



15 September 2025

REF: WTJ22-323

Northern Beaches Planning Panel
Northern Beaches Council
1 Belgrave Street
Manly NSW 2095

RESPONSE TO RECOMMENDED CONDITIONS OF CONSENT - DA2024.1079

PROPERTY AT 53, 53A AND 53B WARRIEWOOD ROAD, WARRIEWOOD

Dear Panel,

Reference is made to DA2024/1079 which seeks development consent for community title subdivision into five (5) lots and civil works at 53, 53A & 53B Warriewood Road, Warriewood (the Subject Site). This application is recommended for approval subject to Deferred Commencement Conditions at the Local Planning Panel meeting on 17 September 2025 (Item 4.4). The proposed positive determination is supported and we wish to thank Council for ongoing collaboration during the assessment process.

The table overleaf provides a response to the conditions recommend by Council which ensures the determination is consistent with the proposed development and allows for an efficient post approval process.

Should you wish to discuss further, please contact Cameron Gray on 0477003429 or via email at cgray@willowtp.com.au.

Yours Faithfully,

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RESPONSE TO RECOMMENDED CONDITIONS OF CONSENT

Proposed Community Title Subdivision – DA2024/1079
53, 53A & 53B Warriewood Road, Warriewood

RESPONSE TO CONDITIONS	
Condition	Response
Deferred Commencement Conditions	
2. Planning Agreement	It is requested that condition 2 be deleted. Condition 8 relates to the payment of contributions in accordance with the Warriewood Valley Contributions Plan and it is requested that this condition be amended (as below).
Operational Conditions	
8. Warriewood Valley Contribution Condition -	It is requested to amend Condition 8 as follows (shown in red): <i>The Warriewood Valley Contributions Plan Amendment 16, Revision 4 2022 applies to the subject site.</i> <i>A total development contribution of \$2,226,214 is payable to Council in accordance with the Warriewood Valley Development Contributions Plan (as amended). The contribution is based on 31 dwellings accommodated on the three residential superlots as shown on the stamped approved building envelope plan, as follows:</i> <i>A contribution for 29 additional dwellings/allotments, and</i> <i>A credit for two existing dwellings.</i> <i>The contribution comprises:</i> <i>a monetary contribution paid to Council prior to the issue of any Subdivision Works-Certificate or <u>Occupation Construction</u> Certificate. The monetary contribution will be adjusted at the time of payment and when the quantum of land to be dedicated is known, in accordance with the provisions of the Warriewood Valley Development Contributions Plan (as amended), and</i> <i>the dedication of creekline corridor land to Council, measured at 25m from the rear property boundary, in lieu of monetary contributions calculated in accordance with Table 4 of the Contributions Plan. The land to be dedicated is to be shown on an amended Plan of Subdivision which must be approved by Council prior to the issue of any Subdivision Certificate. Dedication of the creek land will occur through the registration of the final Plan of Subdivision after any required rehabilitation works in the creek corridor are completed.</i> <i>Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Principal Certifier at the appropriate time as stated above.</i>



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RESPONSE TO CONDITIONS	
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	Written evidence (receipt/s) from Council for the payment of the monetary contribution is to be provided to the Certifying Authority prior to issue of the subdivision certificate. The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land (other than those already identified above) in lieu of the monetary contribution above (or any portion of that monetary contribution) through a Planning Agreement between Council and the Applicant in accordance the Warriewood Valley Development Contributions Plan (as amended) and Council's Planning Agreement Policy. The Planning Agreement 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 Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council – Development Contributions. Reason: To provide for contributions in accordance with the Contributions Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area. <i>Advisory Note: The proponent has made a letter of offer dated 5 March 2025 to enter into a Voluntary Planning Agreement, consistent with the Warriewood Valley Contributions Plan proposing:</i> <i>a) Item 5.5 Bus Shelter – Warriewood Road at Alameda Way (Works Schedule (Appendix B) in the Traffic and Transport Strategy in the Warriewood Valley Contributions Plan)</i> <i>b) Item 28B Shared Paths (Works Schedule (Appendix B) in the Traffic and Transport Strategy in the Warriewood Valley Contributions Plan)</i> <i>c) Items 2.71B, 2.71C and 2.71D Rehabilitation Works of Narrabeen Creek at 53, 53A and 53B Warriewood Road, Warriewood (Multi-functional Creek Line Strategy (Rehabilitation Works) in the Warriewood Valley Contributions Plan).</i> <i>This Agreement is required to be executed prior to the requirement to pay the above development contribution. Should this not be satisfied, the contribution must be paid in full.</i> <i>The Executed Planning Agreement is to be registered on the title of the land before this condition is satisfied. Upon execution, there is to be provision of a bank guarantee or bond to the satisfaction of Council for the total value of the contribution works.</i>



