

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2017/0344
Responsible Officer:	Tyson Ek-Moller
Land to be developed (Address):	Lot 30 DP 5464, 29 Warriewood Road WARRIEWOOD NSW 2102 Lot 31 DP 5464, 31 Warriewood Road WARRIEWOOD NSW 2102
Proposed Development:	Modification of Development Consent N0182/13 granted for the 40 Lot subdivision of existing sites and demolition of existing structures
Zoning:	R3 Medium Density Residential R3 Medium Density Residential
Development Permissible:	Yes, under Pursuant to Cl. 2.6(1) of PLEP 2014 sites may be subdivided, subject to development consent. Consent for the subdivision has already been obtained under Development Consent No. N0182/13.
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Colonial Credits Pty Ltd
Applicant:	Brad Pym
Application lodged:	21/12/2017
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Subdivision only
Notified:	28/03/2018 to 11/04/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Environmental Planning and Assessment Act 1979 - Section 4.56 - Environmental Planning and Assessment Act 1979 - Section 4.56 - with S79C Assessment
 Assessment - Strategic & Place Planning (S94 Warriewood Valley)
 Pittwater Local Environmental Plan 2014 - Zone R3 Medium Density Residential
 Pittwater Local Environmental Plan 2014 - 6.1 Warriewood Valley Release Area
 Pittwater Local Environmental Plan 2014 - 7.3 Flood planning
 Pittwater 21 Development Control Plan - 2014 - B3.11 Flood Prone Land
 Pittwater 21 Development Control Plan - 2014 - B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)
 Pittwater 21 Development Control Plan - 2014 - C6.1 Integrated Water Cycle Management
 Pittwater 21 Development Control Plan - 2014 - C6.4 The Road System and Pedestrian and Cyclist Network
 Pittwater 21 Development Control Plan - 2014 - C6.9 Residential Land Subdivision Approval Requirements

SITE DESCRIPTION

Property Description:	Lot 30 DP 5464 , 29 Warriewood Road WARRIEWOOD NSW 2102 Lot 31 DP 5464 , 31 Warriewood Road WARRIEWOOD NSW 2102
Detailed Site Description:	The subject site is identified as 29 and 31 Warriewood Road (Lot 30 Sec C DP 5464 and Lot 31 Sec C DP 5464 respectively). The site is an irregularly shaped allotment, the front of which adjoins the Warriewood Road road reserve, the side boundaries adjoin other large allotments and the rear boundary adjoins Narrabeen Creek. Combined, the total area of the site is approximately 22470m ² and contains a slope away from Warriewood Road towards Narrabeen Creek. The subject site is currently occupied by works (i.e. roads, civil works,

etc.) associated with a unregistered subdivision approved by Development Consent No. N0182/13

The subject site is located within an R3 Medium Density Residential zone, and all boundaries adjoin R2-zoned areas. A number of zone boundaries are located within the surrounding area as follows:

- An R2 Low Density Residential zone is located broadly to the northeast of the subject site, and is approximately 20m northeast of the subject site at its nearest point.
- An E4 Environmental Living zone is broadly situated north and east of the subject site, and is approximately 55m away at its nearest point.
- An RE1 Public Recreation zone is located northeast of the subject site, and is approximately 55m away at its nearest point.
- An SP2 Infrastructure (Sewerage System) zone is located approximately 170m south of the subject site at its nearest point.

The subject site is bushfire and flood prone, and is affected by biodiversity considerations and Class 4 and 5 Acid Sulphate Soils. The site does not contain a heritage item nor is it within a heritage conservation area.

Areas to the north and east of the site contain older residential areas which consist predominately of low-density residential housing and associated structures. Areas to the west and south of the site contain large allotments, a number of which have been recently subdivided and/or are in the process of being subdivided.

Map:



SITE HISTORY

Date	Details
30/12/2013	Development Application No. N0182/13 refused. The application proposed a 40 lot subdivision of the existing sites (29 and 31 Warriewood Road) and the demolition of existing structures. An appeal before the NSW Land and Environment Court was upheld on 15 October 2014.
03/08/2015	Section 96(AA) Modification Application No. N0182/13/S96/1 approved. The appeal was upheld in part, and related to modifications of consent condition C19 and Section 94 contributions.
03/12/2015	Section 96(AA) Modification Application No. N0182/13/S96/1 refused by the NSW Land and Environment Court. The appeal related to modifications of consent condition C19 and Section 94 contributions.
03/04/2017	Development Application No. N0481/16 withdrawn. The application proposed the construction of eleven two-storey detached dwellings within the approved subdivision lots and associated landscaping.
08/05/2017	Development Application No. N0567/16 withdrawn. The application proposed the construction of a three storey residential flat building comprising 29 units, basement car parking and landscaping.
24/11/2017	Development Application No. N0053/17 withdrawn. The application proposed the consolidation of Lots 2, 3, 4, 14, 15, 16, 17 and 18 of the approved subdivision.
21/12/2017	Subject Section 96 modification application lodged.

Application history

21/12/2017 Subject Section 96 modification application lodged.

PROPOSED DEVELOPMENT IN DETAIL

The subject Section 96(AA) Modification Application seeks consent to modify conditions relating to the staging the staging of, and conditions within, Development Consent No. N01828/13. The details of the conditions (as proposed) are outlined below

Condition B1

Consent condition B1 (as currently approved) reads as follows:

The development is to be staged in the following manner:

Stage 1 – *Excavation and demolition works, site works and services in part of whole, subdivision to create 11 Torrens Title residential lots, construction of temporary road 6.5m wide on proposed Lot 7 and two residue lots (Lots 12 and 13,), with Lot 13 being the area 3,308m² (measured 25m from the centreline of Narrabeen Creek).*

Stage 2 – *Construction of temporary road 6.5m wide, internal access streets and section of Lorikeet Grove, water management facilities, drainage and cycleway, and subdivision of residue lot (Lot 12) to create 29 residential lots and 1 common lot under Community Title and the dedication of Lorikeet Grove section and Narrabeen Creek corridor to Pittwater Council.*

