

**DETERMINATION AND STATEMENT OF REASONS
DECISION REVIEW PANEL OF THE HUNTER & CENTRAL COAST
REGIONAL PLANNING PANEL**

DATE OF DETERMINATION	20 December 2021
DATE OF PANEL DECISION	20 December 2021
PANEL MEMBERS	Julie Savet Ward (Chair), Penny Holloway, Clare Brown, Greg Flynn and Tony Tuxworth
APOLOGIES	None
DECLARATIONS OF INTEREST	Sandra Hutton declared a reasonably perceived conflict of interest as a client of her employer, ADW Johnson, is negotiating and pursuing land use planning outcomes for one or more of the lots within the proposed development.
EXCLUDED BY OPERATIONAL PROCEDURES	Alison McCabe, Juliet Grant and John Brockhoff were excluded by the Operational Procedures from participating in this determination as they formed the Hunter & Central Coast Regional Planning Panel for the original decision.

Papers circulated electronically on 10 December 2021.

MATTER DETERMINED

Review of PPSHCC-84 – Central Coast - 919/2018 at 236-260 Hakone Road & 99-107 Sparks Road, Woongarra – subdivision (as described in Schedule 1)

BACKGROUND

The Hunter & Central Coast Regional Planning Panel refused a development application at the 99-107 Sparks Road, Woongarra on 21 December 2020. The panel members were Alison McCabe (Chair), Juliet Grant and John Brockhoff. Following this determination, the Applicant requested a review of the Panel's decision in response to amended plans and information which addresses the previous reasons for refusal.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6; the material listed at item 7 and the material presented at meetings and briefings; and, the matters observed at site inspections listed at item 8 in Schedule 1.

Review of development application

The Panel accepted the amended plans and documentation under Section 8.2 of the Environmental Planning and Assessment Act 1979 as it was satisfied that it was substantially the same development as that previously considered by the Hunter & Central Coast Regional Planning Panel.

The Panel reviewed the previous decision and was satisfied that the reasons for refusal had been resolved and that the proposed development was in the public interest, and changed its determination of Development Application 919/2018 to grant consent for a staged residential subdivision at 236-260 Hakone Road and 99-107 Sparks Road, Woongarra pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent as amended below.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel considered the review of the application for subdivision on 16 November 2021. At that time the Panel agreed that the reasons for refusal has been substantial considered and there had been significant improvements to the proposed subdivision layout but found it necessary to defer determination of the

application to allow the Applicant to submit amended plans and additional information to address seven issues.

The Applicant liaised closely with Council and submitted the amended plans and additional information on six occasions between 26 November 2021 and 9 December 2021. Council's supplementary report, dated 10 December 2021, and the Council's briefing of the Panel on 13 December 2021 indicated that the seven issues had been satisfactorily addressed and resolved. The Panel agreed that the reasons for deferral had been substantially addressed and determined to change its determination to grant approval of the subdivision application subject to a number of changes to the condition of consent.

The proposed subdivision, as amended, is for 91 residential lots, one residential superlot and three residue lots. Although it is a staged subdivision, all the civil works (including bulk earthworks, all roads, the stormwater basin, services and landscape works) for all stages will be included in the first stage.

The proposed subdivision is located within the Warnervale Town Centre Urban Release Area, is currently vacant, highly disturbed, bushfire prone land with some remnant Turpentine – Smooth barked Apple – Broad leaved Mahogany Shrubby Open Forest. The site was certified under the Environment Protection and Biodiversity Conservation Act 1999 in 2014 for a period of 25 years. The site is identified as potentially contaminated under the Wyong Development Control Plan 2013, and a preliminary site investigation has been prepared, as required under State Environmental Planning Policy 55, which is considered satisfactory by Council and the site is considered suitable for its future use.

The proposed subdivision meets the requirements of the relevant planning instruments and in particular the Wyong Local Environmental Plan 2013 and Chapter 5.5 of the Wyong Development Control Plan 2013. The deficiencies of the original development application in terms of neighbourhood design, road layout and circulation, lot configuration and stormwater management have been satisfactorily resolved. The NSW Rural Fires Services has issued a Bushfire Safety Authority. The proposed subdivision will complement the locality and meet the desired future character of the area. Subject to the imposition of conditions of consent, as amended, the proposed subdivision is not expected to have unintended adverse environmental, social or economic impacts.

CONDITIONS

The development application was approved subject to the conditions attached to the Council supplementary report with the following amendments:

- Change condition 1.5 to be clear about each component of the development, the staging and that civil works for the entire development will occur in the first stage. Construction of all roads (including safety barriers), retaining walls and the boundary fence along Mataram Road where it meets Lots 705 to 721 and dedication of the public reserve at no cost to Council to be specified in this condition.
- A new condition 1.6 relating to completion of staged works and contributions payable.
- Update condition 2.2 to be a person accredited by the NSW Environment Protection Authority.
- Update condition 2.4 to ensure that the amended Landscape Plan is prepared to Council's satisfaction and according to Council's standard street tree requirements.
- Update condition 2.7 to include the safety arrangements on the southern side of Mataram Road adjacent to Lots 705 to 721.
- Add the 1.8m solid timber fence along Mataram Road where it adjoins Lots 705 to 721 to condition 2.9.
- Update condition 2.10 to ensure the landscaping for the detention/water quality basin is included in the amended Landscape Plan.
- Delete conditions 2.16 and 2.17 as they are duplicated.
- Condition 3.2 to become condition 2.15 and therefore be prepared prior to the issue of any subdivision works certificate.
- Condition 5.11 to have the word public inserted so that it is clear the reserve will be a public reserve.
- Delete conditions 6.1, 7.1 and 8.1 and renumber the subsequent conditions.

