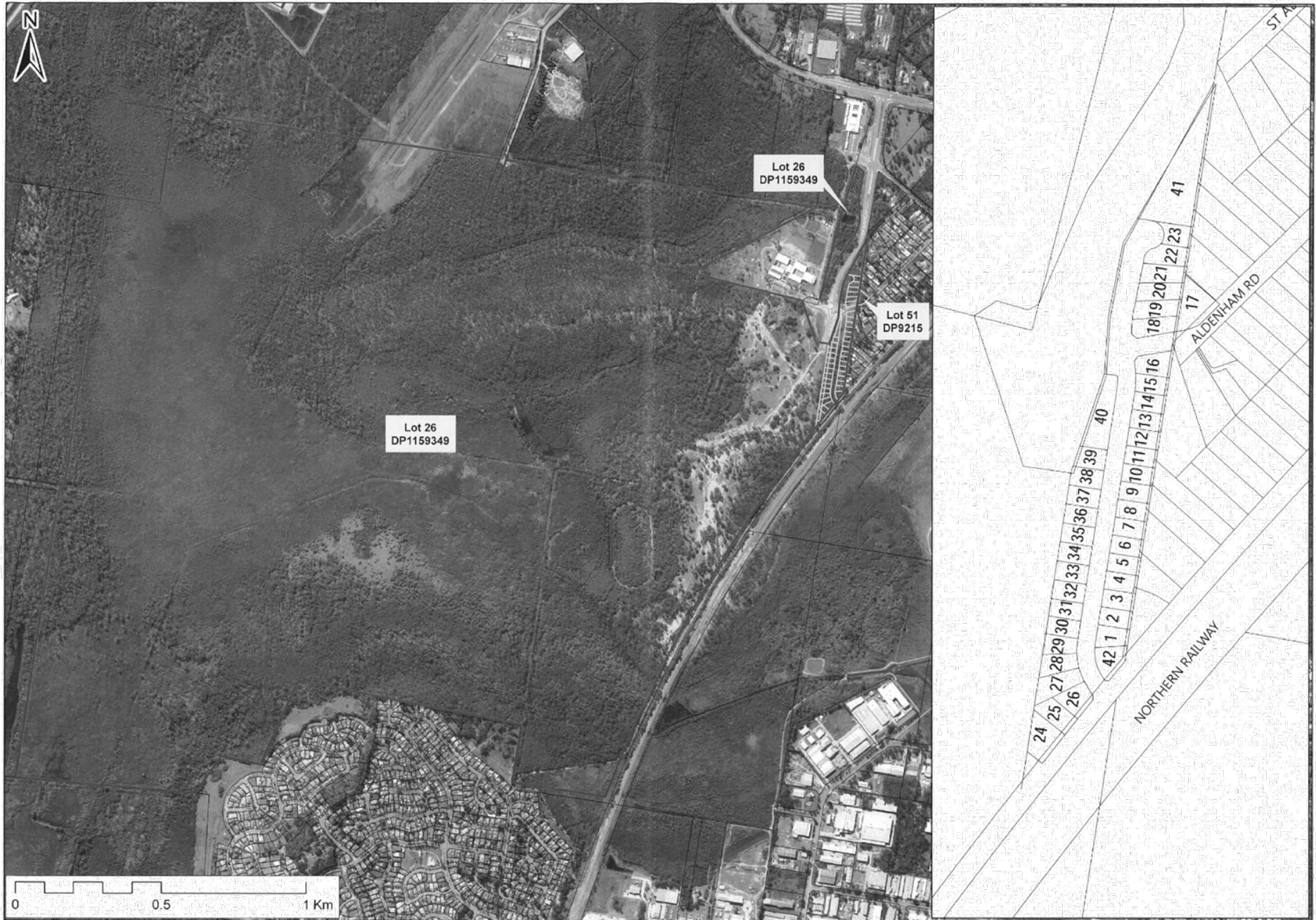
DO NOT SCALE	Drawn: R. NOWOSKY	Designer: R. NOWOSKY	Client: WYONG SHIRE COUNCIL
Conditions of Use: This document may only be used by GHD or client and any other person who GHD has signed on to use this document for the purpose for which it was prepared and shall not be used for any other purpose or for any other purpose.	Drafting Check: []	Design Check: []	Project: SUBDIVISION OF 30 JACK GRANT AVE, WARNERVALE
	Approved (Project Director): []	Date: []	Task: STREET TREE PLANTING PLAN
	Scale: AS SHOWN		Original Size: A1

