

12 March 2019



Craig & Rhodes Pty Ltd
Po Box 3220
RHODES NSW 2138

Dear Sir/Madam

Application Number: Mod2018/0617
Address: Lot 31 DP 5464 , 31 Warriewood Road, WARRIEWOOD NSW 2102
Lot 30 DP 5464 , 29 Warriewood Road, WARRIEWOOD NSW 2102
Proposed Development: Modification of Development Consent N0182/13 granted for the 40
Lot community title subdivision of the existing sites

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

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Rebecca Englund
Principal Planner

NOTICE OF DETERMINATION

Application Number:	Mod2018/0617
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Craig & Rhodes Pty Ltd
Land to be developed (Address):	Lot 31 DP 5464 , 31 Warriewood Road WARRIEWOOD NSW 2102 Lot 30 DP 5464 , 29 Warriewood Road WARRIEWOOD NSW 2102
Proposed Development:	Modification of Development Consent N0182/13 granted for the 40 Lot community title subdivision of the existing sites

DETERMINATION - APPROVED

Made on (Date)	12/03/2019
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition A0 - '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) the approved plans and documents listed in Annexure "B", being the Notice to Applicant of Determination of a Development Application relating to N0182/13, dated 3 August 2015 and signed 13 August 2015,
- b) as modified by the Notice of Determination of Mod2017/0344 dated 27 April 2018,
- c) as further modified by:

Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Plan of Subdivision of Lots 30 & 31 Section C DP 5464, sheets 1 to 4 of 4	14 March 2018	Andrew Richard Thomas

- d) Any plans and / or documentation submitted to satisfy the conditions of this consent.

B. Modify Condition B1 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 **3,200m²**.

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 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.

C. Modify Condition C19 to read as follows:

- (i) The following is to be made for the provision of public infrastructure and services pursuant to s 94 of the Environmental Planning and Assessment Act 1979:
 - a. Payment of a cash contribution of \$1,936,715.64. The cash component of the Development Contribution is to be paid prior to the issue of the Subdivision Certificate or 1 September 2016 (whichever is the earlier to occur):
 - b. Dedication of **3,200m²** of creekline corridor **reduced from** 3,308m². The creekline corridor land dedication is to be effected prior to or on registration of the subdivision for Stage 2 in accordance with Condition E4. (Note: the creekline corridor land dedication has been deducted from the cash contribution which would otherwise be payable. The base (unimproved) valuation for the creekline corridor is \$146.67 per m² based on the current Section 94 Contributions Plan adopted 1 September 2008, Table 6.2, page 43, wherein the property is in Buffer Area 1).
- (ii) The proponent/applicant is to provide a bank guarantee:
 - a. For the full amount of the cash contribution of \$1,936,715.64;
 - b. In which the bank unconditionally pays the guaranteed sum to Council as requested by Council in writing not earlier than 12 months from the provision of the guarantee or completion of the work;
 - c. In which the bank must pay the guaranteed sum without reference to the applicant/proponent or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;
 - d. In which the guarantee shall not be cancelled until such time as the cash contribution is paid;
 - e. In which the applicant/proponent is responsible for any charges associated with establishing or operating the bank guarantee.
- (iii) Interest shall accrue on any unpaid balance of the cash contribution identified above at the rate of 4% per annum, which interest shall accrue from the issue of the first construction certificate or 1 January 2016, whichever is the earlier to occur. The interest is to be paid at the same time as the payment of the cash contribution.
- (iv) In accordance with the Warriewood Valley Section 94 Contributions Plan No.15, the proponent/applicant may negotiate with Council for the direct provision of other facilities and services and dedication of land (other than the dedication of **3,200m²** of land stated above) in lieu of the cash contribution above (or any portion of that cash contribution) or deferral of payments through an agreement for Material Public Benefit under the Warriewood Valley Section 94 Contributions Plan No.15. Where an agreement for Material Public Benefit is sought regarding the

payment of cash contributions, the agreement for material public benefit is to be finalised and signed by the proponent and Council prior to the issue of the first construction certificate.

- (v) ***A cash contribution of \$16,529.07 reflecting the reduced area of creekline corridor land to be dedicated to Council. This additional cash contribution is to be paid prior to the issue of the Subdivision Certificate for Stage 1. The monetary contribution is to be adjusted by CPI at the time of payment in accordance with the Warriewood Valley Contributions Plan Amendment 16 (as amended).***

D. Amend Condition E4 to read as follows:

The dedication of 3,200m² of Narrabeen Creekline corridor is to be effected prior to or through the registration of the Subdivision Plan the subject of the Subdivision Certificate for Stage 2A.

E. New Condition B22 to read as follows:

The shared pathway within the inner creekline corridor to be dedicated to Council is to align with the as-built shared pathway on the adjoining property at 41 Warriewood Road, Warriewood.

F. New Condition B23 to read as follows:

The as-built block work retaining walls and fill in the north-western corner of Lot 13 are to be removed and the land is to be battered in accordance with the recommendations of a suitably qualified geotechnical engineer. Furthermore, the as-built hole (for the sewer works) adjacent to the shared pathway connection to 41 Warriewood Road is to be filled to match with the level of the adjoining shared pathway and the required batter. Evidence of the completion of these works is to be submitted to Council within 28 days of the date of issuance of this modification application (Mod2018/0617).

Important Information

This letter should therefore be read in conjunction with N0182/13 dated 15 October 2014, N0182/13/S96/1 dated 3 August 2015, Mod2018/0344 dated 27 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

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Name Rebecca Englund, Principal Planner

Date 12/03/2019