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Section 4.55(1A) Modification Application (Modification 4)

Major Project Approval MP10_0205 Modification to Condition B.11

Property:

Kanangra Drive, Gwandalan

Applicant:

Lakeside Living Pty Ltd

Date:

August 2018

Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft to Client	11 th July 2018	SVD	IB
B	Final to Client	17 th July 2018	SVD	NJ
C	Amended Final to Client	6 th August 2018	SVD	NJ

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

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1.0 Introduction

ADW Johnson has been engaged by Lakeside Living Pty Ltd (“the proponent”) to prepare a Section 4.55(1A) modification application to MP10_0205 with the Department of Planning & Environment (DPE). The modification is required to amend Condition B11 with regards to the requirement for nest box installation.

The following statement has been prepared pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) and addresses the necessary issues that require assessment to assist DPE in making a determination on the subject application.

Approval was received on 3rd May 2011 for a 190 lot subdivision over Lot 3 DP 588206 (since subdivided), including 187 residential lots, two (2) open space lots and a residue lot containing the existing dwelling. The subdivision was approved over seven (7) stages, with six (6) stages having since been commenced/completed. The remaining land is now referred to as Lot 414 DP 1232559.

Since approval was gained in May 2011, two (2) modifications have been issued. A third modification was lodged in June 2018 and is expected to be determined shortly. The subject modification represents the fourth and is required as the proponent has exhausted all options in attempting to comply with Condition B.11 with regards to Stage 7.

Condition B.11 requires that compensatory nest boxes and/or salvaged natural hollows be installed for hollows removed as part of the development. To comply with this condition for Stages 1 to 6, nest boxes were installed on land reserved for Stage 7. In order to develop Stage 7, these existing nest boxes, salvaged hollows and additional nest boxes required for any natural hollows in Stage 7 need to be accommodated. Negotiations with Council have occurred to resolve this issue and have resulted in an alternate solution being developed in order to allow the development to continue whilst also compensating for the loss of hollows and nest boxes on the site.

Despite the modification proposed, the subdivision continues to comply with all relevant provisions of Wyong Local Environmental Plan 2013 (LEP) as well as the aims and objectives of the Wyong Development Control Plan (DCP).

The subject modification is therefore considered to be substantially the same development as originally approved and be of minor environmental impact. With this in mind, the modification is appropriately able to be dealt with under Section 4.55(1A) of the EP&A Act.

On this basis, DPE is requested to approve the modification of MP10_0205.

2.0 The Site

2.1 LOCATION

The subject site is known as the 'Lakeside' Estate and is located on the eastern side of Kanangra Drive in Gwandalan; approximately 1.5km south of Point Wolstoncroft and 3.8km north-east of Summerland Point. The proposed modification will affect Stage 7 of the development which is located within the north-eastern portion of this site (refer to Figure 1) within Lot 414 DP1232559.

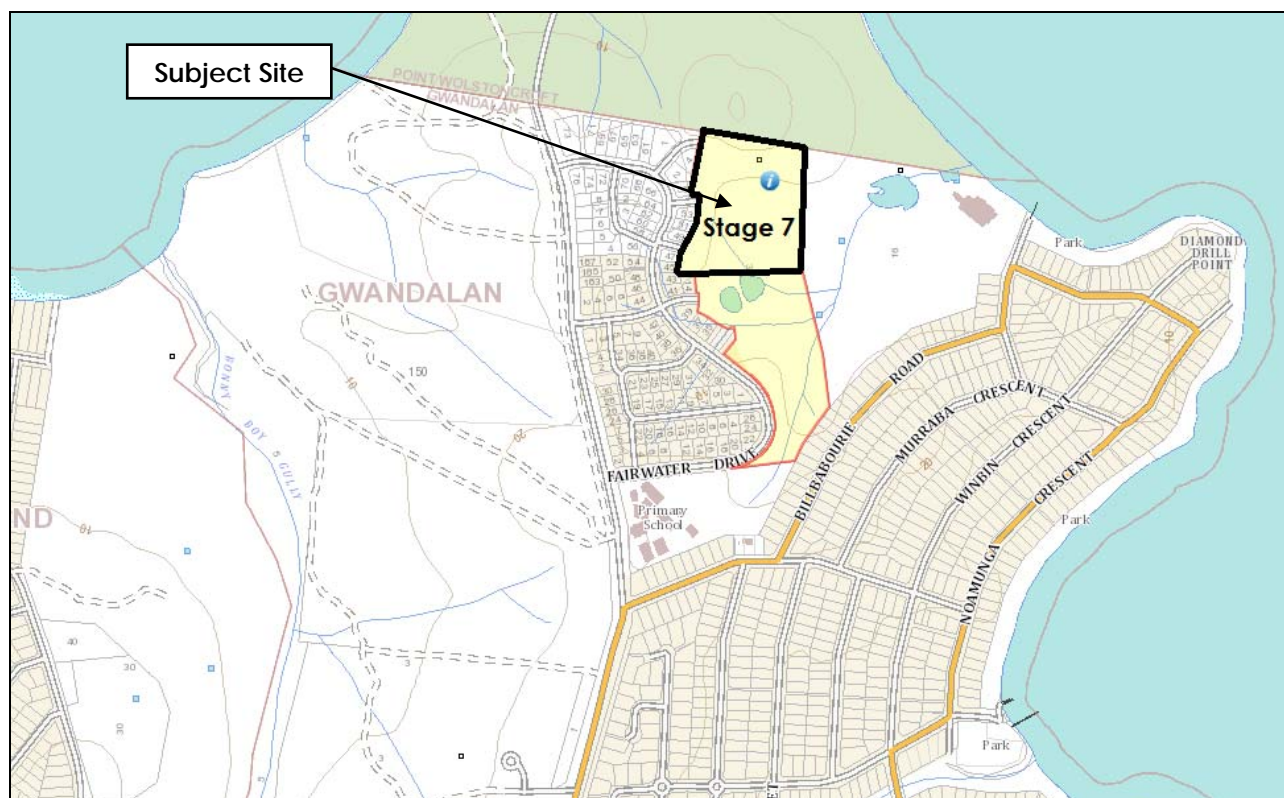


Figure 1: Locality Map

2.2 LAND TITLE

The subject site is identified as Lot 414 DP 1232559 which contains various easements which will require adjustment as part of the Subdivision Certificate. None, however, are considered to hinder the proposed modifications.

