

Central Coast

Local Planning Panel

Central Coast
Supplementary Local Planning Panel
Business Paper
04 February 2022



Meeting Notice

**The Supplementary Local Planning Panel
of Central Coast
will be held remotely - online,
Friday 4 February 2022 at 11.30 am,
for the transaction of the business listed below:**

1 PROCEDURAL ITEMS

1.1 Disclosures of Interest.....3

2 PLANNING REPORTS

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale.....4

Kara Krason
Chairperson

Item No: 1.1
Title: Disclosures of Interest
Department: Governance

4 February 2022 Supplementary Local Planning Panel

Reference: F2020/02502 - D14205789

The NSW Local Planning Panel Code of Conduct states that all panel members must sign a declaration of interest in relation to each matter on the agenda before or at the beginning of each meeting.

Recommendation

That Panel Members now confirm that they have signed a declaration of interest in relation to each matter on the agenda for this meeting and will take any management measures identified.

Item No: 2.1
Title: Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale

Department: Environment and Planning

4 February 2022 Supplementary Local Planning Panel

Reference: DA/221/2014/B - D14926779
 Author: Nathan Burr, Senior Development Planner
 Manager: Emily Goodworth, Section Manager Development Assessment North
 Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

Supplementary report to an assessment report dated 23 September 2021 which considered an application under the provisions of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, for approval to modify Development Consent No. DA/221/2014/A (development consent issued by the former Wyong Shire Council). The proposal involves an increase in the number of approved residential lots from 40 to 43, including minor road layout and drainage changes. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is referred to the Local Planning Panel as a result of the number of objections. 15 submissions have been received. An additional objection was received in response to the notification of amended plans.

Applicant	Group Development Services Pty Ltd
Owner	Woodcote Developments Pty Ltd
Application No	DA/221/2014/B
Description of Land	31 Aldenham Road, Warnervale
Proposed Development	43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot.
Site Area	4.014HA
Zoning	R2, RE1, PR2, PRE1, PB7 & B7
Existing Use	Vacant
Employment Generation	No
Estimated Value	\$2,510,587.00

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

Recommendation

- 1 That the Local Planning Panel grant consent to DA/221/2014/B – 31 Aldenham Road, Warnervale – Increase to 43 Residential lots, minor road layout & drainage changes, subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 That Council advise those who made written submissions of the Panel's decision.**
- 3 That Council advise relevant external authorities of the Panel's decision.**

Precis:

On 23 September 2021, the Central Coast Local Planning Panel (the Panel) an Assessment Report relating to under the provisions of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, for approval to modify Development Consent No. DA/221/2014/A (development consent issued by the former Wyong Shire Council). The proposal involves an increase in the number of approved residential lots from 40 to 43, including minor road layout and drainage changes.

The Panel deferred the determination of the application for the following matter:

- 1 That the Local Planning Panel defer this matter to a future meeting, pending receipt and exhibition of amended plans for comment, and assessment by Council staff via a supplementary report.**
- 2 Matters to be addressed as part of the above include:**
 - **Redesign of sewer to satisfaction of the water authority and subsequent amendments to lot layout with respect to modification.**
 - **Identification of trees to be retained.**
 - **Updated subdivision and public domain plans to be provided.**
 - **Consideration to be given to retaining trees on boundary of Lot 20.**
- 3 That the applicant to provide above information to consent authority within 6 weeks.**

The reasons given for the Panel's decision were provided as follows:

- 1. There are inconsistencies with the planning documentation with regard to plans presented for approval.**

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

2. *To ensure orderly provision of infrastructure and confirmation of potential encumbrances on proposed Lots 20-28.*
3. *Uncertainty exists in relation to the ability of proposed Lot 26 to adequately cater for future dwelling, given the location of proposed sewer.*
4. *The Panel notes that proposed Lots 26, 27, 28 and adjoining road reserve are currently well vegetated, however the tree removal plan proposes only four trees be removed from this land. Clarification is required about what trees will be retained via a tree retention plan.*

1. AMENDED PLANS AND DOCUMENTATION

The applicant submitted the additional information on 21 October 2021. The information was provided within the six week time frame requested by the Panel:

