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**Sent:** 30/04/2023 1:00:02 PM  
**Subject:** Mod2023/0161 - DA2018/0607 - Lot 23 DP 270907 65-69 Lorikeet Grove Warriewood.  
**Attachments:** Mod2023\_0161-DA2018\_0607\_Submission\_30.04.23.pdf;

Dear Council

Re email subject please find the attached letter submission for Council's action.

Kind regards  
For and on behalf of the Committee for CA271139

Stuart Quirk - Chairperson and John Foxwell - Secretary

Community Association Deposited Plan: 271139 (CA271139)  
Ivy Estate "Warriewood Rd, Bubalo St and Lorikeet Grove, Warriewood"

30 April 2023

Attn: Chief Executive Officer  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655 Australia

Delivered by email: [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Dear Northern Beaches Council

**RE: MOD2023/0161 – DA2018/0607 - Submission**

With regards to MOD2023/0161 – DA2018/0607, The Committee of the Community Associate (CA) 271139 express concerns relating to the requested development modification.

**1. Community Title Scheme.** The Land and Environment Court of NSW Case 10332 of 2014 order for Development Application no. N0182/13 to be a Community Title.

Therefore, meaning that Lot 1 shall be burden all Lots of the development. Which in simple terms, means all Lots with the subject development must maintain the “up-keep” of the relevant items bounded by Lot 1 of the Community Title, that is, the Bio-Detention and OSD Basin. This Lot 1 forms part of the Section 88B instrument for the subject Lots within development, as per the order of the Court.

So, in stating this fact, where does the proposed Strata Plan sub-division fit within this Community Title Scheme as Lot 1 is not shown of the proposed sub-division paperwork submitted for MOD2023/0161.

**2. Bio-Detention and OSD Basin.** The Initial development included Lot 2, 3, 4, 14, 15, 16, 17 and 18 that formed part of the approved 40 Lot sub-division N0182/13 and has been modified numerous times.

However, these 8 lots (2, 3, 4, 14, 15, 16, 17 and 18) were amalgamated to create a super lot for the purposes of the Residential Flat Building (RFB) development.

In doing so, this involved a negative change to the approved water management proposal prepared by Civil Cert, which resulted in the need to increase the Bio-Detention and OSD Basin being within Lot 1 of the formed Community Title and forms part of RFB responsibility and the remaining associated Lots. Clearly noting that the RFB is benefiting from the Bio-Detention and OSD Basin.

So again, in stating this fact, where does the proposed Strata Plan sub-division fit within this Community Title Scheme as Lot 1 is not nominated on the proposed sub-division paperwork submitted for MOD2023/0161? The concern here is does this mean the proposed Strata Plan does not need to be responsible for the “up keep” of Lot 1 that it is currently connected into as part of the water management proposal?

Postal Address: C/- Jamesons Strata Management  
PO Box 547, Surry Hills NSW 2010

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**3. Retaining Walls to Adjoining Sub-division.** The Owners of the adjoining Lots to the eastern side of the RFB are concerned of the structural integrity of the constructed retaining walls by the original Developer as there is clear evidence that these structural retaining walls are cracking, bowing and has the potential in the near future of failure.

Therefore, with the proposed modification to create a Strata Plan where this set with the responsibility for rectification and or remediation prior to the existing Developer relinquishing their obligations and the establishment of a new Strata Plan. As it is clear, that this is not be the responsibility of the adjoining lot owners of CA271139 to rectify and/or remediate now or in the future.

In conclusion, the Committee of CA271139 does not support the application at the present time until all of the above aforementioned concerns are clarified and surety is provided by Council and/or the Developer.

Yours sincerely

For and on behalf of Committee of Community Title Association CA271139



Stuart Quirk – Chairperson



John Foxwell – Secretary