

10 June 2018

Boston Blyth Fleming Pty Ltd  
1/9 Narabang Way  
Belrose NSW 2085

Dear Sir/Madam

**Application Number:** Mod2018/0019  
**Address:** Lot 1 DP 5055 , 8 Forest Road, WARRIEWOOD NSW 2102  
**Proposed Development:** Modification of Development Consent N0440/15 for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping.

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

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at [www.northernbeaches.nsw.gov.au](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Rebecca Englund  
**Principal Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2018/0019
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Boston Blyth Fleming Pty Ltd
<b>Land to be developed (Address):</b>	Lot 1 DP 5055 , 8 Forest Road WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Modification of Development Consent N0440/15 for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping.

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	10/06/2018
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The request to modify the above-mentioned Development Consent has been approved as follows:

#### **A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:**

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

##### a) Modification Approved Plans

<b>Staging Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Staged Plan No. S001A	[undated]	[unknown]
Staged Plan No. S001B	[undated]	[unknown]
Staged Plan No. S002	[undated]	[unknown]
Staged Plan No. S003	[undated]	[unknown]
Stage 1 Stormwater Drainage Plan, Revision 1	03/04/2018	Martens & Associates Pty Ltd

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

c) 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.

#### **B. New Condition B72, to read as follows:**

The development is to be completed in three stages, in accordance with the Staging Plans (referenced in this consent) and as follows:

**Stage 1A:**

- (a) All works within the Jubilee Road public road reserve
- (b) All rehabilitation works, stormwater management infrastructure and landscaping within the inner creekline corridor to be dedicated to Council,
- (c) The temporary construction of the 8m wide driveway access and the Fire Access Road in a pervious material,
- (d) The establishment of all necessary APZs,
- (e) The provision of all services, including water, sewer, electricity, communications and stormwater, to Lots 2, 3 and 4,
- (f) The construction of the garage on Lot 3 or the construction of hardstand parking area in the location of the proposed garage,
- (g) Necessary fire protection upgrades to the existing dwelling on Lot 3, and
- (h) The erection of site protection fencing and sedimentation management measures around the perimeter of Lot 2.

**Stage 1B:**

- (a) The completion of all outstanding works with the exception of the works outlined to occur in Stage 2, below.
- (b) A temporary bollard is to be placed at the entrance (eastern end) of the 5.5m wide private access road to restrict vehicular access until Stage 2 is completed, and
- (c) Partial Strata subdivision limited to the Stage 1B works.

**Stage 2:**

- (a) The construction of Buildings C and D, and the landscaping around the perimeter of Buildings C and D in the area marked on the Approved Staging Plans,
- (b) The construction of the associated basement below Buildings C and D, as shown on the Approved Staging Plans,
- (c) "Stage 2" water management infrastructure, as nominated in the Stage 1 Stormwater Drainage Plan referenced in this consent.
- (d) The temporary bollard at the entrance (eastern end) of the 5.5m wide private access road is to be removed, and
- (e) Partial Strata Subdivision limited to the Stage 2 works.

All of the conditions of this consent, as relevant to each stage, are to be satisfied at each stage of the development.

**C. New Condition B73, to read as follows:**

The Torrens Title Subdivision of the Site into four lots may be undertaken following the completion of all Stage 1A works.

**D. New Condition B74, to read as follows:**

The Occupation Certificate issued in respect of the Stage 2 works must be a Final Occupation Certificate for the works across the site as a whole. An interim Occupation Certificate must not be issued in relation to Stage 2.

**E. New Condition B75, to read as follows:**

The Strata Subdivision of Stages 1B and 2 shall not occur until the works relevant to the respective stage have been completed and an Occupation Certificate for the respective stage has been issued.

**F. Amend Condition C9, to read as follows:**

A monetary contribution of \$4,724,933.82 (subject to (a) below) and dedication of 5,796 square metres of creek line land is to be made to Council for the provision of public infrastructure and services pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

1. 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 2). The monetary contribution is to be paid prior to issue of the first Construction Certificate.
2. The Applicant is required to dedicate to Northern Beaches Council a total of 5,796 square metres of land for the provision of multi-functional creek line corridor facilities, identified as Lot 1 on the Plan of Subdivision titled 'Proposed Subdivision of Lot 1 DP 5055', Sheet No.1 of 1, reference 15/99, prepared by Pulver Cooper & Blackley, dated 21 March 2018 (by Council). The dedication is to take place by way of Torrens Title subdivision following the completion of Stage 1A works. Evidence that the Deposited Plan has been registered with NSW Land and Property Information shall be provided to Council prior to the issue of any Occupation Certificate for the dwellings.
3. The Applicant 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 in accordance with the Warriewood Valley Section 94 Contributions Plan (Amendment 16 Revision 2). Any Material Public Benefit agreement between the Applicant and Council must be finalised, formally signed and in place prior to payment of the monetary contribution being made.

The Warriewood Valley Section 94 Contributions Plan (Plan No.15) may be inspected at Northern Beaches Council's Mona Vale Office, 1 Park Street Mona Vale or Council's website <http://www.northernbeaches.nsw.gov.au/>

**G. Amend Condition E18, to read as follows:**

Evidence is to be provided to confirm the engagement of a suitably qualified landscape architect who will be responsible for the implementation of the Landscape Maintenance Plan for a minimum period of 24 months. The landscape architect is to confirm that they will undertake to:

1. visit the site immediately following completion of the landscaping and hardscape works on site (those other than in the creekline corridor); and
2. visit the site on a three (3) monthly basis for a period of 24 months to ensure implementation of the Landscape Maintenance Plan.

The required 24 month maintenance period is to continue/extend for a minimum of 12 months from the date of issuance of the final Occupation Certificate for the site.

**H. Amend Condition E19, to read as follows:**

Evidence is to be provided to confirm the engagement of a suitably qualified ecologist who will be responsible for the implementation of the Vegetation Management Plan for a minimum period of 24 months. The ecologist is to confirm that they will undertake to:

1. visit the site immediately following completion of the landscaping and hardscape works on site; and
2. visit the site on a three (3) monthly basis for a period of 24 months to ensure implementation of the Landscape Maintenance Plan.

The required 24 month period is to continue/extend for a minimum of 12 months from the date of issuance of the final Occupation Certificate for the site.

**I. Delete Condition F1.**

**J. Delete Condition F2.**

**K. Delete Condition F3.**

**L. New Condition F4, to read as follows:**

The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the Torrens Title Subdivision Certificate:

- (a) A copy of any necessary Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994;
- (b) Copies of the Subdivision Plans,
- (c) The Certifying Authority's Compliance Certificates in relation to Stage 1A. Each component of the works as outlined above are 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 is to include:
  - (i) Certification to Council, by an experienced civil engineer who is listed on the National Engineers Register (NER) NER maintained by Engineers Australia, that all drainage, roadworks and other civil engineering works have been carried out and completed in accordance with the engineering plans and specifications required under the Conditions of this Consent.
  - (ii) All appropriate infrastructure as outlined in the Conditions of Consent and approved Construction Certificate plans and specifications has been provided to service the proposed lots.
  - (iii) The construction of the water management system has been supervised and certified by person(s) with appropriate experience and expertise in Civil/Environmental Engineering/Environmental Science, Hydrology and Hydraulics, and must be listed on the National Engineers Register (NER) maintained by Engineers Australia.
  - (iv) Works associated with the water management system have been completed in accordance with information required under the conditions of this consent (including the deferred commencement conditions) and have been installed to the manufacturers' specification (where applicable). Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001);
- (d) Security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.
- (e) Creation of appropriate easements where service lines or drainage lines pass through private property other than the lot which they benefit.
- (f) Certification of appropriate easements to provide legal access over the 8m wide internal road for all owners/occupants of 4 Forest Road and the Community Title estate previously known 6 Forest Road (all dwellings in Bert Close, Valley Place and Hillview Crescent).