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	These amendments will allow adequate time for an agreement with Council to be reached, exhibited and registered and should this not be satisfied prior to the relevant certificate, the contribution would still be required to be paid in full by the Applicant. Further, all works detailed in Condition 2 would continue to form part of the approved plans and therefore would be required to be carried out by the Applicant at no cost to Council should an agreement not be reached. The work proposed logically should be programmed and undertaken with the works anticipated for the entire consent.
10. Construction, Excavation and Associate Works Security Bond(s)	It is requested that the bond under 'Crossing / Kerb & Gutter / Footpath Works, Stormwater Drainage and Road Works' be reduced in cost from \$350,000 to \$50,000. This is to ensure consistency with that required by DA2023/069 at 16 Macpherson Street, Warriewood despite that site occupying two (2) street frontages. Similarly, it is requested that the bond under 'Maintenance for Riparian Biodiversity and Vegetation Management Works' be reduced in cost from \$150,000 to \$75,000. This is to ensure consistency with that required by DA2023/069 at 16 Macpherson Street, Warriewood which occupies a similar frontage in width to the creek.
13. Construction Environment Management Plan	It is requested to amend Condition 13 as follows (shown in red). <i>A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the environmental risks and mitigation methods identified in the Flora and Fauna Report and Vegetation Management Plan. The CEMP must identify and appropriately manage invasive species (e.g. <i>Ludwigia peruviana</i>). The CEMP must be kept in the site office.</i> <i>An induction plan for site personnel must be prepared and implemented that addresses the CEMP. Induction records must be maintained and available onsite at all times.</i> <i>The CEMP and site induction plan must be submitted to the Principal Certifier for approval prior to construction commencement the issue of the Subdivision Works Certificate.</i> <i>Reason: To protect native vegetation, wildlife, habitats and receiving waterways.</i> These amendments will allow the prospective contractor tendering on the works package and ultimately delivering the site to provide a copy of their CEMP detailing appropriate management surrounding the existing environment.
15. On-Site Stormwater Detention	It is requested to amend Condition 13 as follows (shown in red).



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	<i>The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Enspire Solutions, drawing number 220122-00-DA C05.01 Issue 10 9, C05.02 Issue 10, C14.01 Issue 4, dated 28/3/25 Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.</i> <i>The drainage plans must address the following:</i> <i>1) Climate change factors are to be included in the design of all drainage infrastructure in accordance with the Warriewood Valley Water Management Specification (February 2001).</i> <i>Detailed drainage plans, including engineering certification, are to be submitted to the Certifier for approval prior to the issue of the Subdivision Works Certificate.</i> <i>Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.</i> To be corrected to the latest concept drainage plans as presented by Enspire to Council.
17. Utilities Services including the Sydney Water main carrier line	It is requested to amend Condition 13 as follows (shown in red). <i>Prior to the issue of the Subdivision Works Certificate, written evidence of the following service provider requirements must be provided to the Principal Certifier (where the affected area is applicable to):</i> <i>a) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity and installation of street lighting poles in Warriewood Road and Lorikeet Grove.</i> <i>b) a written response from Sydney Water as to whether the proposed stormwater drainage upgrade works being the installation of twin 900mm RCP stormwater lines would affect any Sydney Water infrastructure including the 1800mm Sydney Water main carrier line, and whether further requirements need to be met. The applicant is to provide confirmation specifically that the proposed construction clearance to the carrier line meets Sydney Water specifications. c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.</i>



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RESPONSE TO CONDITIONS	
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	Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Works Certificate. Reason: To ensure relevant utility and service providers' requirements are provided to the Principal Certifier. The purpose of these amendments will allow feasibility of staging the development to unlock parts of the site and not sterilise the whole site due to the requirement of a Building Plan Approval from Sydney Water or letter from the corresponding service authority.
19. Pre-Commencement Dilapidation Report	It is requested to amend Condition 19 as follows (shown in red). <i>The applicant must prepare and submit a dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.</i> <i>The dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Principal Certifier prior to the issue of the any Subdivision Works Certificate and the commencement of any works including demolition.</i> Reason: Protection of Council's Infrastructure during construction. This condition should not hold up the approval of a Subdivision Works Certificate. The contractor will complete a dilapidation report prior to any construction works commencement.
22. Traffic Management Control	It is requested to amend Condition 22 as follows (shown in red). <i>The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to commencement of construction works issue of the Subdivision Works Certificate. The Traffic Management Plan shall be prepared to TfNSW standards by an appropriately certified person.</i> Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.