A copy of the Deposited Plan for the property is provided in Appendix 2.

2.3 OWNERSHIP

Lot 414 DP 1232559 is owned by Lakeside Living Pty Limited – whose consent to the lodgement of this modification is provided as a letter of authority. A copy of the Certificate of Title is provided in Appendix 3.

2.4 PHYSICAL DESCRIPTION

The overall site development is known as “Lakeside” which has been approved under MP10_0205. In this regard, Stages 1 to 5 have been created and completed and Stage 6 is currently under construction.

As illustrated within Figure 2, the site affected by the proposed modification is currently vegetated and contains various hollow bearing trees (HBTs) as well as nest boxes and salvaged hollows.

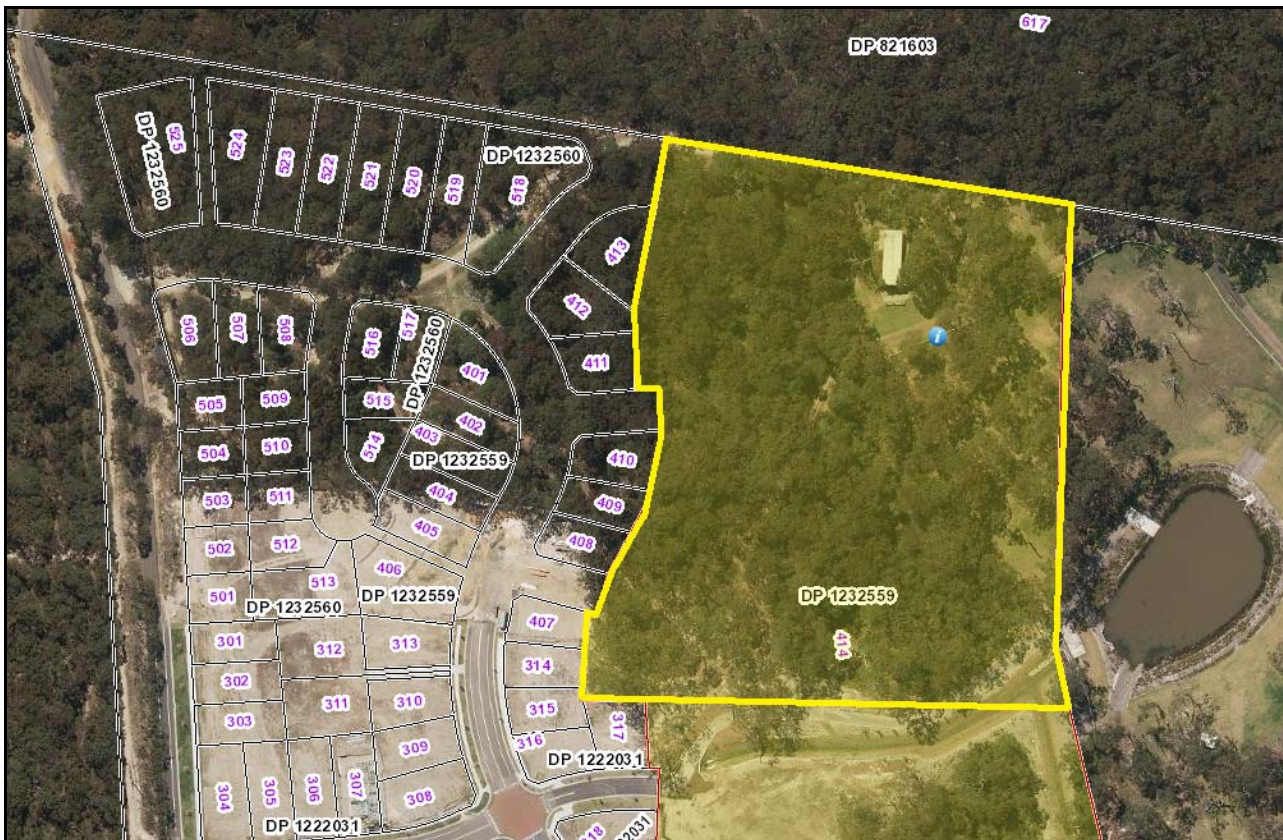


Figure 2: Aerial Photo of Site (Subject Site in Yellow)

3.0 Description of the Proposed Modification

3.1 BACKGROUND

As discussed above, MP10_0205 was approved on 3rd May 2011 and to date has completed or commenced six (6) out of seven (7) proposed stages.

To accommodate the development, 447 HBTs supporting 669 hollows required removal and for this reason Condition B.11 required compensatory installation of nest boxes/salvaged hollows on a 1:1 basis.

To date, 470 nest boxes have been installed within the South East Park (1.23ha), proposed Stage 7 development area (1.72ha) and neighbouring lakeside property (2.46ha). These lands are the only available locations in the vicinity of the residential development which are owned and controlled by the proponent. As discussed above, to allow Stage 6 to commence, nest boxes were also temporarily installed across Stage 7 lands (see Figure 3). For Stage 7 to commence however, these will need to be removed.



Figure 3: Location of HBTs, Salvaged Hollows and Nest Boxes

Of these nest boxes only 25% are shown to have been used and 2% being occupied. This indicates that the installation of additional nest boxes will have no benefit to the surrounding fauna. Despite this, NSW National Parks and Wildlife Service (NPWS) were contacted to see whether further nest boxes could be installed within the offset lands provided as part of the approval, however this was unsuccessful. Full details in this regard are provided within the Ecological Advice prepared by MJD Environment P/L located within Appendix 1.

As a result of the above, discussions were held with Council's Senior Strategic Environmental Planner on 3rd July 2018, where it was agreed that in lieu of retaining the existing replacement nest boxes and hollows within Stage 7, the developer could commission a research project based on hollow-dependent fauna. The value of this research would be derived from the costs likely to have been incurred had full compliance of the existing condition been fulfilled – discussed in further detail below.

3.2 DETAILS OF PROPOSED MODIFICATION

The anticipated cost to complete the condition as currently stated was prepared by MJD which came to \$62,000.

3.3 PURPOSE FOR MODIFICATION

The intention behind the proposed modification is to allow Stage 7 of the development to commence whilst continuing to recognise the importance hollows provide for local fauna habitat.

3.4 CONDITIONS REQUIRING AMENDMENT

The following condition will require amendment in the following way to correspond to the proposed modification:

Condition B11 Habitat Restoration Plan

(2) A Wildlife Management Strategy (WMS) shall be prepared by a suitably qualified and experienced ecologist and submitted to and approved by the Council. The WMS is to show how mitigation against native animal welfare issues will be achieved. The WMS is to include, but not be limited to the following protocols:

*(g) **Stage 1 – 6:** Nest boxes are to be provided on a one for one basis for any natural hollow removed by the development and are to be constructed of appropriate durable materials. Alternatively, natural hollows salvaged from removed trees may be installed on retained trees at a ratio of one salvaged hollow for three removed hollows. All nest boxes are to be erected prior to the issue of a Construction Certificate and at least one month prior to vegetation clearance on the site. All salvaged natural hollows are to be erected within 2 weeks of the host tree being removed, with certification of this requirement provided by the consultant ecologist. The monitoring of nest boxes to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be forwarded to Council after each monitoring event.*

Within 2 years of the subdivision certificate for Stage 7 being issued, the applicant is to engage a suitably qualified and experienced organisation to undertake a research project on hollow-dependent fauna in the Central Coast region, to a value of no more than \$62,000. This research must submit six monthly progress reports to Council, with a final report being received within 18 months of engagement.

Reason: To allow Stage 7 of the development to commence whilst continuing to recognise the importance hollows provide for local fauna through a research project to a value equal to that had the condition been complied with in full.

4.0 Requirements for a Section 4.55(1A) Modification

4.1 RELEVANT ISSUES UNDER SECTION 4.55(1A) OF THE EP&A ACT

To lodge an amendment under Section 4.55(1A) of the EP&A Act, the applicant needs to prove that the modification will involve minimal environmental impact, as follows:

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

The proposed modification will have no impact on the allotment yield, development footprint or road layout. The ecological benefits of the amended condition will compensate for the loss of nest boxes and hollows across Stage 7. Taking these factors into consideration, the modification proposed will have minimal environmental impact and will continue to represent a development which is substantially the same as that originally approved.

(c) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, or*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Wyong DCP Chapter 1.2 – Notification of Development Proposals states:

Public notification of applications lodged under s.96(1A) will generally not be required unless Council or staff with the appropriate delegated authority is of the opinion it may impact on an adjoining property and submissions were received to the original application.

As no changes are proposed which would have any impact on adjoining properties, it is considered that notification of the modification is not necessary in this instance.

Taking the above into consideration, it is evident that the proposed modifications can be assessed under the parameters of Section 4.55(1A) of the EP&A Act and is therefore submitted to DPE for approval.

4.2 RELEVANT ISSUES UNDER SECTION 4.15

Under section 4.15 of the EP&A Act 1979, the following matters need be considered as part of the assessment of the modification:

(a)(i) the provisions of any environmental planning instrument

The planning controls at the time of project approval were SEPP Major Projects and Gwandalan DCP. The controls applicable now are Wyong LEP 2013 and Wyong DCP 2013.

State Environmental Planning Policies (SEPPs)

The proposed modification to the development is not inconsistent with any SEPPs.

Wyong Local Environmental Plan 2013 (WLEP 2013)

The proposed modification to the development is not inconsistent with WLEP 2013.

(a)(ii) the provisions of any draft environmental planning instruments

There are no draft environmental planning instruments relevant to the application.

(a)(iii) any development control plans

Wyong Development Control Plan 2013 (DCP 2013) – Part 4 Subdivision

The modification to Condition B.11 has no impact on any matters previously assessed under Council's DCP.

(a)(iv) any matters prescribed by the regulations

There are no matters prescribed by the regulations relevant to the application.

(b) *the likely impacts of the development*

Context and Setting

The proposed modification continues to provide a wide variety of allotment sizes within a growing residential area. With this in mind, the proposed amendment continues to fit within the context and setting of the locality.

Access, Transport and Traffic

The proposed modification will have no impact on the existing road layout or traffic demand of the development.

Landscaping

The proposed modification will have no impact on the landscaping as approved.

Utilities

The proposed modification will have no impact on the provision of utilities.

Stormwater, Drainage and Water Quality

The proposed modification will have no impact on the provision of stormwater infrastructure.

Flora and Fauna

Discussed through the report. In summary, an agreement has been reached between Council and the proponent to ensure that the loss of HBTs is adequately compensated for.

Natural Hazards

Whilst the subject site is located within a bushfire prone area, the proposed modification will have no impact on any existing requirements of the NSW Rural Fire Service and as such, a re-referral is not required.

Social & Economic Impacts

The proposed modification will allow Stage 7 to commence which will have benefits in terms of job creation and housing supply.

Site Design and Internal Design

The overall site design continues the same layout envisaged under the original approval with all roads, pathways, servicing and landscaping being unaffected.

(c) the suitability of the site for the development

The subject site remains entirely suitable for the approved subdivision.

(d) any submissions made in accordance with the Act or regulations

As discussed above, the proposed modification will not require notification to those who made a submission to the original development given that only a minor condition change is proposed.

(e) the public interest

It is considered that the proposed modification continues to be in the public interest.

5.0 Conclusion

Having regard for the provisions of Section 4.55(1A) of the EP&A Act, it is considered that the amended proposal is substantially the same development as that originally approved by DPE in 2011.

The proposed modification will facilitate the release of Stage 7 as originally envisaged and approved by DPE.

In summary, the proposed development complies with the relevant provisions of Wyong LEP 2013 as well as the aims and objectives of Wyong DCP 2013.

DPE is therefore requested to amend MP10_0205 in the manner identified within the report.

Appendix 1

ECOLOGICAL ADVICE

Our Ref: 18021 Eco Advice – Modification, Rose Group, Gwandalan
Via: Email

Date: 2 August 2018

Attn: Nick Jackman
Rose Group
51 Riley Street
Woolloomooloo NSW 2011

Dear Nick

ECOLOGICAL ADVICE – PROPOSED MOD 4, ROSE GROUP, GWANDALAN

This ecological advice has been prepared by MJD Environmental on behalf of Rose Property Group Pty Ltd for the Major Project (10-0205) Gwandalan Residential Subdivision approved by the Planning and Assessment Commission (PAC) under part 75J (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) on 3 May 2011.

This advice relates to a proposed Modification (MOD 4) to the Minister's Conditions of Approval (MCoA), specifically MCoA B11 (2) (g) as previously Modified (MOD 2 22 September 2015) that states:

Nest boxes are to be provided on a one for one basis for any natural hollow removed by the development and are to be constructed of appropriate durable materials. Alternatively, natural hollows salvaged from removed trees may be installed on retained trees at a ratio of one salvaged hollow for three removed hollows. All nest boxes are to be erected prior to the issue of a Construction Certificate and at least one month prior to vegetation clearance on the site. All salvaged natural hollows are to be erected within 2 weeks of the host tree being removed, with certification of this requirement provided by the consultant ecologist. The monitoring of nest boxes to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be forwarded to Council after each monitoring event.

The data that informed the approval identified 447 hollow-bearing trees supporting 669 hollows within the Gwandalan site. Nest boxes have been installed within Gwandalan lands owned and controlled by Rose Group in accordance with the MCoA. In February and March 2014, 260 nest boxes were installed, followed by 210 nest boxes installed in May and July 2014. In total, 470 nest boxes are installed within 5.41ha (approx.) area on site that consists of South East Park (1.23ha), proposed Stage 7 development area (1.72ha), and tree'd areas on the neighbouring lakeside property (2.46ha). This area includes retained lands (South-east Park), Residual Lands fronting Lake Macquarie, and a 100m strip of land situated in the north-east of the approved development area. These lands are the only available locations in the vicinity of the residential development which are owned and controlled by Rose Group and therefore do not require third-party consent for nest box installation. Much of the South-east Park and Residual Lands have limited connectivity to surrounding bushland in their current state, being surrounded on three sides by residential development.

Land holders of adjacent properties containing suitable bushland for nest box installation have been contacted. Offset lands associated with the major project approval have been dedicated to NSW National Parks and Wildlife Service (NPWS). NPWS has been contacted and has denied access and permission to install nest boxes onto these offset lands. Central Coast Council (prev. Wyong Shire Council) asset management was contacted regarding nest box installation on Council lands. With the exception of the

Lake Macquarie foreshore, which consists of a narrow strip of land in between urban areas and the lake, Council lands are not in the immediate vicinity of the site. It is noted that Council has previously stated that compensatory nest boxes are intended to be installed in retained vegetation on the development site, or in the immediate locality, as this is where the need for compensatory habitat occurs due to the loss of hollow bearing trees. Therefore, lands available for nest box installation are significantly constrained, and offer negligible benefit to wildlife in the locality.

RPS Gwandalan nest box monitoring has shown that nest boxes currently installed do not have high rates of utilisation. Nestbox Monitoring Event 6 (1-260) & 5 (261-481) recorded an occupancy rate of 112 boxes in total, either currently occupied (8) or showing signs of recent occupation (104), out of 450 nest boxes present and undamaged at the time of monitoring ($112/450 = 25\%$ utilisation of boxes), which was noted to be consistent with the results of previous monitoring events. The utilisation rate of 25% (and occupancy rate of 2%) indicates that the availability of nest boxes is not a limiting factor in the carrying capacity of the Gwandalan landscape. The current site condition represents a landscape saturated with arboreal shelter sites, and the provision of additional nest boxes would not increase the utilisation rate, and is unlikely to increase the absolute number of nest boxes utilised in the Gwandalan site or in the surrounding area. Based on the recent land clearing at Gwandalan, the availability of forage and other resources (not nest boxes) is more than likely the limiting factor for any arboreal fauna populations occurring in the locality. The nest box requirement for resident arboreal fauna has likely been surpassed. Therefore, the installation of additional nest boxes, either on site or within surrounding properties, is unlikely to result in improved outcomes for the management of wildlife in the locality.

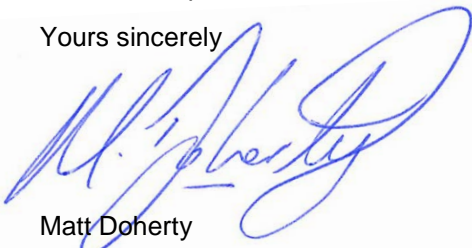
On consultation with Central Coast Council, alternate arrangements have been proposed to achieve the intent of desired biodiversity outcomes. Of the alternatives discussed with Council, the greatest ecological benefit given the site context would be to fund ecological research on hollow-dependent fauna in the Central Coast region. The research project could provide a greater understanding of issues raised in the above paragraph, including factors affecting the utilisation of nest boxes or tree hollows in areas of urban and peri-urban encroachment, the carrying capacity of the landscape as relates to the availability of nest boxes and tree hollows, or ways to improve the management of wildlife during the transition to an urban area.

This research would be funded by Rose Group to a value of \$62,000 (ex GST) which based on our discussions with Council, represents an amount equal to the cost for the purchase, installation and three years of monitoring for the total number of compensatory nest boxes (181) required under the current condition MCoA B11 (2) (g) as relates to development Stage 7.

Given the ecological context of the site, we believe that a superior outcome with regard to wildlife management may be achieved through the proposed modification to MCoA B11 (2) (g).

We trust this is sufficient for your purposes, however should you require any further information or clarification, please do not hesitate to contact Bret Stewart (Ecologist) the writer.

Yours sincerely



Matt Doherty
Director
MJD Environmental Pty Limited

Appendix 2

DEPOSITED PLAN

SCHEDULE OF SHORT AND CURVED BOUNDARIES

No.	BEARING	CHORD	ARC	RADIUS
1	67° 05' 55"	42.285	4.335	78.5
2	51° 17' 00"	5.985	-	-
3	21° 28' 15"	56.65	59.285	57
4	164° 06' 45"	13.115	75.66	96
5	31° 48' 35"	28.3	-	-
6	175° 24' 20"	17.85	-	-
7	82° 39' 40"	10.6	-	-

CLAUSE 38(1)(b) AND CLAUSE 6(12) OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2012

MARK	EASTING	NORTHING	CLASS	ORDER	METHOD	ORIGIN
P.M. 76955	367 925.880	6 332 860.881	B	2	FOUND	S.C.I.M.S.
P.M. 27238	367 900.811	6 332 719.657	B	2	FOUND	S.C.I.M.S.
S.S.M. 84056	367 658.138	6 332 679.925	B	2	FOUND	S.C.I.M.S.
S.S.M. 42175	367 564.17	6 333 288.16	D	4	FOUND	S.C.I.M.S.
S.S.M. 172459	367 577.67	6 333 089.33	D	4	FOUND	S.C.I.M.S.
S.S.M. 172810	367 694.45	6 333 192.24	D	4	FOUND	S.C.I.M.S.
S.S.M. 195547	367 698.33	6 333 324.42	D	4	FOUND	S.C.I.M.S.