- Delete conditions 9.5, 9.6, 9.7, 9.13 and 9.14 as they are redundant given no works are proposed in Stage 6b.
- Adjust conditions 9.10 and 13.10 to include easement for support and maintenance of retaining structures.
- Delete conditions 10.1, 11.1 and 12.1 and renumber the subsequent conditions.
- Delete conditions 13.5, 13.6, 13.7, 13.13 and 13.14 as they are redundant given no works are proposed in Stage 7.
- Change Condition 14 heading to be Ongoing.
- Typographical errors, inconsistencies and corrections throughout the conditions.

The amended conditions of consent are attached at Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel noted that no written submissions were made during public exhibition or Panel meeting on 22 November 2022 and therefore no issues of concern were raised.

PANEL MEMBERS	
 Julie Savet Ward (Chair)	 Clare Brown
 Penny Holloway	 Tony Tuxworth
 Greg Flynn	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-84 – Central Coast - 919/2018
2	PROPOSED DEVELOPMENT	The proposed development comprises a Section 8.2 review of determination of DA/919/2018 and seeks development consent for a Torrens title subdivision to be carried out in a number of stages (Stages 6a, 6b & 7) creating 91 residential lots between 314m2 and 650m2, one residential super lot and three residue lots which includes a lot to be dedicated to Council for the purposes of a reserve (public open space)
3	STREET ADDRESS	Lot 1 DP 371647, Lot 1 DP 375712, Lot 1 DP 376264, Lot 41 DP 1200210, Lot 51 and 52 DP 561032 and Lot 54 and 55 DP 7527 - 99-107 Sparks Road and 236-260 Hakone Road Woongarah NSW 2259
4	APPLICANT OWNER	Julie Garratley – Beveridge Williams Central Coast Council
5	TYPE OF REGIONAL DEVELOPMENT	Review of Decision
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy 55 – Remediation of Land - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy (Koala Habitat Protection) 2021 - Wyong Local Environmental Plan 2013 - Draft environmental planning instruments: - Draft Central Coast Local Environmental Plan 2018 - Draft Design and Place State Environmental Planning Policy (Design and Place SEPP) - Draft State Environmental Planning Policy Environment (SEPP Environment) - Review of Clause 4.6 of the Standard Instrument LEP - Development control plans: - Wyong Shire Development Control Plan 2013 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 16 November 2021 - Council supplementary memorandum: 19 November 2021 - Council supplementary assessment report: 10 December 2021 - Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 19 August 2021 <u>Panel members</u>: Julie Savet Ward (Chair), Clare Brown and Penny Holloway <u>Applicant representatives</u>: Julie Garrtley and Anthony Price

		- o <u>Council assessment staff</u>: Nathan Burr - o <u>Department staff</u>: Alexandra Hafner, Leanne Harris, Lisa Foley, Sharon Edwards and Holly McCann • Site inspection: - o Tony Tuxworth: 20 November 2021 - o Other Panel members visited the site by virtual means due to covid-19 restrictions • Final briefing to discuss Council's recommendation: 22 November 2021 - o <u>Panel members</u>: Julie Savet Ward (Chair), Penny Holloway, Clare Brown, Greg Flynn and Tony Tuxworth - o <u>Council assessment staff</u>: Nathan Burr, Mark Dowdell, Emily Goodworth, Andrew Roach and Scott Cox - o <u>Department Staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley • Applicant Briefing: 22 November 2022 - o <u>Panel members</u>: Julie Savet Ward (Chair), Penny Holloway, Clare Brown, Greg Flynn and Tony Tuxworth - o <u>Council assessment staff</u>: Nathan Burr, Mark Dowdell, Emily Goodworth, Andrew Roach and Scott Cox - o <u>Department Staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley - o <u>Applicant representatives</u>: Anthony Price, Anthony Oliver, Chris Slater and Julie Garratley <u>Note</u>: Applicant briefing was requested to respond to the recommendation in the Council assessment report • Final briefing to discuss Council's recommendation: 13 December 2021 - o <u>Panel members</u>: Julie Savet Ward (Chair), Penny Holloway, Clare Brown, Greg Flynn and Tony Tuxworth - o <u>Council assessment staff</u>: Nathan Burr, Mark Dowdell and Salli Pendergast - o <u>Department Staff</u>: Carolyn Hunt and Lisa Foley
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council's supplementary report

SCHEDULE 2

1. PARAMETERS OF THIS CONSENT

- 1.1. 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" except as modified by the following conditions.

