

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0161
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 23 DP 270907, 65 - 69 Lorikeet Grove WARRIEWOOD NSW 2102
Proposed Development:	Modification of Development Consent DA2018/0607 granted for construction of a residential flat building, basement car parking and landscaping within currently unregistered Lots 2, 3, 4, 14, 15, 16, 17 and 18 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Colonial Credits Pty Ltd Colonial Credits Pty Ltd
Applicant:	Colonial Credits Pty Ltd

Application Lodged:	05/04/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	17/04/2023 to 01/05/2023
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks a modification to development consent No.DA2018/0607 to facilitate conditions to allow for a Strata Subdivision of the building. Relevant condition/ s were not included with the original DA and therefore obstruct the applicant from applying and gaining a Strata Subdivision Certificate. The provisions of exempt and complying development cannot be used to the lower edge of the property being within a mapped bushfire protection area.

The parent development consent relates to the construction of residential flat building of 27 units and basement carparking which has been completed and is occupied. An Occupation Certificate was issued on 01/10/21 (J/78398/04) for the subject

property.

The modification is clerical in nature, with no site works required for the Strata Subdivision and does not impact on any planning conditions or require detailed environmental assessment of the physical surroundings. The proposal does not affect any adjoining or nearby properties or the management schemes associated with stormwater, building works, BCA (fire safety) compliance, access or landscaping.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 23 DP 270907 , 65 - 69 Lorikeet Grove WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The site is irregular in shape and has a site area of 2,917 square metres (sqm) and a 35 metre (m) frontage to Lorikeet Grove. The subject site is located within the Warriewood Valley Land Release Precinct, 1 kilometre (km) south of Mona Vale shopping area and 21 Km north of Sydney CBD.</p> <p>The site is located within a changing area of Warriewood, with recent completed developments to the west of the site, which include low to medium density residential developments. The site is also opposite an established low density residential area and is 1 km south of the Mona Vale Shopping precinct. Land to the south east of the site has recently been developed and includes low to medium</p>

density residential development. The subject site contains a completed residential flat building comprising 27 apartments with basement carparking and ancillary facilities. A community OSD structure is located toward the southwest of the site that is managed by separate arrangements for the lots that connect to this service infrastructure.

The surrounding area includes:

Established low-density residential dwellings characterise the area to the north and east of the site. South of the site is the Warriewood Wastewater Treatment Plant which is buffered by Macpherson Street and a other residential zoned land as well a riparian bushland butter. Further south is Warriewood Square Shopping Centre. To the west of the site is an Anglican Retirement Village (Seniors Housing) development known as "Warriewood Brook".

Map:



SITE HISTORY

A detailed site history is provided under the original development assessment report for DA2018/0607. In summary, the site was part of a larger holding and subject to new roadworks and subdivision as part of the Warriewood release area. The approval formed part of the overall development of the site previously known as 29-31 Warriewood Road, Warriewood which has included the subdivision of the site into a 40 lot subdivision including the construction of two (2) new roads.

On 21 November 2018, Council granted consent for DA2018/0607 for the construction of a three (3) storey residential flat building consisting of:

- Consolidation of eight (8) lots to form a single parcel;
- 27 apartments;
- 1 level of basement car parking for 62 cars;
- Associated infrastructure works; and
- Extensive landscaping, including provisions for new trees throughout the site, landscaping associated

with the communal open space on the roof structure of the development.

Modification Application No.MOD2020/0327 to modify DA2018/0607 for changes to balcony elements, landscaping elements and rooftop planting, relocate fire booster, changes to air conditioner plant and roof exhaust system was approved by Council on 6.10.2020.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2018/0607, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> • No physical works are proposed. • The Strata Subdivision layout is consistent with the approved and constructed building, including parking. • The Strata subdivision was envisaged with the original RFB concept, however overlooked in the DA preparation and therefore conditions were not included as normally exempt and complying development provisions could be used if not within a bushfire zone. • No incidental or ancillary measures to the building are required to effect the strata subdivision, except inclusions with the conditions of consent to facilitate the subdivision of the approved building. • An Occupation Certificate for the building has been issued "Occupation Certificate issued on 1.10.2021 (J/78398/04)".

