



Title: Development Application No. 48585/2015, Proposed Residential Subdivision of Five (5) Lots into Nine (9) Lots & New Road on LOT: 6 DP: 1071636, LOT: 7 DP: 1071636, LOT: 1 DP: 259824, LOT: 2 DP: 259824, LOT: 13 DP: 550325, 85 Karalta Road ERINA, 87 Karalta Road ERINA, 91 Karalta Road ERINA, 89 Karalta Road ERINA, 93 Karalta Road ERINA

Department: Environment and Planning

Report Purpose:

To enable the determination of a development application.

Applicant	Thrum Architects
Owner	C G & C G Bartsos
Application Number	48585/2015
Description of Land	LOT: 6 DP: 1071636, LOT: 7 DP: 1071636, LOT: 1 DP: 259824, LOT: 2 DP: 259824, LOT: 13 DP: 550325; 85 Karalta Road ERINA, 87 Karalta Road ERINA, 91 Karalta Road ERINA, 89 Karalta Road ERINA, 93 Karalta Road ERINA
Proposed Development	Residential Subdivision of Five (5) Lots into Nine (9) Lots & New Road
Zoning	R1 GENERAL RESIDENTIAL
Site Area	3.89 ha
Existing Use	5 dwelling houses

Summary:

The application seeks to subdivide 5 lots into 6 lots and dedicate a new public road off Karalta Road as a cul-de-sac for access to the 56 lots as well as Kincumba Mountain reserve.

Proposed lot A has an area of 11,635m², proposed lot B has an area of 5,156m², proposed lot D has an area of 1,580m², proposed lot F has an area of 6,345m², proposed lot G has an area of 4,772m², and proposed lot H has an area of 4,729m².

All lots, except lot B, contain an existing dwelling-house.

The proposed road has a road reserve width of 17.4m, and a radius of 15.5m at the cul-de-sac.

A 10m wide buffer area is provided along the Karalta Road frontage of lots F, G and H to prohibit direct access to Karalta Road and for landscaping. Access to all proposed lots is to be from the proposed new internal road.

A 6m wide public laneway is proposed from the end of the cul-de-sac to the existing fire trail on the adjoining Kincumba Mountain public reserve.

Application Type	Development Application
Application Lodged	14/10/2015
Delegation level Reason for delegation level	Manager Development and Compliance: 100% variation to DCP.

Critical Issues	Resolution
Road layout	Varies from DCP but provides better layout, less road construction, and access to Kincumba Mountain .
Dedication of land for public reserve	No dedication as shown in DCP. Additional land for public reserve is not needed in this area as per advice from Council's recreation section/open space officer.

Advertised and Notified	Exhibition period closed on 13/11/2015
Submissions	One (1)
Disclosure of Political Donations & Gifts	No

Recommendation:

- A Council as consent authority grant consent to Development Application No 48585/2015 for subdivision of five (5) lots into six (6) lots & new road on LOT: 6 DP: 1071636, LOT: 7 DP: 1071636, LOT: 1 DP: 259824, LOT: 2 DP: 259824, LOT: 13 DP: 550325, 85 Karalta Road ERINA, 87 Karalta Road ERINA, 91 Karalta Road ERINA, 89 Karalta Road ERINA, 93 Karalta Road ERINA subject to the conditions attached.
- B In accordance with Section 95(1) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.
- C The objectors are notified of Council's decision.
- D The External Authorities be notified of the Council's decision.

Assessment:

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans.

Summary of Non Compliance:

Policy	Details
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Gosford LEP 2014	Nil. Complies with minimum lot size of 550m ² .
Gosford DCP 2013	Road layout and dedication of land as public reserve. Proposed layout is a better outcome to that shown in DCP and has been supported by Council's Recreation Officer and Development Engineer.

Background:

Council's records show that the following applications were previously lodged on this site:

- Lots 6 and 7 DA 8776/2000. Consent for aged care facility on 19/12/2000. Consent did not proceed.
 DA 22923/2003- Boundary adjustment on 30/4/2004. Linen plan released 13/9/2004.
- Lot 1 DP 259824 DA 2614/1982. New dwelling house approved 10/6/1982.
 DA 6547/1999. Glass enclosure approved 13/1/2000
- Lot 2 DP 259824 BA 10244/1980. New dwelling house approved 1/1/1980.
 BA 79053/1994. New dwelling house approved 15/12/1994.

Site & Surrounds:

The site is located on the southern side of Karalta Road, Erina. On the northern side of Karalta Road is Erina Fair shopping Centre. To the west is existing residential development, to the east is an existing retirement village, and to the south is Kincumba Mountain Reserve.

The site is significantly vegetated and a dwelling house exists on each of the 5 existing lots. A steep embankment exists along the eastern frontage of the site which is the reason why the DCP restricted one access to the site on the western side. The site generally falls to the north west.

The site is identified as "bushfire prone land" on Council's bushfire maps. A Bushfire Assessment Report prepared by Conacher Consulting (reference 5054) dated October 2015 was submitted with the application. The application was lodged as Integrated Development with the NSW Rural Fire Service. The RFS has issued a bush fire safety authority under s100B of the Rural Fires Act 1997, subject to conditions. **(Refer Condition 7.1)**

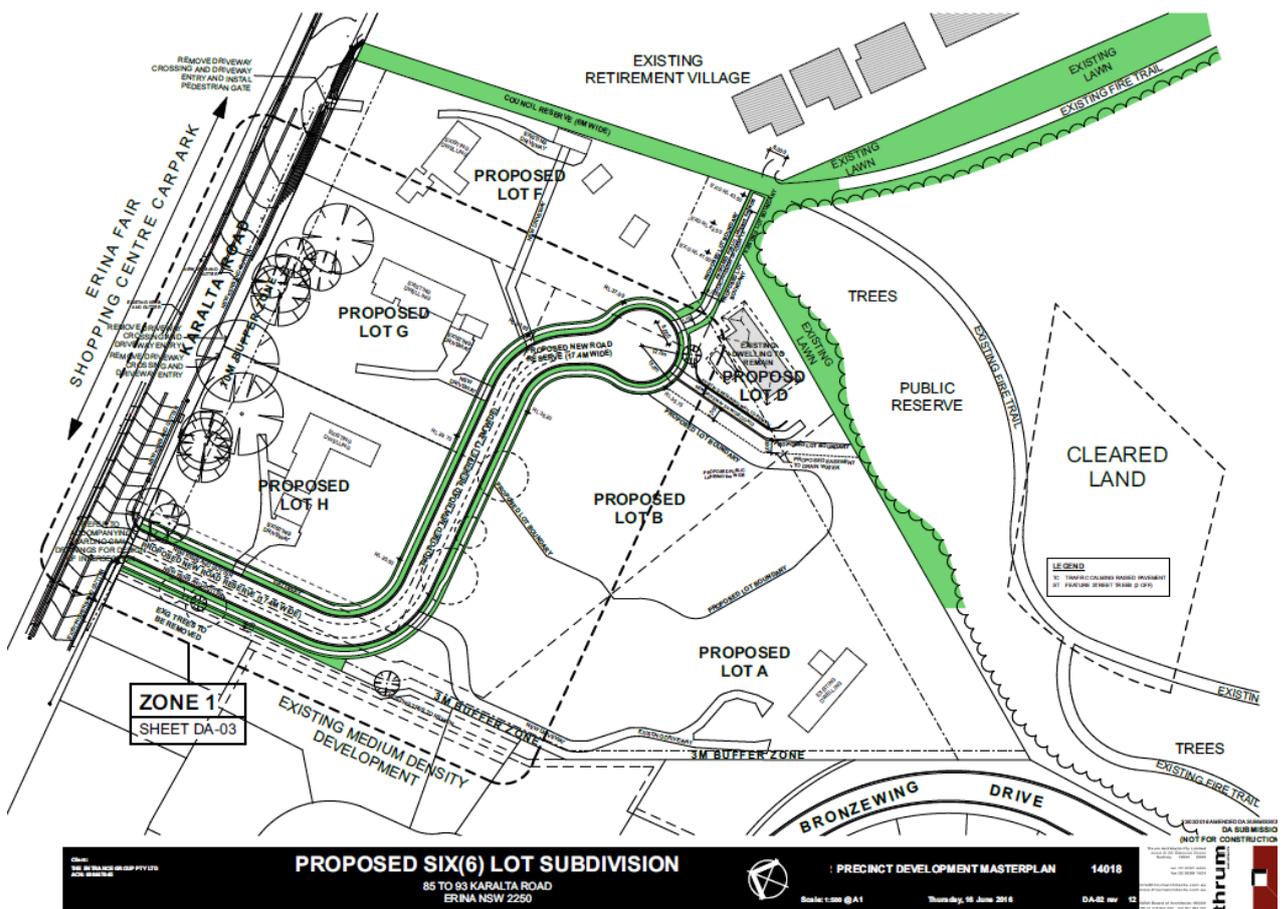
The Proposal:

The proposal comprises subdivision of 5 lots into 6 lots and dedication of a new public road. Proposed lot A has an area of 11,635m², proposed lot B has an area of 5,156m², proposed lot D has an area of 1,580m², proposed lot F has an area of 6,345m², proposed lot G has an area of 4,772m², and proposed lot H has an area of 4,729m².