- (g) Certification of the temporary construction of the 8m wide driveway access and the Fire Access Road in a pervious material.
- (h) Evidence of the payment of s94 contributions.
- (i) The creation of a s88B instrument relating to relevant lots requiring the ongoing provision of the APZs.
- (j) The creation of a s88B instrument, that is to be carried onto the title of any future dwellings on the site, to advise that vehicular access via Jubilee Avenue will be closed once vehicular access to Forest Road becomes available.
- (k) The creation of a s88B instrument relating to the Flood Emergency Response Plan.
- (l) Notification to Council, certified by an appropriately qualified Water Engineer, of any properties to be notated under Section 149(2) Planning Certificates and specifying the applicable flood categories as set out in the Flood Risk Management Policy for Development in Pittwater (Pittwater 21 DCP Appendix 8).
- (m) Works-As-Executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements/public road reserves 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 (where relevant):
  - (i) Boundary layout;
  - (ii) Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
  - (iii) Signage (including type and wording), line marking;
  - (iv) Easements, survey numbers and marks, reduced levels and co-ordinates;
  - (v) Water quality devices, creek line corridors (where relevant);
  - (vi) Significant landscaping.
- (n) The creation of a s88B instrument detailing the maintenance requirements of the communal water management facilities, as outlined in the approved Water Management Report referenced in this consent and amended via condition.
- (o) The creation of appropriate easements to ensure that Lots 2, 3 and 4 have legal access over all proposed internal roads.
- (p) Certification from a suitably qualified landscape architect and ecologist that the landscaping and rehabilitation works in the inner creekline corridor (Lot 1) have been completed and demonstrated evidence that a suitably qualified Landscape Architect and Ecologist have been engaged to ensure consistency with the Landscape Plans and VMP for the associated 24 month minimum maintenance periods.

**M. New Condition F5, to read as follows:**

The following documents and payments are to be submitted to the Certifying Authority in a single package to ensure the efficient release of the Strata Title Subdivision Certificate:

- (a) A copy of any necessary Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994;
- (b) Copies of the Subdivision Plans,
- (c) The Certifying Authority's Compliance Certificates in relation to the relevant stage. Each component of the works as outlined above are 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 is to include:
  - (i) Certification to Council, by an experienced civil engineer who is listed on the National Engineers Register (NER) NER maintained by Engineers Australia, that all drainage, roadworks and other civil engineering works have been carried out and completed in

accordance with the engineering plans and specifications required under the Conditions of this Consent.

- (ii) All appropriate infrastructure as outlined in the Conditions of Consent and approved Construction Certificate plans and specifications has been provided to service the proposed lots.
  - (iii) The construction of the water management system has been supervised and certified by person(s) with appropriate experience and expertise in Civil/Environmental Engineering/Environmental Science, Hydrology and Hydraulics, and must be listed on the National Engineers Register (NER) maintained by Engineers Australia.
  - (iv) Works associated with the water management system have been completed in accordance with information required under the conditions of this consent (including the deferred commencement conditions) and have been installed to the manufacturers' specification (where applicable). Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001);
- (d) Security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.
  - (e) The creation of a s88B instrument to advise that vehicular access via Jubilee Avenue will be closed once vehicular access to Forest Road becomes available.
  - (f) The creation of a s88B instrument relating to the rainwater tanks within the apartment buildings and townhouses and the requirement to provide to connect each apartment and townhouse to the rainwater tanks for the purposes of cold water laundry and toilet flushing purposes.
  - (g) Works-As-Executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements/public road reserves 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 (where relevant):
    - (i) Boundary layout;
    - (ii) Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
    - (iii) Signage (including type and wording), line marking;
    - (iv) Easements, survey numbers and marks, reduced levels and co-ordinates;
    - (v) Water quality devices, creek line corridors (where relevant);
    - (vi) Significant landscaping.
  - (h) A Certificate by a qualified Engineer or Architect confirming that all driveways have been constructed in accordance with the approved plans and Council's Pittwater 21 DCP.
  - (i) Certification from a suitably qualified Landscape Architect that the works shown on the approved Landscape Plans have been completed, and demonstrated evidence that the Landscape Architect has been engaged for the associated 24 month minimum maintenance period, and for at least 12 months from the date of issuance of the Final Occupation Certificate.
  - (j) Certification from a suitably qualified ecologist that the works prescribed by the approved VMP have been implemented, and will continue to be implemented for the associated 24 month minimum maintenance period, and for at least 12 months from the date of issuance of the Final Occupation Certificate.
  - (k) An updated Water Management report shall be prepared in accordance with the requirements of the Water Management Specification (2001) and the conditions of this consent and include a completed checklist from the WMS (2001) to be signed by an engineer that is listed on the National Engineers Register maintained by Engineers Australia. The updated report shall be submitted to the Principal Certifying Authority.
  - (l) Confirmation from Council that the inner creekline corridor has been reasonably maintained

and has not been damaged or polluted as a result of construction associated with resultant stages.

## Important Information

This letter should therefore be read in conjunction with Development Consent N0440/15 dated 3 May 2017, and Modification Application N0440/15/S96/1, dated 9 April 2018..

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.

Section 97AA 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.

## Right to Review by the Council

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

*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**             10/06/2018