

To whom it may concern,

Back in June 2018 I requested for the below condition in the Conditions of Consent for DA N0367/12 (MOD2018/0279) to be amended from:

Condition F12 - "The area of the site identified as 9(d) zoning is to be a separate lot on the plan of subdivision to be submitted with the subdivision certificate application."

Amended to:

Condition F12 - "The area of the site identified as 9(d) zoning is to be identified on the plan of subdivision to be submitted with the subdivision certificate application."

Council agreed to modify the DA, but the NSW Lands Registry Services have indicated they will not issue a Subdivision Certificate with any mention of SP2 (formally 9(d) zoning) on the Plan of Subdivision. I request that Condition F12 be deleted altogether using the same logic Council, RMS and my surveyor agreed to when the DA was successfully modified back in June.

In June, I spoke to the Land and Development manager, John Hudson, of the RMS. He was in agreement with my subdivision surveyor, Brian Dewing from Burton & Field, that it made no sense to create a lot for SP2 zoning on the Plan of Subdivision survey, as there are no formal plans that exist from RMS or anyone for the proposed road widening and the surrounding properties affected by the same SP2 zoning and road widening will not have a lot created for them.

DP1177671, which is my next-door neighbours' subdivided lot, and is almost identical to mine and created less than a year from when our DA was approved, has no mention of SP2 or 9(d) zoning as part of their DA requirements or on their Plan of Subdivision.

Both my surveyor and the RMS agree that rather than create a separate lot now, it makes sense for the RMS to create a separate lot along with the rest of the block of surrounding properties, when they choose to widen the road. There is no need to

identify SP2 zoning, as SP2 zoning may change if and when plans for the road expansion are created. That would make the most sense, as it did with my next-door neighbour's subdivision.

During my discussion with the RMS they said that they only ask for a lot to be created for very large 80+ lot subdivisions, but as this is only a 2-lot subdivision and a formal road-widening proposal has not been created it does not sense and is not correct.

As NSW Lands Registry Services have indicated that identifying SP2 zoning on a Plan of Subdivision is incorrect, I request that Condition F12 be deleted altogether from the Conditions of Consent, as it was an error and does not make any sense in being there.

Please consult with Kent Bull from Northern Beaches Council, as he already has knowledge of the matter. As requested by Kent, I have attached a new Plan of Subdivision survey without any mention of SP2 zoning.

Brian Dewing's, from Burton and Field, phone number is 02 9868 4660 if you wish to speak to him.

Regards,

Marc Bellomo

0402 503 286

N0367/12

98 Wakehurst Parkway, Elanora Heights NSW 2101

----- Forwarded message -----

From: **Kent Bull** <Kent.Bull@northernbeaches.nsw.gov.au>

Date: Mon, 11 Feb 2019 at 10:12

Subject: RE: Outstanding matters resolved FW: Subdivision Certificate - 98
Wakehurst Parkway - SC2018/0037

To: Marc Bellomo <marc.bellomo@gmail.com>

Hi Marc,

As discussed today, A S4.55(1A) modification application would need to be lodged with Council.

- This application would seek for the deletion of Condition F12 of consent N0367/12. This would be requested in a Statement of Modification.
- The application would include an updated Plan of Subdivision that removes the references to – (C) – ‘Positive Covenant – Whole Lot’ and (SP2) – ‘Site proposed future acquisition by Roads & Maritime Services (RMS)’

I have confirmed with my manager, Rebecca Englund, that the notification of this application and the associated fee can be waived in this instance in accordance with Clause A5.1 of the Pittwater 21 DCP.

Let me know when you are intending to lodge the application and if there are any further issues identified. Once lodged, I will do my best to fast-track the application regardless of whether I am assessing it or not.

Kind regards,

Kent Bull
Planner

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