Stage 3 – *Removal of the temporary road 6.5m wide on Lots 7*

Modifications to Condition B1 would change Stages two (2) and three (3) of the approved subdivision to Stages 2a, 2b and 3. The reworded sections of the condition, as proposed, is as follows:

Stage 2a: *Construction of temporary road 6.5m wide (on proposed Lot 16), internal access streets and section of Lorikeet Grove, water management facilities, drainage and subdivision of residue lot (Lot 12) to create 21 residential lots, 1 residue lot and 1 common lot under Community Title, and the dedication of Lorikeet Grove section and Narrabeen Creek corridor to Pittwater Council.*

Stage 2b: *Subdivision of residue lot to create 8 residential lots under Community title.*

Stage 3: *Removal of the temporary road, 6.5m wide on Lots 7 and 16 and of the temporary tuning bay for service vehicles.*

Condition B21

Consent condition B21 (as currently approved) reads as follows:

The temporary road on proposed Lot 7 (in Stage 1) and Lot 25 (in Stage 2) connecting the internal access streets and section of Lorikeet Grove with Warriewood Road is to remain in place until such time as Lorikeet Grove extension is constructed to directly connect to Warriewood road or the public road network.

The proposed modifications would change the lot numbering to read as follows:

The temporary road on proposed Lot 7 (in Stage 1) and Lot 16 (in Stage 2a) connecting the internal access streets and section of Lorikeet Grove with Warriewood Road is to remain in place until such time as Lorikeet Grove extension is constructed to directly connect to Warriewood road or the public road network.

Condition E4

Consent condition E4 (as currently approved) reads as follows:

The dedication of 3,308m² of Narrabeen Creekline corridor (measured 25m from the centreline of Narrabeen Creek) is to be effected prior to or through the registration of the Subdivision Plan the subject of the Subdivision Certificate for Stage 2. All structures and introduced/contaminated fill material within the creekline corridor land is to be removed prior to the creekline corridor land being dedicated to Council.

The proposed modifications would change the staging to read as follows:

The dedication of 3,308m² of Narrabeen Creekline corridor (measured 25m from the centreline of Narrabeen Creek) is to be effected prior to or through the registration of the Subdivision Plan the subject of the Subdivision Certificate for Stage 2a. All structures and introduced/contaminated fill material within the creekline corridor land is to be removed prior to the creekline corridor land being dedicated to Council.

Condition E5

Consent condition E5 (as currently approved) reads as follows:

Stage 2 of this consent relates to the subdivision of the residue lot (Lot 12) to create 29 residential lots and 1 common lot under Community Title. The applicant is to submit a Neighbourhood Development Contract and Community Management Statement which incorporates all of the statutory requirements of Schedule 2 of the Community Land Development Act, 1989 and is to specifically address the following:

- (i.) Cats, ferrets and rabbits are not permitted to be kept on the site.*
- (ii.) Dogs being restricted to within the building at night and otherwise to be either within a fenced compound or on a lead.*
- (iii.) Space management strategies including activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements being put in place and maintained.*
- (iv.) Matters relevant under conditions E1 and E3 above, in particular the management and responsibility of the Neighbourhood Association for the water management facilities and access streets.*

The proposed modifications would change the staging to read as follows (the four specific requirements would be unchanged and have not been repeated):

Stage 2a of this consent relates to the subdivision of the residue lot (Lot 12) to create 29 residential lots and 1 common lot under Community Title. The applicant is to submit a Neighbourhood Development Contract and Community Management Statement which incorporates all of the statutory requirements of Schedule 2 of the Community Land Development Act, 1989 and is to specifically address the following:

During the course of the assessment, information was provided relating to creekline dedication and associated works that would necessitate changes to other conditions within Development Consent No. N0182/13. Other changes were also required to other consent conditions to ensure consistency with the modifications being sought.

The specific details of all proposed conditions are contained within this assessment. For reference however, the conditions that are proposed to be modified are as follows:

- Condition B1 • Condition E1 • Condition E5

- Condition B21 • Condition E3 • Condition E8

- Condition C20 • Condition E4 • Condition E10

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for Development Application No. N0182/13 in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.56 of the Environmental Planning and Assessment Act, 1979, are:

Section 96AA - Other Modifications	Comments
(1) 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 development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under Development Application No. N0182/13 (as currently modified). The layout of the subdivision as approved would not be substantially changed by the proposal.
(b) 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 under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Pittwater 21 Development Control Plan.

Section 96AA - Other Modifications	Comments
(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and	Written notices of this application have been sent to the last address known to Council of the objectors or other persons who made a submission in respect of Development Application No, N0182/13.
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.	Matters raised by submissions have been addressed within this planning assessment.

Section 79C Assessment

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000. No Additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Robert Charles Di Francesco	62 Warriewood Road WARRIEWOOD NSW 2102

The subject modification application was advertised for a period of thirty (30) days in accordance with Council's notification policy. In accordance with Section 4.56 (formerly S96AA) of the *Environmental Planning and Assessment Act 1979*, notification of the proposal was sent to persons/organisations who made a submission to the original development proposal. One (1) submission was received, which objected to the proposal.

The following issues were raised in the submissions and each have been addressed below:

- This development was approved as a 40 lot subdivision. It is now obvious that the developer is attempting to consolidate lots and build a unit development. It is clear that this modification is to help them gain approval for a unit development, which the local residents are against.
- How has the developer been permitted to excavate the under ground carpark for a unit building before it has been approved?
- The inconvenience that this development has caused and continues to cause has been immense. A number of times already in 2018 work has commenced before 7am. When work initially started we had excavation trucks parking on Warriewood Rd at 3am waking up residents. Warriewood Rd residents have lost on street parking and been inconvenienced for 2 years.
- The civil works for this development need to finished immediately, not delayed. Especially not delayed for the residents of this area to suffer further so a block of units can be built in an area they were not supposed to.

