

2 May 2024

The Trustee For Morehuman Warriewood Unit Trust  
3 Rider Boulevard  
RHODES NSW 2138

Dear Sir/Madam

**Application Number:** Mod2024/0129  
**Address:** Lot 7 DP 1251955 , 121 Dove Lane, WARRIEWOOD NSW 2102  
**Proposed Development:** Modification of Development Consent DA2020/1727 granted for Subdivision of one lot into three

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

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Olivia Ramage  
**Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2024/0129 PAN-419782
<b>Applicant:</b>	The Trustee For Morehuman Warriewood Unit Trust 3 Rider Boulevard RHODES NSW 2138
<b>Property:</b>	Lot 7 DP 1251955 121 Dove Lane WARRIEWOOD NSW 2102
<b>Description of Development:</b>	Modification of Development Consent DA2020/1727 granted for Subdivision of one lot into three
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	02/05/2024
<b>Date from which the consent operates:</b>	02/05/2024

Under Section 4.55 (1a) Minor Environmental Impact of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

### Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

### Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

## Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

## Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

## Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

## Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

**Signed** On behalf of the Consent Authority



Name Olivia Ramage, Planner

Date 02/05/2024

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-419782 Mod2024/0129	The date of this notice of determination	Modification of Development Consent DA2020/1727 granted for Subdivision of one lot into three  Add Condition No.1B - Modification of Consent - Approved Plans and Supporting Documentation Amend Condition No.31 - No Weeds Imported On To The Site Amend Condition No.32 - Priority Weed Removal and Management Add Condition No.33 - Replacement of Canopy Trees
PAN-348273 Mod2023/0375	29 August 2023	Modification of Development Consent DA2020/1727 granted for Subdivision of one lot into three  Add Condition No.1A - Modification of Consent - Approved Plans and Supporting Documentation Amend Condition No.2 - Compliance with Other Department, Authority or Service Requirements

### Modified conditions

#### **A. Add Condition No.1B - Modification of Consent - Approved Plans and Supporting Documentation, to read as follows:**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
251-20C-DA-1001	B	Cover Sheet, Locality Plan and Index Sheet	Colliers International Engineering and Design NSW	11 March 2024
251-20C-DA-1101	B	Road and Drainage Plan	Colliers International Engineering and Design NSW	11 March 2024
251-20C-DA-1703	B	Post-Development Sub-Catchment Plan	Colliers International Engineering and Design NSW	11 March 2024

251-20C-DA-1711	B	Stormwater Drainage Longitudinal Sections	Colliers International Engineering and Design NSW	11 March 2024
251-20C-DA-1901	B	Sediment and Erosion Control Plan	Colliers International Engineering and Design NSW	11 March 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Arboricultural Impact Appraisal and Method Statement	B	Naturally Trees	19 February 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

**B. Amend Condition No.31 - No Weeds Imported On To The Site to read as follows:**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of the Subdivision Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

**C. Amend Condition No.32 - Priority Weed Removal and Management to read as follows:**

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of the Subdivision Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

**D. Add Condition No.33 - Replacement of Canopy Trees to read as follows:**

At least 2 Eucalyptus botryoides trees are to be planted on the site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Certifier prior to issue of the Subdivision Certificate.

Reason: To establish appropriate native landscaping.

## Important Information

This letter should therefore be read in conjunction with DA2020/1727 dated 20 August 2021 and Mod2023/0375 dated 29 August 2023.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**Council** means Northern Beaches Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2021.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Northern Beaches Local Planning Panel.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Sydney North Planning Panel.