Section 4.55(1A) - Other Modifications	Comments
<p>(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</p>	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2018/0607 for the following reasons:</p> <ul style="list-style-type: none"> • The strata subdivision requires inclusion of a draft scheme with the original DA to enable the conditions to be actioned. The inclusion of the strata scheme "fits" the approved DA plans without any anomaly to the spaces, building shape, parking, land boundaries or the like. Aspects of OSD management are managed by separate processes / arrangements that are already in place. • The strata subdivision does not require physical works or changes to the building structure and does not retain DA2018/0607 as the same use, same external appearance, same landscaping, same parking and same impact on surrounding land as approved in physical form. The building is new and final arrangements are still being completed for occupation. • The building is complete and an occupation certificate has been issued, however occupants cannot take legal ownership of their own apartments without the strata subdivision in place. The strata plan modification "fits" appropriately within the approved design. Strata subdivision concept plans are routinely included in draft form with RFB development proposals. The modification does not materially impact the approved built form or environmental impact on natural areas. No extra conditions are recommended by the RFS, Development Engineering, Landscaping or Ausgrid that require works as part of the Strata Plan, and it does not seek to include physical "retrospective" works as an "add-on" to the modification plans. • The submitted "as built" plans are consistent with the approved DA for the building and the consent has been essentially completed for the purposes of all conditions including "prior to the issue of occupation certificate". • The DA conditions in the Notice of Determination have been reviewed in context with this MOD application. • On 22.3.2023 Council received a modification application (to modify DA2018/0607 for strata subdivision). The application was reviewed by the <i>Development Advisory Service Team</i> and written advice provided back to the Applicant requesting further information. The application was not returned with advice to lodge a new DA for strata subdivision, but with advice to "<i>re-submit with a Statement of Modification outlining the proposal and all required plans and documentation</i>" for strata subdivision as proposed. The applicant has followed the written instruction of Council dated 24.3.2023.

Section 4.55(1A) - Other Modifications	Comments
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.</p>
<p>(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and	Part 4, <u>Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of

Section 4.15 'Matters for Consideration'	Comments
Assessment Regulation 2021 (EP&A Regulation 2021)	<p>development consent. These matters have already been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case however the applicant was able to provide details as to arrangements associated with the Community Title Scheme and other matters raised in submissions.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62</u> and/or 64 of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has already been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has already been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the <i>Building Code of Australia</i> (BCA). This matter has been already addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development modification on the natural and built environment are addressed under the <i>Pittwater 21 Development Control Plan</i> section in this report. No change is proposed.</p> <p>(ii) Social Impact The proposed development modification will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development modification will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of	The site is considered suitable for the proposed development

Section 4.15 'Matters for Consideration'	Comments
the site for the development	modification to effect the strata subdivision of the building. The building is complete and currently occupied.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 17/04/2023 to 01/05/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Stuart John Quirk	Po Box 253 WAHROONGA NSW 2076
Mr John Francis Foxwell	13 Bubalo Street WARRIEWOOD NSW 2102

The following issues were raised in the submissions:

- Community Title Scheme
- Bio-Detention and OSD Basin
- Retaining Walls to Adjoining Sub-division

The above issues are addressed as follows:

- *Concerns as to where the proposed Strata Plan sub-division fit within the Community Title Scheme as Lot 1 created by the original land development scheme that relies on the bio-detention and OSD system.*

Comment:

The apartment building is situated on a lot which is included in the Community Title Scheme to which the submission issue refers. As such the "apartment" Owners Corporation will be member representation of that community scheme and will be (already) subject to the obligations and decisions of that body, contributing to the "upkeep" of the community assets.

- *Concern that the original 40 Lot subdivision of Consent No.N0182/13 include lots No.2, 3, 4, 14, 15, 16, 17 and 18 that 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. 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?*

Comment:

Appropriate arrangements were created as part of the civil works, construction of the OSD including creation of the Community Management Scheme. The proposal does not affect these "parent" arrangements and obligations and the OSD has been approved by Council including the completion of engineering conditions, easements and ongoing stormwater management requirements. The proposed modification relates only to the strata registration of the completed building and is not an application that interferes with or deals with unrelated land / water management associations of "Lot 1".

- *Concern that the Owners of the adjoining Lots to the eastern side of the RFB are concern of the structural integrity of the constructed retaining walls by the original Developer as there is clear evidence that these structural retaining wall is cracking, bowing and has the potential in the near future of failure. Therefore, with the proposed modification to create a Strata Plan where this sits with the responsibility for rectification and or remediation prior to the existing Developer relinquishing their obligations and the establishment of a new Strata Plan.*

Comment:

The apartment building is clear of the retaining wall adjacent and no failure or defect in the wall has been identified to the owners of Lot 1 that requires any rectification works. No reporting of any fault or professional building inspection has been received by the owners of Lot 1. Regardless of any 'potential' such matter can be appropriately addressed if and when such an event occurs as normal building maintenance and upkeep. The issue is not part of the modification application to carry out physical work as the modification only relates to clerical matters to facilitate arrangements that were not included with the original DA conditions.

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	Supported without conditions. No objections to the proposed modification to strata title the existing apartments , no conditions are required.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	A referral response was provide from <i>Ausgrid</i> however no works are proposed and the recommended conditions are therefore not related to the modification. No change to conditions is required as <i>Ausgrid</i> requirements have already been satisfied by the completed building works.

