

2 March 2022



8 Forest Road Pty Ltd
C/- BBF Planners 1/9 Narabang Way
BELROSE NSW 2085

Dear Sir/Madam

Application Number: Mod2021/0816
Address: Lot 1 DP 5055 , 8 Forest Road, WARRIEWOOD NSW 2102
Proposed Development: Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings

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,



Peter Robinson
Executive Manager Development Assessment

NOTICE OF DETERMINATION

Application Number:	Mod2021/0816
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	8 Forest Road Pty Ltd
Land to be developed (Address):	Lot 1 DP 5055 , 8 Forest Road WARRIEWOOD NSW 2102
Proposed Development:	Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings

DETERMINATION - APPROVED

Made on (Date)	24/02/2022
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The request to modify the above-mentioned Development Consent has been approved as follows:

- A. Delete Condition no. A1.**
- B. Add Condition no. A1C to read as follows:**

The development must be carried out in accordance with the recommendations of the report Aboriginal Heritage Due Diligence by Futurepast Heritage Consulting Pty Ltd dated October 2015 (except as amended by any other condition of consent).

Reason: Protection of Aboriginal heritage.

- C. Delete Condition no. B72.**
- D. Delete Condition no. B73.**
- E. Delete Condition no. B74.**
- F. Delete Condition no. B75.**

- G. Modify Condition no. C4 to read as follows:**

Construction works approved by this consent must not commence until:

The relevant Construction Certificate has been issued by a Principal Certifying Authority

A Principal Certifying Authority has been appointed and Council has been notified in writing of the

appointment, and c. At least 2 days' notice, in writing has been given to Council of the intention to commence work.

H. Modify Condition no. C6 to read as follows:

An Erosion and Sediment Management Plan is to be submitted prior to the issue of **the relevant** Construction Certificate. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of Managing Urban Stormwater.' Soils and Construction (Landcom 2004). The plan is also to include specific details required to remove fine sediment and clay from vehicles leaving the site so as to maintain public roads in a clean condition.

I. Modify Condition no. C7 to read as follows:

Engineering plans and specifications for the construction of all roads, drainage and other civil engineering works required by this consent within all Community Title roads or driveways are to be certified by a suitably qualified and experienced Civil Engineer who is listed on the National Engineers Register (NER) maintained by Engineers Australia prior to the issue of **the relevant** Construction Certificate.

J. Modify Condition no. C8 to read as follows:

A satisfactory Construction Traffic Management Plan (CTMP) prepared by a suitably qualified traffic consultant is to be submitted prior to the issue of **the relevant** Construction Certificate. The CTMP is to detail:

- a) Quantity of material to be transported,
- b) Proposed truck movements per day,
- c) Proposed hours of operation, and
- d) Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the local government area.
- e) Location of on/off site parking for workers associated with construction for the whole period of construction.

K. Modify Condition no. C9 to read as follows:

The applicant must pay a total development contribution to Council equivalent to \$5,034,382.26 in accordance with the Warriewood Valley Contributions Plan (as amended). This contribution is comprised of:

- a) A monetary contribution of \$4,724,933.82 and
- b) Dedication of 5,796sqm of creekline corridor land, shown as Lot 1 on plan 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 monetary contribution must be paid prior to the issue of any Construction Certificate or Subdivision Certificate, whichever occurs first. The monetary contribution includes a \$309,448.44 discount for the dedication of creekline corridor land. The monetary contribution will be adjusted at the time the payment is made, in accordance with the provisions of the Warriewood Valley Contributions Plan (as amended).

The dedication of creekline corridor land is to occur by way of subdivision and must NOT occur until all approved works within this land have been completed. The dedication must occur prior to the release of any Occupation Certificate.

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land (other than land identified above) in lieu of the monetary contribution above (or any portion of that monetary contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the Applicant in accordance with the Warriewood Valley Development Contributions Plan (as amended). The agreement for Material Public Benefit between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

A copy of the development contributions plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website.

Reason: To provide for contributions in accordance with the Contribution Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area.