The matters raised within the submissions are addressed below in the order they were raised:

- As assessed under the assessment of Cl. 6.1 of PLEP 2014, the applicant's Statement of Environmental Effects indicates that Stage 2b of the subdivision would be for the subdivision of the residue lot into 8 lots. This statement indicates that the residue allotment could be part of a proposal for a residential flat building, though this would be subject to the assessment of a future application. As the site is within an R3 zone, residential flat buildings are a form of development that is permissible with consent under PLEP 2014.
- No consent has been found for the excavation of part of 31 Warriewood Road. This issue is currently subject to a notice and order (Ref. EPA2018/0008) being investigated by Council's compliance team.
- Approved works on the site would be subject to conditions within the original consent that relate to works on the site. A site inspection by the assessing officer indicates that most site works for the subdivision are now complete. The subject modification proposes changes to the staging of the subdivision and is not associated with works on the site.
- The subject application is to modify the staging of the subdivision; there is no information to suggest that the proposal would delay previously approved civil works on the site. As indicated above, residential flat buildings are permissible with consent.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	Council's natural environment, biodiversity section raise no objections to the proposed modification.
NECC (Development Engineering)	No objections to the proposed amendments to the staging of the subdivision and in particular the splitting of stage2 into stage 2A and Stage 2B. The turning bay area (Lot 2) off Lorikeet Grove which was to provide for the a Fire truck should also be designed for Councils standard waste collection vehicle. This requirement will be conditioned accordingly.
NECC (Environment Resilience & Climate Change - Riparian Lands / Creeks)	The application to complete creek works and dedicate the creekline corridor to Council in Stage 2A is satisfactory. No new conditions are necessary.
NECC (Stormwater & Floodplain Engineering – Flood risk)	The proposed modification to split the approved Stage 2 into substages 2a and 2b is not considered to increase flood risk. This is justified by the HEC-RAS modelling submitted by Civil Certification Pty Ltd dated 22 June 2016 (TRIMPW5442943) identifies that the difference in peak water level between the existing creek condition and ultimate creek line works (completed on both sides) is only up to 50mm in the 20yr, 1%, 1% with climate change and PMF. Based on this it appears that there is not a significant flood risk for the site associated with de-coupling the issuing of the subdivision certificate from the undertaking of the creek works. No flood related development controls applied.

Internal Referral Body	Comments
Property Management and Commercial	Property, Commercial & Tourist Assets have no objections to the proposal.
Traffic Engineer	The proposed modification to split stage 2 into stages 2a and 2b is not considered to increase or create new traffic impacts. No objections are raised to approval
Waste Officer	

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	In accordance with Cl. 45 of SEPP (Infrastructure), a referral was sent to the relevant energy supply authority. No response was received within 21 days.
NSW State Transit (Bus stops)	An external referral was made to NSW State Transit (Bus stops) as the site is within 20m of a bus stop. No response was received to the referral.
Integrated Development – NSW Rural Fire Service (Subdivisions and Special Fire Protection Purposes under Section 100B of Rural Fires Act)	<p>An integrated referral was made to the NSW Rural Fire Service pursuant to S100B of the <i>Rural Fires Act 1997</i>. A response dated 6 February 2018 contained the following comments:</p> <p><i>This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:</i></p> <ol style="list-style-type: none"> <i>There are no objections to the proposed modifications, subject to the general terms of approval set out in the Bush Fire Safety Authority dated 19 December 2013.</i>
Nominated Integrated Development – NSW Office of Water - Department of Primary Industries (Controlled Activity Approval for works within 40m of watercourse)	<p>An external referral was made to The Department of Primary Industries (Water) in accordance with the provisions of the <i>Water Management Act 2000</i>. A response dated 19 March 2018 contained the following comments:</p> <p><i>Based on a review of the information provided, DPI Water confirms the existing General Terms of Approval (for work or activity requiring an approval under the Water Management Act 2000), issued on 08 July 2015 under ERM2013/0538 remain valid for the amended proposal and no amendments to the existing General Terms of Approval are necessary.</i></p> <p><i>DPI Water should be notified if any further amendments result in more than minimal change to the proposed development or if additional works or activities are proposed.</i></p> <p>With regard to additional changes regarding dedication of the creekline corridor (refer to the assessment of Pittwater 21 DCP), it was not considered that such changes would result in "<i>more than minimal change</i>", therefore such amendments were not referred.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

The provisions of SEPP 55 were considered within the assessment and determination of Development Application No. N0182/13. The proposed modifications relate to the staging of development and should not require further works that would be affected by the provisions of the SEPP.

SEPP (Infrastructure) 2007

As indicated elsewhere within this report, the application was referred to the energy supply authority pursuant to Cl. 45 of the SEPP. The proposal would not increase the number of allotments, therefore a referral to Roads and Maritime Services was not required.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

No changes are proposed to applicable principle development standards. Cl. 4.1 (Minimum Subdivision Lot Size) does not apply to sites within the Warriewood Valley; though the minimum lot areas (refer to the assessment of Section C6.1 of the DCP) would not be altered by the proposed subdivision.

An assessment of Cl. 6.1 of the LEP is as follows:

CI. 6.1 Warriewood Valley Release Area

Under the Urban Release Area Map referenced within Cl. 6.1(5) of the LEP, the subject site is located within buffer areas 1K and 1J of the Warriewood Valley Release Area.

Pursuant to Cl. 6.1(3), the number of dwellings to be erected across the combined area of the two buffers is as follows:

- Not more than 61 dwellings
- Not less than 40 dwellings

Development Consent No. N0182/13 was approved for the subdivision of the site into 40 allotments. The proposed modifications would not change the minimum number of lots, provided that the future subdivision of the residue into 8 lots is undertaken in accordance with Stage 2b part of the subdivision.

It should be noted that in their Statement of Environmental Effects, the applicant indicates that "The dividing of Stage 2 will ensure lots are developed where demand permits, and enables the registration of 8 remaining lots, alternatively these lots become a part of an apartment approval". Should a future residential flat building be proposed on the residue lot, the dwelling yield within the buffer areas would be subject to separate assessment.

With regard to Cl. 6.1(4), consent was granted by Development Consent No. N0182/13. The dedication of the creekline corridor to Council as part of Stage 2a of the subdivision would likely change the timing of the creekline works; once such works are completed however it is considered unlikely that the subdivision would significantly affect opportunities for creekline rehabilitation, water quality/flows within the creekline corridor and/or the stability of the bed, shore and banks of any watercourses within the creekline corridor.

Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	N/A
2.7 Demolition requires development consent	N/A
6.1 Warriewood Valley Release Area	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes

Clause	Compliance with Requirements
7.10 Essential services	Yes

Detailed Assessment

Zone R3 Medium Density Residential

Subdivisions are not a form of development that are specified as being permissible with consent with the R3 zone. Pursuant to Cl. 2.6(1) of PLEP 2014 however, sites may be subdivided subject to development consent. Consent for the subdivision has already been obtained under Development Consent No. N0182/13.

6.1 Warriewood Valley Release Area

Cl. 6.1 Warriewood Valley Release Area

Under the Urban Release Area Map referenced within Cl. 6.1(5) of the LEP, the subject site is located within buffer areas 1K and 1J of the Warriewood Valley Release Area.

Pursuant to Cl. 6.1(3), the number of dwellings to be erected across the combined area of the two buffers is as follows:

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Development Consent No. N0182/13 was approved for the subdivision of the site into 40 allotments. The proposed modifications would not change the minimum number of lots, provided that the future subdivision of the residue into 8 lots is undertaken in accordance with Stage 2b part of the subdivision.

It should be noted that in their Statement of Environmental Effects, the applicant indicates that "*The dividing of Stage 2 will ensure lots are developed where demand permits, and enables the registration of 8 remaining lots, alternatively these lots become a part of an apartment approval*". Should a future residential flat building be proposed on the residue lot, the dwelling yield within the buffer areas would be subject to separate assessment, though it is considered likely that any such proposal would further increase the number of dwellings within this area.

With regard to Cl. 6.1(4), consent was granted by Development Consent No. N0182/13. The dedication of the creekline corridor to Council as part of Stage 2a

of the subdivision would likely change the timing of the creekline works; once such works are completed however it is considered unlikely that the subdivision would significantly affect opportunities for creekline rehabilitation, water quality/flows within the creekline corridor and/or the stability of the bed, shore and banks of any watercourses within the creekline corridor.

7.3 Flood planning

Planner comments:

Refer to comments from Council's Floodplain Management Officer comments.

Pittwater 21 Development Control Plan - 2014

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	N/A	N/A
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.4 The Road System and Pedestrian and Cyclist Network	Yes	Yes
C6.9 Residential Land Subdivision Approval Requirements	N/A	N/A

Detailed Assessment

B3.11 Flood Prone Land

Floodplain management officer comments:

"The HEC-RAS modelling submitted by Civil Certification Pty Ltd dated 22 June 2016 (TRIMPW5442943) identifies that the difference in peak water level between the existing creek condition and ultimate creek line works (completed on both sides) is only up to 50mm in the 20yr, 1%, 1% with climate change and PMF. Based on this it appears that there is not a significant flood risk for the site associated with de-coupling the issuing of the subdivision certificate from the undertaking of the creek works."

B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)

Floodplain Management Officer comments:

"The lots zoned for future residential development have been filled above the Probable Maximum Flood level, therefore emergency response requirements are not required."

C6.1 Integrated Water Cycle Management

The modifications as originally proposed would not have affected the assessable criteria of Section C6.1 of the DCP, as the applicant sought the changes to the staging of the subdivision. During the assessment process, the applicant raised the timing of works required within Stage 2 of the subdivision (as currently approved), which includes the dedication of the riparian corridor to Council.

The applicant's proposed changes to the consent would still require the construction of water management facilities and drainage works as part of Stage 2a, however Council would be responsible for the creekline works within the riparian corridor if the dedication of the creekline were to occur as sought.

Legal advice provided to Council indicates that as the applicant has raised the timing of works within Stage 2 of the subdivision, Council is able to consider matters related to the dedication of the riparian corridor (including works required to be carried out in the riparian corridor prior to dedication). In addition to the conditions already proposed to be modified, such advice indicates that Council would be able to modify further conditions relating to this and associated matters.

The conditions to the modified are as follows:

Condition C20

The details of the conditions would remain unchanged, however the modified section of the condition is as follows (amendments are added in **bold**)

*The Riparian Corridor planting shall be **shown on the amended landscape/riparian corridor plan required by condition C3(v)** as follows:*

For reference, condition C3(v) relates to amended plans to be submitted prior to the issue of a construction certificate, and is as follows:

An amended landscape/riparian corridor plan is required to be submitted prior to the issue of the Construction Certificate which provides a continuation of the groundcover species as indicated in the Planting Schedule, in particular wetland species such as Juncas, into the outer corridor (bioretention/OSD basin) which was not indicated on the original plan.

Condition E1(iv)

Condition E1 requires that all infrastructure works relevant to each stage of the subdivision are to be completed and other relevant matters in the consent for relevant matters are to be satisfied.

The condition would remain broadly unchanged, and the changes to Condition E1(iv) are as follows (amendments are added in **bold**):

*Written certification from a qualified person that **all** the requirements of the NSW Office of Water as stated in condition B2 above **have been complied with, except for:***

(A) Condition B2(vi) and

(B) Condition B2(xvi)

For reference, condition B2(vi) would require the consent holder to carry out a maintenance period of two years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water. Condition B2(xvi) would require the consent holder to establish a riparian corridor along Narrabeen Creek in accordance with a plan approved by the NSW Office of Water.

Condition E3

Changes are required to two parts of this condition. The first change relates to subsection (iii) of this condition. The change would require certification required by this condition to be provided where relevant to the subdivision stage as outlined by consent condition B1 (modified as proposed by the subject modification application)..

The second change to this condition affects subsection (xvi). the change would require the submission of documentation for access arrangements (to the satisfaction of Council) to ensure that access can be obtained by Council over the subject site to Narrabeen Creek to enable the carrying out of the works in the riparian corridor, as referred to in Condition B2(xvi).

Condition E8

Condition E8 reads as follows:

The Ecological Consultant is to certify that a contract has been entered into for regeneration works required by the Vegetation Management Plan to occur post Subdivision Certificate. The Ecological Consultant is to certify that:

- (i) Native plant selection and planting as per the Landscape/Riparian Corridor Plan (Cool Water Landscapes Drawing No. R.C.D.A.1 15th June 2013 – amended version to be submitted prior to CC) has been completed.*
- (ii) All actions prescribed in the approved Ecological Sustainability Plan have been undertaken fully and where relevant completed and that an appropriate program of regeneration and maintenance has been entered into to comply with the requirements of the Plan; and*
- (iii) That areas/features requiring protection have been adequately protected and are in an acceptable condition.*

It is recommended that this condition be deleted and instead form new condition B22 (i.e. conditions to be incorporated into the development and maintained over the life of the development).