Table 1: Additional Information

Date	Information Received
21 October 2021	<ul style="list-style-type: none"> • Amended Plan of Subdivision prepared by GDS that includes the following changes: <ul style="list-style-type: none"> ○ Adjust the easement for sewer location in relation to Lot 26. ○ Indicative Building Envelope on Lot 26. • Amended set of concept Engineering Drawings prepared by GDS that includes the following changes: <ul style="list-style-type: none"> ○ Sewer Plan shown on the Engineering drawings (Sheet 800 and 801) ○ Tree Removal and Retention Plan (Sheet 600) ○ Public Domain Plan (Sheet 500) ○ Stage 6a has been amended to include the construction of a portion of Road 02 and Road 03 to the intersection with Road 11 to provide access to Lot 601. ○ The location of the easement for the stormwater basin, secondary flow, and access to the basin, in lot 601; and • A written Statement prepared by GDS addressing the Panel's reasons for deferral.

1.1 Applicant's Response to Deferral Matters

The applicant via a written statement dated 21 October 2021 provided the following comments with respect to the Panel's deferral matters.

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

The application determination has been deferred by the Panel to a future meeting, pending receipt and exhibition of amended plans for comment, and assessment by Council staff via a supplementary report. The matters to be addressed as part of this decision are:

- *Redesign of sewer to satisfaction of the water authority and subsequent amendments to lot layout with respect to modification.*
- *Identification of trees to be retained.*
- *Updated subdivision and public domain plans to be provided.*
- *Consideration to be given to retaining trees on boundary of Lot 20.*

The applicant's submission in response to the Panel's reasons for deferral is included below.

1. *There are inconsistencies with the planning documentation with regard to plans presented for approval.*

Applicant's Comment:

It is noted there is a discrepancy between the tree retention plan and the BDAR assessment. The trees that form part of the BDAR offsets are now shown to be removed on the Tree Removal and Retention Plan (Sheet 600). It is noted that the underscrub vegetation has been cleared in conjunction with the approved SCC works SCC/21/2021. This regrowth vegetation was covered under the original DA consent and consistent with the definition of a tree under Council's Tree Preservation Order requirements. It is acknowledged that over time, some of this vegetation regrowth may have met the criteria of a tree and the removal of this vegetation is covered by the DA consent.

Council Comment:

The documentation submitted on 21 October 2021 is consistent. There are no trees shown for retention on the subdivision plan. There is no longer a tree retention plan.

2. *To ensure orderly provision of infrastructure and confirmation of potential encumbrances on proposed Lots 20-28.*

Applicant's Comment:

Council Sewer and Water Servicing Strategy Division have advised a straight sewer alignment is preferred. The amended sewer and subdivision plan is now compliant with this requirement. Further, the sewer design is subject to an approval by Central Coast Council Sewer and Water Servicing Strategy Division.

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

Council comment:

The amended plans propose a straight alignment of the sewer rising main which is consistent with advice received from Council's Water Assessment team.

3. *Uncertainty exists in relation to the ability of proposed Lot 26 to adequately cater for future dwelling, given the location of proposed sewer.*

Applicant's Comment:

Council's advice has been incorporated in the amended sewer and subdivision plan. A Building Envelope Plan is shown on Lot 26 to accommodate a minimum 200sqm dwelling footprint.

Council comment:

The amended plans identify a 200m² area west of the proposed sewer easement which is considered sufficient land area to erect a dwelling house.

4. *The Panel notes that proposed Lots 26, 27, 28 and adjoining road reserve are currently well vegetated, however the tree removal plan proposes only four trees be removed from this land. Clarification is required about what trees will be retained via a tree retention plan.*

Applicant's Comment:

An additional on-site tree survey was undertaken on 20 October 2021, to identify the remaining trees on the site. This has resulted in the submitted and now updated tree removal and retention plan, which is in accordance with the BDAR assessment. Trees to be removed on Lots 26, 27 & 28 are as per the BDAR assessment report. A revised tree retention plan has been provided which demonstrates retention of trees on Lot 20. It is noted that the underscrub vegetation has been cleared in conjunction with the approved SCC works SCC/21/2021. This regrowth vegetation was covered under the original DA consent and consistent with the definition of a tree under Council's Tree Preservation Order requirements. It is acknowledged that over time, some of this vegetation regrowth may have met the criteria of a tree and the removal of this vegetation is covered by the DA consent.

Council comment:

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

No tree retention plan has been submitted given the Subdivision Construction Certificate, approved under SCC/21/2021, allows for the clearing of all vegetation on site. Works approved under this application have continued during the assessment of the s.4.55(2) application.

A tree planting plan has been submitted, also identified as a 'public domain plan', which identifies future street tree planting.

1.2 The Proposal

The proposed modification is in essence as described in the 23 September 2021 report being an application under the provisions of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, to modify Development Consent No. DA/221/2014 issued by the former Wyong Shire Council, for a 43 lot Torrens title subdivision comprising 40 residential lots, one public reserve, one detention basin and one residue lot.

The proposed modification includes the following:

- Changes to the dimensions and sizes of some lots and an increase in the number of residential lots from 40 to 43 residential lots.
- The proposed inter-allotment drainage arrangement on the eastern side of the north-south road is proposed to be altered to cater for the modified subdivision design. The overall stormwater detention arrangement approved in the original development application is not proposed to be altered.
- The original approval proposed a hammer head turning arrangement at the end of Railway Road. The proposal seeks to alter the design by way of installing a temporary turning head in the road corridor to allow Railway Road to be continued in the future.

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

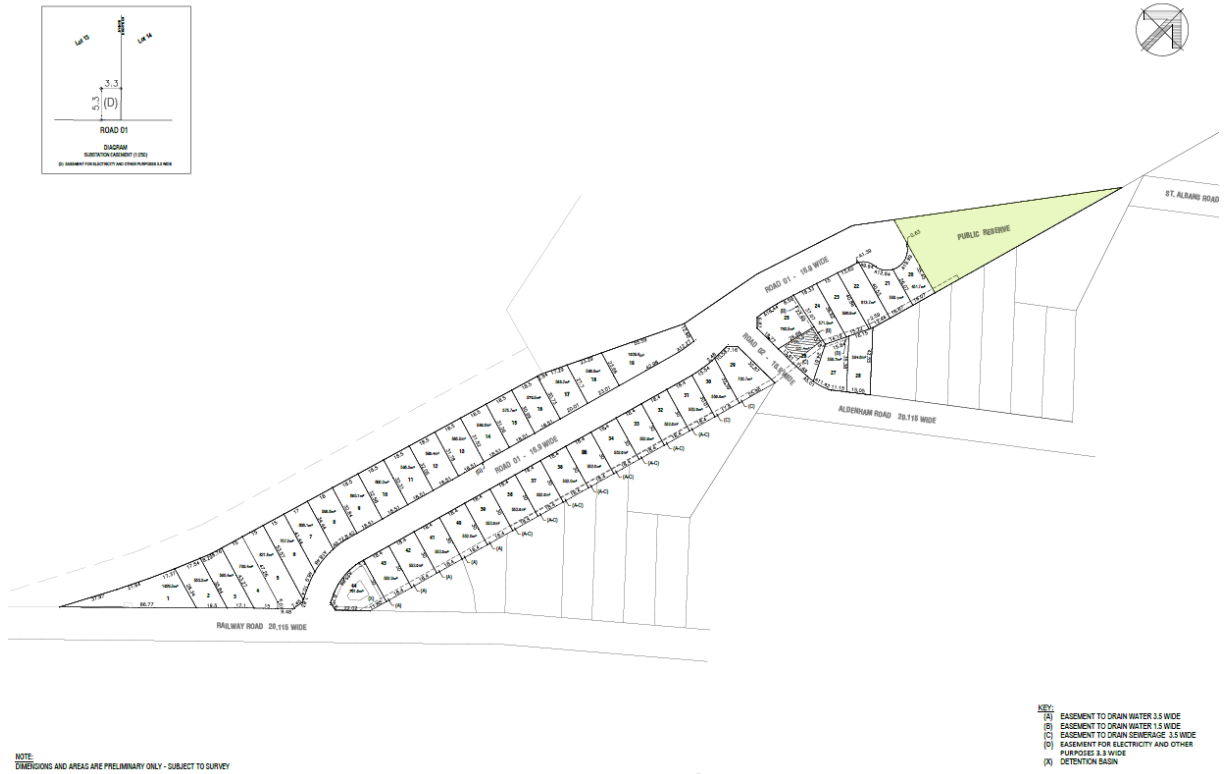


