

2 May 2018



Brad Pym  
119 Willoughby Road  
Crows Nest NSW 2065

Dear Sir/Madam

**Application Number:** Mod2017/0344  
**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

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,



Tyson Ek-Moller  
**Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2017/0344
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Brad Pym
<b>Land to be developed (Address):</b>	Lot 30 DP 5464 , 29 Warriewood Road WARRIEWOOD NSW 2102 Lot 31 DP 5464 , 31 Warriewood Road WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Modification of Development Consent N0182/13 granted for the 40 Lot subdivision of existing sites and demolition of existing structures

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	27/04/2018
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The request to modify the above-mentioned Development Consent has been approved as follows:

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 3,308m<sup>2</sup> (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 3,308m<sup>2</sup> 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.

## **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.

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





northern  
beaches  
council

A handwritten signature in black ink, appearing to read 'Tyson Ek-Moller', positioned above a horizontal line.

Name Tyson Ek-Moller, Planner

Date 27/04/2018