It should be noted that other changes have been recommended to conditions (specified below) that are not specified within this part of the planning assessment or the detailed description of the proposal; such changes have been recommended to ensure consistency with the conditions detailed above.

While such modifications would change the timing of the creekline works, comments from Council's Floodplain Management Officer indicate that based on submitted information, there would not be a significant flood risk for the site as a result of de-coupling the issuing of the subdivision certificate from the undertaking of the creek works.

While the changes to the timing of the creekline works they would not change the design of the works; while the completion of the creekline works could be delayed, the creekline corridors would be restored once such works are complete. The proposed modifications would not change the locations of previously approved allotments, therefore future residential development would not foreseeably encroach on the creekline corridor.

No changes are proposed to Interallotment stormwater drainage systems or groundwater arrangements; while it is noted that unauthorised excavation has occurred within the proposed Stage 2B subdivision area, this is subject to compliance action and would be subject to a separate consent if it is sought for the excavation works.

In summary, the proposed modifications would affect the staging of the subdivision, the timing of dedication of the creekline corridor to Council and potentially the timing of such creekline works; they would not however change the overall form of the approved subdivision. Subject to completion of the subdivision and creekline works in accordance with the consent (modified as proposed) the relevant provisions of Section C6.1 of the DCP would be addressed.

C6.4 The Road System and Pedestrian and Cyclist Network

The subject modification application does not propose changes to the road network as previously proposed, however Council's Development Engineer has recommended an additional condition to address the construction of temporary turning bays within the subdivision and to ensure that they permit appropriate maneuvering by waste collection and emergency vehicles.

The recommended condition (Condition E10) would read as follows:

"The temporary vehicle turning area (located within Lot 23 of Stage 2A) is to be constructed to Councils standards and specifications prior to the issue of the subdivision certificate for stage 2A. The vehicle turning area is to be designed to accommodate the 3 point turn of Councils standard waste collection vehicle and a Fire and Rescue NSW appliance. The turning area is to also feature a structural engineers designed safety barrier to protect vehicles against any drop offs in accordance with the relevant Australian standard."

C6.9 Residential Land Subdivision Approval Requirements

The proposed modifications would change the staging of the subdivision. The submitted plans indicate that the number of allotments and their respective areas and dimensions would not be altered by the proposed modifications.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2017/0344 for Modification of Development Consent N0182/13 granted for the 40 Lot subdivision of existing sites and demolition of existing structures on land at Lot 30 DP 5464,29 Warriewood Road, WARRIEWOOD, Lot 31 DP

5464,31 Warriewood Road, WARRIEWOOD, subject to the conditions printed below:

Design Plans by Craig & Rhodes Drawing No.

1762E-101 (Revision E, dated 19.9.2014),

1762E-102 (Revision D, dated 15.04.2013),

1762E-103 (Revision E, dated 15.04.2013),

1762E-104 (Revision E, dated 15.04.2013),

1762E-105 (Revision B, dated 15.04.2013),

1762E-201 (Revision E, dated 15.04.2013),

1762E-301 (Revision D, dated 15.04.2013),

1762E-401 (Revision E, dated 15.04.2013),

1762E-402 (Revision E, dated 15.04.2013),

1762E-403 (Revision E, dated 15.04.2013),

1762E-501 (Revision E, dated 15.04.2013),

1762E-502 (Revision A, dated 15.04.2013),

1762E-600 (Revision A, dated 15.04.2013),

1762E-601 (Revision D, dated 15.04.2013),

1762E-602 (Revision A, dated 15.04.2013),

1762E-610 (Revision E, dated 15.04.2013),

1762E-611 (Revision A, dated 15.04.2013),

1762E-612 (Revision A, dated 15.04.2013),

1762E-620 (Revision A, dated 15.04.2013),

1762E-621 (Revision A, dated 15.04.2013),

1762E-622 (Revision A, dated 15.04.2013),

Plans by Richard Andrew Thomas

Location Diagram, D.P. Draft Stage 2A – Version [05]

Detail Plan, D.P. Draft Stage 2A – Version [05]

Detail Plan, D.P. Draft Stage 2B – Version [05]

- C&R Plan 1762P L06[02];
- Landscape Plans Drawing No. S.P.D.A.1 (Dated 15.6.2013), R.C.D.A.1 (Dated 15.6.2013) all prepared by Cool Water Landscapes;
- Water Management Report Addendum 1 Prepared by Civil Certification dated 12.9.2013;
- Water Management Report Issue 2 Prepared by Civil Certification dated May 2013
- Water Management Report Addendum 3 Prepared by Civil Certification dated August 2014;
- Bushfire Assessment Report REF: 3020B Prepared by Conacher Environmental Group dated March 2013;
- Geotech Report REF: 12283/1-AA Prepared by Geotechnique PTY LTD dated 23 7 2010;
- Flora and Fauna Assessment Report REF: 3020F Prepared by Conacher Environmental Group dated March 2013;
- Vegetation Management Plan REF: 3020V Prepared by Conacher Environmental Group dated April 2013
- Riparian Corridors Vegetation Management Plan DWG No. 3020 Prepared by Conacher Environmental Group dated 14.3.2013;
- Waste Management Plan Ref 1762 by Craig and Rhodes dated 21 June 2013; and
- Additional Soil and Groundwater Investigation by Environmental Strategies Revision 0 April 2011

Modifications to Development Consent No. N0182/13 (incorporates amendments as recommended by Mallesons)

Consent condition B1 is to be deleted and replaced to read as follows:

The development is to be staged in the following manner:

Stage 1 – Excavation and demolition works, site works and services in part or whole, subdivision to create 11 Torrens Title residential lots, construction of temporary road 6.5m wide on proposed Lot 7 and two residue lots (Lots 12 and 13), with Lot 13 being the area 3,308m² (measured 25m from the centreline of Narrabeen Creek).