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RESPONSE TO CONDITIONS

Condition	Response
	Traffic control measures should be confirmed by the contractor in agreement with the PC.
23. Submission of Engineering plans for the construction of Lorikeet Grove and widening of Pheasant Way	It is requested to amend Condition 23 as follows (shown in red). <i>Engineering plans and specifications for all roads ,drainage ,streetscape and other civil engineering works required by this consent for the new Lorikeet Road extension and Pheasant Way Road widening are to be submitted to the Certifier for approval.</i> <i>The application is to include Civil Engineering plans for the design of the works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1,The Warriewood Valley Roads Masterplan (WVRMP) June 2018 and Pittwater DCP 21 as relevant to achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan(Public Domain) dated October 2007. The plans shall be prepared by a Civil Engineer who is RPENG (NSW) or NER qualified.</i> <i>The design must include the following information:</i> <i>a) The works in relation to the full length of Lorikeet Grove to include stormwater drainage works, full width road construction to match the existing western and eastern side constructed road widths of Lorikeet Grove, footpath works , landscaping works and line marking/signage. The engineering plans are to be generally in accordance with the concept engineering plans prepared by Enspire Solutions 220122-00 DA ,CO 501 – Rev 10 9, C05.02 Rev 10, CO 601 Rev 4,C0 701 - Rev 4., C11.01 Rev 5,C17.01 Rev 4, C14.01 Rev4.</i> <i>b) Road shoulder and road pavement formation design is to be certified by a geotechnical engineer to satisfy the WVRMP for pavements to meet the ESA pavement design of 2x10 ^6.</i> <i>c) Provision of street lighting using Ausgrid standard lights/poles is to be provided in Lorikeet Grove and Pheasant Place.</i> <i>d) Undergrounding of power infrastructure for the full frontage at no cost to Council.</i> <i>e) Fire hydrants are to be spaced at appropriate intervals in accordance with the relevant specification.</i> <i>f) Stormwater drainage works as detailed on the Enspire Plan No 220122-00- DA C05.01 Revision 9, DA-C05.02 Rev 10,DA-C06.01 Revision 4, DA-C07.01 Revision 4, DA-C14.01 Rev 4.</i> <i>g) Details of the 2.5m shared pedestrian path which is to start at the existing approved alignment at Lot 10 DP 270946 Warriewood Road (denoted as F -Right of Footway2.5m wide) and connect to the existing concrete footpath to the existing western formation of Lorikeet Grove. (adjacent to No 21 Lorikeet Grove Lot 12 DP 270730). The engineering plans are to be amended to deleted the 2.5m shared pedestrian path within the proposed Lorikeet Grove Road Reserve.</i> <i>h) The road reserve width of Lorikeet Grove is to be 16m.</i>



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	Lorikeet Grove cannot be 16m road reserve width as there are varying widths tying into the existing neighbouring developments on the eastern and western boundaries. A transition will need to occur.
29. Submission of an Amended Plan of Subdivision	It is requested that the timing of this condition be amended to be prior to the issue of any Subdivision Certificate to ensure consistent with the recommended amendments to Condition 8.
30. Construction Traffic Management Plans (CTMP)	It is requested to amend Condition 30 as follows (shown in red). <i>A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencement of construction works <i>issue of any Subdivision Works Certificate</i>.</i> To be consistent with Condition 22.
32. Submission of Engineering plans for the construction of Lorikeet Grove and widening of Pheasant Way	It is requested to amend Condition 32 as follows (shown in red). <i>Engineering plans and specifications for all roads, drainage, streetscape and other civil engineering works required by this consent for the new Lorikeet Road extension and Pheasant Way Road widening are to be submitted to the Certifier for approval.</i> <i>The application is to include Civil Engineering plans for the design of the works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1, The Warriewood Valley Roads Masterplan (WVRMP) June 2018 and Pittwater DCP 21 as relevant to achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain) dated October 2007. The plans shall be prepared by a Civil Engineer who is RPENG (NSW) or NER qualified.</i> <i>The design must include the following information:</i> <i>a) The works in relation to the full length of Lorikeet Grove to include stormwater drainage works, full width road construction to match the existing western and eastern side constructed road widths of Lorikeet Grove, footpath works, landscaping works and line marking/signage. The engineering plans are to be generally in accordance with the concept engineering plans prepared by Enspire Solutions 220122-00 DA, C0 501 - Rev 10 9, C05.02 Rev 10, C0 601 Rev 4, C0 701 - Rev 4., C11.01 Rev 5, C17.01 Rev 4, C14.01 Rev4.</i> <i>b) Road shoulder and road pavement formation design is to be certified by a geotechnical engineer to satisfy the WVRMP for pavements to meet the ESA pavement design of 2x10 ^6.</i>



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RESPONSE TO CONDITIONS	
Condition	Response
	c) Provision of street lighting using Ausgrid standard lights/poles is to be provided in Lorikeet Grove and Pheasant Place. d) Undergrounding of power infrastructure for the full frontage at no cost to Council. e) Fire hydrants are to be spaced at appropriate intervals in accordance with the relevant specification. f) Stormwater drainage works as detailed on the Enspire Plan No 220122-00- DA C05.01 Revision 9, DA-C05.02 Rev 10, DA-C06.01 Revision 4, DA-C07.01 Revision 4, DA-C14.01 Rev 4. g) Details of the 2.5m shared pedestrian path which is to start at the existing approved alignment at Lot 10 DP 270946 Warriewood Road (denoted as F -Right of Footway 2.5m wide) and connect to the existing concrete footpath to the existing western formation of Lorikeet Grove. (adjacent to No 21 Lorikeet Grove Lot 12 DP 270730). The engineering plans are to be amended to deleted the 2.5m shared pedestrian path within the proposed Lorikeet Grove Road Reserve. h) The road reserve width of Lorikeet Grove is to be 16m. For consistency with Condition 23.
34. Floor Levels	It is requested to remove Condition 34. No buildings are proposed as part of these development works and will be taken up by subsequent packages.
39. Utilities Services	It is requested to amend Condition 39 as follows (shown in red). Prior to the commencement of demolition works, written evidence of the following service provider requirements must be provided to the Principal Certifier (where the affected area is applicable to): a) Electrical and telecommunications supply is to be undergrounded to all the lots. The undergrounding of utility services and pad mounted substations are to be located to minimise impacts public domain landscaping. A letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity. b) Street Facilities lighting is to be provided to all new and existing roads in accordance with the requirements of Ausgrid. c) All existing overhead electrical infrastructure is to be undergrounded for the Warriewood Road road reserve site frontage to the nearest power poles fronting adjoining properties in accordance with Ausgrid requirements. d) A written response from Sydney Water as to whether the proposed installation of the twin 900mm RCP stormwater line works subject to this consent would affect Sydney Water 1800mm main carrier line infrastructure, and whether further requirements need to be met in accordance with Sydney Water specifications.



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RESPONSE TO CONDITIONS	
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	e) Other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of demolition works. Reason: To ensure relevant utility and service providers' requirements are provided to the Principal Certifier. For consistency with the conditions above.
96. Dwelling Density	It is requested to amend Condition 96 as follows (shown in red): <i>The building envelope plan prepared by Shawood is to be registered on Title (under the provisions of Section 88B of the Conveyancing Act) to ensure a minimum of 31 dwellings are provided upon the site. Dwellings are to be wholly generally located within the 'ground floor footing' area marked upon the plan. Any variation to the approved building envelope area will require development consent from Council in the form of a modification or satisfactorily justified in subsequent built form Development Applications to demonstrate the dwelling allocation is consistent with of to the development consent. Northern Beaches Council shall be the sole authority to vary, release or modify this restriction.</i> Reason: To ensure compliance with Pittwater Local Environmental Plan 2014 dwelling density requirements within the Warriewood valley locality. Requiring strict compliance with the Building Envelope Plan provides no flexibility for future development to accommodate any unforeseen changes. There is no mechanism in which the dwellings can be approved without the consent of Council, and it is therefore recommended that this condition be amended to allow some flexibility which will ultimately be at the discretion of Council in the assessment of the subsequent built form applications. Maintaining the condition as currently proposed will inevitably lead to a future Section 4.55 Modification Application of this consent to accommodate minor design changes, creating additional unnecessary administrative work for Council and the Applicant alike. It is noted that the proposed amendments does not provide any ability for the Applicant to provide less than the minimum required dwellings onsite.