A 10m wide buffer area is provided along the Karalta Road frontage of lots F, G and H to prohibit direct access to Karalta Road and for landscaping. Access to all proposed lots is to be from the proposed new internal road.

A 20m wide APZ is proposed along the boundary with Kincumba Mountain Reserve (southern boundary).

A 6m wide public laneway is proposed from the end of the cul-de-sac to the existing fire trail on the adjoining public reserve.



Applicable Planning Controls:

The following planning policies and control documents are relevant to the development and were considered as part of the assessment.

- Environmental Planning & Assessment Act 1979 - Section 79C
- Local Government Act 1993 - Section 89
- Local Government Act 1993 - Section 68
- Protection of the Environment Operations Act 1997
- Roads Act 1997
- Rural Fires Act 1997
- Water Management Act 2000
- State Environmental Planning Policy (SEPP) No 19 – Bushland in Urban Areas
- State Environmental Planning Policy (SEPP) No 55 - Remediation of Land
- State Environmental Planning Policy (SEPP) No 71 - Coastal Protection
- Gosford Local Environmental Plan 2014
- Gosford Development Control Plan 2013- Chapter 5.2 85-93 Karalta Road, Erina.
- Contribution Plan 42-Erina/Green Point/Terrigal

The application has been considered in light of the variations and is considered acceptable.

Draft Environmental Planning Instruments:

No draft Environmental Planning Instruments apply to this application.

Permissibility:

The subject site is zoned R1 General Residential under Gosford LEP 2014. The proposed development is defined as subdivision as defined in Gosford LEP 2014 which is permissible in the zone with consent of Council.

State Environmental Planning Policies:

State Environmental Planning Policy No 19-Urban Bushland.

The southern boundary of the site adjoins Kincumba Mountain Reserve. The aim of SEPP 19 is to preserve bushland on the reserve. The site falls away from the reserve and weed and drainage management should protect the adjoining bushland.

State Environmental Planning Policy No 71 – Coastal Protection

The provisions of State Environmental Planning Policy (SEPP) No 71 - Coastal Protection require Council consider the aims and objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

Gosford Local Environmental Plan 2014

Development Standard	Required	Proposed	Compliance with Controls	Variation	Compliance with Objectives
Clause 4.1	Minimum lot size 550m ² .	Lot sizes 1580m ² to 11,635m ² .	Yes	Nil	Yes

Zone R1 General Residential

The objectives for the R1 General Residential are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is compatible with the desired future character of the zone.
- To promote best practice in the design of multi dwelling housing and other similar types of development.
- To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.

The proposed development meets the objectives of the zone.

5.5 Development within the coastal zone

The provisions of Clause 5.5 Gosford LEP 2014 require Council to consider matters in relation to the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone. The

relevant matters have been considered in the assessment of this application and are considered consistent with the stated aims and objectives.

Gosford Development Control Plan 2013:

Standard	Description	Required	Proposed	Compliance with Control	Compliance with Objective
Clause 5.2.4 and Attachment H-Amended DCP Map	Street Network.	Road layout as per DCP map.	New road as a cul-de-sac with 6m wide pathway and fire access to Kincumba Mountain reserve from end of cul-de-sac	No- see comments below	Yes- see comments below.
Clause 5.2.8	Community Open Space (Public Reserves)	Land on lot 13 DP 550325 and lot 7 DP 1071636 is to be provided as public reserve. Council is to compensate the owner for land dedicated in excess of that required under CP 42.	No land to be provided for open space/parkland.	No - see comments below	Yes- see comments below

Street Network.

The proposed road layout is a better planning outcome than the layout shown in the DCP. The proposed road results in less road construction and provides access to the fire trail within Kincumber Mountain Reserve. The proposed layout is supported by Council's Development Engineer, Bushfire and Open Space/Recreation Officers. Therefore the variation is supported.

Attachment H - Amended DCP Map



Community Open Space/Public Reserves.

The DCP identified land to be provided as parkland within the site. Council's Recreation and Open Space Officer advised that there is adequate open space in this area, the small parks proposed in the DCP would not be usable and would create a maintenance problem.

Accordingly the proposal has deleted the proposed open space lots and incorporated the land into the adjoining residential lots. Section 94 contributions will be applicable for the additional lot created in this application as well as future development on the proposed lots to be created. Therefore the variation is supported.

Planning Agreements:

The proposed development is not subject to a planning agreement / draft planning agreement.

Development Contribution Plan:

The subject site is located within Development Contribution Plan CP42A.COMM/REC ER/GPT/TERRIGAL, where subdivision developments are subject to s94 contributions. The applicable contribution amount was calculated and imposed as a condition of consent requiring the contribution to be paid prior to the issue of any Subdivision Certificate.

(Refer to Condition 5.13)

Internal Referrals:

Referral	Comments
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<p>Tree Assessment Officer</p>	<p>The subject application has been considered and noted that an acceptable tree removal plan has been provided, which nominates removal of up to 47 trees within the impact area of works.</p> <p>Trees are native species (mostly mature Eucalypt) in varying states of condition. Some were noted to have major termite activity. The proposal is supported with conditions.</p>
<p>Development Engineer</p>	<p>The proposed stormwater inlet works near the Kincumber Reserve may extend beyond the proposed 4m wide easement to drain water. The restrictive covenant condition has been modified to the following to include a '(variable if required)' to increase the drainage easement size;</p> <p style="padding-left: 40px;">a. Create an easement to drain water minimum 4m wide (and variable if required) over the piping, inlet works and secondary flow path from Kincumber Mountain reserve to the cul de sac head.</p> <p>The final subdivision plan will need to be modified if the variable drainage area is required to cover the proposed stormwater inlet works near the Kincumber Reserve.</p> <p>No objection and conditions are recommended for inclusion in any consent issued.</p>
<p>Environment Officer</p>	<p>Aboriginal Heritage</p> <p>An AHIMS search undertaken on 12/02/2016 indicates that there are no Aboriginal heritage sites/objects mapped within 200m of the subject site. The site has been historically disturbed and use for residential purposes.</p> <p>Vegetation</p> <p>The Flora and Fauna Survey submitted with this subdivision DA was undertaken by Conacher in 2010 as part of the rezoning application. This assessment is still accepted as relevant for the purposes of this subdivision DA.</p> <p>Approx 1.6 hectares of the site is cleared land including lawns and managed gardens. The remaining 2.6 hectares of the site have been classified as Disturbed Open Forest and consist of scattered Blackbutts (<i>E.pilularis</i>), Sydney Peppermints (<i>E.piparita</i>), Smooth-barked Apples (<i>Angophora costata</i>) and Forest Oaks (<i>Allocasuarina torulosa</i>). It is considered that the vegetation corresponds best to the regionally significant community E22a11 Narrabeen Coastal Blackbutt Forest – <i>Angophora costata</i> variant as mapped by Bell and located south of the subject site within Kincumba Mountain Reserve.</p> <p>Approximately 10 hollow bearing trees have been identified on site and the hollow bearing tree schedule indicates that approximately 4 hollow bearing trees will be removed at this subdivision stage for construction of the internal road. Upon full development of the lots, an additional 5 hollow bearing trees are likely to require removal with 1 hollow bearing tree to be conserved within the 10m buffer along Karalta Rd. In order to offset the removal of these hollows, it is recommended that approx. 10 nesting boxes be installed nearby within Council's Kincumba Reserve.</p> <p>The Tree Removal-Retention Plan indicates that 47 trees will be removed for construction of the internal road. It is likely that more trees will require</p>

removal for construction of new driveways or other associated infrastructure however this can be assessed as required and only the trees marked for removal on the Plan are being consented for removal at this stage.

All trees within the 10m buffer along Karalta Road are to be retained and no other trees are proposed for removal at this stage. It is expected that future development of the site will require the removal of all remaining trees with the exception of those within buffers or public parklands. Street Trees will be planted along the internal road which should provide some visual amenity to the area.

The Landscape Plan (Cardno, 2015 80515013-LS-002) shades an area outside of the site and states *“for purpose of improving the integration of new park with the existing reserve, work to clean up + thin out under trees in this zone is proposed by this DA”*. This is not supported and should be removed from the Landscape Plan.

Fauna

The threatened Fauna species, Grey-headed Flying-fox, Southern Myotis, Little Bentwing-bat and Eastern Bentwing bat were recorded during the 2010 surveys. The threatened species assessment concluded that the future development of the site would reduce foraging habitat for these threatened species but was not likely to have a significant impact upon any threatened species or endangered ecological communities. This is generally supported as the species are highly mobile and likely to roost in caves or colonies off-site.

A wide variety of non-threatened native fauna was recorded on the site in 2010 including many bird species, possums, bats and sugar gliders. During the recent site inspection, numerous Eastern Water Dragons were observed within the vicinity of the dam and a variety of birds were observed utilising the trees. The installation of nesting boxes nearby the site within Council's Kincumba Reserve should offset the loss of habitat to a certain extent.

