

18 July 2019



J & G Knowles & Associates Pty Ltd
C/- Don Fox Planning PO Box 230
PENNANT HILLS NSW 1715

Dear Sir/Madam

Application Number: Mod2019/0171
Address: Lot 29 DP 5464 , 27 Warriewood Road, WARRIEWOOD NSW 2102
Lot 101 DP 1229188 , 23 Warriewood Road, WARRIEWOOD NSW 2102
Lot 28 DP 5464 , 25 Warriewood Road, WARRIEWOOD NSW 2102
Proposed Development: Modification of development consent N0611/16 granted for the construction of a residential aged care facility, subdivision and associated civil works and the extension of a public road (Lorikeet Grove)

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,



Rebecca Englund
Principal Planner

NOTICE OF DETERMINATION

Application Number:	Mod2019/0171
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	J & G Knowles & Associates Pty Ltd
Land to be developed (Address):	Lot 29 DP 5464 , 27 Warriewood Road WARRIEWOOD NSW 2102 Lot 101 DP 1229188 , 23 Warriewood Road WARRIEWOOD NSW 2102 Lot 28 DP 5464 , 25 Warriewood Road WARRIEWOOD NSW 2102
Proposed Development:	Modification of development consent N0611/16 granted for the construction of a residential aged care facility, subdivision and associated civil works and the extension of a public road (Lorikeet Grove)

DETERMINATION - APPROVED

Made on (Date)	18/07/2019
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. New Condition B45 to read as follows:

This consent authorises the removal of Trees T28 and T29, as identified in the Approved Landscape Plans and Arboricultural Impact Assessment Report referenced in this consent.

B. Modify Condition C6 to read as follows:

The following is to be made for the provision of public infrastructure and services pursuant to Section 94 of the Environmental Planning and Assessment Act 1979:

- A cash contribution of **\$260,764.57** (subject to (a) below) is payable to Northern Beaches Council, and
 - Dedication of 4,281sqm of creekline corridor land in accordance with (b) below.
- a. The monetary contribution will be adjusted at the time of payment in accordance with the latest Consumer Price Index as published quarterly by the Australian Bureau of Statistics as outlined in Council's Warriewood Valley Section 94 Contributions Plan (Amendment 16 Revision 3). The monetary contribution is to be paid prior to the issue of the first Construction Certificate.
 - b. The proponent shall dedicate to Council a total of 4,281 square metres of land identified as Lot 3 on the subdivision plan titled 'Plan of Subdivision of Lots 27-29 Section C in DP 5464' (Issue B,

prepared by David Bromhead, dated 1 May 2017) for the provision of multi-functional creek line corridor facilities. The area of land to be dedicated is subject to a final Plan of Subdivision. The dedication is to take place by way of subdivision.

- c. The proponent may negotiate with Council for the direct provision of facilities and services in lieu of the monetary contribution above (or any portion of that contribution) through a Material Public Benefit offer to Council. Any Material Public Benefit agreement between the applicant and Council must be finalised, formally signed and in place prior to payment being made.

The Warriewood Valley Section 94 Contributions Plan (Amendment 16 Revision **3**) may be inspected at Northern Beaches Council's **Customer Service Centres** of Council's website www.northernbeaches.nsw.gov.au

C. New Condition E8 to read as follows:

Two (2) replacement street trees shall be located along the Warriewood Rd verge as replacement for the *Pinus pinaster* trees, and shall be sourced and planted in accordance with the Warriewood Valley

Landscape Masterplan and Design Guidelines requirements in S-1, as follows:

- tree species: *Lophostemon confertus*
- planting size: minimum 400 litre, 3.5m height, and 60mm caliper
- source: all trees shall be obtained through a pre-order agreement with a nursery to deliver to the required planting size listed above
- specification: all tree planting works shall be in accordance with S-1, including required mass planted garden bed under the street tree, timber edging, soilmix and mulch, and tree guards
- establishment: the street tree planting works is subject to a 12 month establishment and maintenance period. Any failure of planting shall be replaced at the applicant's cost.

All street tree works, including acceptance of the tree species, and signoff for handover, is subject to inspection and approval by Council.

Important Information

This letter should therefore be read in conjunction with N0611/16 dated 13 July 2017.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment

Court within 6 months of determination.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority

R. Englund.

Name Rebecca Englund, Principal Planner

Date 18/07/2019