Stage 2A – Construction of temporary road 6.5m wide (on proposed Lot 16), internal access streets and section of Lorikeet Grove, water management facilities, drainage and subdivision of residue lot (Lot 12) to create 21 residential lots, 1 residue lot and 1 common lot under Community Title, and the dedication of Lorikeet Grove section and Narrabeen Creek corridor to Pittwater Council.

Stage 2B – Subdivision of residue lot to create 8 residential lots under Community title.

Stage 3 – Removal of the temporary road, 6.5m wide on Lots 7 and 16 and of the temporary turning bay for service vehicles.

Consent condition B21 is to be deleted and replaced to read as follows:

The temporary road on proposed Lot 7 (in Stage 1) and Lot 16 (in Stage 2A) connecting the internal access streets and section of Lorikeet Grove with Warriewood Road is to remain in place until such time as Lorikeet Grove extension is constructed to directly connect to Warriewood Road or the public road network.

Consent condition C20 is to be deleted and replaced to read as follows:

The Riparian Corridor planting shall be shown on the amended landscape/riparian corridor plan required by Consent Condition C3(v) as follows:

- (i) Tree species to be included in the planting scheme shall be reflective of the endemic creekline corridors including Eucalyptus robusta, Syzygium smithii, Backhousia myrtilifolia, as well as the documented Casuarina glauca. A minimum number of 16 shall be planted.*
- (ii) Cyathea australis is to be replaced by Livistona australis.*
- (iii) The planting densities of the native grasses shall be planted at minimum of 9 plants per square metre. Gahnia sieberana species shall be included in the planting scheme.*

(iv) Certification is required at 12 months and 36 months post completion that the works are in accordance with the Maintenance and Weed Control works outlined in the approved Vegetation Management Plan.

Consent condition E1 is to be deleted and replaced to read as follows:

Prior to the issue of the relevant Subdivision Certificate, all infrastructure works relevant to each stage of the subdivision are to be completed and other relevant conditions in this consent relating to the following matters are to be satisfied:

- (i) Construction and servicing of the residential lots including:
 - Roads, drainage and civil engineering works including the accessway and section of Lorikeet Grove, and works within the public road adjoining site required under Conditions C9, C10, C11 and C16 of this consent;
 - Landscaping works;
 - A certificate by a qualified Engineer or Architect confirming that all driveways have been constructed and in accordance with the approved plans is to be submitted to the Council and the accredited certifier (if any) prior to the issue of the Subdivision Certificate.
 - All works associated with the water management system including works in the Narrabeen Creek corridor required under conditions C5, C13, C14 and C18 of this consent.
- (ii) Interallotment drainage easements are to be a minimum 1.5 metres wide.
- (iii) The public drainage easement widths are to be in accordance with Council's Pittwater 21 DCP requirements. Based on the proposed pipeline configuration and sizing, between proposed Lots 2 and 3 (along Warriewood Road), the easement is to be a minimum 3.0 metres wide plus the required splay at the front boundary. Between downstream lots 18, 15 & 2, and across the community title bioretention basin & OSD basin, the easement is to be a minimum 3.5 metres wide. The pipeline and outlet draining Lorikeet Drive into the bioretention basin & OSD basin is to have a minimum 2.5 metre wide easement. These easement sizes may vary depending upon the final pipeline configuration and sizing.
- (iv) Written certification from a qualified person that all requirements of the NSW Office of Water as stated in condition B2 above have been complied with, except for:
 - A. Condition B2(vi); and
 - B. Condition B2(xvi)

Condition E3 is to be deleted and replaced as follows:

The following documents and payments are to be submitted to Pittwater Council in a

single package to ensure the efficient release of the relevant Subdivision Certificate:

- (i) A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act 1994*.
- (ii) Copies of the Subdivision Plans (original plus 6 copies).
- (iii) The private certifier's Compliance Certificate. Each component of the works as outlined above is to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent.

Certification as detailed within this condition (i.e. E3(iii)) would be required where relevant to the subdivision stage as outlined by consent condition B1.

In particular:

- the construction of the Water Management System is to be supervised and certified by person(s) with appropriate experience and expertise in Environmental Science, Hydrology and Hydraulics, and must be NPER registered members of the Institution of Engineers (Australia).
 - Works associated with the water management system have been completed in accordance with the Water Management Report required under conditions C5, C13, C14 and C18 of this consent. Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001).
 - Certification is to be provided to Council, by an experienced civil engineer who is NPER accredited by the Institution of Engineers Australia, that all roads, drainage and other civil engineering works relating to Warriewood Road, Lorikeet Grove and the development site have been carried out and completed in accordance with the engineering plans and specifications required under conditions C5, C9, C10, C11 and C14 of this consent.
- (iv) Creation of appropriate easements where public and/or private (interallotment) drainage lines pass through private property (including across the community title proposed access street and the community title bioretention basin & OSD basin).
- (v) Creation of appropriate easements where service lines or drainage lines pass through private property other than the lot which they benefit.
- (vi) Creation of 88B Instrument on the title of land over the floodway/failsafe overland flowpath, the intent of which restricts the alteration of surface levels and anything on the land which impedes or interferes with flood flows (including fences) unless approved by Council.
- (vii) Creation of 88B Instrument on the title of land upon which an Asset Protection Zone 12 metres wide to be provided requiring ongoing maintenance of the Asset Protection Zone and restricts the use of this land unless approved by Council.
- (viii) Where Material Public Benefits are involved, a Bank Guarantee for the difference between the value of the Material Public Benefit (MPB) and the value of the MPB works constructed for that stage.
- (ix) A copy of the updated Water Management Report and detailed design required under conditions C5, C14 and C15 of this consent must be submitted to Council. The Water Management Report must contain all reports, assessments and plans as required by the Warriewood Valley Water Management Specification (February 2001).
- (x) Works-As-Executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council. The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following:
- Boundary layout;
 - Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
 - Signage (including type and wording), line marking;
 - Easements, survey numbers and marks, reduced levels and co-ordinates;
 - Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains;
 - Water quality devices, ponds, creek line corridors, parkland, play equipment;
 - Significant landscaping.
- (xi) Notification to Council, certified by the appropriately qualified professional, of the properties to be notated under Section 149(2) for either Flood Category 1, Flood Category 2 (from mainstream and/or overland flow flooding), and/or Flood Category 3 (overland flow path major or minor) with supporting evidence of current detailed hydraulic modelling.
- (xii) Security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period. A maintenance period is to apply to all works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Subdivision Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or as would be reasonable expected under the design conditions.

- (xiii) Creation of 88B Instrument on the title of land over the temporary accessway 6.5m wide (being proposed Lot 7 in Stage 1 and Lot 16 in Stage 2A), the intent of which limits the use of this land as vehicular access onto Warriewood Road until such time as Lorikeet Grove is constructed to connect to Warriewood Road.
- (xiv) Proof of the undergrounding of utility services including overhead power supply and communication cables located in the adjacent road verge to be provided.
- (xv) Certification is to be submitted confirming all structures and introduced/ contaminated fill material within the creekline corridor land to be dedicated to Council has been removed.
- (xvi) Documentation of access arrangements, to the satisfaction of Council, to ensure access over the site to Narrabeen Creek to enable the carrying out of the works in the riparian corridor referred to in Condition B2(xvi).

Consent condition E4 is to be deleted and replaced to read as follows:

The dedication of 3,308m² of Narrabeen Creekline corridor (measured 25m from the centreline of Narrabeen Creek) is to be effected prior to or through the registration of the Subdivision Plan the subject of the Subdivision Certificate for Stage 2A. All structures and introduced/contaminated fill material within the creekline corridor land is to be removed prior to the creekline corridor land being dedicated to Council.

Consent condition E5 is to be deleted and replaced to read as follows:

Stage 2A of this consent relates to the subdivision of the residue lot (Lot 12) to create 29 residential lots and 1 common lot under Community Title. The applicant is to submit a Neighbourhood Development Contract and Community Management Statement which incorporates all of the statutory requirements of Schedule 2 of the Community Land Development Act, 1989 and is to specifically address the following:

- (i.) Cats, ferrets and rabbits are not permitted to be kept on the site.
- (ii.) Dogs being restricted to within the building at night and otherwise to be either within a fenced compound or on a lead.
- (iii.) Space management strategies including activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements being put in place and maintained.
- (iv.) Matters relevant under conditions E1 and E3 above, in particular the management and responsibility of the Neighbourhood Association for the water management facilities and access streets.

Consent condition E8 is to be deleted and replaced in its entirety as consent condition B22.

Consent condition E10 is to be added to read as follows.

The temporary vehicle turning area (located within Lot 23 of Stage 2A) is to be constructed to Councils standards and specifications prior to the issue of the subdivision certificate for stage 2A. The vehicle turning area is to be designed to accommodate the 3 point turn of Councils standard waste collection vehicle and a Fire and Rescue NSW appliance. The turning area is to also feature a structural engineers designed safety barrier to protect vehicles against any drop offs in accordance with the relevant Australian standard.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed

A handwritten signature in black ink, appearing to read 'Tyson Ek-Moller', written in a cursive style.

Tyson Ek-Moller, Planner

The application is determined under the delegated authority of:

Matthew Edmonds, Manager Development Assessments
























ATTACHMENT A

No notification plan recorded.

























ATTACHMENT B






















No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2018/049114	Pre-lodgement Details	21/12/2017
 2018/049109	Fee Calculation	21/12/2017
 2018/049115	Report - Statement of Environmental Effects	21/12/2017
 2018/049112	Owner's Consent	21/12/2017
 MOD2017/0344	29 Warriewood Road WARRIEWOOD NSW 2102 - Section 96 Modifications - Section 96 (AA) Court Consent	21/12/2017
 2018/001634	invoice for ram applications - Brad Pym	02/01/2018
 2018/001638	DA Acknowledgement Letter - Brad Pym	02/01/2018
 2018/002911	invoice for ram applications - Brad Pym	03/01/2018
 2018/049108	Development Application Form	12/01/2018
 2018/049111	Fee Form	12/01/2018
 2018/049105	Applicant Details	12/01/2018
 2018/049107	Development Application Checklist	12/01/2018
 2018/058800	DA Acknowledgement Letter (integrated) - Brad Pym	15/01/2018
 2018/058904	Waste Referral Response	15/01/2018
 2018/058962	Development Application Advertising Document - Brad Pym	15/01/2018
 2018/058992	Referral - External - Ausgrid: (SEPP Infra)	15/01/2018
 2018/058999	Referral - External - NSW State Transit (Bus Stops)	15/01/2018
 2018/059010	Referral - Integrated - NSW Rural Fire Service (Subdivisions and Special Fire Protection Purposes under Section 100B of Rural Fires Act)	15/01/2018
 2018/059388	Notification Letter - Mod	15/01/2018
 2018/061350	Natural Environment Referral Response - Riparian	16/01/2018
 2018/070013	NSW Government - NSW Rural Fire Service - External Referral Comments - MOD2017/0344 - 29 & 31 Warriewood Road Warriewood	18/01/2018
 2018/066596	Northern Beaches Council - Notice of Proposed Development Application - MOD2017/0344 - N0182/13 - 29 & 31 Warriewood Road Warriewood	18/01/2018
 2018/082709	Online Submission - Di Francesco	29/01/2018