Dam

It is understood that the proposed subdivision is likely to result in the infilling of the dam on 87 (proposed Lots A and B). No threatened fauna have been recorded within this area however numerous frogs, lizards and other aquatic fauna are likely to be utilising the habitat. For this reason, a management plan will be required to ensure any fauna displaced by infilling of the dam are relocated appropriately.

Yellow Bellied Gliders (YBG)

At the rezoning stage, concerns were raised by Council that the site provided valuable connectivity for fauna, in particular the YBG, to the Swamp Sclerophyll forest remnant North of Karalta Rd (*see Figure 1 below*). This EEC vegetation community is considered to provide important winter foraging resources and is the only remnant of this kind on the northern foot slopes of Kincumba Mountain Reserve. The development in the surrounding area has significantly isolated this remnant vegetation stand and the subject site is the last remaining connectivity point between it and Kincumba Mountain Reserve.

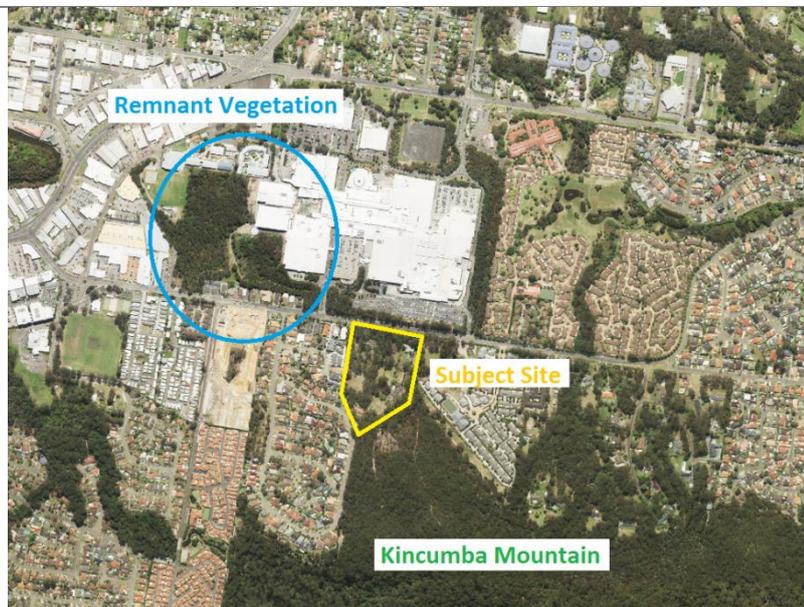


Figure 1: Subject Site and Surrounding Landscape

Additional information from Conacher was provided by the Applicant in response to these concerns. The additional information indicates that no YBG's were observed within the subject site however they are known to inhabit Kincumba Mountain Reserve. It also states that Kincumba Mountain Reserve contains 7 identified vegetation communities, 5 of which are able to provide year-round food resources for the YBG. Conacher concluded that whilst the subject site provided suitable foraging habitat for the YBG, it does not contain any suitable den habitat. The utilisation of the site for connectivity to the North West vegetation remnant was assessed to be highly unlikely due to the availability of suitable foraging habitat within the Reserve and the poor gliding connectivity across Karalta Road within a highly developed area.

Whilst the future development of the site is likely to completely isolate the northern remnant vegetation stand from Kincumba Mountain Reserve, it is considered highly unlikely that the YBG would be utilising this site to cross Karalta Rd. As such, the conclusions within the YBG threatened species assessment from Conacher in 2010 are generally supported.

DCP 5.2 – Erina, 85-93 Karalta Road

As a result of the rezoning, a site specific DCP chapter applies to the site which includes a number of environmental and bushfire considerations. Comments on how this proposed subdivision complies with the DCP Chapter are provided in Table 1 below.

Table 1: Environmental Comments on DCP Chapter 5.2

DCP Chapter 5.2- ENV Clause	Comment
Bushfire A 20m APZ to be provided as shown in attachment H.	<ul style="list-style-type: none"> The dwelling on proposed Lot D will be within the proposed 20m APZ. (Planning Note: the RFS require upgrading of the existing house)

Buildings/Character

Conserve existing visually prominent trees, particularly along rear boundaries.

- The proposed public parklands are not located in optimum areas that will protect existing visually prominent trees (e.g. Angophoras). (**Planning Note:** the 2 parklands shown in the DCP have been deleted as not needed as per Recreation comments)

Landscape Buffer Fronting Karalta Road

A 10m wide strip of land as shown in attachment H as a landscape buffer.

- Compliant. No trees proposed for removal in this buffer and re-planting of natives is proposed. Vegetation Management Plan to be required for ongoing maintenance.

Vegetated Buffer along Western Boundary

A minimum 3m landscape buffer is to be provided along the western boundary where indicated in attachment H.

Any existing trees along the western boundary are to be retained where possible.

- Partially compliant. The 3m buffer is provided on the south western boundary however the proposed access road from Karalta Rd will only be setback 1m from the Western Boundary. This will require the removal of approx. 5 trees on the boundary.
- No objection is raised to the tree removal for ecological reasons however replanting should be considered as a visual buffer. (**Planning Note:** the road layout has been amended to provide 3.9m wide footway on both sides of the new road).



Attachment H: Amended DCP Map

Public Reserve Areas

At the time of rezoning, Council's Environment Officer raised concerns regarding the location of the proposed public reserves as they were predominately cleared of native trees or vegetation cover and contained

dwellings, swimming pools, tennis courts, sheds and associated infrastructure. Despite these concerns, this alignment was approved in the DCP.

The areas now being proposed for public reserve dedication (Lots C and E) are slightly different from the approved map within Chapter 5.2 of the DCP. The current locations being proposed are still not ideal for a public reserve as they do not result in retaining as much existing vegetation as possible. In particular, proposed Lot E is dominated by a tennis court and garden whilst proposed Lot C serves little purpose and would be unable to accommodate many trees.

There is currently uncertainty regarding the 2 public parkland lots in terms of their location, size and intended use. As the public parkland will be eventually transferred to Council, it would be preferable to select those areas with the highest ecological or amenity value. Alternately, if the parklands are not intended to be natural reserves, the Applicant should undertake works to establish playgrounds or gardens in consultation with Council's Culture Unit.

It is recommended that the DA be referred to Council's Culture Unit for formal comment as the potential future custodians of these 2 parcels of land.

(Planning note; the two proposed parkland lots/public reserves have been deleted. This is supported by Council's Open Space and Recreation Officers).

Bushfire

A 20m APZ has been allocated along the south east of the site which is consistent with the bushfire requirements outlined in Chapter 5.2 of the DCP.

The NSW RFS have provided requirements for the entire property to be managed as an Inner Protection Area Asset Protection Zone. Additionally, the existing dwellings that will be retained on site are required to be upgraded for bushfire protection purposes.

SEPP55

A review of Council's historical imagery indicates that the site appears to have been used for residential purposes only. During the site inspection, a small aviary was observed however no other evidence of animal grazing or agricultural use was observed. Further assessment on potential contamination of the site is therefore not considered warranted.

SEPP19 – Bushland in Urban Areas

Section 9 of SEPP 19 relates to land which adjoins bushland zoned or reserved for public open space purposes. The proposed subdivision is considered consistent with the aims, objectives and matters for consideration within SEPP19 due to the dedication of public parkland areas and the maintenance of a 20m APZ buffer between the Reserve and future development.

Landscape Plan

The tree species selected within the Landscape Plan are not indicative of the locally native vegetation community however they are deemed suitable for the purposes of this subdivision.

	<p>It is noted that the Landscape Plan does not include many trees to be planted along the Western boundary near the proposed access road. This may reduce visual amenity however no objection is raised on ecological grounds.</p> <p>Conclusion The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the proposal have been considered. Council's Environmental Assessment Officer has no objection to the proposal subject to conditions.</p>
Waste Management Assessment	No objections. Conditions provided.
Council Bushfire Officer	<p>The proposed new road through the subdivision should include a fire trail access link to the existing fire trail network within Kincumba Mountain Reserve for emergency access personnel. This fire trail should comply with the requirements of PBP 2006 (Section 4.1.3) and can also incorporate the proposed footpath to allow access into Kincumba Mountain Reserve within the same locality. It is recommended that this trail be located to the north of the existing dwelling and within proposed Lot E. Suitable barriers should be put into place to stop unauthorised access to the Public Reserve.</p> <p>Planning Note; the amended plan provides for the relocation of the fire trail and access from the end of the cul-de-sac to the north of proposed lot D and deletion of lot E. The fire trail and access will be dedication as lane/public road.</p>
Recreation Officer	<p>1) the proposed Lot E and Lot C for public recreation are not of suitable size for any recreational benefit. Additionally the subdivision backs onto Kincumba Mountain Reserve.</p> <p>2) Council do not require more land to maintain.</p> <p>3) The closest public reserve is Bronzewing Reserve at 6340m2 located in Bronzewing Ave.</p> <p>4) If the two parcels were to be given to Council for public recreation, they would not receive any formal maintenance.</p> <p>5) There is more benefit to the community form a recreation perspective for a sum of money be granted to Council to invest in park infrastructure at the nearby Bronzewing Ave Playground.</p> <p>Planning Note; the two proposed lots E and C for public reserve have been deleted. The additional lot will be levied Section 94 contributions.</p>
Co-Ordinator Natural Open Space.	<p>There is a narrow access handle to Kincumba Mountain Reserve from Karalta Road. The access has however never been formalized. There pedestrian and bicycle access to Kincumba Mountain Reserve from Bronzewing Avenue.</p> <p>I have no objection to having pedestrian access extended from the end of the proposed road across proposed Lot E to the fire trail into the reserve. I would agree with Kim's comments about the proposed parkland within the subdivision.</p> <p>I also note that the area identified as 'cleared land' within Kincumba Mountain Reserve is on old quarrying site that is regenerating. Rather than being devoid of vegetation it currently has a sparse covering of largely native vegetation.</p> <p>Planning Note: Lot E has been deleted and the plan amended to provide access from the end of the new road to the fire trail on Kincumber Mountain.</p>

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External Referral Body	Comments
NSW Rural Fire Service	S 100 B Certificate granted subject to conditions

Political Donations:

No political donations were declared by the applicant, applicant's consultant, owner, objectors and residents.