M.G.A. CO-ORDINATES ADOPTED FROM SCHEM AS AT 24TH JUNE 2017
 COMBINED SEA LEVEL & SCALE FACTOR = 8 999800 2.0E 58

10 20 30 40 50 60 70 80 90 100 110 120 130 140
 Table of mm

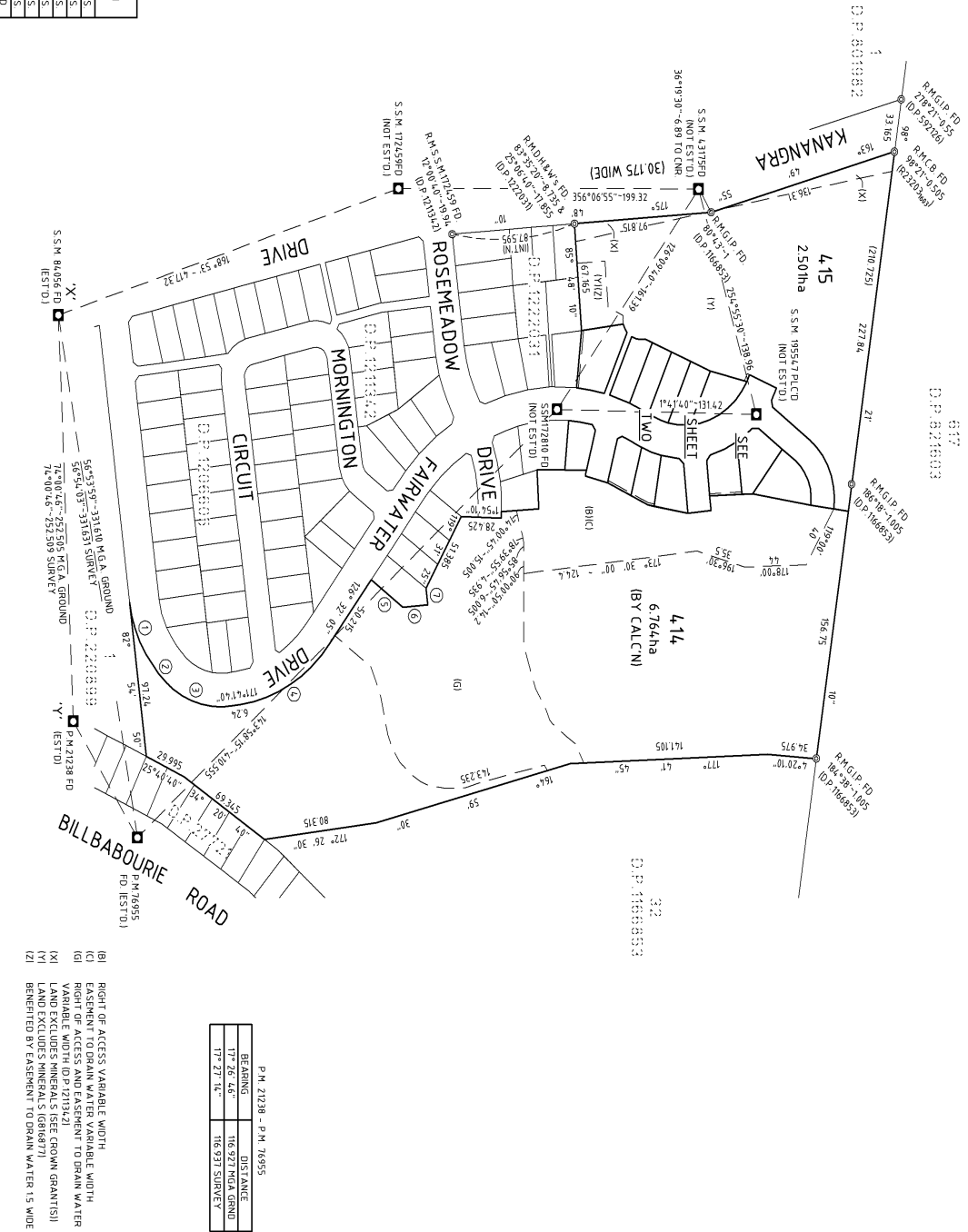
Surveyor: CHRISTOPHER CHARLES MALDON
 Date of Survey: 20th June 2017
 Surveyor's Ref: 11778(3)/DP-002.8

PLAN OF SUBDIVISION OF LOT 319 IN D.P. 1222031

LGA: CENTRAL COAST
 Locality: GYM AND ALAN
 Subdivision No: 422017
 Longitude and UTM: UTM Zone 58S
 Scale: 1:2000