2018/099020	NSW Government - NSW Rural Fire Service - External Referral Comments - MOD2017/0344 - 29 & 31 Warriewood Road Warriewood	07/02/2018
2018/133137	Dentons Australia Pty Ltd - Correspondence regarding issuing subdivision certificate - N0182/13 - 29-31 Warriewood Road Warriewood	14/02/2018
2018/128210	Natural Environment Referral Response - Flood	21/02/2018
2018/146624	Cr Heins - Cr response - Karinya Estate 30 Warriewood Road, Warriewood	02/03/2018
2018/158041	Mod2017/0344 - 29-31 Warriewood Road, Warriewood - Traffic Engineer Referral Response	06/03/2018
2018/170603	FW: Cr Heins - Cr response - Karinya Estate 30 Warriewood Road, Warriewood	13/03/2018
2018/172842	RE: Cr Heins - Cr response - Karinya Estate 30 Warriewood Road, Warriewood	14/03/2018
2018/177422	Interim Response - Nathan Cahill - 133A Seaforth Crescent Seaforth - Development Consent - DA0217/2016	15/03/2018
2018/196348	Initial biodiversity officer comments	19/03/2018
2018/196352	Confirmation regarding the date of the most recent advice from KWM	19/03/2018
2018/196362	Initial Development Engineering response and request for details from engineer	19/03/2018
2018/196669	Update to the applicant and request for additional info (amended plans)	20/03/2018
2018/196459	Request to KWM seeking advice on DPI comments	20/03/2018
2018/196485	Legal advice confirming S94 comments and that condition C19 does not require updating	21/03/2018
2018/196499	Confidential and privileged - Confirmation sought whether SC has been issued for the site	21/03/2018
2018/196692	Advice to property that property referral created/completed in Assess (comments from email referral inserted into Assess)	21/03/2018
2018/196510	Internal correspondence with flooding confirming that timing of creekline works would not affect flooding considerations	21/03/2018
2018/196695	Advice to Counsel that no subdivision certificate application received	22/03/2018
2018/196526	Biodiversity comments (Condition B7 - noxious weeds - does not require updating but changes recommended should it be required)	22/03/2018
2018/196575	Preliminary engineering comments (pending receipt of amended staging plans)	22/03/2018
2018/196602	Synopsis of internal referral progress and outcomes	22/03/2018
2018/196610	Update from applicant regarding submission of amended plans	23/03/2018
2018/196617	Updated flooding comments (supported/no conditions)	23/03/2018
2018/196731	Clarification of water management comments	23/03/2018

	2018/196734	Draft conditions to counsel	23/03/2018
	2018/197257	Update to Counsel	23/03/2018
	2018/197262	Update from Counsel to KWM	23/03/2018
	2018/197266	Update from KWM enquiring about additional information to be submitted	23/03/2018
	2018/219328	Dentons to KWM - unaware of any further information plans to be submitted 20180323 - 29-31 Warriewood Road, Warriewood [KWM-Documents.FID2437813]	23/03/2018
	2018/197268	Update to KWM regarding additional information sought from the applicant (includes email chain discussing this issue)	23/03/2018
	2018/198136	Request for update from applicant regarding submission of plans	26/03/2018
	2018/203889	Stage 2b plan	26/03/2018
	2018/203907	Response to applicant and clarification that CAD drawings are sought for the Stage 2b element of the subdivision	26/03/2018
	2018/202963	Development Engineering Referral Response	27/03/2018
	2018/204753	Conditions to Counsel for review	27/03/2018
	2018/245730	New Instruction : l8125 - to KWM - draft condition - 29-31 Warriewood Road	27/03/2018
	2018/207984	Amended subdivision staging plans (CAD drawings)	28/03/2018
	2018/207990	Acknowledgement from engineer of amended plans	28/03/2018
	2018/207548	Notification Letter to Warriewood Residents Association	28/03/2018
	2018/207606	Email Notification of Mod2017/0344 - 29-31 Warriewood Road, Warriewood - to Warriewood Residents Association	28/03/2018
	2018/207638	Corrected Email Notification of Mod2017/0344 - 29-31 Warriewood Road, Warriewood	28/03/2018
	2018/212905	Cr Heins - request - further information sought on Karinya	28/03/2018
	2018/207993	Response to applicant acknowledging amended pans	29/03/2018
	2018/208821	Additional engineering comments (recommendation unchanged, no further conditions added	29/03/2018
	2018/219330	Draft conditions provided to Dentons - Mod2017/0344 - 29-31 Warriewood Road, Warriewood [KWM-Documents.FID2437813]	05/04/2018
	2018/219334	Further comments in relation to the MPB proposal 41 Warriewood Road - MPB offer [DENTONS-Documents.FID4286542] [KWM-Documents.FID2437813]	05/04/2018
	2018/217296	Update from KWM to Counsel regarding conditions	05/04/2018
			

2018/219342	Update on the status of the assessment - to 22 May meeting - Mod2017/0344 - 29-31 Warriewood Road, Warriewood [KWM-Documents.FID2437813]	05/04/2018
 2018/221490	Cr Heins - Karinya Estate 30 Warriewood Road Warriewood	06/04/2018
 2018/228002	Internal update to DA Exec Manager	10/04/2018
 2018/228006	Internal update to solicitor	10/04/2018
 2018/231681	Correspondence between solicitor and development engineer regarding letter confirming access across site for creekline works	11/04/2018
 2018/231730	Update to DA Manager regarding request for letter about acces	11/04/2018
 2018/237743	Instruction from EM of DAs regarding completion of conditions	13/04/2018
 2018/237765	Instruction to solicitor (from EM) regarding finalisation of conditions	16/04/2018
 2018/238902	Internal response from EM for DAs regarding timeframes for determination	16/04/2018
 2018/246525	Update from solicitor regarding applicant response to to conditions	18/04/2018
 2018/246533	Tracked changes to draft conditions	18/04/2018
 2018/246536	Confirmation that no issues raised with conditions from applicant	18/04/2018
 2018/246538	Request for discussion with counsel prior to determination	18/04/2018
 2018/246552	Plans for approval to the solicitor/counsel for review	19/04/2018
 2018/245739	L8125 - proposal to amend s94 contributions plan - Mod2017/0344 - 29-31 Warriewood Road, Warriewood [KWM-Documents.FID2437813]	19/04/2018
 2018/246563	Amended conditions sent to solicitor/counsel (plans and orders attached for reference)	19/04/2018
 2018/250165	Revised list of conditions to solicitor	19/04/2018
 2018/250186	Enquiry from Counsel to EM of DAs confirming whether assessment to be completed	20/04/2018
 2018/255272	PE2018/02269 - Hughes - Complaint re Construction Works and Trucks Arriving Out of Hours - 29 Warriewood Road Warriewood	23/04/2018
 2018/254934	Update from solicitor	24/04/2018
 2018/260789	Correspondence to solicitor regarding conditions	27/04/2018
 2018/264431	Draft assessment report	01/05/2018