PRELIMINARY

Client: WYONG SHIRE COUNCIL
 Project: SUBDIVISION OF 30 JACK GRANT AVE, WARNERVALE
 Task: STREET TREE PLANTING PLAN

Original Size: A1
 Drawing No: 22-16844-L001
 Rev: B





Date: 4 September 2015
Responsible Officer: Julie Garratley
Location: Warnervale Federation Park, 30 Jack Grant Avenue,
 WARNERVALE NSW 2259
 Lot 26 DP 1159349
UBD Reference:
Owner: Wyong Shire Council
Applicant: Wyong Shire Council
Date Of Application: 31 March 2014
Application No: DA/221/2014
Proposed Development: 43 Lot Subdivision to create 40 residential lots, 1 public reserve,
 1 detention basin and 1 residue lot
Land Area: 4557000.00
Existing Use: XXXX

PROPOSED CONDITIONS

Approved Plans

- The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:

Title	Drawing No.	Revision	Date	Drawn By
General Arrangement Plan	22-16844-C002	D	11.02.15	GHD
Lot Layout Plan	22-16844-C003	D	11.02.15	GHD
Street Tree Planting Plan	22-16844-L001	B	12.02.15	GHD
Site Plan and general location of proposed residential subdivision.	1	-	August 2015	Applicant

Certificates – Application and Approval

- A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- An application for a Subdivision Certificate must be submitted to and approved by the Council/Certifying Authority prior to endorsement of the plan of subdivision.
- Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be

lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

Bush Fire Requirements

- 5 Water, electricity and gas are to comply with the requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- 6 Public access roads shall comply with section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.
- 7 Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

Ecology/Tree Requirements

- 8 Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.
- 9 Prior to the issue of any Construction Certificate/Commencement of Works (which ever occurs first) the applicant must prepare and submit to Council and obtain approval for a Vegetation Management Plan (VMP) for the land identified as RE1 Public Reserve. The VMP is to be prepared by a suitably qualified and experienced Ecologist or bush regenerator. The land is to be managed as an asset protection zone and the VMP must be consistent with 'Planning for Bushfire' (RFS 2006). The VMP should also consider the 'Conservation Management Plan – Precinct 7A, Warnervale and Hamlyn Terrace NSW' (Umwelt 2014). The primary objective of the plan should be tree retention, weed management and if necessary replanting of canopy species. Implementation of the VMP must commence prior to the Commencement of works. In preparing and implementing the VMP the following criteria must be addressed:
 - A suitably qualified and experienced professional bush regeneration contractor is to be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the VMP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate IV in Conservation and Land Management (or equivalent) and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land

Management and one year demonstrated experience (for other personnel). In addition the site supervisor is to be eligible for full professional membership of the Australian Association of Bush Regenerators (AABR).

- A site plan must be prepared at an appropriate scale, clearly showing the area to which the VMP applies, existing vegetation, management zones and extent of dominant weed infestations.
- A tree and native vegetation protection protocol must be provided to apply during site clearing on adjoining land and construction of drainage and services within the Public Reserve. Protocol to be consistent with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Design Guidelines*.
- A description of existing native vegetation on site. Vegetation species composition, planting layout and densities should be specified, if required.
- A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, any revegetation and maintenance works for each management zone. All primary weed control must be undertaken in the first year following commencement of the VMP, with follow up weed control undertaken in the second and third year following commencement of the VMP.
- The location and type of fencing or other suitable method of restricting unauthorised access or encroachment into the areas to which the VMP applies must be identified.
- A protocol to prevent the transfer of weeds or pathogens onto or off the site is required.
- Weed management areas and replanting to be maintained for a minimum of 12 months. A report certifying completion of the VMP at the end of the period or once the specific objectives of the plan have been met is to be submitted to Council. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

Potentially Contaminated Land Requirements

- 10 Prior to the issue of a Construction Certificate, all recommended remedial actions specified in the Phase 1 Contamination Assessment titled "Wyong Shire Council – Phase 1 Contamination Assessment 30 Jack Grant Avenue, Warnervale", dated January 2014, prepared by GHD project reference 22/16844 are to be undertaken.

