



Online Payment Reference: 558453
DA/422/1998/C
Tracy Sharp/kmw
30 November 2017

Hynken Pty Ltd
C/- Trehy Ingold Neate
PO Box 3205
TUGGERAH NSW 2259

Application to Modify Development Consent Notice of Determination

Pursuant to Clause 122 of the *Environmental Planning and Assessment Regulations 2000*

Development Application No: DA/422/1998/C
Property Address: Lot 54 DP 7091,
259-269 Warnervale Road, HAMLYN TERRACE
Description of Development: 41 Lot Residential Subdivision (amended application)
Modified On: 23 November 2017 (C)
4 March 2010 (A)
Determination: Approved
Determination Date: 2 July 2004
Consent to Operate From: 2 July 2004
Consent to Lapse On: 2 July 2006
(if not commenced before)

Conditions

- 1 The development taking place in accordance with the approved development plans project number 22377, drawing number SB04, amendment A, dated 19.4.17 by Trehy Ingold Neate except as modified by any conditions of this consent and any amendments in red except as modified by any conditions of this consent, and any amendments in red.
 - Stage 1 Lots 115-120, 122-130 and associated roadworks;
 - Stage 2 Lots 101-114, 121 and associated roadworks;
 - Stage 3 Lots 131-144 and associated roadworks.

Contributions apply to the issue of the Subdivision Certificate for each respective stage.



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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.

- 2 Prior to preparation of any engineering design plans the consultant preparing the design plans will need to contact Council's Engineering Development Section to discuss the extent and scope of all works and details required on the design plans to conform to Council's DCP 49 – Warnervale East And Wadalba North West and DCP 67 – Engineering Requirements for Development.

Details that need to be discussed but not limited to:

- Bus stop shelter in Warnervale Rd;
- Treatment of western side of Louisiana Rd new formation;
- Provision of two (2) lanes on the southern formation of Warnervale Rd between Louisiana Rd and Barlow PI;
- Existing culverts in Louisiana Rd to be replaced by the ultimate design for its full length and appropriate outlet treatment;
- Extent of fill and protection within the proposed drainage reserve (Lot 148);
- Details of Gross Pollutant Traps (GPT);
- The location of the landscaped medians within Warnervale Rd.

Certificates / Engineering Details

- 3 A Construction Certificate is to be issued by the Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.

Erosion and Sediment Control

- 4 The control of erosion and the prevention of silt discharge into drainage systems and waterways in accordance with Council's Development Control Plan No 67 - Engineering Requirements for Development. The design plans must be approved by Council prior to the issue of a Construction Certificate. All works must be approved by Council prior to the issue of a Subdivision Certificate.

Roads

- 5 Separate approval from Council as the Roads Authority must be obtained under Section 138 of the *Roads Act 1993* prior to the issue of any Construction Certificate which includes any works within a Council road reserve. For any such works, design plans must be submitted to and approved by Council prior to the issue of the Construction Certificate. All works must be approved by Council prior to the issue of the Subdivision Certificate. All details are to be in accordance with Council's Development Control Plan No 67 - Engineering Requirements for Development.

- 6 The provision of additional roads and stormwater works within the road reserve or Council's land at no cost to Council necessary to ensure satisfactory transitions to existing work as a result of conditions of this consent. The extent of works required for this development will be determined by Council in conjunction with assessing the application under the *Roads Act 1993*. Design plans for any such works are to be incorporated in the design for other roads and stormwater systems required for this development. Design plans must be approved by Council prior to the issue of the Construction Certificate. All works must be approved prior to the issue of the Subdivision Certificate.
- 7 The provision of kerb and gutter with 8.5 metre wide road construction for the full frontage of the subdivision along Warnervale and Louisiana Roads and associated stormwater systems in accordance with Council's Development Control Plan No. 49 – Warnervale East and Wadalba North-west and Development Control Plan No 67 - Engineering Requirements for Development. The design plans, including the treatment of the western formation of Louisiana Road, must be approved by Council prior to the issue of a Construction Certificate. All works must be approved by Council prior to the issue of a Subdivision Certificate.
- 8 The provision at no cost to Council of concrete footpaving for the full street frontages of the development/subdivision. The footpath design must:
 - a) provide a minimum 100mm thick concrete path with F72 reinforcement
 - b) be constructed on 75mm compacted roadbase on compacted subgrade
 - c) include two 90mm drainage pipes which are to extend from the boundary to the kerb located one metre from each side boundary.

All other details are to be in accordance with Council's Development Control Plan No 67 - Engineering Requirements for Development. The design plans must be approved by Council prior to the issue of a Construction Certificate. All works must be approved by Council prior to the issue of a Subdivision Certificate.

- 9 The provision of a 2.5 metre wide combined cycleway/pedestrian path in accordance with Council's Development Control Plan No 49 – Warnervale east and Wadalba Northwest and Development Control Plan No 67 - Engineering Requirements for Development; in the following locations:
 - a) Along the new southern and eastern boundary alignments of Warnervale and Louisiana Roads respectively for the full frontage of the subdivision; and
 - b) Adjacent the southern boundaries of proposed Lots 120 and 121, and the northern boundary of Lots 122 and 138 connecting to the proposed combined cycleway/pedestrian path in Louisiana Road.

The design plans must be approved by Council prior to the issue of a Construction Certificate for each stage. All works must be approved by Council prior to the issue of a Subdivision Certificate for each stage.

- 10 The provision of temporary and permanent bus servicing facilities in accordance with Development Control Plan No 49 – Warnervale East and Wadalba Northwest and Development Control Plan No 67 - Engineering Requirements for Development. The location is to be identified on the design plans which must be approved by Council prior to the issue of a Construction Certificate. All works must be approved by Council prior to the issue of a Subdivision Certificate.
- 11 The provision of traffic management facilities throughout the development in accordance with Council's Development Control Plan No 49 – Warnervale East and Wadalba Northwest and Development Control Plan No 67 - Engineering Requirements for Development. Minor adjustments to lot boundaries may be required to achieve a satisfactory design. Design plans must be approved by Council prior to the issue of the Construction Certificate. All works must be approved by Council prior to the issue of the Subdivision Certificate.

Stormwater

- 12 The provision of a stormwater system, including the removal and ultimate upgrading of the full length of culverts under Louisiana Road, with water quality control facilities required to treat stormwater runoff from the development in accordance with Council's Development Control Plan No 67 - Engineering Requirements for Development. Design plans, generally in accordance with the Trehy Ingold Neate Concept Stormwater Management Plan reference 16604, dated 15/6/04, including pollution control devices capable of removing litter, sediment and oil/grease prior to entering the drainage reserve, must be approved by Council prior to the issue of the Construction Certificate. All works must be approved by Council prior to the issue of the Subdivision Certificate.

Subdivision

- 13 The design and construction of all subdivision works in accordance with Council's Development Control Plan No 49 – Warnervale East and Wadalba Northwest and Development Control Plan No 67 - Engineering Requirements for Development which are prescribed at the time of commencement of engineering works. The design plans, including an overlay of the vegetation plan identifying trees to be retained and any trees to be removed must be approved by Council prior to the issue of a Construction Certificate. All works must be approved by Council prior to the issue of a Subdivision Certificate.

Water and Sewer Services

- 14 A Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development must be obtained from Wyong Shire Council as Water Supply Authority prior to the issue of a Subdivision Certificate. All water and sewer services necessary to service the development must be provided in accordance with Council's requirements. All services are to be designed and constructed in accordance with Council's Development Control Plan 67 - Engineering Requirements for Development. The design plans for the required services must be approved by Council prior to the issue of the Construction Certificate. All works must be approved by Council prior to the issue of a Certificate of Compliance.

- 15 The provision of the following water supply and sewer works in conjunction with the servicing of the development. These items must be approved by Council as the Water Supply Authority:
 - a) The developer is responsible for the design and construction of a 250mm water main along the eastern alignment of Louisiana Road in accordance with the new road widening alignment. The existing 150mm water main will need to be capped and abandoned. The new 250mm main will be interconnected to the existing 250mm water main located on the northern alignment of Warnervale Road and the section of the 250mm main constructed along the adjoining subdivision.
- 16 The provision of water and sewer services necessary to service the development. The design plans must be approved by Council prior to the issue of a Construction Certificate. All works must be approved by Council prior to the issue of a Subdivision Certificate.