Plans by: Beveridge Williams – Addendum to DA Submission

Drawing	Description	Sheets	Issue	Date
1801942	Plan of Proposed Subdivision of Lot 1 DP371647, Lot 1 DP375712, Lot 41 DP 1200210, Lots 54 & 55 DP 7527, Lots 51 & 52 DP 561032 & Lot 1 DP 376264	1	O	8/12/21
1801942	Concept Engineering Drawings Prepared by Beveridge Williams Project Ref 1801942	24	P1	6/12/2021
1801942	Concept Engineering Design Report Stormwater Drainage	12	-	8/11/21
	Dynamic Culvert Analysis results	2	-	4/11/21
	Existing Pre-developed Catchment Area	1	-	-
	Music Catchments Plan & Music Link Result Report	8	-	10/11/21

Supporting Documentation

Document	Title	Author	Date
Bushfire Assessment Report	Bushfire Assessment Report – Subdivision	Bushfire Environmental Management Consultancy	11/5/21
Retaining Wall Maintenance Plan	Maintenance Plan for Proposed Retaining Wall within Proposed Lots 705 to 710, and 718 to 721 inclusive within the Plan of Proposed Subdivision of Lot 1 DP371647, Lot 1 DP375712, Lot 41 DP 1200210, Lots 54 & 55 DP 7527, Lots 51 & 52 DP 561032 & Lot 1 DP 376264		Undated

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- 1.2 Comply with the General Terms of Approval from the Authorities as listed below and attached as a schedule of this consent.

Government Agency Department Authority /	Description	Ref No	Date
Rural Fire Service	Bushfire Safety Authority	919/2018 (CNR-23859)– DA-2018- 03587-S4.55- 1	27 July 2021

- 1.3 Unless otherwise stated in the conditions of this consent, Subdivision Certificates are to be issued for respective stages.
- 1.4 An application for a Subdivision Certificate must be submitted to and approved by the Council prior to endorsement of the plan of subdivision.
- 1.5 Notwithstanding the development staging shown in the approved plan of subdivision referenced in condition 1.1 the subdivision is to be undertaken in three stages as set out below

Stage 6A

- Construction of ALL civil works documented in the approved concept engineering plans, including
 - o Construction of new roads, including and safety barriers
 - o Bulk earthworks, lot regrading and retaining
 - o Construction of retaining wall within and between allotments
 - o Construction of boundary fence at the boundary of Mataram Road and Lots 705 to 721
 - o Construction of a bio retention and stormwater detention basin and all associated stormwater infrastructure
 - o Provision of underground water, sewer, communication (NBN) and electrical services as required including any external connections
 - o Removal of vegetation across the development site
 - o Landscaping including street trees along all roads and wetland tolerant plants within the biofiltration basin.
- Dedication of all Public Roads at no cost to Council
- Creation of Lot 601, Lot 1 and residue lot excluding the public roads to be dedicated
- Creation of any necessary easements

- Dedication of Lot 1 as a public reserve at no cost to Council.

Stage 6B

- Subdivision of the residue lot to create 48 residential lots being Lots 602 – 649 inclusive and creation of a residue lot.;

Stage 7

- Subdivision of the residue lot to create 43 residential lots being Lots 701 – 729 & 731 – 744 inclusive and the creation of two residue lots being lots 730 and 745 as shown in the approved plan of subdivision.

- 1.6 All works are to be completed in the first stage of subdivision being Stage 6A and contributions payable are to be finalised for each stage of subdivision being Stages 6A, 6B and 7 prior to the release of the Subdivision Certificate.

2. STAGE 6A - PRIOR TO ISSUE OF ANY SUBDIVISION WORKS CERTIFICATE

- 2.1 All conditions under this section must be met prior to the issue of any Subdivision Works Certificate.
- 2.2 A Site Audit Statement prepared by an NSW Environment Protection Authority accredited person attesting to the suitability of the site for subdivision and use in accordance with the relevant zone under the *Wyang Local Environmental Plan 2013*. The subdivision drawings, details and specifications are to comply with any relevant requirements of the Site Audit Statement to be submitted pursuant to this condition.
- 2.3 An Unexpected Finds Management Plan must be developed and implemented for the discovery of any asbestos fragments, or any other unexpected contamination during any construction works at the site.
- 2.4 A Landscape Plan is to be prepared to the satisfaction of Council's Urban Designer that includes street tree planting on both sides of all proposed public roads and the use of native tree species endemic to the area is encouraged

Preferred native tree species include:

Angophora costata
Allocasuarina torulosa
Eucalyptus globoidea
Eucalyptus resinifera
Banksia spinulosa

Melaleuca nodosa

Leptospermum trinervium

The following street trees are not suitable for local residential streets and are not to be used:

Corymbia maculate

Melaleuca quinquenervia

Eucalyptus umbra

Eucalyptus robusta

Selection of tree species must consider the width of the road reserve and available space for the tree. Narrower streets to have smaller canopy trees while wider streets to have trees with broader canopy spread. A variety of tree species to be used to assist in differentiating the streets, providing visual interest and characterising the precinct.

The street trees are to be planted in accordance with Central Coast Council standard street tree detail and adhere to the landscape subdivision guidelines in regard to setbacks from intersections, light poles, paths, street furniture, driveways, storm water pits and the like.

- 2.5 The road signage and pavement marking design drawings identifying parking, other regulatory elements and traffic management facilities must be endorsed by the Local Traffic Committee prior to any installation on site. The road signage and pavement marking design drawings are to be submitted to Council with the *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form. All works to be completed prior to the issue of the first subdivision certificate.
- 2.6 Design and construct street lighting in accordance with Australian Standard AS/NZS 1158: *Lighting for roads and public spaces* for category PR4 including the provision of current best practice energy efficient lighting. Designs must detail street light footings, locations in relation to boundaries and infrastructure including offsets from road kerbs and safety barriers. Designs must be submitted to Council for review and comment prior to finalisation of the design and Council providing endorsement as the Public Lighting customer. All works to be completed prior to the issue of the first subdivision certificate.
- 2.7 Submit to Council a Road Safety Audit prepared by a minimum Level 3 and Level 2 Road Safety Auditor who is registered on the NSW Register of Road Safety Auditors. In accordance with the Guide to Road Safety no recommendations are to be made in the Road Safety Audit to address any identified deficiencies. Resolutions of the identified deficiencies, including safety arrangements on the southern side of Mataram Road adjacent to Lots 705 to 721 are to be carried out in consultation with Council and Council to sign off the corrective actions prior to the issue of a Roads Act Works Approval and/or a Subdivision Works Certificate. This condition must be identified in the Audit Report.
- 2.8 Submit an application to Council under section 305 of the Water Management Act 2000 for a section 307 certificate of compliance.

Note: The Application form can be found on Council's website www.centralcoast.nsw.gov.au. Early application is recommended.

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone e.g. prior to construction certificate, subdivision works certificate, or subdivision certificate.

- 2.9 Submit an application to Council or a Registered Certifier for a Subdivision Works Certificate under the *Environmental Planning and Assessment Act 1979*. Where this application is being submitted to Council, use an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's *Civil Works Specifications*.

The design drawings, reports and documentation will be required to address the following works and any related works:

- a) Full width road construction including on both sides of the road kerb and gutter, subsurface drainage, footpath verge formation and stormwater street drainage, including safety arrangements on the southern side of Mataram Road. Generally in accordance with the approved Engineering Plans.
- b) Construction of 1.5 metre wide reinforced concrete footpath on one side of road including kerb ramps in accordance with the approved Engineering Plans.
- c) Construction of 2.5 metre wide reinforced concrete shared path including any signage and pavement marking on one side of road in accordance with the approved Engineering Plans. This is to be extended to Woongarra Road and provide a pram ramp if necessary.
- d) Installation on all new roads of roadside furniture and safety devices as required e.g. Street name signs, fencing, (including fencing on the southern side of Mataram Road on Lots 705 to 721) guide posts, chevrons, directional arrows, and/or safety barriers in accordance with Austroads Guides, Transport for NSW Roads and Maritime Services Supplements and Australian Standards.
- e) Installation on all new roads of road signage and pavement marking in accordance with Austroads guides, Transport for NSW Roads and Maritime Services Supplements and Australian Standards.
- f) Construction of retaining walls, including details of surface and subsurface drainage required for the retaining wall where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining wall designs must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loading from vehicles or structural improvements within the adjoining property
- g) Road pavement designs. An Investigation and Design report prepared by a practising Geotechnical Engineer must be provided. The pavement design thickness must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Road 1 (Mataram Road)	8*10^6

- h) Installation of services conduits (including draw wire) for all available services which may include electricity, telecommunications, gas and water within the right of access in accordance with the relevant authority's specifications and requirements.
- i) Construction of interallotment stormwater drainage where stormwater from individual allotments cannot be discharged directly into the proposed street drainage system or existing street drainage system.
- j) Construction secondary stormwater flow path capable of conveying the 1% Annual Exceedance Probability (AEP) flood flow in association with the drainage line in lot 601.
- k) Construction of a stormwater detention basin. The design must limit post development peak flows from the development site to less than or equal to the capacity of the culverts under Sparks Road in accordance with Transport for NSW requirements for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A safety fence will be required around the facility.
- l) Construction of nutrient and pollution control measures/facilities. Design to be in accordance with Council's requirements.
- m) Construction of earthworks including all excavation and filling including treatment of cut and fill surface for permanent stability. The earthworks design must be endorsed by a practising Geotechnical Engineer or be in accordance with the recommendation of a practising Geotechnical Engineer. The endorsement or recommendations must only be made following an investigation of the site by the practising Geotechnical Engineer.
- n) The gross pollutant device is to have a suitable hard stand area adjacent to enable adequate maintenance servicing. This device is to be located within the Public Road.
- o) Erection of a 2.1m high solid timber fence on the eastern boundary of Lot 71 DP1258149.
- p) Access for maintenance of the detention basin is to be via lot 601.
- q) Erection of a 1.8m solid timber fence along the full length of Road 11 adjoining lots 705 to 721

All detailed design drawings and design reports addressing the above construction items must form part of the Subdivision Works Certificate Application. Subdivision Works must not commence until Council as the Principal Certifier has received a *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* and a pre-commencement meeting with Council, the Developer and their Contractor has taken place.

Note: Where the application is submitted to Council, fees in accordance with Council's adopted fees and charges will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

2.10 The Landscape Plan, prepared by a suitably qualified consultant are to be submitted to Council's Urban Designer for approval must also detail the landscaping of the Detention/Water Quality basin.

2.11 Prior to the issue of a Subdivision Works Certificate, suitable detailed design drawings for all retaining wall structures, as shown on the approved engineering drawings, are to be provided for the approval of the Accredited Certifier. Such design drawings are to be prepared by a suitably qualified Registered Structural Engineer in accordance with the

requirements of AS 4678-2002 - *Earth Retaining Structures*. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loading from vehicles or structural improvements within the adjoining property.

- 2.12 Submit to Council a request for approval proposed new road names for each new road within the subdivision. The request is to reference the development application number and a plan showing the location of the proposed roads and the names of the proposed roads. (Two alternate names are to be proposed in accordance with NSW Addressing User Manual.)
- 2.13 Trees and native vegetation proposed for retention must be clearly identified on all the final engineering and landscaping plans. All trees and vegetation within the proposed Lots 730, 745 and Lot 1 with the exception of trees located on the batters associated with the construction of Roads 01 and 04 (as nominated on the approved engineering drawings) are to be retained. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans.
- 2.14 Submit a Wildlife Management Strategy (WMS) to Council's Ecologist for approval. The WMS must provide details of how mitigation against harm and addressing native animal welfare issues will be achieved during clearing of the site and undertaking the works under stage 6A of the subdivision. The WMS is to include the tree and vegetation clearing protocols outlined in the Section 3.6 of the *Vegetation Management Plan (VMP) - Lots 54 and 55 DP 7527, 236-260 Hakone Road, Woongarra* (Travers Bushfire and Ecology, July 2018), the mitigation measures outlined in the *EPBC Act Ecological Assessment - Warnervale Town Centre 111, 99-107 Sparks Rd, and Hakone Road, Woongarra* (Travers Bushfire and Ecology, April 2018) and the conditions of this consent relating to salvage and re-erection of hollows. This includes appointment of a Project Ecologist to ensure compliance with the protocols, undertake pre clearing surveys and directly supervise clearing work as outlined in the VMP.
- 2.15 A Soil and Water Management Plan (SWMP) prepared in accordance with the latest edition of the Landcom Publication '*Soils and Constructions- Volume 1*' (The Blue Book) must be provided to the Principal Certifying Authority (PCA). The SWMP is to be prepared, reviewed and updated by persons suitably qualified to interpret "*The Blue Book*" or trained in the use of "*The Blue Book*" for preparation of Soil and Water Management Plans.

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

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

3. STAGE 6A - PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1 All conditions under this section must be met prior to the commencement of any works unless otherwise specified in the condition.
- 3.2 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 3.3 Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 3.4 Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

The CTPMP must address, but not be limited to, the following matters:

- Ingress and egress of construction related vehicles to the development site.
- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand,

location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).

- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- Temporary Road Closures.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The CTPMP must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the CTPMP must be held on site at all times and be made available to Council upon request.

- 3.6 Submit to Council, for approval, details of proposed haulage routes to and from the site. Approval of haulage routes may be subject to the provision of a dilapidation report of all or part of the approved haulage route.
- 3.7 The boundary of proposed Lots Lot 730, Lot 1 and Lot 745 and Road 01 (Mataram Road), Road 04 and Lots 731 – 736 (inclusive) with the exception of batters associated with the construction of Roads 01 and 04 is to be fenced using 1.8m relocatable chain link construction fence to protect vegetation within proposed Lots 730, Lot 1 and Lot 745. The fence is to be clearly marked as a "No Go Area" on the fencing itself. No clearing of vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur within the fenced conservation area.
- 3.8 The Project Ecologist is to supervise erection of temporary fencing, conduct preclearing surveys and mark of hollow bearing trees in accordance with the Wildlife Management Strategy required under this consent.

The Ecologist is to induct each civil contractor and sub-contractor in relation to the importance of these ecological protocols as part of their site induction program prior to commencement of works.

The Project Ecologist is to provide updates in writing to Council's Ecologist for review, certifying how the proposal is meeting these requirements, prior commencement of works and within 10 working days following completion of the following stages of the development:

- a) Following the pre-clearing surveys, marking of all habitat trees, marking of trees and vegetation to be retained;
- b) Following erection of required tree protection fencing; and
- c) Following induction of each civil contractor and subcontractor.

3.9 All trees and vegetation nominated for retention (outside of proposed Lots 730, 745 and 1 and the proposed public roads) are to be suitably protected by fencing or other accepted protection method in accordance with *AS/NZS 4970-2009 - Protection of Trees on Development Sites*. All required tree and vegetation protection measures are to be maintained for the duration of construction works.

4. STAGE 6A - DURING WORKS

- 4.1. All conditions under this section must be met during any works unless otherwise specified in the condition.
- 4.2 All waste generated by the works shall be stored in a manner so that it does not pollute the environment.
- 4.3 All waste generated by the works shall be transport to a facility which is licensed to receive that material.
- 4.4 No clearing of trees and vegetation is permitted within proposed Lots 730, 745 or Lot 1 with the exception of trees located on the batters associated with the construction of Roads 01 and 04.
- 4.5 Supervision by a suitably qualified Project Ecologist is required for all vegetation clearing works to mitigate any native animal welfare issues. Clearing works shall be undertaken in accordance with the Wildlife Management Strategy prepared under condition 2.14 of this consent.