Roadworks - Design Requirements

- 11 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- Kerb and guttering for the full street frontage of the development.
 - Full width road pavement construction adjoining the proposed kerb and guttering for Aldenham Road from the northern boundary of proposed lot 17 and for Railway Road from chainage 60 to chainage 225.
 - Street stormwater drainage systems including proposed nutrient control and detention facilities.
 - Concrete footpath 1.5 metres wide for the full street frontage of the development.
 - Pavement marking & signage.
 - Street trees at a maximum of 15.0 metre spacing.
 - Pavement design catering for 1.4×10^5 equivalent standard axles.
 - Reconstruction of the vehicle access crossing(s) affected by the road works in Aldenham Road.
 - The provision of vehicle access crossing for the rail network maintenance access point in Railway Road.
 - Any associated works to ensure satisfactory transitions to existing infrastructure
 - The submission to Council as the Roads Authority of street lighting and reticulation design drawings. The design shall be prepared in accordance with AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting, documentation confirming a minimum of twenty (20) year design life and be approved by the Council as the Roads Authority prior to issue of a Construction Certificate. The required lighting design is for P4 category.

Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

Stockpiles

- 12 A detailed plan with the location of stockpiling and sediment control is to be approved by the Accredited Certifier prior to issue of the Construction Certificate.

Stormwater Drainage - Design Requirements

- 13 The submission to the Accredited Certifier of a detailed stormwater management plan with stormwater disposal to street. The plans must be prepared in accordance with *AS/NZS3500.3:2004* and approved by the Accredited Certifier prior to issue of the Construction Certificate.
- 14 Stormwater drainage works external to the site and discharging into a public system or public land requires approval from Council under Section 68 of the *Local Government Act 1993*. Detailed design drawings prepared in accordance with Council's *Civil Works Design Guidelines* must be approved by Council prior to the issue of a Construction Certificate. All other stormwater management works must be approved by the Accredited Certifier.

Water and Sewer Services - Design Requirements

- 15 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

Construction Fencing

- 16 Prior to the works associated with the development commencing, construction fencing is to be erected around the perimeter of the site.

Ecology/Trees Requirements

- 17 Prior to works associated with the development commencing, the applicant is to engage a qualified and experienced Ecologist, Arborist and Soil Erosion Professional to supervise the vegetation clearing and construction of each stage of the development and to ensure and certify to Council's Development Ecologist that the trees and vegetation proposed for retention are adequately protected during construction. Evidence of this engagement is to be forwarded to Council prior to the commencement of works. The Ecologist and Arborist are to provide reports to Council's Development Ecologist for review, certifying how the proposal is meeting tree retention and protection requirements, within 10 working days following completion of the following stages of the development:
 - Following the marking of all habitat trees, marking of trees to be retained and erection of required tree protection fencing (prior to the commencement of works)
 - Following induction of each civil contractor and subcontractor (prior to the commencement of works)

- Following initial clearing, removal of habitat trees and excavation/filling of the site
 - Following provision of roads and services
 - Following completion of each construction phase (and prior to the issue of a Subdivision Certificate).
- 18 Prior to commencement of works, tree protection fencing must be installed in accordance with the Vegetation Management Plan for the Public Reserve, as approved.

Erosion and Sediment Control Requirements

- 19 Prior to the commencement of construction a Soil and Water Management Plan (SWMP) prepared in accordance with the latest edition of the Landcom Publication '*Soils and Constructions- Volume 1*' (The Blue Book) shall be provided to the Principal Certifying Authority (PCA). The SWMP is to be prepared, reviewed and updated by persons suitably qualified to interpret "*The Blue Book*" or trained in the use of "*The Blue Book*" for preparation of Soil and Water Management Plans.

This SWMP shall be modified and updated during construction to reflect any changes to the on-ground/site conditions. A copy of any modifications or updates to the SWMP shall be approved by a suitably qualified person and provided to the PCA and provided to Council upon request. Further information and requirements in relation to works that Council's "Civil Construction Specification" apply, may be found in the appendix of that document.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent SWMP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act*.

Filling and Haulage Requirements

- 20 Prior to works associated with the development commencing, details are to be provided for the approval of Council as the Roads Authority, of the proposed routes to and from the site for heavy vehicle traffic accessing the site.

Landscaping Design Requirements

- 21 Street trees are to be supplied in suitably sized containers so that an immediate impression is achieved at the time of planting. Containers not less than 45 litres are suggested.

Protection of Adjoining Property Requirements

- 22 Prior to works associated with the development commencing, the owner of adjoining properties affected by the proposed construction works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed works.

Roads - Preconstruction Requirements

- 23 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

During Construction Works:

The following conditions must be satisfied during construction works.

Ecology/Trees - Construction Requirements

- 24 No tree (or other vegetation) other than those specifically notated on the approved plan(s) as "tree to be removed" shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Consent Authority.
- 25 Council is to be notified as soon as practicable (and not more than twenty-four (24) hours after) if a breach of these ecological protection conditions occurs.
- 26 Any approved excavation or filling within a retained tree's canopy perimeter shall be in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Construction Specification*, as excavation or filling can lead to tree instability or death.
- 27 All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained trees. Methods for the installation of services within the tree's canopy perimeter are contained within AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Construction Specification* and include under boring and excavation by hand.
- 28 Native fauna must be appropriately managed during clearing and construction phases of the approved works. In this regard, an appropriately qualified and licensed Fauna Ecologist is to be engaged to conduct pre-clearing surveys and directly supervise the clearing of all woody vegetation and fauna habitats. Hollow bearing trees to be removed must be clearly marked prior to clearing works by the Ecologist. All tree hollows and hollow logs must be inspected, preferably physically or via the use of a camera (otherwise stagwatched), prior to clearing to determine if any fauna are occupying hollows. Hollow logs must be relocated to native vegetation in land zoned E2 – Environmental Conservation on the residue portion of lot 26 where practically possible and not

in the proposed location of the Link Road. Hollow bearing trees containing fauna must be sectionally dismantled unless fauna relocated to the adjacent bushland/nest boxes, or unsafe to dismantle as determined by a qualified Arborist. Hollow bearing trees not containing fauna may be slowly lowered or sectionally dismantled using excavation/earthmoving machinery. Clearing is to be otherwise carried out in accordance with the tree felling procedure in the 'Conservation Management Plan – Precinct 7A, Warnervale and Hamlyn Terrace NSW' (Umwelt, 2014). Any natural hollow removed by the development not re-erected must be placed wherever possible as ground hollows on land zoned E2-Environmental Conservation or E3 – Environmental Management within the locality under the supervision of Council's Ecologist. Where, in spite of precautions, wildlife is injured, the Fauna Ecologist is to take the necessary action to treat the animal, which may include veterinary treatment.

- 29 Hollows must be salvaged during site clearing, or where salvation is not possible two nest boxes must be provided for each natural hollow removed. Nest boxes must be of a type commensurate to the hollow to be removed. Nest boxes must be constructed of appropriate durable materials (eg. painted marine ply, native hardwood or similar). Nest boxes/hollows must be fixed to recipient trees with stainless steel screws, wire or similar. Nest boxes/hollows must be installed on land zoned E2-Environmental Conservation or E3 – Environmental Management within the locality under the supervision of Council's Ecologist. Nest boxes/hollows must be installed in a location that minimises the risk of vandalism and maximises the likelihood of occupation by native fauna.
- 30 Works are to be conducted in accordance with the Vegetation Management Plan prepared for the Public Reserve, as approved.
- 31 If canopy thinning is required to achieve adequate Bushfire Asset Protection requirements then it shall be conducted selectively. Those trees with poor health shall be removed prior to those of with good health. Selective removal shall also consider maintenance of species diversity. No hollow-bearing trees may be removed to achieve Bushfire Asset Protection Zones. An appropriately qualified Arborist or Ecologist and Bushfire Manager are to be engaged to flag and clearly identify those trees best removed to achieve bushfire asset protection requirements. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.
- 32 Vehicles and other equipment to be used on site must be completely free of soil, seeds and plant material before entering/leaving the site to prevent the spread of exotic plant species and pathogens. All vehicles and machinery must be inspected prior to site entry and those failing inspection should be sent away for cleaning. Appropriate records of inspections shall be maintained.
- 33 Tree species used in the proposed landscaping will provide suitable canopy cover upon reaching maturity. Due to the slow growing nature of the identified species of *B. Populneum* and *T. laurina*, it is suggested that semi-mature (100 litre containers) nursery stock be planted.

