

7 September 2023



The Trustee For Forest Road Unit Trust
C/- Greg Boston 1/9 Narabang Way
BELROSE NSW 2085

Dear Sir/Madam

Application Number: Mod2023/0201
Address: Lot 1 DP 5055 , 8 Forest Road, WARRIEWOOD NSW 2102
Proposed Development: Modification of Development Consent N0440/15 granted for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping.

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Adam Croft
Acting Manager, Development Assessments

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2023/0201 PAN-323210
Applicant:	The Trustee For Forest Road Unit Trust C/- Greg Boston 1/9 Narabang Way BELROSE NSW 2085
Property:	Lot 1 DP 5055 8 Forest Road WARRIEWOOD NSW 2102
Description of Development:	Modification of Development Consent N0440/15 granted for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping.
Determination:	Approved Consent Authority: Sydney North Planning Panel
Date of Determination:	31/08/2023
Date from which the consent operates:	07/09/2023

Under Section 4.56 Court Consent of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

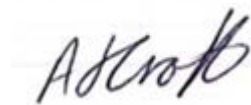
Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Adam Croft, Acting Manager, Development Assessments

Date 07/09/2023

NOTE: Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 31/08/2023.

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-323210 MOD2023/249527	The date of this notice of determination	Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings Add Condition A1D - Modification of Consent 2 - Approved Plans and supporting Documentation Add Condition A9 - Compliance with Other Department, Authority or Service Requirements Delete Condition B41 Add Condition C33- Amendment of Landscape Plan Add Condition C34 - Adherence to Natural Environment Consent Conditions Add Condition C35 - Fencing Add Condition C36 - Amendments to the approved plans Add Condition D22 - Wildlife Protection Add Condition D23 - Protection of Habitat Features Add Condition E24 - No Weeds Imported on to the Site Add Condition E25 - Priority Weed Removal and Management
PAN-194267 MOD2022/0070	20 September 2022	Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings Add Condition 1C - Approved Plans and supporting Documentation Amend Condition B21 - Visitor Parking Amend Condition B28 - Rooftop Mechanical Systems Add Condition B45.1 - Maintenance of Asset Protection Zones Amend Condition B67 - Apartment Mix Add Condition B73 - Parking Enclosure Amend Condition C8 - Construction Traffic Management Plan Add Condition D21 - Staff and Contractor Parking Add Condition E22 - Acoustic Review Add Condition E23 - Clearing Asset Protection Zones
PAN-156910 MOD2021/0816	24 February 2022	Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings Delete Condition A1 Add Condition A1C Delete Condition B72

		Delete Condition B73 Delete Condition B74 Delete Condition B75 Amend Condition C4 Amend Condition C6 Amend Condition C7 Amend Condition C8 Amend Condition C9 Amend Condition C10 Amend Condition C15 Amend Condition C17 Amend Condition C18 Amend Condition C19 Amend Condition C20 Amend Condition C22 Amend Condition E1 Amend Condition E2 Amend Condition E3 Amend Condition E4 Amend Condition E5 Amend Condition E6 Amend Condition E9 Amend Condition E13 Amend Condition F4 Add Condition F1 Add Condition F2 Add Condition F3
MOD2018/0566	13 December 2018	Modification of Development Consent N0440/15 granted for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping. Add Condition A1B - Modification of Consent -- Approved Plans and supporting Documentation
MOD2018/0019	10 June 2018	Modification of Development Consent N0440/15 granted for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping. Add Condition 1A - Modification of Consent -- Approved Plans and supporting Documentation Add Condition B72 Add Condition B73 Add Condition B74 Add Condition B75 Amend Condition C9 Amend Condition E18 Amend Condition E19 Delete Condition F1 Delete Condition F2

		Delete Condition F3 Add Condition F4 Add Condition F5
N0440/15/S96/1	9 April 2018	Modification of Development Consent N0440/15 granted for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping. Delete Condition A1 Amend Condition B1 Delete Condition B36 Amend Condition B43 Delete Condition B44 Amend Condition B45 Add Condition B69 Add Condition B70 Add Condition B71 Amend Condition C7 Amend Condition C9 Delete Condition C29 Delete Condition C30 Delete Condition E17 Amend Condition E21 Amend Condition F2
N0440/15	3 May 2017	Construction of a residential development, comprising 81 dwellings (including an existing dwelling) at 8 Forest Road, Warriewood (Lot 1 DP 5055) (the site).

