

## [Agenda Report](#)

### **User Instructions**

If necessary to view the original Agenda Item, double-click on 'Agenda Report' blue hyperlink above.

### **Resolved Items Action Statement**

Action is required for the following item as per the Council Resolution.

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## **NOTICE OF COUNCIL RESOLUTION**

### **COUNCIL MEETING – 24/02/2015**

**TITLE            DA45149/2014 PART 3 APPLICANT: STEVENS GROUP NSW PTY LTD PROPOSED AMENDMENT UNDER SECTION 96(1A) EP&A ACT 1979 TORRENS & COMUNITY TITLE SUBDIVISION MASTERPLAN & LAND DEDICATION ASSOC. WITH KINGS PARK TERRIGAL - AMEND CONDITIONS OF CONSENT (IR 20281547)**

Department:     Governance & Planning  
Service Unit:     Development & Compliance

*The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979.*

Councillor Morris declared her pecuniary interest in relation to this item, under Chapter 14 of the Local Government Act 1993, as her firm has a matter against the applicant and did not take part in the consideration or discussion of, or vote on any question relating to this item.

Councillor Morris had left the meeting at 6.56 pm.

Councillor Ward declared his less than significant non-pecuniary interest in relation to this item, under Chapter 14 of the Local Government Act 1993, as he has known the owner for some time, however considered he was capable of making an impartial decision in respect to this matter.

**RESOLVED** (Ward/Strickson) that:

- A     Council as consent authority grant consent to the Section 96(1A) Part 3 application to modify Development Consent No 45149/2014 to the approved proposed Torrens and Community Title Subdivision Masterplan and Land Dedication associated with Kings Park Terrigal (Formerly Terrigal at Parkside) into seven (7) Torrens Title Allotments and a Community Title Subdivision comprising one hundred and thirty-six (136) Allotments conducted in six (6) Stages and Land Dedication on LOT: 202 DP: 831864, LOT: 4 DP: 37914, LOT: 1 DP: 381971, LOT: 2 DP: 1111392, LOT: 1 DP: 1189881, LOT: 2 DP: 1189881, 36 Kings Avenue TERRIGAL, 31 Belar Avenue TERRIGAL, 131 Picketts Valley Road PICKETTS VALLEY, 26 Belar Avenue TERRIGAL, 20 Belar Avenue TERRIGAL, 80 Kings Avenue TERRIGAL. The Development Consent No 45149/2014 be modified as follows:

- i Condition 1.1 only in relation to Supporting Documentation - Seven (7) Lot Torrens Title Subdivision being amended to now read:

**Supporting Documentation**

| Document                              | Title                                                                         | Date                     |
|---------------------------------------|-------------------------------------------------------------------------------|--------------------------|
| Unreferenced                          | Statement of Environmental Effects prepared by Stevens Group                  | January 2014             |
| Job No<br>NL 130391                   | Engineering Design Report prepared by Northrop                                | 10/02/2015<br>Revision C |
| Ref:GCC<br>13-620                     | Flora and Fauna Impact Assessment prepared by Keystone Ecological             | December 2013            |
| Unreferenced                          | Traffic Impact Assessment prepared by B J Bradley and Associates              | 17 December 2013         |
| Unreferenced                          | Bushfire Assessment Report prepared by Bushfire Planning and Design           | 29 October 2013          |
| Unreferenced                          | Urban Design Plan                                                             | undated                  |
| CGS 1896-<br>002.0                    | Report on Geotechnical Investigation prepared by Cardno Geotech Solutions     | 18 December 2013         |
| Ref: No<br>27267577 V4<br>(Version 2) | Draft Community Management Statement prepared by McCullough Robertson Lawyers | undated                  |

- ii Condition 1.1 only in relation to Approved Plans and Supporting Documentation in Stage 1A to Stage 6 being amended to now read:

**Supporting Documentation**

| Document                              | Title                                                                         | Date                     |
|---------------------------------------|-------------------------------------------------------------------------------|--------------------------|
| Unreferenced                          | Statement of Environmental Effects prepared by Stevens Group                  | January 2014             |
| SS13-2672                             | Development Application – Landscape Package Prepared by Site Image            | 18 December 2013         |
| Job No<br>NL 130391                   | Engineering Design Report prepared by Northrop                                | 10/02/2015<br>Revision C |
| Ref:GCC<br>13-620                     | Flora and Fauna Impact Assessment prepared by Keystone Ecological             | December 2013            |
| Unreferenced                          | Traffic Impact Assessment prepared by B J Bradley and Associates              | 17 December 2013         |
| Unreferenced                          | Bushfire Assessment Report prepared by Bushfire Planning and Design           | 29 October 2013          |
| Unreferenced                          | Urban Design Plan                                                             | undated                  |
| CGS 1896-<br>002.0                    | Report on Geotechnical Investigation prepared by Cardno Geotech Solutions     | 18 December 2013         |
| Ref: No<br>27267577 V4<br>(Version 2) | Draft Community Management Statement prepared by McCullough Robertson Lawyers | Undated                  |
| Unreferenced                          | Biodiversity Impact Assessment prepared by Keystone Ecological                | 8 July 2014              |

- iii Condition 1.1 only in relation to Approved Plans in Stage 1A being amended to now read:

### 1.1. Approved Plans and Supporting Documents

The development shall be implemented substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

#### Subdivision Plans by ADW Johnson and Staging Plan by Northrop

| Drawing | Description                              | Sheets | Issue | Date     |
|---------|------------------------------------------|--------|-------|----------|
| CO3_DA  | Staging Plan                             | 1      | E     | 05/08/14 |
| 239038  | Community Title Subdivision - Super Lots | 1      | C     | 20/05/14 |
| 239038  | Community Title Subdivision – Stage 1    | 1 of 2 | C     | 19/05/14 |
| 239038  | Community Title Subdivision – Stage 1    | 2 of 2 | C     | 19/05/14 |
| CO1_DA  | Site Plan                                | 1 of 4 | F     | 20/11/14 |
| CO2_DA  | Lot Plan                                 | 2 of 4 | E     | 20/11/14 |
| CO3_DA  | Staging Plan                             | 3 of 4 | F     | 20/11/14 |
| CO4_DA  | Road Layout                              | 4 of 4 | F     | 06/02/15 |

iv Condition 2.2a and Condition 2.6a in Stage 1A being amended to now read:

2.2 All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.

Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and "Policy 'D6.46 Erosion Sedimentation Control".

The required works to be designed are as follows:

- a Full width road including kerb and guttering, subsoil drainage, footpath formation, drainage and a nominal minimum 6.5m wide road pavement across the full frontage of the site in Belar Ave. The existing eastern kerb alignment within Belar Ave (approx 5.5m from the boundary) is to be maintained to the site.

The engineering plans must be approved by Council prior to the issuing of any Construction Certificate required under this consent.

Comment must be sought from Council's Construction Planning & Management Service Unit.

2.6 Engineering plans for the following subdivision works within the private property must be designed by a suitably qualified professional, in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control' prior to the issue of any Construction Certificate.

- a. Internal roads, drainage and pathways. The road reserve width of proposed Road 6 at the junction/start of Belar Ave shall be widened approximately 2m to the west to enable the existing eastern kerb alignment within Belar Ave to remain straight (and to maintain the existing east footway width of approx 5.5m from the boundary in Belar Ave), provide a 6.5m wide pavement, 1.5m wide footway, and the required batter. Horizontal curves within the proposed eastern kerb alignment are to be wholly contained within the site.

The engineering plans and any associated reports for the above requirements must form part of any Construction Certificate.

Comment must be sought from Council's Construction Planning & Management Service Unit.

- v Condition 2.14 in Stage 1A, Stage 1B and Stage 5, Condition 2.6 in Stage 2, Condition 2.11 in Stage 3 and Stage 4, Condition 2.12 in stage 6 being amended to now read:

The fire trail is to be wholly located within the Community land. Detailed design plans are to clearly identify the proposed fire trail (including batters / retaining walls) identified as 'I' on the approved plans. Details demonstrating compliance are to be included in the Construction Certificate documentation.

- vi The addition of the following new conditions of consent as Condition 2.6q and Condition 5.17 in Stage 1A:

2.6 Engineering plans for the following subdivision works within the private property must be designed by a suitably qualified professional, in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control' prior to the issue of any Construction Certificate.

- q Excavation works for borrow area within proposed Stages 2, 3 and 4 as shown in engineering plan C1A21 Rev C by Northrop dated 22-01-15. This excavation work includes parts of proposed Roads 1, 2, 3 and 5, and parts of proposed lots 55 to 66 inclusive, 81, 82, 83, 98, 99 & 100.

The engineering plans and any associated reports for the above requirements must form part of any Construction Certificate.

Comment must be sought from Council's Construction Planning & Management Service Unit.

5.17 Rehabilitation of the 'borrow area' in stages 2, 3 and 4 to ensure the area is adequately stabilised (e.g. grass cover / seeding with an endemic grass cover) during the interim period until development is completed in that stage.

- vii The deletion of Condition 2.2d, Condition 2.6b and Condition 5.13 in Stage 1A .

- B Council resolve to prepare a Planning Proposal to zone the proposed fire trail (approximately ten (10) metres wide) located along the Northern boundary of proposed lot 105 abutting Stage 1A and Stage 2, from RE1 Public Recreation to an appropriate zone. All associated batters/retaining walls are to be contained within this ten (10) meters wide area.

The original development consent is therefore replicated incorporating amendment/s and/or deletion/s.

- C The applicant be advised that the approved amendment does not extend the terms of the original consent.

For the Resolution:

Councillors McKinna, Macfadyen, Bocking, Bowles,  
Doyle, Scott, Strickson and Ward.