Registered
 31.07.2017

DP1232559

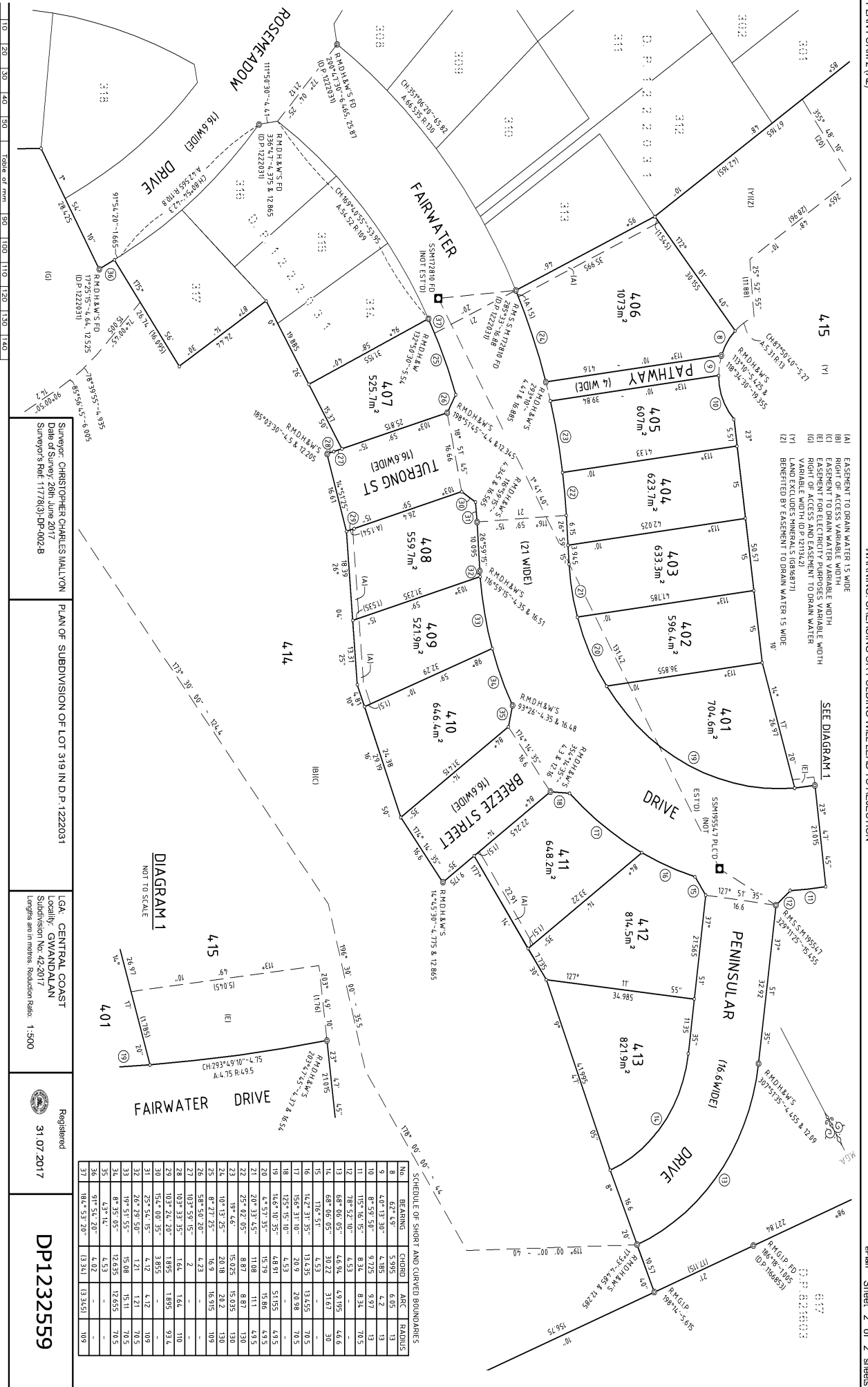


P.M. 27238 - P.M. 76955

BEARING	DISTANCE
17° 26' 46"	16.921 M.G.A. GRID
17° 27' 46"	16.937 SURVEY

- (B) RIGHT OF ACCESS VARIABLE WIDTH
- (C) EASEMENT TO DRAIN WATER VARIABLE WIDTH
- (D) RIGHT OF ACCESS AND EASEMENT TO DRAIN WATER
- (E) LAND EXCLUDES MINERALS (SEE CROWN GRANT(S))
- (F) LAND EXCLUDES MINERALS (GB16871)
- (G) BENEFITED BY EASEMENT TO DRAIN WATER 15 WIDE

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION



SCHEDULE OF SHORT AND CURVED BOUNDARIES

NO.	BEARING	CURVED	ARC	RADIUS
1	62° 27' 45"	5.985	6.05	13
2	40° 13' 30"	4.885	4.2	13
3	8° 54' 50"	9.725	9.97	13
4	115° 16' 15"	8.34	8.34	70.5
5	18° 52' 10"	4.53	-	-
6	68° 06' 05"	4.694	4.9195	4.6
7	116° 51'	4.53	31.67	3.0
8	142° 31' 35"	13.435	13.435	70.5
9	156° 31' 10"	20.9	20.9	70.5
10	125° 15' 10"	4.53	-	-
11	146° 10' 35"	4.891	5.155	4.5
12	4° 57' 35"	15.79	15.86	4.5
13	20° 33' 45"	11.08	11.1	4.5
14	25° 02' 05"	8.87	8.87	130
15	9° 46'	15.025	15.025	130
16	10° 13' 25"	20.8	20.8	130
17	8° 27' 25"	16.9	16.915	109
18	58° 50' 20"	4.23	-	-
19	103° 59' 15"	2	-	-
20	103° 33' 35"	1.64	1.64	110
21	103° 21' 20"	1.895	1.895	93.4
22	154° 00' 35"	3.815	-	-
23	29° 54' 10"	4.12	4.12	109
24	26° 28' 50"	1.21	1.21	70.5
25	87° 35' 05"	15.08	15.31	70.5
26	87° 35' 05"	12.635	12.635	70.5
27	43° 14'	4.53	-	-
28	57° 54' 20"	4.02	-	-
29	184° 53' 20"	13.501	13.501	109

Surveyor: CHRISTOPHER CHARLES MALLOY
 Date of Survey: 20th June 2017
 Surveyor's Ref: 11778(3)/DP-002.8

PLAN OF SUBDIVISION OF LOT 319 IN D.P. 1222031

LGA: CENTRAL COAST
 Locality: GYM AND ALAN
 Subdivision No: 42201
 Lengths are in metres, Reduction Ratio: 1:500