L. Modify Condition no. C10 to read as follows:

A suitably qualified professional is to provide certification that the **relevant** Construction Certificate detail is consistent with the relevant provisions of the General Terms of Approval, issued by the NSW Office of Water, as referenced in this consent.

M. Modify Condition no. C15 to read as follows:

Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the **relevant** Construction Certificate or complying development plans and specifications are fulfilled.

N. Modify Condition no. C17 to read as follows:

The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the Sydney Water Act, 1994. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the **relevant** Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to 'Water Servicing Coordinator' under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

O. Modify Condition no. C18 to read as follows:

Structural Engineering details relating to the approved development are to be submitted to the Accredited Certifier or Council prior to release of the **relevant** Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer who is registered on the National Engineers Register (NER) maintained by Engineers Australia and has appropriate experience and competence in the related field.

P. Modify Condition no. C19 to read as follows:

Prior to the issue of the **relevant** Construction Certificate the development should be re-assessed using flood modelling that was established as part of the Flood Study (Martens & Associates, 2017, Version 5 or as updated) to demonstrate that no lots are flood affected in the 100 year average recurrence interval flood event plus 30% increase in rainfall intensity (for climate change). The flood modelling should also demonstrate no impact on flood levels on other properties in accordance with the requirements of Councils DCP.

Q. Modify Condition no. C20 to read as follows:

Civil engineering detailed design for the proposed works are to be submitted to the Accredited Certifier or Council with the **relevant** Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who is registered on the National Engineers Register (NER) maintained by Engineers Australia and has appropriate experience and competence in the related field.

The design shall take regard of all of the requirements of the Water Management Specification (2001) and the Water Management Report (Martens & Associates, 2017, Version 4. or as updated).

R. Modify Condition no. C21 to read as follows:

Prior to the issue of **the relevant** Construction Certificate, 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 VA(MS (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.

S. Modify Condition no. C22 to read as follows:

Prior to issue of the **relevant** Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.

T. Modify Condition no. E1 to read as follows:

Prior to the issue of the relevant Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.

U. Modify Condition no. E2 to read as follows:

A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994, is to be forwarded to Council or the Private Certifying Authority **prior to the issue of the relevant** Occupation Certificate.

V. Modify Condition no. E3 to read as follows:

All dwellings are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of **the relevant** Occupation Certificate.

W. Modify Condition no. E4 to read as follows:

Prior to issue of the **relevant** Occupation Certificate. Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.

X. Modify Condition no. E5 to read as follows:

Damage to Council's assets adjacent or near to the site that has occurred as a result of this development, including road, kerb and gutter and drainage facilities, are to be repaired to Council's written satisfaction prior to the issue of **the relevant** Occupation Certificate. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction is to occur at the full cost to the developer. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the accredited certifier with the Occupation Certificate application.

Y. Modify Condition no. E6 to read as follows:

All infrastructure works, including roads, drainage, landscaping and civil engineering works, required under this Consent are to be completed prior to the issue of the **relevant** Occupation Certificate.

Z. Modify Condition no. E9 to read as follows:

A qualified landscape architect is to certify that all landscaping works have been undertaken prior to the issuing of **the relevant** Occupation Certificate. The landscape architect is to confirm that all plants are arranged and spaced, so that they present as a grown completed landscape.

AA. Modify Condition no. E13 to read as follows:

A maintenance period is to apply to all civil engineering 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 **relevant** Occupation 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 would reasonably be expected under the design conditions. A security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.

BB. Delete Condition no. F4.

CC. Reinstate Condition no. F1 from Development Consent N0440/15.

DD. Reinstate Condition no. F2 from Development Consent N0440/15.

EE. Reinstate Condition no. F3 from Development Consent N0440/15.

Important Information

This letter should therefore be read in conjunction with N0440/15 dated 03 May 2017; N0440/15/S96/1 dated 09 April 2018; MOD2018/0019 dated 10 June 2018; and MOD2018/0566 dated 13 December 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.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application must be submitted to Council within 28 days of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 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.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority



Name Peter Robinson
Executive Manager Development Assessment

Date 24/02/2022

NOTE: Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 24/02/2022.