The Project Ecologist must provide updates in writing to Council's Ecologist upon completion of the above environmental control measures within 10 working days following initial clearing, removal of habitat trees and at completion of site clearing.

- 4.6 Hollows removed from the site are to be salvaged for reuse. Hollows containing or likely containing resident fauna are to be sectionally removed under the supervision of the Project Ecologist in accordance with the procedure outlined in the Central Coast Council (2016)

Guideline for the Relocation of Large Tree Hollows. Where there are good condition trees within the future drainage reserves within proposed Lot 745, the hollows are to be re-erected in these trees in accordance with the Guideline. Following installation of each salvaged tree hollow, a report (including GIS map) will be submitted to Council's Ecologist that records the identification number, GPS location, species and diameter at breast height of the host tree, and salvaged hollow size, height and orientation.

Any excess hollows that cannot be relocated to good condition trees within open space or drainage reserves due to lack of suitable recipient trees are to be delivered to Central Coast Council's Mardi Depot in consultation with Council's Natural Resources Unit.

- 4.7 Vehicles and other equipment to be used on site must be completely free of soil, seeds and plant material before entering/leaving the site to prevent the spread of exotic plant species and pathogens. All vehicles and machinery must be inspected prior to site entry and those failing inspection should be sent away for cleaning. Appropriate records of inspections shall be maintained.
- 4.8 Any topsoils imported are to be free of weeds before use.
- 4.9 Maintain the temporary fence around the retained vegetation. The fence must be maintained for the duration of construction works.
- 4.10 Utilise timber from felled non hollow bearing native trees by:
 - a) Re-instating logs as ground habitat in areas of retained vegetation, and/or
 - b) Wood chip or tub grind into mulch for landscaping, soil stabilisation or bush regeneration, and/or
 - c) Using for firewood (but not piled burned on-site); and/or
 - d) Recycling for use in construction materials, furniture or fencing.
- 4.11 Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
 - a) 7.00am and 5.00pm Monday to Saturday
 - b) No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

4.12 During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately in that area, and
- b) NSW Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

4.13 Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

4.14 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.

4.15 Suitable dust suppression measures must be implemented and maintained by the developer during demolition, excavation and construction works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

4.16 All fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.

4.17 No soils to be imported to the subject site except for Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*.

4.18 All materials other than fill imported to the site for civil works, shall have a resource recovery exemption made under the Protection of the Environment Operations (Waste) Regulation 2005.

- 4.19 Classify all excavated material removed from the site in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.
- 4.20 Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
- 4.21 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 4.22 All building/construction materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.

5. STAGE 6A - PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

- 5.1 All conditions under this section must be met prior to the issue of the Subdivision Certificate for Stage 6A.
- 5.2 An application for a Subdivision Certificate must be submitted to and approved by the Council prior to endorsement of the plan of subdivision. The Subdivision Certificate application is to satisfy all of the requirements of Clause 157 of the *Environmental Planning and Assessment Regulation 2000*.
- 5.3 A Special Infrastructure Contribution is to be made in accordance with the Special Infrastructure Contributions Plan – Warnervale Town Centre – Special Contributions Area. The contribution is to be made to the NSW Department of Planning and Environment for the Net Developable Area being the area the expressed in hectares and is the area of land zoned for residential excluding land for roads, public open space and trunk drainage. If a contribution is made as a monetary contribution, the monetary contribution must be paid before a Subdivision Certificate is issued for any stage of the development.
- 5.4 Submit details to Council that demonstrate the completion of all works identified in condition 1.5 and implementation of any plans as identified under this development consent .

- 5.5 Complete construction of all subdivision works covered by the Subdivision Works Certificate(s) for Stage 6A. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's adopted fees and charges.
- 5.6 Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval and/or the Subdivision Works Certificate do not adequately address transition works.
- 5.7 Repair any damage to Council's infrastructure and the road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.8 Achieve a minimum of 95% standard compaction for all lots filled in accordance with Australian Standard AS 1289: *Methods of testing soils for engineering purposes*. Certification by a practising Geotechnical Engineer that all lot fill has been inspected and tested to Level 1 Inspection and Testing requirements of AS 3798: *Guidelines on earthworks for Commercial and Residential Developments* and the minimum compaction has been achieved is to be provided to Council / Principal Certifier.

- 5.9 Obtain the Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Subdivision Certificate.

All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance / defects bond to Council in accordance with Council's adopted fees and charges.

- 5.10 Submit to Council written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot where available:
- a) Telecommunications / national broadband network (NBN)
 - b) electricity supply
 - c) Gas supply
- 5.11 Include on the Deposited Plan (DP) an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with 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. The plan and instrument must:
- a) Dedication of Lot 1 to Council as a public reserve.

- b) Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system restricting any alterations to such a facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
- c) Create a 'Restriction on the use of Land' over all lots containing a nutrient / pollution control facility restricting any alteration to such a facility or the erection of any structure over the facility or the replacement of any obstruction over the facility.
- d) Create an easement to drain water wide as indicated on the approved plans.
- e) Create a 'Restriction on the use of Land' over all lots affected by a secondary flow path to ensure:
 - (i) The shape of the flow path is not altered.
 - (ii) No structures are erected within the flow path, excluding fences that are flood compatible.
- f) Create easement for access, maintenance and overland flow path to the Detention basin over lot 601.