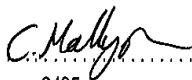



DP1232559

PLAN FORM 6 (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET		SHEET 1 OF 4 SHEET(S)
<p>Registered:  31.07.2017</p> <p>Title System: TORRENS</p> <p>Purpose: SUBDIVISION</p>	<p>Office Use Only</p> <h1 style="margin: 0;">DP1232559</h1> <p>Office Use Only</p>	
<p>PLAN OF SUBDIVISION OF LOT 319 IN D.P.1222031</p>	<p>LGA: CENTRAL COAST Locality: GWANDALAN Parish: WALLARAH County: NORTHUMBERLAND</p>	
<p>Crown Lands NSW/Western Lands Office Approval</p> <p>I (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:..... Date:..... File Number:..... Office:.....</p>	<p style="text-align: center;">Survey Certificate</p> <p>I, CHRISTOPHER CHARLES MALLYON of ADW JOHNSON PTY LIMITED P.O. BOX 3717 TUGGERAH NSW 2259 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on</p> <p>The part of the land shown in the plan being Lots 401 to 415 inclusive was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on 26th June 2017, the part not surveyed was compiled in accordance with that Regulation.</p> <p>*(b) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012.</p> <p>Signature:  Dated: 26-6-2017 Surveyor ID: 8495 Datum Line: 'X' - 'Y' Type: *Urban/*Rural The terrain is *Level-Undulating / *Steep-Mountainous.</p> <p>*Strike through if inapplicable. ^Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	
<p style="text-align: center;">Subdivision Certificate</p> <p>I, <u>ROSS PETERSON</u> *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:  Accreditation number: Consent Authority: <u>CENTRAL COAST COUNCIL</u> Date of endorsement: <u>14-7-2017</u> Subdivision Certificate number: <u>42-2017</u> File number:</p> <p>*Strike through if inapplicable.</p>	<p>Plans used in the preparation of this survey /compilation</p> <p>D.P.1166853 D.P.1206605 D.P.1211342 D.P.1222031 D.P. 592126 R2303.1603 R23203.1603</p> <p style="text-align: right; font-size: small;">If space insufficient continue on PLAN FORM 6A</p>	
<p>Statements of intention to dedicate public roads, public reserves and drainage reserves.</p> <p>IT IS INTENDED TO DEDICATE PENINSULAR DRIVE, BREEZE STREET, TUERONG STREET, THE PATHWAY AND THE EXTENSION OF FAIRWATER DRIVE TO THE PUBLIC AS PUBLIC ROAD.</p>	<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	
<p>SURVEYOR'S REFERENCE: 11778(3)-DP-002-B</p>		


PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

SHEET 2 OF 4 SHEET(S)

Registered:  31.07.2017 Office Use Only

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DP1232559

PLAN OF SUBDIVISION OF LOT 319 IN
D.P.1222031

This sheet is for the provision of the following information as required:
• A schedule of lots and addresses - See 60(c) SSI Regulation 2012
• Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
• Signatures and seals- see 195D Conveyancing Act 1919
• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.


Subdivision Certificate No: 42-2017
Date of Endorsement: 14-7-2017

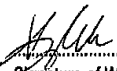
PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919, AS AMENDED, IT IS INTENDED TO:

CREATE:-

1. EASEMENT TO DRAIN WATER 1.5 WIDE (A)
 2. EASEMENT FOR ELECTRICITY PURPOSES VARIABLE WIDTH (E)
 3. RIGHT OF ACCESS VARIABLE WIDTH (B) CM
 4. EASEMENT TO DRAIN WATER VARIABLE WIDTH (C) CM
- STREET ADDRESSES OF ALL LOTS ARE NOT AVAILABLE AT THE TIME OF REGISTRATION.

EXECUTED for and on behalf of
ALPHA DISTRIBUTION MINISTERIAL
HOLDING CORPORATION by
67 505 337 385


Signature of Agent for Rob Whitfield, NSW
Treasury Secretary (NSW Treasurer's delegate
under delegation dated 24 November 2015), on
behalf of Alpha Distribution Ministerial Holding
Corporation


Signature of Witness

KEVIN PEK
Name of Witness (please print)

ANGELO WIKIETOS
Name of Agent in full

52 Martin Place Sydney NSW 2000
Address if Witness

If space insufficient use additional annexure sheet

SURVEYOR'S REFERENCE: 11778(3)-DP-002-B

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

SHEET 3 OF 4 SHEET(S)

Registered:



31.07.2017

Office Use Only

Office Use Only

DP1232559

**PLAN OF SUBDIVISION OF LOT 319 IN
D.P.1222031**

- This sheet is for the provision of the following information as required:
- A schedule of lots and addresses - See 60(c) *SSI Regulation 2012*
 - Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
 - Signatures and seals- see 195D *Conveyancing Act 1919*
 - Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate No: ... 42-2017
Date of Endorsement: ... 14-7-2017

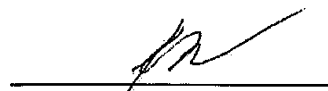
EXECUTED BY LAKESIDE LIVING PTY. LTD.
(ACN 054 400 814) IN ACCORDANCE WITH
SECTION 127 OF THE CORPORATIONS ACT 2001
BY:



Signature of Director

STUART ROSE

Name of Director



Signature of Director/Secretary


STEVEN ALPERSTEIN

Name of Director/Secretary

If space insufficient use additional annexure sheet

SURVEYOR'S REFERENCE: 11778(3)-DP-002-B

DEPOSITED PLAN ADMINISTRATION SHEET SHEET 4 OF 4 SHEET(S)

<p>Registered:  31.07.2017</p> <p>Office Use Only</p>	<p align="center" style="font-size: 24pt;">DP1232559</p> <p align="center">Office Use Only</p>
<p>PLAN OF SUBDIVISION OF LOT 319 IN D.P.1222031</p>	
<p>Subdivision Certificate No: <u>42-2017</u></p> <p>Date of Endorsement: <u>14-7-2017</u></p>	
<p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none"> • A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2012</i> • Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> • Signatures and seals- see 195D <i>Conveyancing Act 1919</i> • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. 	