Landscaping

- 17 The provision and maintenance of landscaping in accordance with Council's Policy Number L1 - Landscape for Category 3 development including the engagement of an approved landscape consultant and contractor for the landscaping. In this regard, an amended landscape design is to be submitted for Council's approval prior to the issue of the Construction Certificate, including the use of species endemic to the site for all street tree planting (such as *Corymbia maculata*, *Eucalyptus longifolia*, *Eucalyptus tereticornis*) and details in relation to proposed treatment of the trunk drainage channels and embellishment of the proposed open space. The landscaping plan and works are to be integrated with the required Habitat Restoration Plan. Species and numbers will reflect the pre-development structure and floristics of the native vegetation communities on the development site, with particular emphasis on selecting a range of suitable species to provide a continuous year-round source of nectar for wildlife.

Tree Protection / Ecological Conditions

- 18 The applicant is to engage a suitably qualified and experienced consulting ecologist, arborist and soil erosion consultant to supervise the construction of each stage of the development and to ensure and certify to Council's Development Ecologist that the trees and vegetation within the proposed habitat protection areas and buffers are adequately retained, protected and rehabilitated during construction. This will require careful consideration of placement of stormwater, sewer, water, power, gas and telecommunications services, temporary construction access, and stockpiles to allow for the long-term retention of these trees and vegetation.

Evidence of this engagement is to be forwarded to Council's Development Ecologist prior to the issue of a Construction Certificate. The consultant ecologist and arborist is to provide reports to Council's Development Ecologist for review certifying how the proposal is meeting tree retention and protection requirements following completion of the following stages of development:

- a) Following erection of required tree protection fencing (and prior to the issue of a Construction Certificate)
- b) Following induction of each civil contractor and subcontractor
- c) Following initial clearing and excavation/filling of the site
- d) Following provision of services
- e) Following completion of each construction phase (and prior to the issue of an Subdivision Certificate)

Council's Development Ecologist is to be notified as soon as practicable (and not more than 24 hours after) if a significant breach of these ecological protection conditions occurs. A final certification of each stage of the development from the ecologist/arborist is to be forwarded to Council for review detailing the level of compliance with these ecological protection conditions and prior to the issue of a Subdivision Certificate.

- 19 The roads, access and allotments adjacent to proposed Lots 147 and 148 (Open Space and Drainage) will be retained using rock walls or similar while the use of battering is prohibited to ensure maximum retention of trees and native vegetation within this allotment.
- 20 No construction or other vehicle access is permitted across proposed Lots 147 and 148.
- 21 Trees and native vegetation proposed for retention and exclusion fencing are to be clearly identified on all the final approved engineering plans. In particular, proposed Lots 147 and 148 (Open Space and Drainage) is to be protectively fenced prior to the issue of a Construction Certificate for stage 1.
- 22 The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors. In addition the consultant ecologist and arborist are to induct each civil contractor and sub-contractor in relation to these ecological protocols and requirements.
- 23 Trees and vegetation within proposed Lots 147 and 148 are to be protected by the erection of 1.8 metre-high man-proof fencing as per the consulting arborist and ecologist's direction and maintained in good working order for the duration of works. This is to be confirmed to Council's Development Ecologist in writing by the consultant arborist/ecologist prior to the issue of a Construction Certificate for stage 1. All fenced tree protection areas are to be clearly marked as "No Go Area" on all final approved engineering plans and on the fencing itself. All construction contractors and personnel are to be advised of the importance of conserving these No Go Areas as part of their site and OH&S induction program. No clearing of trees or vegetation or storage or vehicles, fill or materials or access is to occur within proposed Lots 147 and 148 (Open Space and Drainage).

The consultant arborist/ecologist may require other habitat and/or trees to be protected via fencing from time to time. This fencing is to be erected at the appropriate root zone protection limits (as determined by the consultant arborist/ecologist), prior to works being carried out around that particular habitat or tree.

- 24 The applicant is to prepare and submit to Council's Development Ecologist for approval a Habitat Restoration Plan (HRP) for the proposed habitat protection areas and buffers to the development prior to the issue of a Construction Certificate for stage 1. The HRP is to be prepared by a suitably qualified and experienced ecologist and will integrate with the required Category 3 Landscape Plan and Erosion Control Plans. The applicant is to demonstrate to Council's Development Ecologist's satisfaction how this integration has occurred. In preparing the HRP the applicant is to have due regard to the following specific and required components of the HRP:

Revegetation/restoration of proposed Lot 40 (Open Space and Drainage)

- a) A suitably qualified and experienced professional bush regeneration contractor is to be engaged to carry out revegetation planting, restoration and maintenance weed control specified in the Habitat Restoration Plan.
- b) The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate 2 in Bushland Regeneration and two years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Bushland Regeneration 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).
- c) The mulch/tub grindings generated from the removal and thinning of trees associated with the development is/are to be re-used in restoring the 10(a) zoned section of the property as required.
- d) Restoration areas are to be maintained for a minimum of three years.
- e) Any plant stock used in revegetation (if required) will be sourced from Central Coast derived material.

Wildlife Management Strategy

- a) A Wildlife Management Strategy (WMS) is to be prepared by the consultant ecologist. The WMS is to address the handling of fauna species likely to occur on the site. The WMS is to determine the total number of roosting and denning hollows suitable for all fauna including microbats, birds and arboreal mammals, to be removed or isolated by the development, and provide for the creation of suitable replacement denning habitat via artificial nest boxes, within proposed Lots 147 and 148. Nest boxes are to be provided on a one for one basis for every natural hollow removed by the development. All nest boxes are to be erected prior to the issue of a Construction Certificate for stage 1 and at least one month prior to vegetation clearance on the site. The WMS is to also provide for the monitoring of nest boxes to determine their usage and carry out repairs or replacement (as required) on a biannual basis for a minimum period of two (2) years following erection. Monitoring reports are to be periodically forwarded to Council.
- b) The consultant ecologist is to supervise removal of any hollow bearing to ensure mitigation against any native animal welfare issues

- 25 The Landscape Plan is to only use native species endemic to the site and in particular focus on *Eucalyptus tereticornis*, *Eucalyptus robusta*, *Angophora costata*, *Melaleuca* spp. It is to integrate with the required Habitat Restoration Plan. In particular, the Plan is to detail the planting of a minimum of ten 100L suitable *Eucalyptus* species along both sides of the Louisiana Road reserve to provide future connectivity for Squirrel Gliders in to and out of Lots 147 and 148.
- 26 All external lighting is to be of a type that minimises overspill into retained vegetated areas within proposed Lots 147 and 148.

Other Authorities – Compliance Requirements

- 27 An amended controlled activity approval under Section 91 of the *Water Management Act 2000* (formerly known as a Part 3A Permit under the *Rivers and Foreshores Improvement Act 1948*) must be obtained from the Department of Primary Industry - Water for any works within, or within 40 metres of, the natural drainage reserve (Lot 148). A copy of the permit is to be provided to Council prior to the issue of a Construction Certificate for Stage 1.
- 27A Prior to the issue of the Occupation Certificate compliance with the Bushfire Safety Authority of the Rural Fire Service as outline in correspondence dated 13 November 2017, as indicated below:

Asset Protection Zones

- a. At the issue of subdivision certificate and in perpetuity the entire property of each residential lot shall be managed as an inner protection area (IPA) 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'.
- b. Prior to the issue of a subdivision certificate, suitably worded instruments shall be created pursuant to section 88 of the '*Conveyancing Act 1919*' on proposed lots 54 and 55 which requires the land to be managed as follows:
- A 10 metre inner protection area (IPA) shall be managed north of De Havilland Circuit and Road No.1;
 - A 10 metre IPA shall be managed south of Lotus Place; and,
 - A 10 metre IPA and 10 metre outer protection area (OPA) shall be managed south of the lot boundaries of Lots 120 and 121 and north of Lots 122 and 136.

The land shall be managed 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'.