Services/Utility Requirements

- 34 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 35 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Site Requirements

- 36 Construction works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 37 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 38 All plant and equipment is to be properly maintained and operated according to manufacturer's recommendations in such a manner as to avoid excessive noise including non-tonal reversing alarms.
- 39 Stockpiles are to be in accordance with the plan approved prior to the release of the Construction Certificate.

Prior to Release of Subdivision Certificate:

The following conditions must be satisfied prior to the release of a Subdivision Certificate.

Bush Fire Requirements

- 40 The proposed public reserve within the subject site shall be managed as an Asset Protection Zone as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Contribution Payment Requirements

- 41 Prior to the issue of any Subdivision Certificate, the payment to Council of developer contributions as calculated in the formula below:

$$\text{Developer contribution} = \$1,224,196.73 \times \text{Current CPI} \div \text{Base CPI}$$

where “**Current CPI**” is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the time of payment of developer contributions pursuant to this condition, and “**Base CPI**” is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the date of this consent.

This condition is imposed pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*.

Dilapidation Rectification Requirements

- 42 Prior to the issue of a Subdivision Certificate, any damage not shown in the Dilapidation Reports submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant’s expense.

Ecology/Tree Requirements

- 43 Prior to the issue of the Subdivision Certificate, the submission to Council of proof that millable timber has been recycled for use in construction materials, furniture or fencing or similar, through local saw mills or sawyers. Other tree waste must be wood-chipped or tub ground, or used for firewood. Tree stumps, which cannot be reasonably tub ground, may be disposed of to a Council approved site. Unless otherwise directed, the resultant materials must be used in final landscape works for soil stabilisation, improvement and rehabilitation. It is not permitted to dispose of vegetated matter removed through development activity by burning and the NSW Rural Fire Services is unable to provide a permit to dispose of such material in this manner.
- 44 Prior to the issue of a Subdivision Certificate, a final certification report detailing the level of compliance for each stage of the development with all conditions relating to ecology/trees must be prepared by the engaged Ecologist and Arborist and forwarded to Council for review.
- 45 The outer edge of the asset protection zone on the residue lot must be permanently delineated using rock boulders, metal fencing, posts, bollards or similar. Evidence of this is to be supplied to Council prior to issue of Subdivision Certificate.

Landscaping Requirements

- 46 Prior to the issue of an Occupation Certificate, to ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

- 47 Prior to the issue of an Occupation Certificate, all areas disturbed by construction activities associated with the construction of the development, shall be revegetated and stabilised so as to prevent erosion occurring.

Lighting Spill Requirements

- 48 All external lighting is to be of a type that minimises overspill into retained vegetated areas

Subdivision– Compliance Requirements

- 49 The certification by a Registered Surveyor, prior to issue of a Subdivision Certificate that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. The certification shall be accompanied by a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.
- 50 The provision of a report to Council by a Geotechnical Engineer classifying that each lot being created is in accordance with AS 2870-2011 - *Residential Slabs and Footings*, prior to issue of a Subdivision Certificate.
- 51 The provision of Works as Executed information as identified in *Council's Civil Works Construction Specification* prior to issue of the Subdivision Certificate. This information is to be approved by Council prior to issue of the Subdivision Certificate.
- 52 Prior to issue of a Subdivision Certificate the provision of written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot:
- telecommunications
 - electricity supply
 - gas supply
 - national broadband network
 - water supply
 - sewerage

The location of services must be shown on a copy of the final subdivision plan, with the distances from the boundaries to each service endorsed in red thereon.

- 53 All subdivision works must be approved by Council prior to the issue of a Subdivision Certificate.
- 54 The plan of subdivision and Section 88B instrument shall establish the following title encumbrances with Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise.