Modified conditions

A. Add Condition No. A1D - Modification of Consent 2 - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A001 Rev. 09 - Preliminary Site Plan	13 March 2023	ADS Architects
A099.1 Rev. 08 - Floor Plans - Basement 1 - East	13 March 2023	ADS Architects
A099.2 Rev. 08 - Floor Plans - Basement 1 - West	13 March 2023	ADS Architects
A100.1 Rev. 09 - Floor Plans - Ground Floor Plan - East	15 June 2023	ADS Architects
A100.2 Rev. 09 - Floor Plans - Ground Floor Plan - West	15 June 2023	ADS Architects
A101.1 Rev. 08 - Floor Plans - Level 1 - East	15 June 2023	ADS Architects

A101.2 Rev. 08 - Floor Plans - Level 1 - West	15 June 2023	ADS Architects
A102.1 Rev. 08 - Floor Plans - Level 2 - East	15 June 2023	ADS Architects
A102.2 Rev. 08 - Floor Plans - Level 2 - West	15 June 2023	ADS Architects
A103.1 Rev. 07 - Floor Plans - Roof Level - East	15 June 2023	ADS Architects
A103.2 Rev. 07 - Floor Plans - Roof Level - West	15 June 2023	ADS Architects
A200 Rev. 08 - Sections	15 June 2023	ADS Architects
A300 Rev. 09 - Elevations Building A and B	15 June 2023	ADS Architects
A301 Rev. 09 - Elevations Building C and D	15 June 2023	ADS Architects
A302 Rev. 09 - Elevations Townhouses	15 June 2023	ADS Architects
A303 Rev. 01 - Elevations Fence Detail	13 March 2023	ADS Architects
FF&E Schedule Revision 3/ Pages 1 - 5	29 May 2023	ADS Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Thermal Comfort and BASIX Assessment (Issue. E)	24 January 2023	Efficient Living
Response to NSW Rural Fire Service RFI for Integrated Development Application S100B – Subdivision	30 March 2023	AEP

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
L-01 Rev. M- Landscape Master Plan	9 January 2023	Site Design + Studios
L-02 Rev. M - Existing Trees Plan	9 January 2023	Site Design + Studios
L-03 Rev. M - Ground Floor East Landscape Plan	9 January 2023	Site Design + Studios
L-04 Rev. M - Ground Floor West Landscape Plan	9 January 2023	Site Design + Studios
L-05 Rev. M - Riparian Planting	9 January 2023	Site Design + Studios
L-06 Rev. M - Sections	9 January 2023	Site Design + Studios
L-07 Rev. M - Sections	9 January 2023	Site Design + Studios
L-08 Rev. M - Sections	9 January 2023	Site Design + Studios
L-09 Rev. M - Typical Details and Notes	9 January 2023	Site Design + Studios

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B Add Condition A9- Compliance with Other Department, Authority or Service Requirements - to read as follows:

The development must be carried out in compliance with all recommendations and requirements,

excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	N/A
Rural Fire Service	RFS Referral Response	6 June 2023
Department of Planning and Environment	Reference: IDAS1133220	21 June 2023

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

C. Delete Condition B41 to read as follows:

B41
Deleted

D. Add Condition C33 - Amendment of Landscape Plans - to read as follows:

The submitted Landscape Plan is to be amended in accordance with the following:

- Compliance with Biosecurity Act 2015: Replace *Murraya paniculata* (General biosecurity duty in all of NSW) with native hedging.

The Landscape Plan is to be amended by a qualified landscape architect and provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

E. Add Condition C34 - Adherence to Natural Environment Consent Conditions - to read as follows:

All biodiversity-related conditions of consent under previous development applications are to be adhered to, including N0440/15, unless amended by these biodiversity-related conditions of consent.

Reason: To protect biodiversity values.

F. Add Condition C35 - Fencing - to read as follows:

Fencing shall be in accordance with the approved plans with the exception of the following:

- The provision of a maximum 1.4m high fence to the northern side of Townhouse 1.
- Fencing proposed to the ground floor private open space areas of the residential flat buildings is to be reduced to a maximum height of 1.4m.

No other fencing is approved on site.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

G. Add Condition C36 - Amendments to the approved plans - to read as follows:

The following amendments are to be made to the approved plans:

- Where decks are proposed in the front setback, the setback to the deck from the front boundary will be a minimum 2.5 metres with the landscaping planter boxes increased in size and planted out with native species.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

H. Add Condition D22 - Wildlife Protection - to read as follows:

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

I. Add Condition D23 - Protection of Habitat Features - to read as follows:

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

J. Add Condition E24 - No Weeds Imported on to the Site - to read as follows:

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

K. Add Condition E25 - Priority Weed Removal and Management - to read as follows:

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

Important Information

This letter should therefore be read in conjunction with N0440/15 dated 03 May 2017; N0440/15/S96/1 dated 09 April 2018; MOD2018/0019 dated 10 June 2018; MOD2018/0566 dated 13 December 2018; MOD2021/0816 dated 24 February 2022 and; MOD2022/0070 dated 20 September 2022. .

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel.