

6 July 2023



Colonial Credits Pty Ltd
119 Willoughby Road
CROWS NEST NSW 2065

Dear Sir/Madam

Application Number: Mod2023/0161
Address: Lot 23 DP 270907 , 65 - 69 Lorikeet Grove, WARRIEWOOD NSW 2102
Proposed Development: Modification of Development Consent DA2018/0607 granted for construction of a residential flat building, basement car parking and landscaping within currently unregistered Lots 2, 3, 4, 14, 15, 16, 17 and 18 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood

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,



Alex Keller
Principal Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2023/0161 PAN-317841
Applicant:	Colonial Credits Pty Ltd 119 Willoughby Road CROWS NEST NSW 2065
Property:	Lot 23 DP 270907 65 - 69 Lorikeet Grove WARRIEWOOD NSW 2102
Description of Development:	Modification of Development Consent DA2018/0607 granted for construction of a residential flat building, basement car parking and landscaping within currently unregistered Lots 2, 3, 4, 14, 15, 16, 17 and 18 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	06/07/2023
Date from which the consent operates:	06/07/2023

Under Section 4.55 (1a) Minor Environmental Impact 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 Alex Keller, Principal Planner

Date 06/07/2023

Modification Summary

The development consent is modified as follows:

A. Amend "Application Details" description on the Notice of Determination, to read as follows:
 "Construction of a residential flat building, basement car parking, strata subdivision and landscaping within currently unregistered Lots 2, 3, 4, 14, 15, 16, 17 and 18 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood."

B. Add Condition No.7A - Modification of Consent - Approved Plans and supporting Documentation, to read as follows:

"7A - Modification of Consent - Approved Plans and supporting Documentation

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

a) Modification Approved Plans

Draft Subdivision Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Sheet 1 of 6 Plan of Subdivision of Lot 23 DP270907 - Location plan	21.4.2021	Karl Robertson
Sheet 2 of 6 Plan of Subdivision of Lot 23 DP270907 - Basement Level 1	21.4.2021	Karl Robertson
Sheet 3 of 6 Plan of Subdivision of Lot 23 DP270907 - Ground Level	21.4.2021	Karl Robertson
Sheet 4 of 6 Plan of Subdivision of Lot 23 DP270907 - Level 1	21.4.2021	Karl Robertson
Sheet 5 of 6 Plan of Subdivision of Lot 23 DP270907 - Level 2	21.4.2021	Karl Robertson
Sheet 6 of 6 Plan of Subdivision of Lot 23 DP270907 - Level 3	21.4.2021	Karl Robertson

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

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

C. Add Condition 12A Subdivision Certificate Application, to read as follows:

"12A Subdivision Certificate Applications

Where or if *Northern Beaches Council* (NBC) is nominated as the subdivision Certifier the Applicant shall submit a Subdivision Certificate Application to NBC, which is to include a completed Subdivision Certificate (SC) form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, four copies of the final plan of subdivision and all relevant documents including electronic copies. Otherwise the Private Certifier is to make appropriate arrangements to inform NBC of the registered plan (LTO lodgement).

Where or if NBC is the Certifier documentation is to be submitted to NBC prior to the issue of the Subdivision Certificate, including evidence / documents required to demonstrate satisfactory compliance with conditions of consent for the purposes of building occupation and works to be completed to effect service connections and relevant development consent obligations as per this consent.

If the SC is lodged with NBC, all plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks, where applicable. The SC fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

Important Information

This letter should therefore be read in conjunction with DA2018/0607 dated 21.11.2018 and MOD2020/0327.

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.