Public Submissions:

One (1) public submission was received in relation to the application. Those issues associated with key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979.

A summary of the submission is detailed below.

Trees are requested to not be provided between the boundary fence of No 11 Jennie Cox Close the new road to be constructed. This is to preserve sunlight to 11 Jennie Cox Close. The morning sun to the unit is particularly valued.

Comment – The proposed subdivision layout shows existing trees to be removed in this location and street trees to Council's requirements to be planted. A condition of consent can restrict the maximum mature height of trees in this location. **(Refer Condition 2.16)**

Conclusion:

The proposal complies with the minimum lot size and zone objectives of Gosford LEP 2014.

The proposal complies with the requirements of Chapter 5.2 of DCP 2013 for the site except the road layout and land to be dedicated as public reserve/parkland. However the proposed road layout, as amended, provides a better planning outcome. The road layout results in less road construction and the two lots of small parkland shown in the DCP are not required as adequate open space exists in the area. The cost to Council to acquire the excess land to be dedicated is not warranted or justified.

The issues raised in the public submission are addressed as a condition of consent to restrict the mature height of trees adjoining the common boundary.

The RFS has issued a bushfire safety authority subject to conditions which have been included in the consent.

This application has been assessed under the heads of consideration of section 79C of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for approval pursuant to Section 80 of the *Environmental Planning and Assessment Act*.

Recommendation:	Approval, subject to conditions
Assessing Officer	Robert Eyre
Recommendation Reviewed by:	Ailsa Prendergast

Plans for Stamping:

Amended Plans ECM Doc No. 22813813, 22813814, 22813815, 22813816, 22813817.

Supporting Documents for Binding with consent:

Document Name:	Statement of Environmental Effects	ECM Doc No. 21594145
	Bushfire Protection Assessment Report	ECM Doc No. 21589311
	Concept Water Cycle Management Plan	ECM Doc No. 22813732

Attachments:

Nil

Date: 22 August 2016



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Notice of Determination of a Development Application
issued under the *Environmental Planning and Assessment Act, 1979*
section 81(1)(a)

Development Application No: 48585/2015 Part 1
Applicant: Thrum Architects
Property: LOT: 6 - 7 DP: 1071636, LOT: 1 - 2 DP: 259824, LOT: 13 DP: 550325 No 85 Karalta Road ERINA, 87 Karalta Road ERINA, 91 Karalta Road ERINA, 89 Karalta Road ERINA, 93 Karalta Road ERINA
Proposal: Residential Subdivision of Five (5) Lots into Six (6) Lots & New Road

Date from which this consent operates

Subject to Section 83 of the Act this consent becomes effective and operates from 22 August 2016

Consent to Lapse on

Five (5) Years from date of Consent.

Imposition of Conditions

Subject to the provisions of Section 80A of the Act this Consent has been granted subject to conditions annexed to this consent.

On behalf of the consent authority

Rob Noble

Chief Executive Officer

Per: *Robert Eyre*

Date: 22 August 2016



1.. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

Implement the development 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 Thrum Architects

Drawing	Description	Sheets	Issue	Date
DA-01	DA Cover Sheet	1	5	16/6/2016
DA-02	Precinct Development Masterplan	1	12	16/6/2016
DA-03	New Public Road Setout Plan	1	6	16/6/2016
DA-04	Draft Subdivision Plan	1	6	16/6/2016
DA-05	Existing Tree Removal-Retention Plan	1	2	16/6/2016

Supporting Documentation

Document	Title	Date
Cardno	Statement of Environmental Effects	October 2015
Conacher Consulting	Bushfire Protection Assessment Report Ref:5054	October 2015
Cardno	Concept Water Cycle Management Plan Ver 3	10/6/2016

2.. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

2.1. No activity is to be carried out on site until any Construction Certificate has been issued, other than:

- a Site investigation for the preparation of the construction, and / or
- b Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

2.2. Submit an application to Council under Section 138 of the *Roads Act, 1993*, for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. The proposed intersection in Karalta Road at the access to the development, generally in accordance with Concept Intersection details drawing number 80515013-C1-112 Rev 5 10/6/16 by Cardno and relevant Australian Standards.
- b. Half width road including kerb and guttering, subsoil drainage, footpath formation, drainage and road pavement across the full frontage of the site in Karalta Rd.
- c. Footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Karalta Rd.
- d. 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location across the full frontage of the site in Karalta Rd.
- e. All redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.
- f. All redundant vehicular crossings are to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location.
- g. The piping of stormwater from within the site to Council's piped drainage system located in Karalta Rd.
- h. Roadside furniture and safety devices as required e.g. fencing, signage, guide posts, chevrons, directional arrows, and/or guard rail in accordance with RMS and relevant Australian Standards.
- i. Signage and line marking. The signage and line marking plan must be approved by Council's Traffic Committee.
- j. Pram ramps at the intersection of Karalta Road and the proposed public road.
- k. Retaining walls. Retaining walls must be designed by a practising Civil / Structural engineer and must not conflict with services.
- l. Erosion and sedimentation control plan.
- m. Street lighting.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 2.3. Submit a pavement report prepared by a practising Geotechnical Engineer for works within a public road reserve. This report must be submitted with the Roads Act application and approved by Council under the *Roads Act, 1993*.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Karalta Road	6×10^6

- 2.4 Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.5 Pay a security deposit of \$10,800 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.6 Submit an application to Council, under Section 68 of the Local Government Act, for the approval of required drainage works associated with public stormwater / watercourse works.

Engineering plans for the works must be prepared and designed by a suitably qualified professional in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control, and submitted to Council for approval with the Local Government Act application.

The required works to be designed are as follows:

- a. Piping of the natural watercourse with a capacity for the 1 in 20 ARI from Kincumber Mountain Reserve to the proposed cul de sac head within the subject land.
- b. Stormwater inlet works for the above piping at/near the Kincumber Mountain Reserve site boundary.
- c. Concrete secondary stormwater flow path from Kincumber Mountain Reserve to the proposed cul de sac head capable of conveying the 100 year ARI minus 50% of the minor flow ('gap flow') and to provide a minimum 500mm freeboard above the 'gap flow'.

The piping, inlet works and secondary stormwater flow path from Kincumber Mountain Reserve to the proposed cul de sac head are to be wholly contained within the proposed drainage easement.

The Local Government Act application must be approved by Council.

A fee for the approval of engineering plans under the Local Government Act applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 2.7 Submit a flooding report prepared by a suitably qualified engineer to Council to determine the 1% AEP flood levels relevant to the proposed development. All work proposed to be carried out to mitigate flooding must be approved by Council under the Local Government Act.
- 2.8 Submit engineering plans for the following subdivision works within the private property designed by a suitably qualified professional, in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- a. Internal road 9.6m kerb to kerb, drainage and pathways.
 - b. 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath on both sides of the road in an approved location.
 - c. Roadside furniture and safety devices including fencing, signage, guide posts, chevrons, directional arrows and guard rail in accordance with RMS and relevant Australian Standards.
 - d. Vehicle crossings for the five existing dwellings that have minimum widths of 3m and constructed with 150mm thick concrete reinforced with SL72 steel fabric. Driveway accesses that have minimum widths of 3m and constructed with similar or superior materials to the respective existing driveway for that dwelling from these new crossings to connect to the existing driveway/garages.
 - e. Concrete access way comprising a minimum 4m full width reinforced concrete pavement (SL72 steel fabric, 150mm thick) 150mm integral kerb on the low side, 3% reverse crossfall & drainage, a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath and a lockable vehicle gate within the proposed 6m road reserve from the cul de sac head to Kincumber Mountain reserve.
 - f. Secondary stormwater flow path from the proposed cul de sac head to Karalta Road capable of conveying the 100 year ARI minus 50% of the minor flow ('gap flow') and to be contained between the proposed kerbs.
 - g. Nutrient / pollution control measures for the new internal roads designed in accordance with Council's DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
 - h. Piping of all stormwater from impervious areas within the site to Council's piped drainage system located in Karalta Road.
 - i. Dam removal and back filling and restoration of this area.
 - j. All existing building and structures being connected to the stormwater systems.
 - k. Erosion and sedimentation controls.

I. Street lighting.

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

- 2.9 Submit a pavement report prepared by a practising Geotechnical Engineer for works within the private property. This report must be submitted with the construction certificate application for the internal subdivision works.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
New Road	2×10^6

- 2.10 Submit engineering / structural plans of any proposed retaining walls. The plans must be designed by a practising Structural / Civil Engineer. The plans for the proposed retaining walls must form part of the Construction Certificate.

- 2.11 Submit to Council two proposed names for each new road within the subdivision.

- 2.12 Submit a Geotechnical report prepared by a practising Geotechnical Engineer for all proposed excavation and filling works including removal of the dam, backfilling and restoration of this area. This report must be submitted with the engineering plans for the internal subdivision works.

- 2.13 Submit to Council's Environment Officer for approval, an Environmental Management Plan for the emptying and infilling of the dam. The Environmental Management Plan shall be prepared by a suitably qualified environmental consultant and shall detail the procedures to be followed during works to ensure that water pollution does not occur and that any resident native fauna are safely relocated. Procedures within the Environmental Management Plan shall include, but not be limited to the following:

- Pre-works capture and relocation of native fauna by qualified wildlife handler.
- Methods of drainage and disposal of water/sludge from the dam.
- Management of the pest fish species *Gambusia holbrooki*, if present.
- Management of aquatic weed species, if present.
- During works capture and relocation of native fauna by qualified wildlife handler.

- 2.14 Submit to Council's Environment Officer for approval, a Vegetation Management Plan for the 10m buffer along Karalta Road and the 20m asset protection zone along the south-eastern site boundary. The Vegetation Management Plan shall be prepared by a suitably qualified environmental consultant and shall include procedures for weed management, re-planting, canopy management, bushfire fuel management and ongoing maintenance of the vegetation in these areas.

- 2.15 Submit a Tree Hollow Replacement Strategy for approval by Council's Environment Officer. The strategy shall be prepared by a suitably qualified environmental consultant and outline how trees with hollows on the site will be removed and replaced with nesting boxes. As a minimum, 10 nesting boxes shall be installed within or near the site.

The strategy shall include:

- Information on hollow bearing trees (tree location, tree number, hollow number, hollow size, hollow aspect & hollow height).
 - Details of how hollow-bearing trees will be removed and wildlife will be protected.
 - Description of nesting boxes (e.g. number, size, design, target species).
 - Location of host trees including the proposed height and aspect for the nesting boxes.
 - Details of installation, attachment and maintenance techniques.
 - Details of ongoing monitoring (e.g. camera observation, surveys and duration).
- 2.16 Prepare a street tree planting plan for approval of Council. The plan should provide for street tree planting adjoining 11 Jennie Cox Close of a maximum mature height of 4 to 5 metres.

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. Appoint a Principal Certifying Authority after the construction certificate for the building work has been issued.
- a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b. Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days notice of the intention to commence building or subdivision work. The forms can be found on Council's website www.gosford.nsw.gov.au
- 3.2. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation and Control*.
- 3.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a. The name, address and telephone number of the principal certifying authority for the work; and
 - b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and

- c. That unauthorised entry to the work site is prohibited.

Remove the sign when the work has been completed.

- 3.4. Clearly mark with stakes the common boundary between the subject property and adjoining bushland, to ensure that such bushland is not encroached upon, other than as shown on the Construction Certificate.
- 3.5. Obtain a Construction Certificate for the subdivision works within the private property.

4.. DURING WORKS

- 4.1. Clearing of land, excavation, and / or earthworks, building works, and the delivery of building materials must only be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on:
 - Saturdays when a public holiday is adjacent to that weekend.
 - Construction industry awarded rostered days off.
 - Construction industry shutdown long weekends.
- 4.2. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.3. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.4. Construct the public stormwater / watercourse works that required approval under the Local Government Act 1993. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.5. Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.6. Arrange with the relevant service provider / Authority (e.g. Ausgrid, Jemena, communications provider) for the supply of services concurrent with the engineering work. Arrangements must include where required any relocation of existing mains and services and dedication of easements for mains and services.

- 4.7. Achieve a minimum of 95% standard compaction for all lots filled more than 400mm in accordance with AS1289: *Methods of testing soils for engineering purposes* under a practising Geotechnical engineer's supervision and certification.
- 4.8. Lay all water mains, sewers, gas mains, Telstra, Ausgrid conduits, etc beneath the road pavement during construction. The applicant must ensure that Council is supplied with a copy of the relevant Authority proposals.
- 4.9. Connect all existing buildings and structures to the stormwater systems.
- 4.10. Connect all existing buildings with plumbing fixtures to the sewer systems.
- 4.11. Demolish structures located across any proposed new boundaries and dispose the materials at an approved site.
- 4.12. Undertake removal of hollow bearing trees in accordance with the approved Tree Hollow Replacement Strategy.
- 4.13. Mulch trees that will not be re-used on the site as log habitat. The mulch must then be used for landscaping works and / or bushland management.
- 4.14. Remove trees and ground stumps in a manner so as to not damage trees to be retained.
- 4.15. Suppress dust with the use of a water cart.
- 4.16. Fill material must only comprise of Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM).

Virgin Excavated Natural Material (VENM) is defined under Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997* as follows:

"*virgin excavated natural material*" means natural material (such as clay, gravel, sand, soil or rock fines):

- (a) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and
- (b) that does not contain any sulfidic ores or soils or any other waste,

Excavated Natural Material (ENM) that has been issued with an exemption under the *Protection of the Environment Operations (Waste) Regulation 2014* in accordance with the Excavated Natural Material exemption 2014.

The placement of any other type of fill material other than that defined under VENM or ENM is prohibited under this consent.

The applicant must provide Council with validation documents verifying and certifying that the material placed on the land complies with:

- the definition of VENM under Schedule 1 of the *POEO Act 1997*, or
- an exemption issued under the Excavated Natural Material Exemption 2014.

Any exposed soil surface areas must be grassed / landscaped to minimise soil erosion.

- 4.17. Undertake works on the dam in accordance with the approved Environmental Management Plan. Notify Council's Environment Officer in writing of completion of the dam draining and infilling and compliance with the approved Environmental Management Plan.
- 4.18. Undertake works in accordance with the approved Vegetation Management Plan.
- 4.19. Undertake removal of hollow bearing trees in accordance with the approved Tree Hollow Replacement Strategy.
- 4.20. Removal of trees, as shown on the approved plan "Existing Tree Removal-Retention Plan, Thrum 16/6/16", must be removed in a manner so as to prevent damage to those trees that are to be retained.
- 4.21. Compliance with all commitments as detailed in the Waste Management Plan dated 2 October 2015 by Cardno (NSW/ACT) Pty Ltd
- 4.2. The cul-de-sac at the end of the proposed public road be constructed to accommodate a minimum 10.0m long, dual rear axle residential waste vehicle to turn within the cul-de-sac in a single manoeuvre.
- 4.22. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.

5.. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

- 5.1. The payment of \$5,000.00 to Council for decommission and removal of the Nutrient/Pollution Control Facility, and restoration/reconnection of the stormwater drainage system within the new public road, prior to issue of the Subdivision Certificate. The \$5,000.00 payment is to be increased by 5% every year from the consent date.
- 5.2. Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.3. Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.

- 5.4. Complete public stormwater / watercourse works that required approval under the Local Government Act 1993. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control, and documentary evidence for the acceptance of such works must be obtained from Council.
- 5.5. Submit an application under Section 305 of the *Water Management Act 2000* for provision of a Section 307 Certificate of Compliance. A copy of the Certificate of Compliance must be obtained from Council (Water Authority). Conditions and contributions may be applicable to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 *Water Management Act 2000*' form can be found on Council's website www.gosford.nsw.gov.au. Early application is recommended.

- 5.6. Apply to Council for a Subdivision Certificate and pay the required fees at lodgement. The application must include the final plan of subdivision and Section 88B Instrument (if relevant). The application must be approved by Council prior to the registration of the subdivision.

The fee may be obtained from Council's Customer Service Unit on 4325 8222 or from Council's website <http://www.gosford.nsw.gov.au>.

- 5.7. Submit with the application for the Subdivision Certificate, a letter of clearance from each service provider / Authority (e.g. Ausgrid, Jemena, relevant communications provider).
- 5.8. Remove from the site all resultant material associated with demolition work.
- 5.9. Complete the engineering works required within the development site in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 5.10. Include on the Deposited Plan (DP) an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
 - a. Ensure a minimum floor level on proposed lots B and D for any dwelling (related to AHD) must be 500mm above the 1% AEP flood level
 - b. Create an easement to drain water minimum 4m wide (and variable if required) over the piping, inlet works and secondary flow path from Kincumber Mountain reserve to the cul de sac head.
 - c. Create a 'Restriction as to User' over all lots affected by a secondary flow path to ensure;
 - The shape of the flow path is not altered.