Figure 1: Proposed Subdivision Plan – Revision F

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

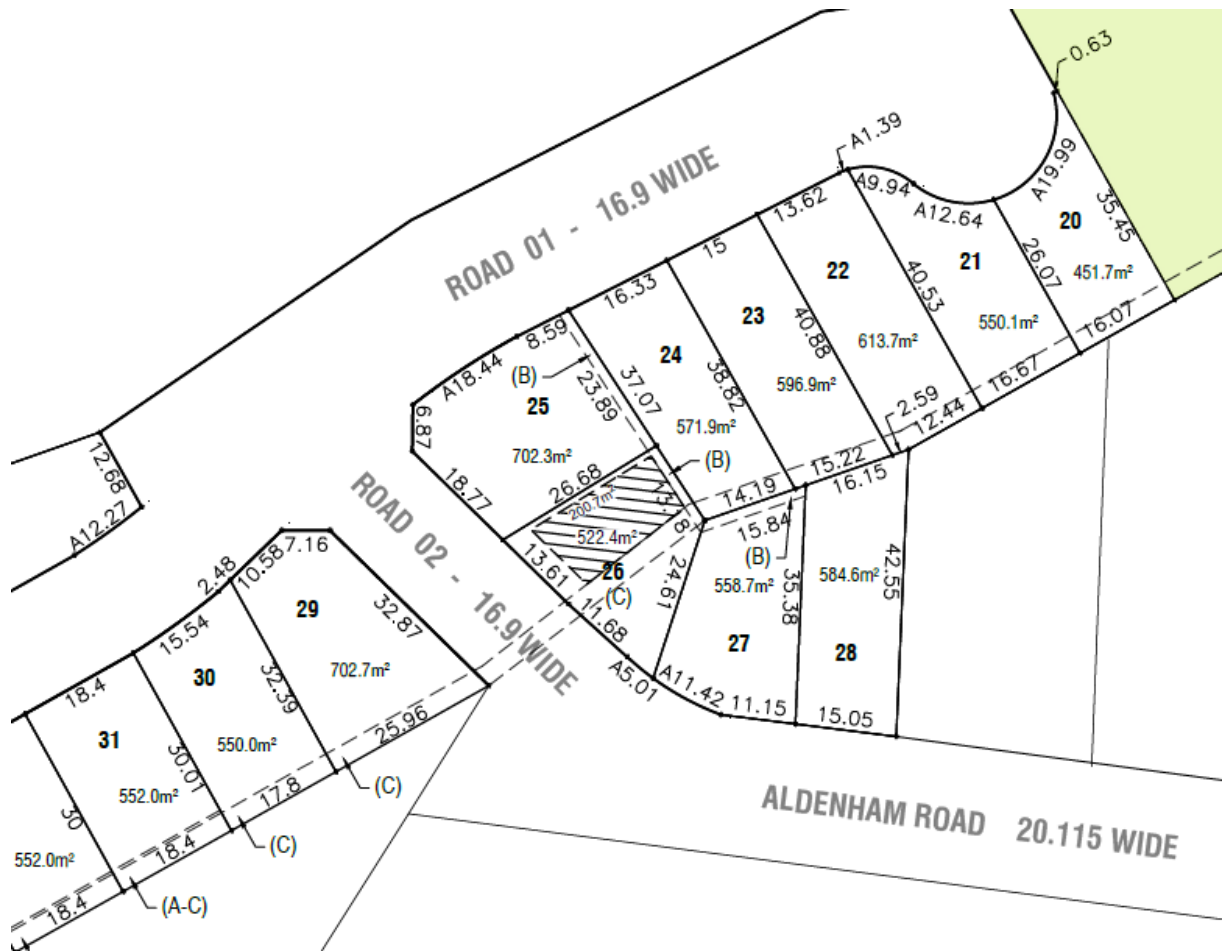


Figure 2: Proposed Subdivision Plan – Revision F – Lot 26 adjusted Sewer Easement Location and Building Envelope

2. CURRENT SITE CONDITION

Works have continued on the site since the Panel’s original consideration of the matter on 23 September 2021 pursuant to the early works approval comprising tree clearing (Subdivision Construction Certificate (SC/21/2021)). Photographs of the site take 15 October 2021 are included below for reference.



Figure 3: Photograph 15/10/2021 – Viewing Nth from Intersection of Rd 01 & Road 02



Figure 4: Photograph 15/10/2021 – Viewing Sth from Intersection of Rd 01 & Road 02

3. REFERRALS AND SUBMISSIONS

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

3.1 Agency Referrals and Concurrence

Pursuant to clause 90 of the *Environmental Planning and Assessment Regulation 2000* further consultation has not been carried out with the agencies with respect to the amended proposal. In this regard, the amendments are not considered to alter the proposal materially or significantly and differs only in minor respects to the original application.

3.2 Community Consultation

The plans and written submission received from the applicant were re-notified in satisfaction of the Panel's requirement to exhibit the amended plans and in accordance with Chapter 1.2 – Notification of Development Proposals of the Wyong Development Control Plan 2013. In this regard the amended proposal was notified from the 5th of November 2021 to the 3rd of December 2021 with one written submission received raising concerns with the development. A site meeting was held between the Council assessment Officer and a resident whose concerns are reflected in the written submission. The matters raised in submission are consistent with matters raised in previous submissions made with respect to the proposed modification. The consideration of the matters raised is summarised below.

- *There are issues with regard to vehicles speeding along Aldenham Road.*

Comment:

This is an issue beyond the scope of the subject modification application and is a regulatory matter.

- *It is unclear why the link road cannot be used for access to the subdivision as it can handle traffic much more effectively than Aldenham Road.*

Comment:

The Link Road is proposed as a major collector road connecting between the Pacific Highway and Sparks Road. To maximise safety and capacity along the future link road the number of intersections will be limited. The inclusion of an intersection on the future classified road from the subdivision would be contrary to the provisions of SEPP Infrastructure which requires that access be derived from roads other than a classified road.

There is a significant level difference between the site and the future Link Road which would make the construction of an access to the future classified road a challenge in terms of achieving safe grade and transition of grade within the roads. A concept design has not been requested to investigate the construction of an access to the future Link Road because an access has not been proposed and the nature of the proposed modification does not warrant the imposition of conditions to require one.

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

- *There is poor lighting, a lack of footpaths, lack of kerb and guttering and poor road condition on Aldenham Road. The site is used by school children to access the nearby school.*

Comment:

The subdivision will include adequate civil infrastructure to provide an acceptable level of safety for potential pedestrians within the subdivision. It is beyond the scope of the original approval and the proposed modification to provide for infrastructure and facilities within the surrounding area.

There is no nexus to require the applicant to upgrade the lighting, foot paving, kerb and guttering and road condition of the existing portion of Aldenham Road other than via the payment of contributions under the relevant contributions plan. Pedestrian access to the future Link Road will be limited and school pedestrian traffic will not be able to short-cut through the subject site.

4. STATUTORY CONSIDERATIONS

This supplementary report provides additional information to address the Panel's deferment matters and reasons for deferral dated 23/09/2021. This report is to be read in conjunction with the original assessment report. Draft conditions have been prepared that reflect the amended plans.

The application remains consistent with the provisions of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. The proposed modification is substantially the same development as the development for which consent was originally granted, and the additional information has been notified in accordance with Chapter 1.2 Notification of Development Proposals. The submission that was received has been considered.

Conclusion:

After consideration of the development against Sections 4.55(2) and 4.15 of the *Environmental Planning and Assessment Act 1979* and the relevant statutory instruments and policy provisions, the proposed modification is considered suitable for the site and in the public interest. As such, it is recommended that the Section 4.55(2) modification be approved.

RECOMMENDATION:

A That development consent 221/2014/A be modified as follows:

1. Amend condition 1 to read:

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

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

Title	Drawing No.	Revision	Date	Drawn By
Subdivision of Lot 1 DP1234942 31 Aldenham Road Warnervale	1	F	20/10/2021	GDS
Public Domain Plan (Street Tree Planting Plan)	500	C	20/10/2021	GDS
Tree Removal Plan (Public Domain Plan)	600	C	20/10/2021	GDS
Biodiversity Development Assessment Report (BDAR) – Aldenham Road Residential Subdivision		5	11 March 2021	Eco Logical Australia

2. Insert new conditions 1A, 17A, 17B, 17C, 24A and 62A.

- 1A Comply with the General Terms of Approval / requirements from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
Transport – Sydney Trains	State Environmental Planning Policy (Infrastructure) 2007 Development Application – DA/221/2014/B 1 Aldenham Road Warnervale	-	16 April 2021
NSW Rural Fire Service	S100B – Subdivision – Torrens Title Subdivision 31 Aldenham Road Warnervale NSW 2259. 1//DP1234942	DA/221/2014/B (CNR-10994)	7 December 2020

- 17A Prior to commencement of any works, including any vegetation clearing, the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

The requirement to retire ecosystem credits in Table 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator. Evidence of the retirement of ecosystem credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to commencement of any works.