SCHEDULE OF STREET ADDRESSES

CLAUSE 60(C) OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2012				
LOT	STREET No.	STREET NAME	STREET TYPE	LOCALITY
401	66	FAIRWATER	DRIVE	GWANDALAN
402	64	FAIRWATER	DRIVE	GWANDALAN
403	62	FAIRWATER	DRIVE	GWANDALAN
404	60	FAIRWATER	DRIVE	GWANDALAN
405	58	FAIRWATER	DRIVE	GWANDALAN
406	56	FAIRWATER	DRIVE	GWANDALAN
407	47	FAIRWATER	DRIVE	GWANDALAN
408	49	FAIRWATER	DRIVE	GWANDALAN
409	51	FAIRWATER	DRIVE	GWANDALAN
410	53	FAIRWATER	DRIVE	GWANDALAN
411	55	FAIRWATER	DRIVE	GWANDALAN
412	2	PENINSULAR	DRIVE	GWANDALAN
413	4	PENINSULAR	DRIVE	GWANDALAN
414	UNKNOWN	UNKNOWN	UNKNOWN	GWANDALAN
415	UNKNOWN	UNKNOWN	UNKNOWN	GWANDALAN

If space insufficient use additional annexure sheet

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND
AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF
THE CONVEYANCING ACT, 1919.**

Lengths are in metres

Page 1 of 5 Pages

Plan: **DP1232559**

Plan of Subdivision of Lot 319 in DP 1222031 and covered by Subdivision Certificate No. **42-2017**
Dated: 14 July 2017

Full name and address of the Proprietor of the land

Lakeside Living Pty Ltd
(ACN 054 400 814)
51 Riley Street
Woolloomooloo NSW 2011

PART 1

Number of item shown in the intention panel on the plan	Identity of easement, profit a prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Easement to Drain Water 1.5 Wide (A)	406 408 409 411	Pt. 415 denoted (Z) on the plan 409 and 410 410 412
2	Easement for Electricity Purposes variable width (E)	415	Alpha Distribution Ministerial Holding Corporation ABN: 67 505 337 385
3	Right of Access Variable Width (B)	414	Central Coast Council
4	Easement to Drain Water Variable Width (C)	414	Central Coast Council



INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919.

Lengths are in metres

Page 2 of 5 Pages

Plan: **DP1232559**

Plan of Subdivision of Lot 319 in DP 1222031 and covered by Subdivision Certificate No. *42-2017*
Dated: 14 July 2017

PART 2 (terms)

1. Terms of Easement to Drain Water 1.5 wide (A) firstly referred to in the abovementioned plan

An Easement to Drain Water on the terms as set out in Part 3 of Schedule 8 of the Conveyancing Act 1919 (as amended) is created.

2. Terms of Easement for Electricity Purposes variable width (E) secondly referred to in the abovementioned plan

An easement is created on the terms and conditions set out in memorandum registered AK980903. In the easement, "easement for electricity purposes" is taken to have the same meaning as "easement for electricity works" in the memorandum.

3. Terms of Right of Access Variable Width (B) thirdly referred to in the abovementioned plan

A Right of Access on the terms as set out in Part 11 of Schedule 4A of the Conveyancing Act 1919 (as amended) is created.

4. Terms of Easement to Drain Water Variable Width (C) fourthly referred to in the abovementioned plan

An Easement to Drain Water on the terms as set out in Part 3 of Schedule 4A of the Conveyancing Act 1919 (as amended) is created.

NAME OF PERSON OR AUTHORITY EMPOWERED TO RELEASE VARY OR MODIFY THE EASEMENTS NUMBERED 1, 3 & 4

Central Coast Council

NAME OF PERSON OR AUTHORITY EMPOWERED TO RELEASE VARY OR MODIFY THE EASEMENT NUMBERED 2

Alpha Distribution Ministerial Holding Corporation
ABN: 67 505 337 385



INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND
AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF
THE CONVEYANCING ACT, 1919.

Lengths are in metres

Page 3 of 5 Pages

Plan: **DP1232559**

Plan of Subdivision of Lot 319 in DP 1222031 and covered by Subdivision Certificate No. **42-2017**

Dated: 14 July 2017

Executed for and on behalf of **Central Coast Council** by its authorised delegate pursuant to s.377 Local Government Act 1993

R Peterson
(signature of delegate)

ROSS PETERSON
(name of delegate)

I certify that I am an eligible witness and that the delegate signed in my presence

P. Anderson
(signature of witness)

PETER ANDERSON
(name of witness)

2 HELY STREET
WYONG, NSW 2259
(address of witness)



**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND
AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF
THE CONVEYANCING ACT, 1919.**

Lengths are in metres

Page 4 of 5 Pages

Plan: **DP1232559**

Plan of Subdivision of Lot 319 in DP 1222031 and
covered by Subdivision Certificate No. *42-2017*
Dated: 14 July 2017

EXECUTED for and on behalf of
**ALPHA DISTRIBUTION MINISTERIAL
HOLDING CORPORATION** by
67 505 337 385

)
)
)
)

Signature of Agent for Rob Whitfield,
NSW Treasury Secretary (NSW Treasurer's
delegate under delegation dated 24
November 2015), on behalf of Alpha
Distribution Ministerial Holding Corporation

[Handwritten signature]
.....
Witness

ANGELO UZUNETOS
.....

Name of Agent

KEVIN PEK
.....
Name of Witness (please print)

52 Martin Place Sydney NSW 2000
.....
Address of Witness

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND
AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF
THE CONVEYANCING ACT, 1919.**

Lengths are in metres

Page 5 of 5 Pages

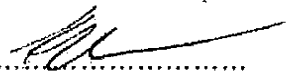
Plan: **DP1232559**

Plan of Subdivision of Lot 319 in DP 1222031 and
covered by Subdivision Certificate No. *42-2017*
Dated: 14 July 2017

Executed by Lakeside Living Pty Limited)
ACN 054 400 814 in accordance with)
section 127 of the Corporations Act 2001)
by:



.....
Signature of Director



.....
Signature of Director/Secretary

Stuart Rose

.....
Print Name of Director

STEVEN ALPERSTEIN

.....
Print Name of Director/Secretary

REGISTERED  31.07.2017

Appendix 3

CERTIFICATE OF TITLE



FOLIO: 414/1232559

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
15/5/2018	10:17 AM	1	31/7/2017

LAND

LOT 414 IN DEPOSITED PLAN 1232559
AT GWANDALAN
LOCAL GOVERNMENT AREA CENTRAL COAST
PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP1232559

FIRST SCHEDULE

LAKESIDE LIVING PTY LIMITED

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 G816877 LAND EXCLUDES MINERALS
- 3 DP1211342 RIGHT OF ACCESS AND EASEMENT TO DRAIN WATER VARIABLE
WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE
TITLE DIAGRAM
- 4 DP1232559 RIGHT OF ACCESS VARIABLE WIDTH AFFECTING THE PART(S)
SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 5 DP1232559 EASEMENT TO DRAIN WATER VARIABLE WIDTH AFFECTING THE
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***