

8th October 2021

The General Manager
Northern Beaches Council
PO Box 882
Mona Vale NSW 1660

Dear Sir,

Statement of Environmental Effects
S4.56 Modification of Land and Environment Court Issued Consent
Proceedings No 10083 of 2016 (DA N0440/15)
Boston Blyth Fleming ats Northern Beaches Council
Proposed Residential Development
Lot 1, DP 5055, No. 8 Forest Road, Warriewood

1.0 Introduction

On 3rd May 2017, the Land and Environment Court of NSW (the Court) upheld an appeal and granted deferred commencement consent to the above development involving the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping. The deferred commencement conditions have been satisfied and the consent now operative.

This consent has been modified on a number of occasions with modification Mod2018/0019, dated 10th June 2018, introducing a staging plan to enable the staging of the approved development works. This application made pursuant to section 4.56 of the Environmental Planning and Assessment Act ,1979 (the Act) seeks to remove the staging plan and instead modify the wording of a number of conditions relating to certain matters that need to be satisfied prior to issue of a Construction Certificate or Occupation Certificate to facilitate the staging of works within the scope of the original development consent.

As the modifications do not alter the previously approved land-use or built form circumstances Council can be satisfied that the modifications involve minimal environmental impact and the development as modified represents substantially the same development as originally approved. Accordingly, the application is appropriately dealt with by way of section 4.56 of the Act.

2.0 Proposed modifications

The application proposes the deletion/modification/reinstatement of the following conditions:

Deletion of the following conditions

Deletion of condition No. 1A
Deletion of condition B72
Deletion of condition B73
Deletion of condition B74
Deletion of condition B75
Deletion of condition F4

Reinstatement of the following original Court imposed conditions

Condition F1
Condition F2
Condition F3.

Modification of the following conditions

Modification of the heading at Section C to read “Conditions to be satisfied prior to the issue of the relevant Construction Certificate”.

Modification of Conditions C4, C6, C7, C8, C10, C15, C17, C18, C19, C20, C21 and C22 to refer to “the relevant Construction Certificate”.

Modification of the heading at Section E to read “Conditions that must be complied with prior to issue of the relevant Occupation Certificate”.

Modification of Conditions E1, E2, E3, E4, E5, E6, E9 and E13 to refer to “prior to the issue of the relevant Occupation Certificate”.

3.0 Conclusion

This application made pursuant to section 4.56 of the Environmental Planning and Assessment Act ,1979 (the Act) seeks to remove the staging plan and instead modify the wording of a number of conditions relating to certain matters that need to be satisfied prior to issue of a Construction Certificate or Occupation Certificate to facilitate the staging of works within the scope of the original development consent.

As the modifications do not alter the previously approved land-use or built form circumstances Council can be satisfied that the modifications involve minimal environmental impact and the development as modified represents substantially the same development as originally approved.

Accordingly, the application is appropriately dealt with by way of section 4.56 of the Act.

Yours faithfully

Boston Blyth Fleming Pty Limited

A handwritten signature in black ink, appearing to read 'Greg Boston', written in a cursive style.

Greg Boston
B Urb & Reg Plan (UNE) MPIA
B Env Hlth (UWS)
Director