

# EVOLUTION PLANNING

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25 January 2018

General Manager  
Northern Beaches Council  
PO Box 882  
MONA VALE NSW 1660

By email: [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Dear Sir or Madam:

***RE: Application to Modify N0440/15 – 8 Forest Road, Warriewood***

We have been engaged, in a town planning advisory capacity, by Messrs. Gualtieri and Sacco, owners of 4 Forest Road, Warriewood, to review an application to modify NO440/15 and to make any submissions on their behalf.

The proposed modification, (not to be confused with the pending Section 96 application to replace the approved Plan of Community Title Subdivision Plan and Community Plan of Management with a Strata Plan of Subdivision and a Draft 88B instrument and other subdivision related changes), largely concerns the staging of construction works and the modification of consent conditions to allow such staging to occur from a certification perspective.

Physical changes include the enlargement to a basement area and the configuration and alignment of the road access linking the development to Bert Close {although this may have been authorized by Council as part of the Deferred Commencement condition approval process – it is not clear from the application.}

Summary Submission

In summary, on behalf of the owners of 4 Forest Road, Warriewood, we wish to object to proposed modifications on the following grounds:

1. No provision is made for Fire Trails, (temporary or otherwise), to service the development in light of the proposed staging;



2. Part of the realigned driveway to Bert Close is on land shown to be dedicated to Council;
3. Lack of further Geotechnical Assessment in light of basement expansion;
4. Whether or not Stage 1, as a single entity, would satisfy the provisions of the ADG;
5. Proposed Modifications to Conditions C9 Land Dedication; C19 Flood Study; E9 Landscaping; and E11 Water Management should not be supported due to:
  - a lack of justification; or,
  - not being consistent with the objects of the Act in terms of the orderly development of land; or,
  - have been proposed simply to expedite construction without having consideration to the holistic impact of the development.

#### Submission

##### *1. Fire Trails*

The proposed staging of the project could theoretically allow for the construction and occupation of Stage 1 and the deferral of the remaining two stages for an indefinite period. It is therefore essential that Fire Trails are provided, if only on a temporary basis to each of the stages as the development progresses.

##### *2. Road Connection*

The process involving compliance with the Deferred Commencement Condition has not been made public and in light of this we are uncertain as to whether or not the re-alignment of the driveway connecting the development to Bert Close has been sanctioned by Council.

The re-aligned driveway is now partly shown to be in land identified to be dedicated to Council which is inconsistent with Council's previous position of having roads in private ownership (Community Title).

##### *3. Geotechnical Assessment*

The modification includes an increase to a basement area in excess of 400sq.m, below a road and to the interface of an apartment building, without any further Geotechnical evaluation or assessment.



#### 4. Stage 1 ADG Compliance

As outlined above, the proposed staging of the project could theoretically allow for the construction and occupation of Stage 1 and the deferral of the remaining two stages for an indefinite period. The delineation of Stage 1 therefore needs to be carefully assessed in terms of the development being able to satisfy the provisions of the Apartment Design Guide (as a stand-alone development) against design criteria such as the provision of appropriate common open space, for example.

#### 5. Conditions

##### a) C9 Land Dedication

The deferral of the dedication of land to Council has not been adequately justified and there is nothing stopping the developer doing so prior to the issue of a Construction Certificate as required in the consent agreed to during the Court proceedings. The dedication of the riparian land prior to construction certification does not impede the objectives of the developer to Stage construction.

##### b) C19 Flood Study

The proposal to divide the required further Flood Assessments to separate stages should not be supported. The impact of flooding should be considered holistically across the entire site.

##### c) E9 Landscaping

The proposed modified condition deletes the requirement for, “*The landscape architect is to confirm that all plants are arranged and spaced, so that they are present as a grown completed landscape.*” The removal for this requirement is not justified and should remain.

##### d) E11 Water Management

Like matters pertaining to Flooding, the water management of the land needs to be considered holistically and the proposal to split the certification of such management into stages should not be supported.

Please contact the undersigned on 0430 007 725 should you wish to discuss this submission further or to provide any information on the progress of the assessment of the application.



Yours sincerely,

*Tony Robb*

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