- No structures are erected within the flow path, excluding fences that are flood compatible.
- d. Provide for easements for support on all encroached residential allotments where road support batter at a slope steeper than 1 in 4.
 - e. Create classification and other recommendations contained within the geotechnical report over all lots filled more than 400mm in accordance with Australian Standard 2870 (Residential Slabs and Footings).
 - f. Prohibit direct vehicular access to and from Karalta road in respect to proposed lots F, G and H.
 - g. Prohibit buildings and development within the 10m buffer area along Karalta Road except for landscaping, fencing and services.
 - h. Maintain the 20 m wide asset protection zone along the south-eastern boundary of the site with Kincumba Mountain Reserve.
- 5.11. Include on the Deposited Plan (DP) a positive covenant by the registered proprietor in favour of Council pursuant to the *Conveyancing Act 1919* establishing the following with the authority empowered to release, vary or modify the positive covenant is Central Coast Council.
- a. Ensure that lots A, B, F, G & H provide an onsite stormwater detention system that limits their respective lot Permissible Site Discharge (PSD) in litres per second (l/s) for the 5, 10, 20, 50 and 100 Year Average Return Intervals (ARI) to the following Maximums:

Maximum Permissible Site Discharge (PSD) in litres per second (l/s)					
LOT/ARI	5 ARI	10 ARI	20 ARI	50ARI	100 ARI
A	122.9	159.4	218.6	296.3	359.4
B	114.1	139.0	192.7	229.2	263.7
F	109.2	131.8	173.4	225.6	273.1
G	98.3	119.3	163.0	205.4	239.8
H	85.5	104.5	140.2	181.5	219.0

5.12. Protect the Vegetation Management Zone by the following:

- a. This area will be placed under a 'Restriction on Use' pursuant to Section 88B and 'Public Positive Covenant' 88E of the *Conveyancing Act 1919*. These instruments must require the land to be managed under an approved Vegetation Management Plan for the conservation of vegetation. The public positive covenant must be created to require the implementation of the Vegetation Management Plan.

The public positive covenant must permit Council or its nominee to enter and inspect the site and carry out any works required under the Vegetation Management Plan, at the owner's cost, if the owner fails to implement and maintain the site in accordance with the Vegetation Management Plan as amended and approved by Council.

The public positive covenant must be prepared by Council's Solicitor at the cost of the registered proprietor.

The authority empowered to release, vary or modify the Restriction is Gosford City Council.

- 5.13. Pay to Council a total contribution amount of **\$19,217.00** that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 42A, 42B & 42C Erina/Terrigal/Green Point.

Roadworks - Capital	C	(Key No 735)	\$3,667.00
Roadworks - Land	C	(Key No 734)	\$91.00
Open Space - Land	A	(Key No 736)	\$7,875.00
Recreation - Embellishment	A	(Key No 830)	\$1,915.00
Community Facilities - Capital	A	(Key No 737)	\$532.00
Drainage - Land	B	(Key No 732)	\$867.00
Drainage - Capital	B	(Key No 733)	\$4,270.00
TOTAL AMOUNT			\$19,217.00

The total amount must be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

Contact Council's Duty Planner for an up-to-date contribution payment amount on Tel: 4325 8222.

Any Subdivision Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104 of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 49 Mann Street, Gosford or on [Council's website](#).

6.. ONGOING OPERATION

- 6.1. Implement the Vegetation Management Plan and submit progress reports to Council at intervals after initial works have been commenced, 1 year, 2 years, 5 years and 10 years.

7.. OTHER APPROVALS

- 7.1. Compliance with the conditions of the NSW Rural Fire Service under the S100B Certificate being;

- a. At the issue of subdivision certificate and in perpetuity 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'.
- b. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- c. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
- d. The existing dwellings except the one within proposed Lot H are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
- e. Landscaping shall comply with the principles as outlined within Appendix 5 of 'Planning for Bush Fire Protection 2006.'
- f. This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' may be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

8.. ADVICE

- 8.1. Consult with public authorities who may have separate requirements in the following aspects:
 - a. *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - b. *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
 - c. *Ausgrid* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - d. *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
 - e. *Central Coast Council* in respect to the location of water, sewerage and drainage services.

8.2. Carry out all work under this Consent in accordance with WorkCover requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.

8.3. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

8.4. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.

8.5. Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.

8.6. The inspection fee for works associated with approvals under the Local Government Act is calculated in accordance with Council's current fees and charges policy.

8.7. In reference to Section 109E(2) of the Environmental Planning and Assessment Act, you are advised that Gosford Local Environment Plan, Gosford Planning Scheme Ordinance and Interim Development Order No 122 does not permit accredited certifiers to undertake the role of the principal certifying authority for subdivisions. Therefore, only Central Coast Council can be appointed as the Principal Certifying Authority (PCA).

8.8. Separate application is required should the applicant require a new or upsized water supply connection to Council's water supply system.

9.. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

10.. RIGHT OF APPEAL

- 10.1. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.
- 10.2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

PROPOSED SUBDIVISION DA. DEVELOPMENT APPLICATION

No.s 85 to 93 KARALTA ROAD, ERINA NSW / DCP CHAPTER 5.2 PRECINCT

EXISTING LOTS 1+2 in D.P. 1071636 AND LOTS 6, 7 in D.P. 1071636 AND LOT 13 in D.P. 550325



LOOKING SOUTHEAST ALONG BOUNDARY BETWEEN LOT 6 AND 7



LOOKING SOUTH AT EXISTING DWELLING ON LOT 6



LOOKING WEST FROM CENTRE OF LOT 7



PROJECT STATISTICS

• OVERALL PRECINCT LAND AREA = 38,948 m² (APPROX)

EXISTING LOT AREAS (APPROX)

LOT 1	5,358 m ²
LOT 2	5,357 m ²
LOT 6	11,630 m ²
LOT 7	10,087 m ²
LOT 13	6,517 m ²

• PROPOSED SUBDIVISION PARCELS (APPROX AREAS SUBJECT TO SURVEY)

• PROPOSED LOT A	11,635 m ²
• PROPOSED LOT B	5,156 m ²
• PROPOSED LOT C	852 m ²
• PROPOSED LOT D	1,580 m ²
• PROPOSED LOT E	985 m ²
• PROPOSED LOT F	6,345 m ²
• PROPOSED LOT G	4,772 m ²
• PROPOSED LOT H	4,729 m ²
• NEW ROAD RESERVE	4,730 m ²

TOTAL 38,948 m² (APPROX)

CENTRAL COAST COUNCIL
DEVELOPMENT CONSENT
Application No: 48585/2015
Date of Consent: 22/08/2016
Plan Approved subject to conditions and the amendments, if any, shown in RED.



LOOKING NORTH ALONG WEST BOUNDARY TOWARD KARALTA RD



LOOKING SOUTH AT WEST BOUNDARY OF LOT 6



EXISTING DWELLING ON LOT 7

LODGEMENT DRAWINGS

ARCHITECTURAL

DA-01 Rev 5	CONTENTS / PROJECT STATISTICS / LOCALITY PLAN
DA-02 Rev 12	PRECINCT DEVELOPMENT MASTER PLAN
DA-03 Rev 6	NEW PUBLIC ROAD SETOUT PLAN
DA-04 Rev 6	DRAFT SUBDIVISION PLAN
DA-05 Rev 2	EXISTING TREES REMOVAL-RETENTION PLAN

CIVIL ENGINEERING

CI-100	COVER SHEET AND NOTES
CI-105	SITE PLAN
CI-110	CONCEPT SUBDIVISION ROAD PLAN
CI-112	CONCEPT INTERSECTION DETAILS (KARALTA ROAD)
CI-115	CONCEPT ROAD LONGITUDINAL SECTION
CI-116	CONCEPT DRIVEWAY LONGITUDINAL SECTIONS
CI-120	CONCEPT ROAD CROSS SECTIONS - SHEET 1
CI-121	CONCEPT ROAD CROSS SECTIONS - SHEET 2
CI-122	CONCEPT ROAD CROSS SECTIONS - SHEET 3
CI-125	CONCEPT ROADWAY BULK EARTHWORKS PLAN
CI-130	CONCEPT STORMWATER PLAN
CI-135	CONCEPT EROSION AND SEDIMENT CONTROL PLAN
CI-136	CONCEPT EROSION AND SEDIMENT CONTROL DETAILS
CI-150	CONCEPT WATER AND SEWER PLAN

LANDSCAPING

LS-001	GENERAL NOTES & PLANTING LEGEND
LS-002	PLANTING LAYOUT
LS-003	DETAILS SHEET

SURVEYOR

D15216 Survey Plan - Lot 1	D14270 Survey Plan - Lot 7
D14352 Survey Plan - Lot 2	D14270 Survey Plan - Lot 13
D14270 Survey Plan - Lot 6	



LOOKING SOUTH EAST AT LOTS 1 & 2 AS VIEWED FROM KARALTA RD

DA SUBMISSION
(NOT FOR CONSTRUCTION)

Client:
THE ENTRANCE GROUP PTY LTD
ACN: 600447845

PROPOSED SIX(6) LOT SUBDIVISION

85 TO 93 KARALTA ROAD
ERINA NSW 2250



DA COVER SHEET

14018

Scale: @ A1

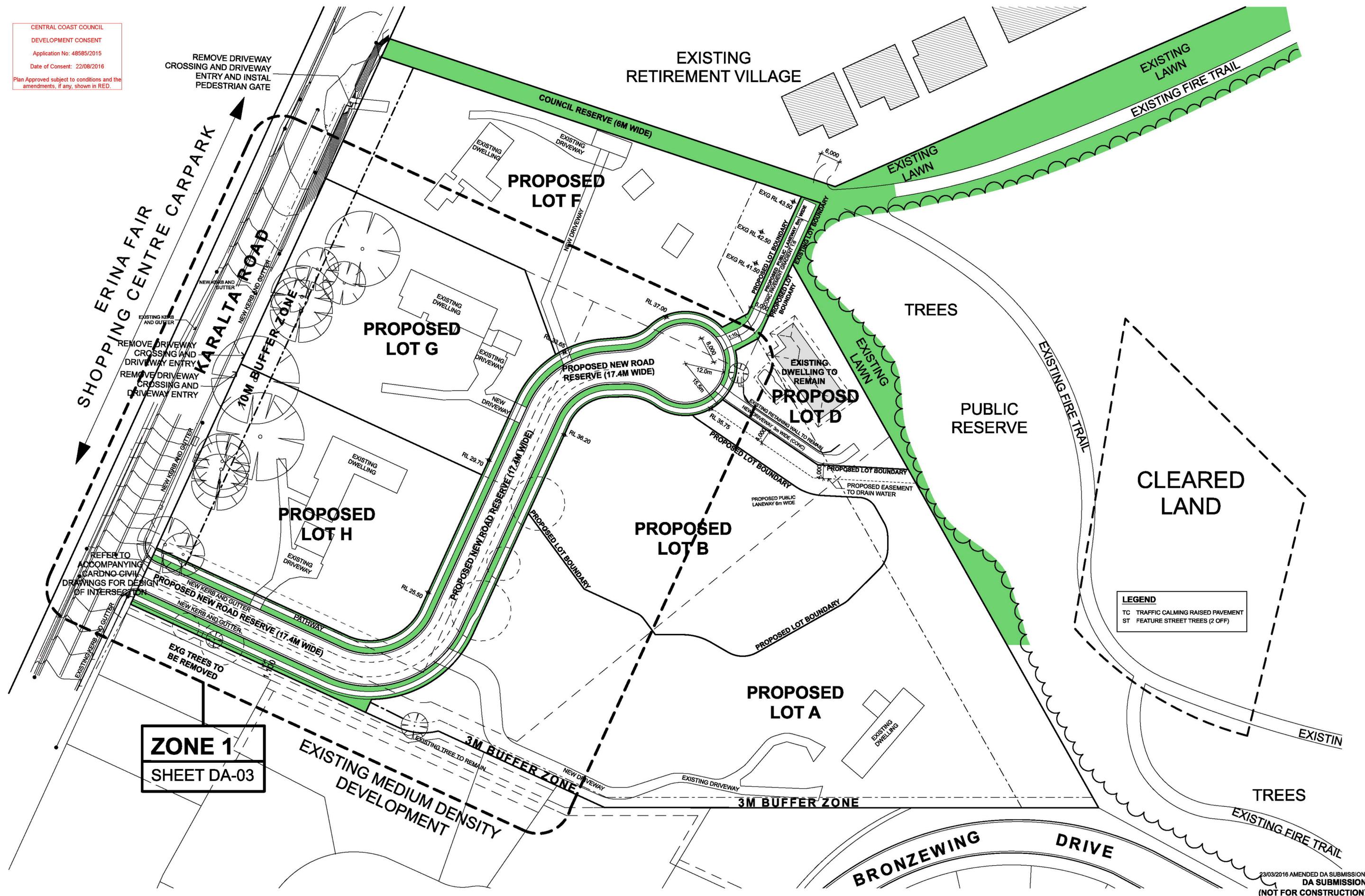
Thursday, 16 June 2016

DA-01 rev 5

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ARN 21 278 857 200 ACN 001 964 254

thrum
ARCHITECTS





ZONE 1
 SHEET DA-03

LEGEND
 TC TRAFFIC CALMING RAISED PAVEMENT
 ST FEATURE STREET TREES (2 OFF)

PROPOSED SIX(6) LOT SUBDIVISION

85 TO 93 KARALTA ROAD
 ERINA NSW 2250

PRECINCT DEVELOPMENT MASTERPLAN

14018

Scale: 1:500 @ A1

Thursday, 16 June 2016

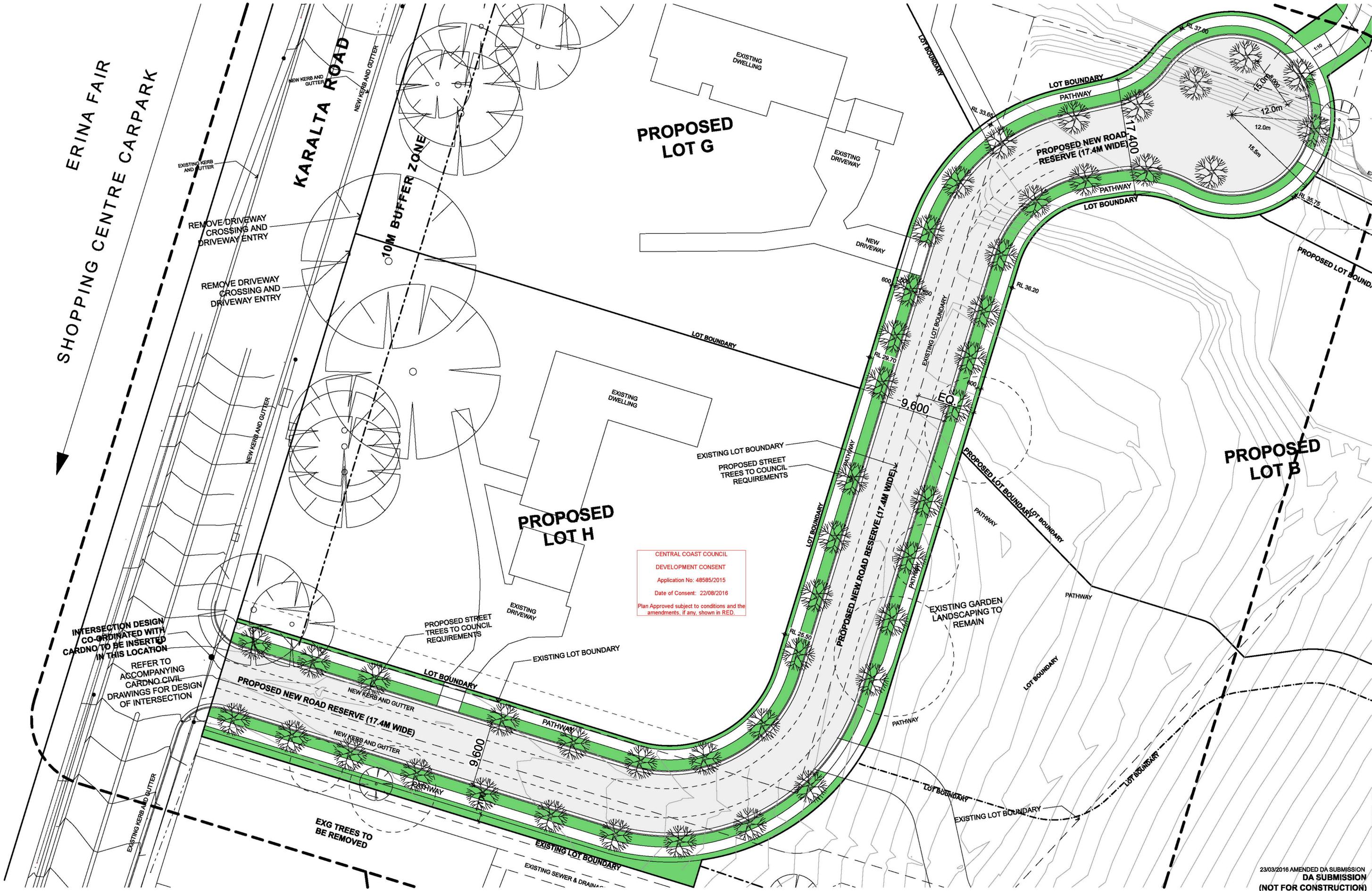
DA-02 rev 12

23/03/2016 AMENDED DA SUBMISSION
 DA SUBMISSION
 (NOT FOR CONSTRUCTION)

Client:
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CENTRAL COAST COUNCIL
 DEVELOPMENT CONSENT
 Application No: 48595/2015
 Date of Consent: 22/08/2016
 Plan Approved subject to conditions and the amendments, if any, shown in RED.

23/03/2016 AMENDED DA SUBMISSION
 DA SUBMISSION
 (NOT FOR CONSTRUCTION)

Client:
 THE ENTRANCE GROUP PTY LTD
 ACN: 600447845

PROPOSED SIX(6) LOT SUBDIVISION

85 TO 93 KARALTA ROAD
 ERINA NSW 2250



NEW PUBLIC ROAD SETOUT PLAN

14018

Scale: 1:250 @ A1

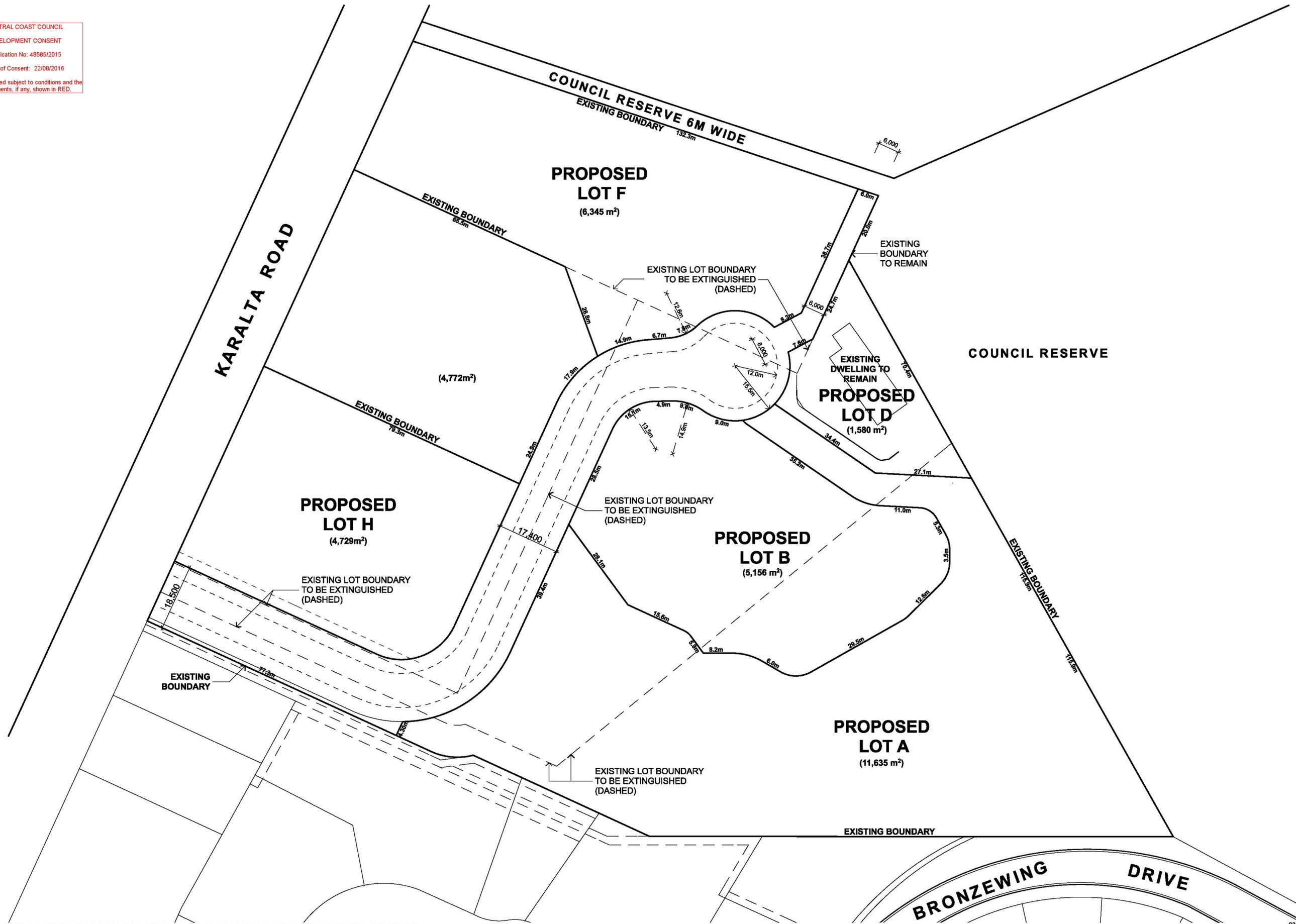
Thursday, 16 June 2016

DA-03 rev 6

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NOTE: SQM AREAS ARE SUBJECT TO CONFIRMATION BY SURVEYOR

23/03/2016 AMENDED DA SUBMISSION
 DA SUBMISSION
 (NOT FOR CONSTRUCTION)

Client:
THE ENTRANCE GROUP PTY LTD
 ACN: 600447845

PROPOSED SIX(6) LOT SUBDIVISION
 85 TO 93 KARALTA ROAD
 ERINA NSW 2250

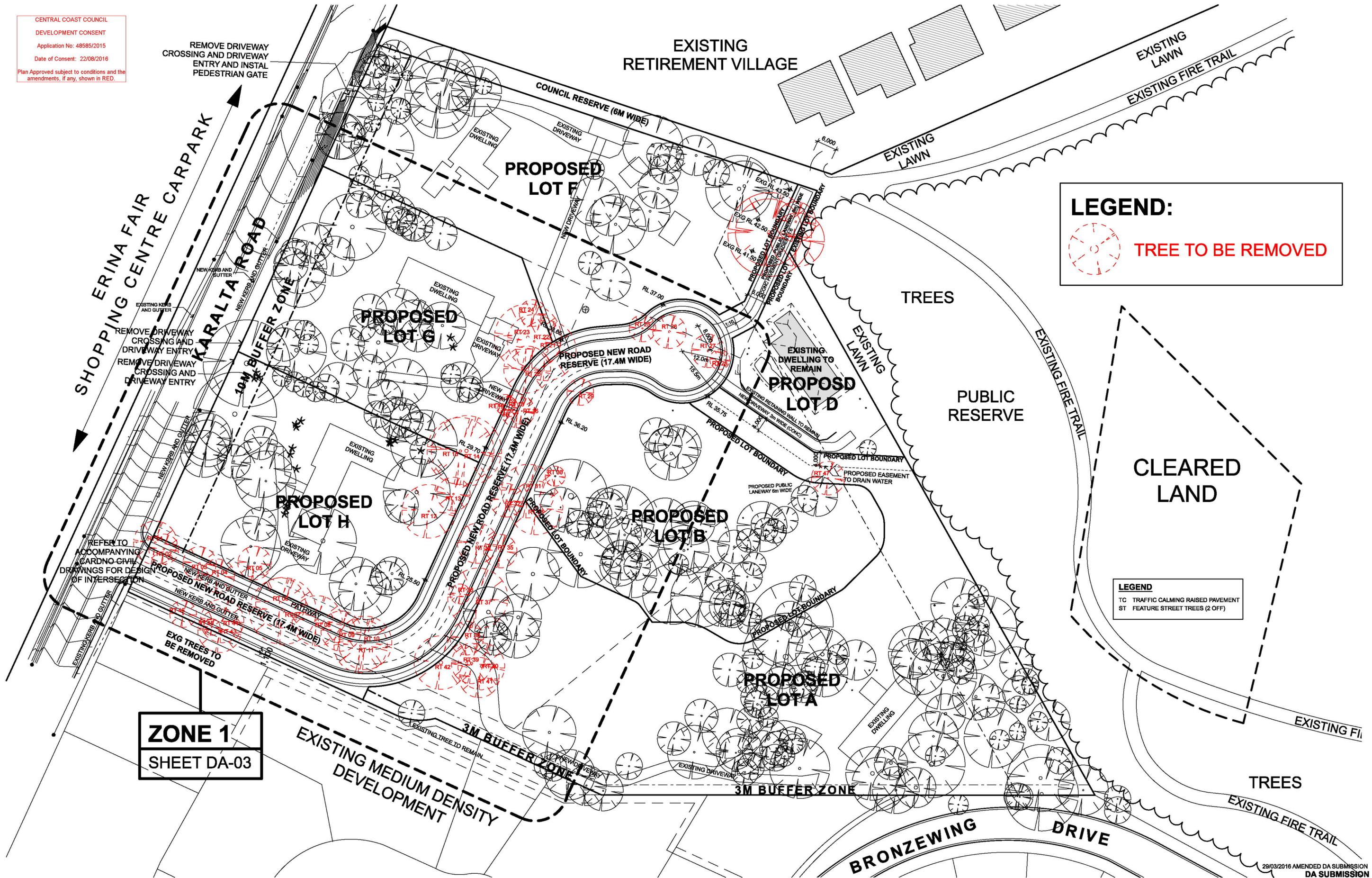


DRAFT SUBDIVISION PLAN
 Scale: 1:500 @ A1
 Thursday, 16 June 2016
 14018
 DA-04 rev 6

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CENTRAL COAST COUNCIL
 DEVELOPMENT CONSENT
 Application No: 48585/2015
 Date of Consent: 22/08/2016
 Plan Approved subject to conditions and the
 amendments, if any, shown in RED.



LEGEND:
 **TREE TO BE REMOVED**

LEGEND
 TC TRAFFIC CALMING RAISED PAVEMENT
 ST FEATURE STREET TREES (2 OFF)

ZONE 1
 SHEET DA-03

PROPOSED SIX(6) LOT SUBDIVISION

85 TO 93 KARALTA ROAD
 ERINA NSW 2250

Client:
 THE ENTRANCE GROUP PTY LTD
 ACN: 600447845



EXISTING TREES REMOVAL-RETENTION PLAN

14018

Scale: 1:500 @ A1

Thursday, 16 June 2016