Water and Utilities

- c. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

- d. Public road access shall comply with the acceptable solutions as outlined within section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

Landscaping

- e. Landscaping shall comply with the principles as outlined within Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Contributions

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

$$\text{Developer contribution} = \$2,084,495.40 \times \text{Current CPI} \div \text{Base CPI}$$

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*.

- 29 The payment to Council of contributions (as contained in the attached Schedule) under the *Water Management Act 2000*. The contributions under the *Water Management Act 2000* are adjusted in accordance with the Independent Pricing and Regulatory Authority decisions. The amount of the contributions will be adjusted to the amount applicable at the time of payment.

Prior to Commencement and During Works:

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

Erosion and Sediment Control

- 30 The provision of separate single all weather access ways incorporating vehicle shake down facilities to each of the two sections of the subdivision site during construction stages. The shake down facilities are to reduce the potential for erosion to occur and for materials to be tracked onto Councils roads by vehicles in accordance with the requirements of Council's Policy E1 - Erosion and Sediment Control from Building Sites. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.

Sewer

- 31 4The sewer manhole, together with the existing sewer carrier main, is to be located and then protected for the duration of construction, to ensure that access is available at all times. The approval of Council is required should the level of the manhole need to be raised or lowered.

Trees

- 32 Any approved excavation or filling within a retained tree's canopy perimeter shall be in accordance with Development Control Plan No 67 - Engineering Requirements for Development, as excavation or filling can lead to tree instability or death.
- 33 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 Development Control Plan No 67 - Engineering Requirements for Development and include underboring and excavation by hand.
- 34 All street trees are to be protected by the installation of a protective fence to the canopy perimeter. Any street tree damaged during building works must be replaced, at no cost to Council, with a tree of similar height and species. Note: The driveway and associated footpath crossing is to be located clear of the street trees.
- 35 Trees containing trunk or branch hollows provide habitat and shelter to native wildlife. Trees which are required to be removed as part of this consent which contain, or potentially contain hollows, are to be sectionally dismantled, taking care to minimise harm to resident wildlife. Dismantling of trees must be supervised by an experienced wildlife carer or consultant who holds an appropriate National Parks and Wildlife Services Licence. Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the licensed carer or consultant.

Prior to Release of Subdivision Certificate:

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

Filling and Haulage

- 36 The making good to the satisfaction of Council, or payment of the costs incurred by Council in making good, any pavement damage or structural deterioration caused to Council's roads by the use of such roads as haulage routes for materials used in construction or the operation of the approved development.
- 37 The registration of a restriction as to user in respect of any lot which is less than 600mm above the 1% flood height requiring that the finished floor level of any residential building is to be at least 600mm above the 1% flood height.
- 38 The registration of the necessary Restrictions as to User.
- 39 The submission to Council and approval of proposed names for the roads within the subdivision prior to the issue of a Subdivision Certificate.

- 40 The developer being responsible for any costs relating to minor alterations and extensions of existing roads, drainage and Council services for the purposes of the development.
- 41 All public roads are to be constructed and dedicated up to the boundaries of all adjoining properties where shown on the approved plan.
- 42 All necessary right(s) of carriageway and easement(s) for services are to be approved by Council prior to issue of the Subdivision Certificate and registered with the plan of subdivision.
- 43 The provision of a report to Council by a Consulting Engineer classifying each lot being created in accordance with AS 2870-1987 (Residential Slabs and Footings), prior to the issue of a Subdivision Certificate.
- 44 Road widening of 2.0 and 1.0 metres along the full frontage of Warnervale and Louisiana Roads respectively is to be dedicated as public road. Details are to be incorporated in the Plan of Subdivision.
- 45 The provision of Works as Executed information as identified in Council's Development Control Plan No 67 - Engineering Requirements for Development prior to the issue of a Subdivision Certificate. The information is to be submitted in hard copy and in electronic format in accordance with Council's "CADCHECK" requirements. This information is to be approved by Council prior to the issue of a Subdivision Certificate.
- 46 A Subdivision Certificate is to be issued by the Certifying Authority prior to the registration of the Plan of Subdivision. The application for this Certificate is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.

Trees

- 47 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.

REASON: To ensure sensitive management and re-use of natural resources.

- 48 The provision of landscaped medians within the curtilage of Warnervale Rd in accordance with Development Control Plan No. 49.

Registration / Transfer

- 49 The transfer to Council in fee simple prior to the issue of a Subdivision Certificate for stage 1 and at no cost to Council, of the land identified as being proposed Lots 147 and 148 as drainage land and open space, in accordance with the provisions of Development Control Plan No 49. It will be necessary to submit a transfer in registerable form for execution by Council, together with the deeds to that property.

Fencing

- 50 The provision of a lapped and capped timber fence along the northern boundary of proposed Lots 122 and 138 adjacent to the required cycleway. Details are to be provided to and approved by Council prior to the issue of a Subdivision Certificate.

Additional Conditions

- 51 The plan of subdivision and Section 88B instrument are to establish the following restrictive covenants, with the Council having the benefit of these covenants and having sole authority to release vary or modify these covenants. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.

On Lots 102, 114 and 115:

- Prohibiting direct vehicle ingress and egress to and from Warnervale Road.

On Lots 120 and 121:

- Prohibiting the erection of any building within the easement for sewer 5.0 metre wide over the existing 450mm carrier sewer main.

On Lots 101 and 102:

- Prohibiting the erection of any dwelling/building unless it is sympathetic in design and position to the orientation and roof form of the heritage item located on the adjoining property (Lot 1 DP 304957).

On Lots 101, 103 and 104:

- Prohibiting the use of colourbond fencing along the common boundary of Lot 1 DP 304957.

Asset protection zone existing lots 54, 55, proposed lots 120, 121, 122 and 136:

- 'Restriction on the Use of Land' that the entire property shall be managed as an inner protection area (IPA) 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' in perpetuity.
- 'Restriction on the Use of Land' for a 10 metre inner protection area (IPA) shall be managed north of De Havilland Circuit and Road No.1 and a 10 metre IPA shall be managed south of Lotus Place.
- 'Restriction on the Use of Land' for a 10 metre IPA and 10 metre outer protection area (OPA) shall be managed south of the lot boundaries of Lots 120 and 121 and north of Lots 122 and 136.

- 52 The Plan of Subdivision shall include the creation of interallotment drainage easements as necessary to allow every upstream lot to discharge stormwater runoff from roof and paved areas to a public road or a Council controlled drainage system. These easements shall be not less than 1.5 metres wide. Drainage works within these easements shall be designed and constructed in conformity with the standards set out in Council's Development Control Plan No 67 – Engineering Requirements for Development.
- 53 The creation of a "5 metre wide Easement for Sewer" over the existing 450mm sewer carrier main for its full length of the subdivision.
- 54 Prior to issue of a Subdivision Certificate, it will be necessary for the Surveyor preparing the plan of subdivision to certify that all lots and Louisiana Road have been filled and constructed to conform to the minimum 1% AEP flood level pursuant to the *Review of Warnervale Channel Hydrology & Hydraulics* Final Draft Report prepared by Azzura Consulting, dated October 2002.
- 55 All existing structures on the site are to be demolished prior to the issue of a Subdivision Certificate. Building demolition work is to be carried out in accordance with the requirements/provisions of the Australian Standard AS 2601 - 2001 – The Demolition of Structures. If any structures contain asbestos materials, these are to be disposed of in accordance with the requirements of Workcover NSW and the above Australian Standard.
- 56 The existing power lines fronting the development within Louisiana and Warnervale Roads being placed underground.

Ongoing Operation:

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

- 57 Lot 145 is to be withheld from sale until such time as it can be subdivided in conjunction with the adjoining land. In this regard, the further subdivision of this lot is subject to the submission to and approval by Council of a separate development application.
- 58 Compliance with the following requirements of the Mine Subsidence Board:
 - a) The number, size and boundaries of lots being substantially as shown on the approved plan; and
 - b) Notification being made to the Board of any changes to lot numbering and of the registered DP number.

Right of Appeal

If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court.

Section 82A of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to Review the determination, except where the application is Integrated or Designated development.

Signed on Behalf of the Consent Authority



Tracy Sharp
Senior Development Planner
DEVELOPMENT ASSESSMENT