Create a 'Restriction on the use of Land' over all residential zoned lots that an acoustic compliance certificate must be provided to the Principal Certifying Authority, which demonstrates that the construction of any dwelling complies with AS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

5.12 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 on any lot containing an on-site stormwater detention system including the Basin on Lot 601 that:
 - (i) the facility will remain in place and fully operational
 - (ii) the facility is maintained so that it operates in a safe and efficient manner
 - (iii) Council staff is permitted to inspect and repair the facility at the owner's cost
 - (iv) Council is indemnified against all claims of compensation caused by the facility
- b) Ensure on any lot containing a nutrient/pollution control facility that:
 - (i) the facility will remain in place and fully operational
 - (ii) the facility is maintained so that it operates in a safe and efficient manner
 - (iii) Council staff is permitted to inspect and repair the facility at the owner's cost
 - (iv) Council is indemnified against all claims of compensation caused by the facility

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

- 5.13 Submit to Council a “Pre-Opening” stage Road Safety Audit prepared by an Audit team of a minimum Level 3 and Level 2 Road Safety Auditor registered on the NSW Register of Road Safety Auditors. No recommendations are to be made in the Road Safety Audit to address any identified deficiencies. Resolutions of the identified deficiencies are to be carried out in consultation with Council with sign off of the Corrective Actions by Council. Any works required as a result of the signed off Corrective Actions are to be satisfactorily completed and accepted by Council. Subdivision Certificate.
- 5.14 To ensure landscaping works included within the constructed Detention/Water Quality Basin are properly completed, the Landscape Architect must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan prepared under condition 2.10 of this consent.
- 5.15 The developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 5.16 The submission to the Council as the Roads Authority of certification from an Accredited Service Provider (ASP) that the street lighting installation has been completed in accordance with AS/NZS 1158 and AS 4282-1997, the approved design drawings and will achieve a minimum of twenty (20) year design life.
- 5.17 The certification by a Registered Surveyor, prior to issue of a Subdivision Certificate that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. The certification shall be accompanied by a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.
- 5.18 All roads are to be constructed and dedicated up to the boundaries of all adjoining properties and proposed Lots. Details are to be incorporated in the plan of subdivision.
- 5.19 Works as Executed information for the development as identified in Council's *Civil Works Construction Specification* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy.

6. STAGE 6B - PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

- 6.1 All conditions under this section must be met prior to the issue of the Subdivision Certificate for Stage 6B.

- 6.2 An application for a Subdivision Certificate must be submitted to and approved by the Council prior to endorsement of the plan of subdivision. The Subdivision Certificate application is to satisfy all of the requirements of Clause 157 of the *Environmental Planning and Assessment Regulation 2000*.
- 6.3 Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979*, pay to Council a total contribution amount of **\$1,518,827.85** that may require adjustment at the time of payment, in accordance with the Warnervale District Development Contributions Plan with the applicable amounts as follows:

Warnervale District - Open Space Land	\$ 179,632.80
Warnervale District - Open Space Works	\$ 225,021.60
Warnervale District - Community Facilities Land	\$ 6,578.40
Warnervale District - Community Facilities Works	\$ 181,689.60
Warnervale District - Drainage Land	\$ 67,504.80
Warnervale District - Drainage Works	\$ 192,792.00
Warnervale District- East W'vale - Transport Land	\$ 33,770.40
Warnervale District- East W'vale - Transport Works	\$ 503,760.00
Warnervale District - Stormwater Quality Works	\$ 98,229.45
Warnervale District - Plan Prep & Administration	\$ 29,848.80
TOTAL	\$ 1,518,827.85

The contributions amount will 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 on 1300 463 954 for an up-to-date contribution payment amount.

Any Subdivision Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contributions Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong or 49 Mann Street Gosford or on Council's website: [Development Contributions](#)

Note: Contributions have not been levied with respect to Lot 601. Contributions will be payable in accordance with the Warnervale District Development Contributions Plan for any future development of Lot 601. The calculation of the contributions related to the future development of 601 will not include a development unit credit for that lot.

- 6.4 Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* pay to Council a total contribution amount of **\$55,963.20**, that may require adjustment at the time of payment, in accordance with the Shire wide Infrastructure, Services and Facilities Development Contributions Plan with the applicable amounts as follows:

Shire Wide Regional Open Space	\$ 9,631.20
Shire Wide Cycleway Network	\$ 19,756.80
Shire Wide Performing Arts & Public Art	\$ 22,293.60
Shire Wide Administration	\$ 4,281.60
Total	\$ 55,963.20

The contributions amount will 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 on 1300 463 954 for an up-to-date contribution payment amount.

Any Subdivision Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong or 49 Mann Street Gosford or on Council's website: [Development Contributions](#)

Note: Contributions have not been levied with respect to Lot 601. Contributions will be payable in accordance with the Shire wide Infrastructure, Services and Facilities Development Contributions Plan for any future development of Lot 601. The calculation of the contributions related to the future development of 601 will not include a development unit credit for that lot.

- 6.5 Obtain the Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Subdivision Certificate.

