



28 March 2025

RESOLVE URBAN PLANNING
32 Meadowhawk St
CHISHOLM NSW 2322

Development Application Notice of Determination

Issued under the Environmental Planning and Assessment Act 1979
Sections 4.16, 4.17 & 4.18 (1)(a)

Development Application No: DA/1214/2022
Property Address: Lot 1 DP 778019
369 Newport Road, COORANBONG NSW 2265
Description of Development: 1 into 3 Lot Torrens Title Subdivision
Determination: Approved
Determination Date: 28 March 2025
Consent to operate from: 28 March 2025
Consent to lapse on: 28 March 2030

Conditions of Consent

(Approved subject to the conditions specified in this notice and in accordance with the stamped approved plans).

Reason for the Imposition of Conditions

The reason for the imposition of the following conditions shall ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

To encourage:

- a) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;

- i. The promotion and co-ordination of the orderly and economic use of development of land;
 - ii. The protection, provision, and co-ordination of communication and utility services;
 - iii. The provision of land for public purposes;
 - iv. The provision and co-ordination of community services and facilities;
 - v. The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - vi. Ecologically Sustainable Development; and
 - vii. The provision and maintenance of affordable housing.
- b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
 - c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

Administrative Conditions

1. Prescribed Conditions

- a) The work shall be carried out in accordance with the requirements of the *Building Code of Australia*.
- b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- c) A sign shall be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - i. showing the name, address and telephone number of the Certifying Authority for the work, and
 - ii. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - iii. stating that unauthorised entry to the work site is prohibited.

Any such sign shall be maintained while the building work, subdivision work or demolition work is being carried out, but shall be removed when the work has been completed.

- d) Residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- i. in the case of work for which a principal contractor is required to be appointed:
 - a. the name and licence number of the principal contractor, and
 - b. the name of the insurer by which the work is insured under Part 6 of that Act,
 - ii. in the case of work to be done by an owner-builder:
 - a. the name of the owner-builder, and
 - b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so the information notified under (d) becomes out of date, further work must not be carried out unless the Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

2. Approved Documentation

The development consent incorporates this schedule of conditions and the plans and documents referenced and stamped as follows:

a) Plans Reference:

Plans prepared by: Daly Smith; Project Number. 35586S			
Name of Plan	Drawing Number	Issue	Date
Concept Layout (Subdivision)	SA01	3	20 February 2025
Removal of Fill Plan	01	B	19 February 2025

b) Document Reference:

Document	Reference	Author	Date
Limited Detailed Site Investigation	E0137-DSI-001-Rev0	Hunter Environmental Consulting	21 November 2023

Flood Emergency Response Plan for Subdivision of 369 Newport Road Cooranbong	DJW: L.T2558.003.docx	Torrent Consulting	15 March 2024
Flood Study Revision F	Project Number 35586	Daly Smith Pty Ltd	21 June 2023

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- i. Any amendments made by Council on the approved plans or documents;
- ii. Any notes, markings, or stamps on approved plans or documents, and
- iii. Any conditions contained in this consent.

General Conditions

The person having the benefit of the consent shall comply with each of the following conditions.

3. Compliance with Detailed Site Investigation

All works are to be undertaken in accordance with the recommendations outlined in Section 9 and 10 of the Limited Detailed Site Investigation (E0137-DSI-001-Rev0) dated 21 November 2023.

4. Compliance with Flood Emergency Response Plan

The requirements and recommendations contained in the Flood Emergency Response Plan for Subdivision of 369 Newport Road Cooranbong by Torrent Consulting, 15 March 2024 are to be implemented and adhered to.

General Terms of Approval and Concurrence Requirements

5. NSW Rural Fire Service – General Terms of Approval

Date: 3 November 2022

General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, are now issued subject to the following conditions:

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

2. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;

- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - b) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

General Advice – Consent Authority to Note

- Council is advised that this approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the National Construction Code of Australia may be subject to separate application under section 4.14 of the EP & A Act and address the requirements of Planning for Bush Fire Protection 2019.

Fees, Charges and Contributions

6. Contribution Toward Provision or Improvement of Amenities or Services

In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* – Sect 7.11 and the Lake Macquarie City Council *Development Contributions Plan 2012 - Morisset Contributions Catchment*, the monetary contributions in the attached Contributions Schedule shall be paid to Council for the purposes identified in that Schedule.

From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause shall be indexed and adjusted at the close of business on:

- a) 14 August,
- b) 14 November,
- c) 14 February, and
- d) 14 May;

in each year in accordance with indexation provisions within the Contributions Plan and Directions issued under the *Environmental Planning and Assessment Act 1979* – Sect 7.17. The first date for indexation shall occur on the first abovementioned date after the Notice of Determination becomes effective.

The contributions payable shall be the amounts last indexed and adjusted in accordance with the above. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those as set out in the table below.

The contributions shall be paid to Council as follows:

- a) Development Applications involving subdivision – prior to the release of the Subdivision Certificate;
- b) Development Applications involving building work – prior to the release of the first Construction Certificate;
- c) Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first;
- d) Development Applications where no Construction Certificate or Subdivision Certificate is required – prior to the commencement of any construction work or prior to any occupation, whichever occurs first;
- e) Complying Development Certificates - prior to any work authorised by the application or certificate commencing.

It is the professional responsibility of the Certifying Authority to ensure the monetary contributions have been paid to Council in accordance with the above provisions.

Please note that payments made by cheque or electronic transfer - the release of any documentation shall be subject to the clearing of those funds.

Indexation details are available from Council's Development Contribution Section.

A copy of the Lake Macquarie City Council *Development Contributions Plan 2012 - Morisset Contributions Catchment* is available on Council's website, or a copy is available at Council's Administrative Building during Council's opening hours.

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
M01-Open Space & Recreation Facilities-Capital-CPI	\$21,316.31
M01-Open Space & Recreation Facilities-Land-LVI	\$8,902.23
M01-Roads-Capital-R003-CPI	\$1,848.65
M01-Roads-Capital-R009-CPI	\$1,100.99
M01-Roads-Capital-R010-CPI	\$1,750.98
M01-Public Transport Facilities-CPI	\$277.02
M01-Community Facilities-Capital-CPI	\$8,525.87
M01-Community Facilities-Land-LVI	\$2,239.39
M01-Plan Preparation & Administration-CPI	\$1,253.98
	TOTAL \$47,215.42

Conditions to be satisfied prior to the issue of the Subdivision Works Certificate

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of the Subdivision Works Certificate.

Any documentation required to be submitted for the Subdivision Works Certificate shall be submitted to the Certifying Authority unless otherwise specified.

7. Hunter Water Requirements

Before the issue of a Subdivision Works Certificate, written evidence of the following service provider requirements must be provided to the Principal Certifier:

1. A response from Hunter Water as to whether the proposed subdivision works would affect any Hunter Water infrastructure, and whether further requirements need to be met;

8. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of *Development Control Plan 2014 and Guidelines*. The plan shall be submitted to Council for approval.

9. Subdivision Works Certificate for Works

An application for a Subdivision Works Certificate and the associated fee shall be submitted to Council.

The application shall include detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with *the Lake Macquarie City Council Engineering Guidelines*) relating to the works.

10. Removal of Fill

Plans shall be provided demonstrating the extent of earthworks and be generally consistent with the fill removal plan prepared by Daly Smith, Reference: 35586S, Revision: B, Dated: 19/02/2025. The plan shall demonstrate finished surface levels within the building envelopes of at least 5m AHD.

11. Compliance Certificate for Works

An application for a Compliance Certificate and the associated application fee shall be submitted to Council prior to the commencement of works identified on the respective Subdivision Works Certificate.

12. Application Fees for Required Certificates

Applications for the following Certificates shall be submitted. For Council to process applications for these certificates the following fees shall be payable:

Subdivision Works Certificate	Please contact Council for fees	Plus \$95 (inc GST) Archival Fee
Compliance Certificate	Please contact Council for fees	Plus \$95 (inc GST) Archival Fee

Applications for these certificates shall be lodged on the approved application form and be accompanied by the appropriate fee.

Where the development includes construction works valued at \$250,000.00 or more, the person having the benefit of the consent shall pay the Long Service Levy, as detailed in the *Building and Construction Industry Long Service Payments Scheme*. The Levy shall be paid prior to the issue of the Construction Certificate. The Levy shall be paid directly to the Long Service Payments Corporation or to Council as agent for the Corporation. The Levy rate is 0.25% of the cost of building and construction works.

The above fees are current for the **2024/2025** financial year and are subject to change each financial year without notice. Confirmation of the relevant fee shall be obtained from Council prior to the lodgement of any application.

Conditions to be satisfied prior to the issue of the Public Works Certificate

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of the Public Works Certificate for works within the public domain.

A Public Works Certificate is issued under s138 of the Roads Act 1993.

13. Roadways and Drainage Works Standards

All works within the public domain shall be designed and constructed in accordance with the following publications (as amended or updated), as applicable:-

- a) *Australian Rainfall and Runoff, 1987.*
- b) *Development Control Plan 2014* and supporting guidelines.
- c) *AUSTROADS Guide to Road Design Guide.*
- d) *Roads and Maritime Services Delineation Guidelines.*
- e) *Managing Urban Stormwater documents (2004)* by Landcom.
- f) *The Constructed Wetlands Manual* - Department of Land and Water Conservation, 1998.
- g) *WSUD Technical Design Guidelines for South East Queensland.*
- h) *Healthy Waterways – Water by Design Guidelines.*
- i) Australian Standards including, but not limited to:-
 - i. *AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,*
 - ii. *AS2890 - Off Street Parking*

Where any inconsistency exists between these documents the relevant standard to be adopted shall be verified in writing with Council.

14. Public Works Certificate for Works

An application for a Public Works Certificate (under Section 138 Roads Act 1993) and the associated fee shall be submitted to Council.

The application shall include detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with *the Lake Macquarie City Council Engineering Guidelines*) relating to the works.

15. Kerb and Guttering

A design plan for kerb and guttering, road pavement, shoulder sealing and associated drainage works along the full length of the street frontage shall be submitted. The kerb alignment shall match the existing alignment and tie into the existing kerb and gutter fronting the development site.

16. Pavement Standards

Residential road pavements shall be designed in accordance with *A Guide To The Design Of New Pavements For Light Traffic* - AUSTRROADS 2006. Main and industrial road pavements shall be designed in accordance with *Pavement Design, A Guide to the Structural Design of Road Pavements* - AUSTRROADS 2012.

Designs for road pavements shall be prepared by a geotechnical consultant and shall be submitted to Council with the Public Works Certificate application.

Where work shall be undertaken within a classified Main Road the pavement design shall also be submitted to the Roads and Maritime Services for its approval prior.

17. Compliance Certificate for Works

An application for a Compliance Certificate and the associated application fee shall be submitted to Council prior to the commencement of works identified on the respective Public Works Certificate.

18. Application Fees for Required Certificates

Applications for the following Certificates shall be submitted. For Council to process applications for these certificates the following fees shall be payable:

Public Works Certificate	Please contact Council for fees	Plus \$95 Archival Fee	(inc GST)
Compliance Certificate	Please contact Council for fees	Plus \$95 Archival Fee	(inc GST)

Applications for these certificates shall be lodged on the approved application form and be accompanied by the appropriate fee.

Where the development includes public domain construction works valued at \$250,000.00 or more, the person having the benefit of the consent shall pay the Long Service Levy, as detailed in the *Building and Construction Industry Long Service Payments Scheme*. The Levy shall be paid prior to the issue of the Public Works Certificate. The Levy shall be paid directly to the Long Service Payments Corporation or to Council as agent for the Corporation. The Levy rate is 0.25% of the cost of building and construction works.

The above fees are current for the **2024/2025** financial year and are subject to change each financial year without notice. Confirmation of the relevant fee shall be obtained from Council prior to the lodgement of any application.

Conditions to be satisfied prior to the commencement of works

The person having the benefit of the consent shall comply with each of the following conditions prior to the commencement of works.

19. Details Required Prior to Commencement of Works within the Public Domain

Construction works within the public domain in accordance with this development consent shall not commence until a Minor Public Works or Public Works Certificate has been issued by Council

In accordance with Council's authority under Section 138 of *The Roads Act 1993*, a Private Certifier shall not issue a Minor Public Works or Public Works Certificate for any works within an existing public road. A Minor Public Works or Public Works Certificate application shall be lodged with Council for the works.

A fee for applications for Minor Public Works or Public Works Certificates shall be required to be paid in accordance with Council's fees and charges.

20. Notice of Commencement of Works within the Public Domain

Construction works associated with a Public Works Certificate shall not commence until a meeting between the contractor and a representative of the Council or Certifying Authority has taken place on site.

In accordance with Section 6.12 of the *Environmental Planning and Assessment Act* the Council or Certifying Authority shall be given at least two days notice in writing prior to such meeting taking place.

The notice shall also include the names of the contractor undertaking construction and the developer's supervising officer.

21. Service of Public Utilities

Arrangements shall be made with the relevant supply authorities and companies for the servicing of all lots in the subdivision with water, sewer, underground electricity and underground telecommunications facilities. Where available, reticulated gas shall be provided to the lots by arrangements with the local gas authority.

Where required by the Commonwealth Government's *Fibre in New Development's Policy*, the applicant shall arrange for the installation of optical fibre cabling in accordance with the NBN Co. Limited's specification.

22. Details Required Prior to Commencement

Construction works in accordance with this development consent shall not commence until:-

- a) a Subdivision Works Certificate has been issued by :-
 - i. Council, or
 - ii. an appropriately Accredited certifier accredited in accordance with the Building and Development Certifiers, and
- b) the person having the benefit of the development consent:-
 - i. has appointed a Certifying Authority, and
 - ii. has notified the consent authority and Council (if the Council is not the consent authority) of the appointment, and
- c) the person having the benefit of the development consent has given at least two days notice to Council of the intention to commence works.

In accordance with Council's authority under Section 138 of *The Roads Act 1993*, a Private Certifier shall not issue a Certificate for any works within an existing public road. For works within an existing public road reserve, a Public Works Certificate application shall be lodged with Council.

Where Council is the Certifying Authority for a subdivision, an application for a Subdivision Works Certificate can only be made to Council.

A fee for applications for Subdivision Works Certificates shall be required to be paid in accordance with Council's fees and charges for Subdivision Works Certificates.

23. Construction Management Plan/s for works within public road reserve and development site

Works within public domain

The contractor engaged to undertake the construction works within the public domain shall provide a Construction Management Plan (CMP) to Council, a minimum of seven days prior to commencing any works. The CMP shall be submitted to the City Projects Department at the following email address

projectmanagementpat@lakemac.nsw.gov.au. The CMP shall be approved by Council prior to works commencing on site. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community.

Works within development site

The contractor engaged to undertake the construction works within the development site shall provide a CMP to the satisfaction of the Certifying Authority, a minimum of seven days prior to commencing any works. The CMP shall be approved by the Certifying Authority prior to works commencing on site. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community.

CMP's

Both CMP's must address the following, where required:

Health and Safety

- a) Public safety, amenity and site security,
- b) Traffic control and management,
- c) Pedestrian management,
- d) Construction hours,
- e) Noise control,
- f) Contractor vehicle parking,
- g) Locating existing utilities and services,
- h) Health and Safety requirements.

Environment

- a) Air quality management,
- b) Erosion and sediment control- base information, monitoring and management,
- c) Waste management,
- d) Material stockpiling,
- e) Vegetation management,
- f) No-go zones,
- g) Heritage management (if applicable).

Quality

- a) Submission of current insurance certificates,
- b) Work method description,
- c) Construction equipment to be used,
- d) Inspection and testing requirements,
- e) CCTV survey of pipework,
- f) Earthworks methodologies,
- g) Haulage routes,
- h) Retaining structure construction methodologies,
- i) Concrete jointing methodologies,
- j) Subsoil drainage installation methodologies,
- k) Stormwater drainage infrastructure installation methodologies,
- l) Stormwater Quality Improvement Device installation methodologies,
- m) Road construction methodologies,
- n) Accessways and footway construction methodologies,
- o) Landscaping installation methodologies,
- p) Utility and services installation methodologies,
- q) Construction and installation methodologies of other structures not otherwise covered above.

All works on site shall be undertaken in accordance with the approved CMP.

A copy of the approved CMP, and any conditions imposed on that plan, shall be kept on site at all times and made available to any officer of Council upon request.

24. Notice of Commencement of Works

Construction works shall not commence until a meeting between the contractor and a representative of the Council or Certifying Authority has taken place on site.

In accordance with Section 6.12 of the *Environmental Planning and Assessment Act* the Council or Certifying Authority shall be given at least two days notice in writing prior to such meeting taking place.

The notice shall also include the names of the contractor undertaking construction and the developer's supervising officer.

Conditions to be satisfied during demolition and construction works

The person having the benefit of the consent shall comply with each of the following conditions during demolition and construction works.

25. Removal, Management and Transportation of Fill

All fill material that shall be removed from the site shall only be distributed to:

- a) A NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Certifying Authority prior to the issue of the Compliance Certificate, or authorised officer of Council upon request; or
- b) A site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed shall be provided to the Certifying Authority prior to the issue of the Compliance Certificate, or authorised officer upon request.

All removed fill material shall be disposed of as General Solid Waste (CT1) and transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.

26. Noise - Construction Sites

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication *Interim Construction Noise Guideline July 2009*.

Approved Construction Times

- a) The approved hours for construction of this development are –
 - Monday to Friday - 7.00am to 6.00pm.
 - Saturday – 8am to 1pm.
- b) No construction work shall take place on Sundays or Public Holidays.

Construction Periods in Excess of 26 Weeks

- a) If the construction period is in excess of 26 weeks, a Noise Management Plan shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in

the *Protection of the Environment Operations Act 1997*) in the neighbouring area. The Noise Management Plan shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.

- b) Operational times may be amended with the written advice of Council's General Manager or delegate.

27. Unexpected Contamination finds

Should unexpected contamination be identified, works within the vicinity shall cease immediately and Council shall be notified. A suitably qualified contaminated land consultant shall be engaged to analyse and assess the contamination and provide a report to the Principal Certifier and Lake Macquarie City Council with recommendations for suitable management and/or disposal, to achieve the required contamination land use thresholds levels for the approved use.

Any remediation works shall be carried out in accordance with recommendations of the report prepared by the engaged contaminated land consultant and be validated by the consultant on completion of the works.

28. Erosion and Sediment Control Plan

Sediment and Erosion Control works shall be carried out in accordance with the approved Erosion and Sediment Control Plan and no work shall commence until the erosion and sediment control works specified in the plan are in place and their placement has been approved by the Certifying Authority.

29. Erosion Control Sign

Council's standard Erosion and Sediment Control Sign as detailed in Standard Drawing No. EGSD 429 shall be supplied and erected on site by the person with the benefit of the consent. The sign shall be erected in a prominent location at the entrance of the site.

30. Grassing and Revegetation

All areas of the site disturbed by works shall be revegetated to prevent erosion. All areas shall be revegetated as soon as practical, and no later than the times specified in Landcom's – *Managing Urban Stormwater documents (2004)*.

Kikuyu grass shall not be used in areas adjoining native bushland or in drainage lines or channels.

31. Earthworks Standards

All earthworks shall be undertaken in accordance with the standards specified in Table 5.1 of *Australian Standard AS 3798 - 2007 Guidelines on Earthworks for Commercial and Residential Developments*.

The inspection and testing of fill shall be at the responsibility level set out below, as defined in Section 8 of *AS 3798-2007*.

Fill Area	Responsibility Level
Water retaining embankments	1
Road embankments (greater than 2m high)	1
Road embankments (less than 2m high)	2*
Residential allotments	1
Industrial/Commercial allotments	1

* Level 1 may be used if desired by the applicant.

Conditions to be satisfied prior to the issue of a Subdivision Certificate

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of a Subdivision Certificate.

32. Unexpected Contamination Finds

A validation report in relation to the unexpected contamination finds shall be provided.

33. Works as Executed Plan – Public Works Certificate

An electronic copy of the Works as Executed Plans, certified by the Consulting Civil Engineer or Registered Surveyor supervising the works shall be supplied to Council.

The Works as Executed Plan shall, in addition to construction details, show limits and depths of filling, locations of service conduits and street names.

34. Compliance Certificate for Public Works Certificate

All public domain construction works required for the development shall be completed and a Compliance Certificate shall be obtained for these works. The Compliance Certificate shall certify that all public domain construction works and associated development have been constructed in accordance with this Development Consent, the Public Works Certificate and all other standards specified in this consent.

35. Service of Public Utilities

A letter of compliance from each service authority and service company shall be submitted to Council prior to the issue of a Subdivision Certificate. The letters shall confirm that the relevant service is available to all lots.

If the development is located within an area where NBN services are available, a letter of compliance from the NBN shall be required for all subdivisions.

If reticulated gas is not available for connection, communication with the local gas authority that confirms this is the case shall be provided to Council.

Note: Applications for two lot or dual occupancy subdivisions shall not require letters of compliance to be submitted to Council from Ausgrid or Telstra.

36. Fix Damage Caused by Construction Work

Any damage or injury to a public road, utility services, street trees, stormwater drainage or associated infrastructure caused as a consequence of the development works shall be repaired as close as possible to its original condition.

It is the developer's responsibility to prove that damage was pre-existing or not caused by the development works.

37. Works as Executed Plan

An electronic copy of the Works as Executed Plans, certified by the Consulting Civil Engineer or Registered Surveyor supervising the works shall be supplied to Council.

Where applicable a Registered Surveyor's Certificate certifying that all pipes have been laid within the easements shown on the Final Plan of Subdivision shall also be submitted.

The Works as Executed Plan shall, in addition to construction details, show limits and depths of filling, locations of service conduits and street names.

38. Earthworks Standards

A report prepared by a suitably experienced Geotechnical Consultant shall be submitted that certifies that all earthworks and filling have been completed in accordance with the requirements of Australian Standard AS 3798-2007 *Guidelines on Earthworks for Commercial and Residential Developments*. The report shall contain a plan showing the location, depth and classification of all filling in relation to the proposed new lot boundaries.

39. Residential Boundary Setback

The existing building/s on the lots shall observe a minimum clearance of 900mm from any wall to all new boundaries. If the outermost projection of a building is within 500mm of a new boundary, written confirmation from a suitably qualified building consultant shall be provided to Council to confirm that the structure complies with the *Building Code of Australia* with regard to fire rating.

40. Final Plan Submission

An application for a Subdivision Certificate accompanied by an original copy of the Final Plan of Subdivision and Deposited Plan Administration Sheet shall be submitted to Council. The location of all buildings and/or other permanent improvements shall be indicated on one additional plan.

When all conditions of the Development Consent have been satisfied the Subdivision Certificate may be issued.

41. House Numbering

A minimum of four weeks prior to lodgement of the Subdivision Certificate with Council, the person having the benefit of the consent shall provide a draft Final Plan of Subdivision to Council's Land Information section by email to enar@lakemac.nsw.gov.au. Council shall then provide house numbering for the lots within the subdivision for inclusion on the Survey Plan in accordance with Clause 60 of the *Surveying and Spatial Information Regulation 2012*.

42. 88B Instrument

An instrument under Section 88B of the *Conveyancing Act* shall be submitted to Council. The 88B Instrument shall set out terms of easements and/or restrictions as to user as may be required by conditions of this consent. Council shall be the party empowered to release, vary or modify those (and only those) easements and/or restrictions required by conditions of this development consent.

43. Compliance Certificate for Works

All construction works required for the subdivision shall be completed and a Compliance Certificate shall be obtained for these works. The Compliance Certificate shall certify that all construction works and associated development have been constructed in accordance with this Development Consent, the Subdivision Works Certificate and all other standards specified in this consent.

44. Section 50 Certificate

A certificate of compliance under Section 50 of the *Hunter Water Act 1991* for this development shall be submitted to Council.

Advice: Council does not forward notification of the subdivision approval to the Hunter Water Corporation. It is the responsibility of the person having the benefit of the consent to make all pertinent arrangements with the Hunter Water Corporation.

45. Location of Stormwater Pipes

A plan shall be submitted to Council that identifies the location of all stormwater pipes on the lots.

In the event that the stormwater drainage lines that drain water from any proposed lots cross or encroach on adjoining lots, easements to drain water two metres wide shall be created over the drainage lines. The easement location and details shall be shown on the Final Plan of Subdivision and 88B Instrument.

Council shall be identified as the party empowered to release, vary or modify the easement.

46. Building Envelopes

A positive covenant shall be created on proposed lots 3692 and 3693 as identified on the approved plan. The covenant shall be to the effect that future dwellings on those identified lots shall be designed and constructed to be wholly within the building envelopes approved with this consent.

The Registered Proprietor of the land shall create the covenant, prior to, or at the time of registration of the Final Plan of Subdivision. Council shall be the party empowered to release, vary or modify the covenant.

47. Application for Subdivision Certificate

An application for a Subdivision Certificate shall be submitted to Council. The following fee shall apply for the Subdivision Certificate application.

Subdivision Certificate	\$170.00/lot	Plus \$95	(inc GST)
	(min fee \$510.00)	Archival Fee	

Applications for this certificate shall be lodged on the approved application form and be accompanied by the appropriate fee.

The above fees are current for the **2024/2025 financial year** and are subject to change each financial year without notice. Confirmation of the relevant fee shall be obtained from Council prior to the lodgement of any application.

Right of Appeal

If you are dissatisfied with this decision (including a determination on a review under Section 8.2), Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court.

Please note Section 8.8 of the Environmental Planning and Assessment Act 1979, does not give a right of appeal to an objector who is dissatisfied with the determination of the Council to grant consent to a development application, unless the application is for designated development (including designated development that is integrated development).

Right of Review

Section 8.2 and 8.3 of the Environmental Planning and Assessment Act 1979 provides the applicant may request the Council to review the determination. A request to review the determination of a development application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979 can only be undertaken where the consent authority is Council, other than:

- a) A determination to issue or refuse to issue a complying development certificate, or
- b) A determination in respect of designated development, or
- c) A determination made by the Council under Division 4 in respect of an application by the Crown.

Planning Assessment Commission

The Planning Assessment Commission has not conducted a public hearing in respect of this application.

Should you require further information, please contact the undersigned on 4921 0480 or by e-mail on rturner@lakemac.nsw.gov.au.

Yours faithfully



Rosie Turner
Development Planner
Development Assessment and Certification