Wherever possible the extent of the land affected shall be defined by bearings and distances shown on the plan of subdivision:

- 'Easement to Drain Water' as identified on the approved development plans.
- 'Easement to Drain Sewage' as identified on the approved development plans.
- 'Easement for Services' as identified on the approved development plans.
- 'Restriction on the use of Land' requiring the provision of a temporary Asset Protection Zone (APZ) of 20 metres (10 metres Outer Protection Area and 10 metres Inner Protection Area) from the western boundaries of lots 24, 25, 27-39 within Lot 26 in DP 1159349. The APZ is to be maintained in accordance with section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2005' and NSW Rural Fire Service's document 'Standards for asset protection zones.'

This restriction shall be extinguished upon removal of vegetation constituting a bushfire source on land which adjoins the residential lots created via this consent, but only if the hazard has been removed as part of the development.

- 'Restriction on the use of Land' requiring that the future dwelling-houses on all proposed lots are to be designed in accordance with NSW Department of Planning's *Development Near Rail Corridors and Busy Roads* in consultation with an acoustic consultant to ensure that noise levels from;
 - The future Link Road do not impact on the internal amenity of the dwellings. **Note:** An acoustic wall is proposed to be constructed along the road alignment to the west of Lots 24 – 40 when the Link Road extension is constructed.
 - The Main Northern Railway does not impact on the internal amenity of dwellings on lots 1-16 and 24-40.

The encumbrances must be shown on the final plan of subdivision and Section 88B instrument, and be approved by Council with the Subdivision Certificate.

- 55 An appropriate covenant being registered against the Title of all lots within this subdivision in accordance with the provisions of the *Conveyancing Act 1919*. Such covenant is to provide that future development on these lots includes the provision of a 5000 litre rainwater tank.
- 56 All roads are to be constructed and dedicated up to the boundaries of all adjoining properties prior to the issue of a Subdivision Certificate. Details are to be incorporated in the plan of subdivision.

Stormwater – Compliance Requirements

- 57 The completion of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500 as amended. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of a Subdivision Certificate.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 58 Prior to the issue of a Subdivision Certificate, all water and sewer works for the development must be approved by Council as the Water and Sewer Authority.
- 59 The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority, prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

Ecology/Tree Requirements

- 60 Nest boxes placed in the land zoned E2 – Environmental Conservation on the parent lot (Lot 26 DP 1159349) are to be monitored by the Ecologist to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be prepared by the Ecologist and forwarded to Council after each monitoring event.
- 61 Where slashing is to be undertaken within the Asset Protection Zone on the residue lot, a cut height of above 0.4 m would be desirable to allow for the retention of potential threatened flora species habitat (e.g. *Corunastylis* sp. Charmhaven, *Thelymitra* sp. *adorata*) particularly during flowering seasons (Feb – April and Sept – Oct respectively).

Landscaping Requirements

- 62 All street trees are to be maintained in accordance with the provisions of Natspec *Specifying Trees*. Clark, R. 2003.

Stormwater – Ongoing Maintenance Requirements

- 63 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

1 SCHEDULE OF CONTRIBUTIONS

Shire Wide Regional Open Space	\$7,050.40
Shire Wide Cycleway Network	\$14,463.70
Shire Wide Performing Arts Centre & Public Art	\$16,320.50
Shire Wide Administration	\$3,133.33
WD - PRECINCT 7A - OPEN SPACE WORKS	\$156,450.90
WD - PRECINCT 7A - COMMUNITY FACILITIES LAND	\$5,022.37
WD - PRECINCT 7A - COMMUNITY FACILITIES WORKS	\$115,479.43
WD - PRECINCT 7A - DRAINAGE LAND	\$11,191.84
WD - PRECINCT 7A - DRAINAGE WORKS	\$78,739.55
WD - PRECINCT 7A - WATER QUALITY WORKS - J1	\$173,851.87
WD - PRECINCT 7A - ENVIRONMENTAL RESTORATION WORKS	\$14,355.86
WD - PRECINCT 7A - STUDIES	\$3,440.77
WD - WARNERVALE DISTRICT ADMINISTRATION	\$15,107.29
WD - PRECINCT 7A - ROADS	\$484,815.77
WD - PRECINCT 7A - OPEN SPACE LAND	\$124,773.15