External Referral Body	Comments
Rural Fire Service - Local Branch - EP&A Act, s4.14	<p>The New South Wales Rural Fire Service (NSW RFS) has reviewed the information submitted and provided a response on 19.5.2023 that:</p> <p><i>"Council is advised that this letter is in response, to a further assessment of the application submitted, relating to the current proposed modifications, (with no additional conditions being included) and it should be read in conjunction with our previous general terms of approval dated 15 June 2018."</i></p> <p>No change to conditions is required from the NSW RFS.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 65 - Design Quality of Residential Apartment Development

The Strata Subdivision of the building is does not alter any physical aspects of the design in terms of compliance with SEPP No.65 or the *Apartment Design Guide*. No further assessment pursuant to the SEPP is required as the building works are completed.

SEPP (Building Sustainability Index: BASIX) 2004

The Strata Subdivision of the building is not affected by SEPP BASIX and no further assessment pursuant to the SEPP is required as the building works are completed.

SEPP (Transport and Infrastructure) 2021

The proposed modification of consent for conditions to allow strata subdivision of the building does not affect any referral provisions, including conditions of service infrastructure authorities, or requirements of *SEPP (Transport and Infrastructure) 2021*. Therefore, no further assessment pursuant to the SEPP is required.

SEPP (Resilience and Hazards) 2021

The site has been previously assessed pursuant to SEPP 55 provisions and natural hazards as part of the original development application for the building and the land subdivision. The building is complete

and occupied for residential purposes therefore, no further assessment pursuant to the SEPP is required. Evacuation requirements for fire and flood have been addressed via the original development assessment including civil works associated with the re-development of the land for medium residential purposes.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

The proposed strata subdivision does not include any physical changes to the building and does not affect the principal development standards of the building as approved. No change to the approved building height or floor space is applicable.

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.6 Subdivision - consent requirements	Yes
4.2A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones	Yes
4.3 Height of buildings	Yes
4.5A Density controls for certain residential accommodation	Yes
5.21 Flood planning	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

The proposed strata subdivision does not affect any Built Form Controls of the Pittwater DCP 21 and no further assessment is required for the modification application. "As built" architectural plans have been provided in support of the strata subdivision application which are consistent with DA2018/0607 as previously assessed and approved.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
A4.16 Warriewood Valley Locality	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B5.15 Stormwater	Yes	Yes
C1.18 Car/Vehicle/Boat Wash Bays	Yes	Yes
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
C6.8 Residential Development Subdivision Principles	Yes	Yes
C6.9 Residential Land Subdivision Approval Requirements	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes

and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2023/0161 for Modification of Development Consent DA2018/0607 granted for construction of a residential flat building, basement car parking and landscaping within currently unregistered Lots 2, 3, 4, 14, 15, 16, 17 and 18 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood on land at Lot 23 DP 270907,65 - 69 Lorikeet Grove, WARRIEWOOD, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

A. Amend "Application Details" description on the Notice of Determination, to read as follows:

"Construction of a residential flat building, basement car parking, strata subdivision and landscaping within currently unregistered Lots 2, 3, 4, 14, 15, 16, 17 and 18 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood."

B. Add Condition No.7A - Modification of Consent - Approved Plans and supporting Documentation, to read as follows:

"7A - Modification of Consent - Approved Plans and supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Draft Subdivision Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Sheet 1 of 6 Plan of Subdivision of Lot 23 DP270907 - Location plan	21.4.2021	Karl Robertson
Sheet 2 of 6 Plan of Subdivision of Lot 23 DP270907 - Basement Level 1	21.4.2021	Karl Robertson
Sheet 3 of 6 Plan of Subdivision of Lot 23 DP270907 - Ground Level	21.4.2021	Karl Robertson
Sheet 4 of 6 Plan of Subdivision of Lot 23 DP270907 - Level 1	21.4.2021	Karl Robertson
Sheet 5 of 6 Plan of Subdivision of Lot 23 DP270907 - Level 2	21.4.2021	Karl Robertson
Sheet 6 of 6 Plan of Subdivision of Lot 23 DP270907 - Level 3	21.4.2021	Karl Robertson

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans."

C. Add Condition 12A Subdivision Certificate Application, to read as follows:

"12A Subdivision Certificate Applications

Where or if *Northern Beaches Council* (NBC) is nominated as the subdivision Certifier the Applicant shall submit a Subdivision Certificate Application to NBC, which is to include a completed Subdivision Certificate (SC) form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, four copies of the final plan of subdivision and all relevant documents including electronic copies. Otherwise the Private Certifier is to make appropriate arrangements to inform NBC of the registered plan (LTO lodgement).

Where or if NBC is the Certifier documentation is to be submitted to NBC prior to the issue of the Subdivision Certificate, including evidence / documents required to demonstrate satisfactory compliance with conditions of consent for the purposes of building occupation and works to be completed to effect service connections and relevant development consent obligations as per this consent.

If the SC is lodged with NBC, all plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks, where applicable. The SC fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Alex Keller, Principal Planner

The application is determined on 06/07/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments