

23 October 2018

Skycorp Holdings Pty Ltd
Suite 602 Tower B The Zenith 821 Pacific Highway
CHATSWOOD NSW 2067

Dear Sir/Madam

Application Number: Mod2018/0376
Address: Lot 6 DP 736961 , 10 Fern Creek Road, WARRIEWOOD NSW 2102
Proposed Development: Modification of Development Consent N0540/15 granted for a twenty 20 lot community title subdivision and construction of associated infrastructure and access roads

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: | Mod2018/0376 |
| Determination Type: | Modification of Development Consent |

APPLICATION DETAILS

| | |
|--|---|
| Applicant: | Skycorp Holdings Pty Ltd |
| Land to be developed (Address): | Lot 6 DP 736961 , 10 Fern Creek Road WARRIEWOOD NSW 2102 |
| Proposed Development: | Modification of Development Consent N0540/15 granted for a twenty 20 lot community title subdivision and construction of associated infrastructure and access roads |

DETERMINATION - APPROVED

| | |
|-----------------------|------------|
| Made on (Date) | 23/10/2018 |
|-----------------------|------------|

The request to modify the above-mentioned Development Consent has been approved as follows:

A. Amend Condition A1 to read:

The development is to be undertaken in accordance with the following plans and documents:

1. Letter from Willow Tree Planting "Development Application N540/15 - 10 Fern Creek Road, Warriewood, Proposed 20 Lot Community Title Subdivision. Response to Statement of Facts and Contentions Dated 23 March 2016 and Following discussion at Section 34 Conference on 11 May 2016" dated 19 May 2016.
2. Letter from Northrop "Development Application N540/15 - 10 Fern Creek Road, Warriewood, Proposed 20 Lot Community Title Subdivision. Response to Statement of Facts and Contentions Dated 23 March 2016 and Following discussion at Section 34 Conference on 11 May 2016" dated 18 May 2016.
3. Letter from Northrop " 6 Orchard Street Stage 2 and 10 Fern Creek Road, Warriewood Valley Residential Subdivision (DA N0470/15) and (DA N0540/15) - Additional DA Information in Response to Section 34 Conference" dated 25 May 2016
4. Updated Plan of Subdivision, dated May 2016, prepared by Stephen Bowers Architects.
Drawings numbered:
 - DA-01 (Revision B)
 - DA-02 (Revision B)
 - SK-01 (bulk earthworks plan)
5. Updated civil engineering drawings, dated May 2016, prepared by Northrop. Drawings numbered:
 - DA1.11 (Revision 6)
 - DA1.31 (Revision 5)
 - DA3.11 (Revision 1)
 - DA4.01 (Revision 5)
 - DA4.02 (Revision 5)

- DA4.21 (Revision 5)
- DA4.22 (Revision 4)
- DA4.31 (Revision 5)
- 6. Arboricultural Statement and Tree Protection Method prepared by Treehaven Envirosapes dated 31 May 2016, together with Addendum to Arboricultural Statement and Tree protection Method prepared by Treehaven Envirosapes dated 15 June 2016, and accompanying Tree Schedule v03.
- 7. Design to Existing Cut to Fill Diagram, dated 14 June 2016, prepared by Stephen Bowers Architects. Drawing number DA3,11 (Revision 3).
- 8. Tree Retention and Removal Plan, dated 20 June 2016, prepared by sym.studio. Drawings numbered:
 - ASC07.1-SK-01 (Issue G)
 - ASC07.1-SK-02 (Issue G)
- 9. Landscape Plans, dated 17 September 2015, prepared by sym.studio. Drawing numbers:
 - ASC07.1-DD-101 (Issue E)
 - ASC07.1-DD-102 (Issue F)
- 10. Community Management Statement, prepared by Phillipa Russel Lawyers, dated 20 June 2016.

as further modified by:

- 1. *Modified Landscape Plans, ASC07.1-DD-100 issue J, ASC07.1-DD-101 Issue I and ASC07.1-DD-102 Issue I, prepared by Sym Studio, dated 22 June 2018*

B. Modify Condition C10 to read as follows:

Prior to the issuance of a Construction Certificate, written approval under Section 139 of the Roads Act is to be obtained from Council for the works within the Fern Creek Road reserve up to the centreline and for the full length of the development site. Engineering plans and specifications for the said works are to include the following:

- a. The works in relation to the full length of the Fern Creek Road frontage of the development site and including the works in relation to the vehicular access to the development are to be provided.
- b. Kerb and gutter and associated stormwater drainage to drain the road pavement for the full length of the roadway of that part of Fern Creek Road for the full frontage of the site subject to this consent (vertical faced kerb only will be permitted).
- c. Road shoulder and road pavement construction including pavement design and treatments up to the road centre line in Fern Creek Road for the full frontage of the site subject to this consent.
- d. Footpath/cycleway 2.1 metres wide for the full length of the frontage in Fern Creek Road at a level to match the kerb and gutter, is to be provided.
- e. Pavement design and treatments.
- f. The public shared path in Fern Creek Road is to be wholly located on public land.
- g. The intersection of the Community Title roads with Fern Creek Road is to be designed to cater for safe movements by a 12.0 metre long single unit truck (Austroads standard) entering and leaving the Community Title road.
- h. Street lighting using Ausgrid standard lights/poles is to be provided in Fern Creek Road with lighting of the pedestrian refuge and intersection to meet the relevant RMS and Australian Standards.
- i. The undergrounding of existing services, including overhead power supply and communication cables, for the full length of the public road reserve.
- j. Street name signs (complying to Council's requirements) to be provided in Fern Creek Road at the

intersection with the Community Title roads.

- k. All traffic facilities in Fern Creek Road to be designed to cater for semi-trailers and articulated buses with no vehicle overhang of nature strips and a minimum 300mm as a clearance of all kerb and traffic islands, for all wheel paths.
- l. The road design plans for Fern Creek Road are to extend for a minimum distance of 30 metres along Fern Creek Road beyond the side boundaries of both sides of the site to ensure the works will match into future roadworks in Fern Creek Road in front of adjacent properties.
- m. The roadway of the intersection of the Community Title road with Fern Creek Road is to be constructed in concrete from the edge of the road carriageway (kerb and gutter) in Fern Creek Road for the full width of the nature strip.
- n. Landscaping incorporating:
 - i. A 2.1m wide footpath along the Fern Creek Road verge frontage of Lot 2, Lot 3, Lot 4, and a portion of Lot 21 adjacent to Lot 4, shall be located directly behind the kerb, with no landscape strip between the kerb and footpath.
 - ii. A 2.1m wide footpath along the Fern Creek Road verge (north-south alignment) fronting a portion of Lot 21, Lot 10, Lot 11, Lot 12, Lot 13, and Lot 14, shall be located 600mm from the property boundary.
 - iii. A 1.5m wide footpath along the Community Title road adjacent to Lot 12, shall be located 600mm from the property boundary.
 - iv. All underground utility services located under the footpath.
 - v. Kerb ramps located in association with the footpaths for all road crossings.
 - vi. Along the Fern Creek road verge, a total of 16 *Angophora costata* street trees shall be planted.
 - vii. *Road reserve street tree planting shall be in accordance with the following requirements:*
 - all street trees shall be installed in accordance with the Modified Landscape Plans referenced in this consent
 - each 100L size tree shall be at least 2.5 metres tall, with a minimum 40mm caliper
 - each 200L size tree shall be at least 3.0 metres tall, with a minimum 50mm caliper
 - each street tree is to be protected by a tree guard
 - all street trees shall be located a minimum of 1.5m from the back of kerb
 - understorey planting to all street trees shall be in accordance with the Modified Landscape Plans referenced in this consent
- o. Any inconsistencies between proposed plans are to be clarified and resubmitted for consideration.

The plans required above are to meet the objectives and requirements of the Warriewood Valley Roads Master Plan, Austroads, AusSPEC, and P21 DCP and achieve a road design and landscaped effect consistent with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).

The engineering design and plans for road and drainage works must be certified as meeting the requirements outlined above by a suitably qualified and experienced Civil Engineer who is NPER accredited by the Institution of Engineers (Australia) prior to submission to Council.

C. Amend Condition E8, to read as follows:

A suitably qualified landscape architect is to provide certification that the landscaping and replacement canopy tree plantings has been undertaken on the individual residential allotments and within the proposed and existing road reserves, in accordance with the Modified Landscape Plans referenced in this consent.

Important Information

This letter should therefore be read in conjunction with N0540/15 dated 20 June 2016.

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



Name Rebecca Englund, Principal Planner

Date 23/10/2018