All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. Completion of works includes the submission

and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance / defects bond to Council in accordance with Council's adopted fees and charges.

- 6.6 Submit to Council written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot where available:
- a) Telecommunications / national broadband network (NBN)
 - b) electricity supply
 - c) Gas supply
- 6.7 Include on the Deposited Plan (DP) an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council 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. The plan and instrument must:
- a) Create an easement to drain water (interallotment drainage system) wide as indicated on the approved plans.
 - b) Create an easement for support and maintenance of the retaining structures which are not in support of Council's infrastructure within the residential lots.
 - c) Create a 'Restriction on the use of Land' over all residential zoned lots that an acoustic compliance certificate must be provided to the Principal Certifying Authority, which demonstrates that the construction of any dwelling complies with AS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors.
- Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.
- 6.8 The developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 6.9 The certification by a Registered Surveyor, prior to issue of a Subdivision Certificate that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. The certification shall be accompanied by a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.

7. STAGE 7 - PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

- 7.1 All conditions under this section must be met prior to the issue of the Subdivision Certificate for all stages unless specified in the condition.
- 7.2 An application for a Subdivision Certificate must be submitted to and approved by the Council prior to endorsement of the plan of subdivision. The Subdivision Certificate application is to satisfy all of the requirements of Clause 157 of the *Environmental Planning and Assessment Regulation 2000*.
- 7.3 Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979*, pay to Council a total contribution amount of **\$1,319,379.05** that may require adjustment at the time of payment, in accordance with the Warnervale District Development Contributions Plan with the applicable amounts as follows:

Warnervale District - Open Space Land	\$ 160,921.05
Warnervale District - Open Space Works	\$ 201,581.85
Warnervale District - Community Facilities Land	\$ 5,893.15
Warnervale District - Community Facilities Works	\$ 162,763.60
Warnervale District - Drainage Land	\$ 61,879.40
Warnervale District - Drainage Works	\$ 172,709.50
Warnervale District- East W'vale - Transport Land	\$ 30,956.20
Warnervale District- East W'vale - Transport Works	\$ 451,285.00
Waterneravle District - Stormwater Quality Works	\$ 44,649.75
Warnervale District - Plan Prep & Administration	\$ 26,739.55
TOTAL	\$ 1,319,379.05

The contributions amount will 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 on 1300 463 954 for an up-to-date contribution payment amount.

Any Subdivision Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contributions Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong or 49 Mann Street Gosford or on Council's website: [Development Contributions](#)

- 7.4 Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* pay to Council a total contribution amount of **\$50,133.70**, that may require adjustment at the time of payment, in accordance with the Shire wide Infrastructure, Services and Facilities Development Contributions Plan with the applicable amounts as follows:

Shire Wide Regional Open Space	\$ 8,627.95
Shire Wide Cycleway Network	\$ 17,698.80
Shire Wide Performing Arts & Public Art	\$ 19,971.35
Shire Wide Administration	\$ 3,835.60
Total	\$ 50,133.70

The contributions amount will 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 on 1300 463 954 for an up-to-date contribution payment amount.

Any Subdivision Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong or 49 Mann Street Gosford or on Council's website: [Development Contributions](#)

- 7.5 Obtain the Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Subdivision Certificate.

All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance / defects bond to Council in accordance with Council's adopted fees and charges.

- 7.6 Submit to Council written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot where available:

- a) Telecommunications / national broadband network (NBN)
- b) Electricity supply
- c) Gas supply

- 7.7 Include on the Deposited Plan (DP) an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the 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. The plan and instrument must:
- a) Create an easement to drain water (interallotment drainage system) wide as indicated on the approved plans.
 - b) Create easements for support benefiting Council, for the retaining wall below Mataram Road within lots 705-710 and 718-721 inclusive.
 - c) Create easements for support benefiting Council, for the retaining wall below Road 14 within lot 729.
 - d) Create an easement for support and maintenance of the retaining structures which are not in support of Council's infrastructure within the residential lots.
 - e) Create a 'Restriction on the use of Land' over all residential zoned lots that an acoustic compliance certificate must be provided to the Principal Certifying Authority, which demonstrates that the construction of any dwelling complies with AS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

- 7.8 Submit to Council a "Pre-Opening" stage Road Safety Audit prepared by an Audit team of a minimum Level 3 and Level 2 Road Safety Auditor registered on the NSW Register of Road Safety Auditors. No recommendations are to be made in the Road Safety Audit to address any identified deficiencies. Resolutions of the identified deficiencies are to be carried out in consultation with Council with sign off of the Corrective Actions by Council. Any works required as a result of the signed off Corrective Actions are to be satisfactorily completed and accepted by Council prior to issue of the Subdivision Certificate.
- 7.9 The developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

8. ONGOING

- 8.1 Monitor salvaged hollows to determine their usage and to carry out repairs or replacement as required every six months for a minimum period of three years following installation. Monitoring and reporting is to be undertaken by the consulting Ecologist and reports are to be submitted to Council after each monitoring event.

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 Law include fines up to \$1.1 Million and/or custodial sentences for serious offences.

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the Protection of the Environment Operations Act 1997. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities 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.
- Carry out all work under this Consent in accordance with SafeWork NSW 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.

- 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 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.