Table 1. Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	HBT	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
1590- Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	3	No	Wyong, Hunter, Pittwater and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Hunter-Macleay Dry Sclerophyll Forests - < 50% cleared group (including Tier 4 or higher threat status). This includes PCT's: 715, 904, 922, 1178, 1215, 1588, 1589, 1590, 1591, 1592, 1593, 1600, 1601, 1602, 1608, 1612, 1626, 1748

17B Prior to commencement of works, including any vegetation clearing, the class and number of species credits in Table 2 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire species credits outlined in Table 2 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of species credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to commencement of any works.

Table 2. Species credits required to be retired – like for like

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Calyptorhynchus lathami</i> / Glossy Black-Cockatoo	4	Anywhere in NSW
<i>Cercartetus nanus</i> / Eastern Pygmy- Possum	4	Anywhere in NSW
<i>Ninox connivens</i> / Barking Owl	1	Anywhere in NSW
<i>Ninox strenua</i> / Powerful Owl	1	Anywhere in NSW
<i>Tyto novaehollandiae</i> / Masked Owl	1	Anywhere in NSW

17C Comply with impact mitigation and minimisation measures as stated in Table 19 of the Biodiversity Development Assessment Report (BDAR) (Eco Logical Australia, Version 5, dated 11 March 2021). Where the recommendations contained within the Biodiversity Development Assessment Report are inconsistent, the conditions of consent prevail.

24A Comply with impact mitigation and minimisation measures as stated in Table 19 of the Biodiversity Development Assessment Report (BDAR) (Eco Logical Australia, Version 5, dated 11 March 2021). Where these recommendations contained within the Biodiversity Development Assessment Report are inconsistent, the conditions of consent prevail.

62A Comply with impact mitigation and minimisation measures as stated in Table 19 of the Biodiversity Development Assessment Report (BDAR) (Eco Logical Australia, Version 5, dated 11 March 2021). Where these recommendations contained within the Biodiversity Development Assessment Report are inconsistent, the conditions of consent prevail.

3. Amend condition 9 to read:

9. *Prior to the issue of any Construction Certificate/Commencement of Works (whichever occurs first) the applicant must prepare and submit to Council and obtain approval for a **revised** Vegetation Management Plan (VMP) for the land identified as RE1 Public Reserve. The VMP is to be prepared by a suitably qualified and experienced Ecologist or bush regenerator. The land is to be managed as an asset protection zone and the VMP must be consistent with 'Planning for Bushfire' (RFS 2006). The VMP should also consider the 'Conservation Management Plan – Precinct 7A, Warnervale and Hamlyn Terrace NSW' (Umwelt 2014). The primary objective of the plan should be tree retention, weed management and if necessary, replanting of canopy species. Implementation of the VMP must commence prior to the Commencement of works. In preparing and implementing the VMP the following criteria must be addressed:*

- *A suitably qualified and experienced professional bush regeneration contractor is to be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the VMP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate IV in Conservation and Land Management (or equivalent) and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land Management and one year demonstrated experience (for other personnel). In*

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)

addition, the site supervisor is to be eligible for full professional membership of the Australian Association of Bush Regenerators (AABR).

- *A site plan must be prepared at an appropriate scale, clearly showing the area to which the VMP applies, existing vegetation, management zones and extent of dominant weed infestations.*
 - *A tree and native vegetation protection protocol must be provided to apply during site clearing on adjoining land and construction of drainage and services within the Public Reserve. Protocol to be consistent with AS/NZS 4970-2009 - Protection of Trees on Development Sites and Council's Civil Works Design Guidelines.*
 - *A description of existing native vegetation on site. Vegetation species composition, planting layout and densities should be specified, if required.*
 - *A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, any revegetation and maintenance works for each management zone. All primary weed control must be undertaken in the first year following commencement of the VMP, with follow up weed control undertaken in the second and third year following commencement of the VMP.*
 - *The location and type of fencing or other suitable method of restricting unauthorised access or encroachment into the areas to which the VMP applies must be identified.*
 - *A protocol to prevent the transfer of weeds or pathogens onto or off the site is required.*
 - *Weed management areas and replanting to be maintained for a minimum of 12 months. A report certifying completion of the VMP at the end of the period or once the specific objectives of the plan have been met is to be submitted to Council. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.*
 - *The revised VMP must address the modified development including the revised Tree Removal Plans and Biodiversity Development Assessment Report referred to in this consent. This must include measures to protect trees and vegetation from impacts resulting from construction of the sewer in the VMP area. The VMP must include the impact mitigation and minimisation measures included in Table 19 of the Biodiversity Development Assessment Report (Eco Logical Australia, Version 5, dated 11 March 2021).*
4. Amend condition 40 to read:

2.1 **Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale (contd)**

40. Prior to the issue of any Subdivision Certificate, the payment to Council of developer contributions as calculated in the formula below and contained in the attached schedule:

$$\text{Developer contribution} = \$1,453,467.93 \times \text{Current CPI} \div \text{Base CPI}$$

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

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

5. Delete conditions 5, 6, 7 and 60.

Bush Fire Requirements













5 Deleted.

6 Deleted.

7 Deleted.

60 Deleted.

Attachments

 	Supplementary Draft Conditions DA221.2014B	D14979729
 	Plan of Subdivision Rev F DA221.2014B	D14979747
 	Concept Eng Drawing Rev C DA221.2014B	D14979752
 	Tree Removal Plan Rev C DA221.2014B	D14979738
 	Tree Planting Plan Rev C DA221.2014B	D14979748
 	Applicants Submission 21 October 2021 DA221.2014B	D14979743

Attachment – DA/221/2014/B Recommended Conditions

1. Replace condition 1 with the following condition.

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

Title	Drawing No.	Revision	Date	Drawn By
Subdivision of Lot 1 DP1234942 31 Aldenham Road Warnervale	1	F	20/10/2021	GDS
Public Domain Plan (Street Tree Planting Plan)	500	C	20/10/2021	GDS
Tree Removal Plan (Public Domain Plan)	600	C	20/10/2021	GDS
Biodiversity Development Assessment Report (BDAR) – Aldenham Road Residential Subdivision		5	11 March 2021	Eco Logical Australia

2. Insert the following condition at the relevant part of the consent.

- 1A Comply with the General Terms of Approval / requirements from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
Transport – Sydney Trains	State Environmental Planning Policy (Infrastructure) 2007 Development Application – DA/221/2014/B 1 Aldenham Road Warnervale	-	16 April 2021
NSW Rural Fire Service	S100B – Subdivision – Torrens Title Subdivision 31 Aldenham Road Warnervale NSW 2259. 1//DP1234942	DA/221/2014/B (CNR-10994)	7 December 2020

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

- 6 *Public access roads shall comply with section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.*
- 7 *Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.*
- 59 *Compliance with the conditions of consent issued under Section 100B of the Rural Fires Act 1997 by the Rural Fire Service dated 12 May 2015 attached to this consent.*
4. Replace condition 9 with the following condition.
- 9 *Prior to the issue of any Construction Certificate/Commencement of Works (whichever occurs first) the applicant must prepare and submit to Council and obtain approval for a revised Vegetation Management Plan (VMP) for the land identified as RE1 Public Reserve. The VMP is to be prepared by a suitably qualified and experienced Ecologist or bush regenerator. The land is to be managed as an asset protection zone and the VMP must be consistent with 'Planning for Bushfire' (RFS 2006). The VMP should also consider the 'Conservation Management Plan – Precinct 7A, Warnervale and Hamlyn Terrace NSW' (Umwelt 2014). The primary objective of the plan should be tree retention, weed management and if necessary, replanting of canopy species. Implementation of the VMP must commence prior to the Commencement of works. In preparing and implementing the VMP the following criteria must be addressed:*
- *A suitably qualified and experienced professional bush regeneration contractor is to be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the VMP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate IV in Conservation and Land Management (or equivalent) and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land Management and one year demonstrated experience (for other personnel). In addition, the site supervisor is to be eligible for full professional membership of the Australian Association of Bush Regenerators (AABR).*
 - *A site plan must be prepared at an appropriate scale, clearly showing the area to which the VMP applies, existing vegetation, management zones and extent of dominant weed infestations.*
 - *A tree and native vegetation protection protocol must be provided to apply during site clearing on adjoining land and construction of drainage and services within the Public Reserve. Protocol to be consistent with AS/NZS 4970-2009 - Protection of Trees on Development Sites and Council's Civil Works Design Guidelines.*
 - *A description of existing native vegetation on site. Vegetation species composition, planting layout and densities should be specified, if required.*
 - *A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, any revegetation and maintenance works for each management zone. All primary weed control must be undertaken in the first year following commencement of the VMP, with follow up weed control undertaken in the second and third year following commencement of the VMP.*

