

To whom it may concern,

I request for the below condition in the Conditions of Consent for DA N0367/12 to be removed as a condition to be satisfied before being issued an Occupation Certificate:

***E. Matters to be satisfied prior to the issue of Occupation Certificate***

***E.3 An inter-allotment easement to drain water, under Section 88B of the Act is required to be created on the title of Lot 1 to carry stormwater discharged from the upstream Lot 2 to the public drainage system in favour of the upstream Lot 2***

An inter lot easement cannot be registered on the title of lot 1 without first being issue an Occupation Certificate, and as such is incorrect on the Conditions of Consent. I logically need an Occupation Certificate first in order to get a Subdivision Certificate issued, but point E.3 makes it so I need Subdivision Certificate to be issued to get an Occupation Certificate - so I am stuck in a catch 22 loop. I have spoken to Brian Dewing from Burton and Field and Nicholas Armstrong from Northern Beaches Council and they are both in agreement with me that Condition E3 is incorrectly listed on the Conditions of Consent.

Brian Dewing's phone number is 02 9868 4660 if you wish to speak to him.

Please see attached email correspondence attached between Brian Dewing, myself and Nick Armstrong from Northern Beaches Council. Please consult with Nick Armstrong, as he already has knowledge of the matter.

Please do not hesitate to contact me if you have any queries.

Regards,

Marc Bellomo

0402 503 286

N0367/12

98 Wakehurst Parkway, Elanora Heights NSW 2101

## EMAIL CORRESPONDANCE

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

From: **Nicholas Armstrong**

<[Nicholas.Armstrong@northernbeaches.nsw.gov.au](mailto:Nicholas.Armstrong@northernbeaches.nsw.gov.au)>

Date: 30 May 2018 at 15:03

Subject: RE: 98 Wakehurst Parkway - Subdivision Certificate Application

To: Marc Bellomo <[marc.bellomo@gmail.com](mailto:marc.bellomo@gmail.com)>

Hi Marc,

I've had a discussion with my manager regarding the condition (E3) and we are of the impression that the condition should be applicable prior to the obtaining of the Subdivision Certificate, not the Occupation Certificate.

If you need the condition formally changed within the consent, it can be done via a Section 4.55(1) (formerly Section 96(1)) modification application that intends to fix a Council error.

In regards to the SP2 zoning dimensions, I don't have the specifics, but I would recommend getting in contact with Council's Land Information Officer, Mark Turnbull.

Kind Regards,

**Nick Armstrong**  
Planner

Development Assessment Mona Vale

t 02 9970 1195 m 0412 045 168

[nicholas.armstrong@northernbeaches.nsw.gov.au](mailto:nicholas.armstrong@northernbeaches.nsw.gov.au)

[northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au)



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**From:** Marc Bellomo [mailto:[marc.bellomo@gmail.com](mailto:marc.bellomo@gmail.com)] **Sent:** Wednesday, 30 May 2018 10:35 AM **To:** Nicholas Armstrong **Cc:** Brian Whealing; Samantha Bellomo **Subject:** Re: [98 Wakehurst Parkway](#) - Subdivision Certificate Application

Hi Nick,

As discussed on Monday, there is an error on the Conditions of Consent point E.3, as I logically need an Occupation Certificate first in order to get a Subdivision Certificate issued, but point E.3 makes it so I need Subdivision Certificate to be issued to get an Occupation Certificate - so I am stuck in a catch 22 loop. Please see the email below from Brian Dewing of Burton and Field explaining why this is an error on the Conditions of Consent.

I spoke to my PCA explaining this and he needs an email from Northern Beaches Council stating that condition E.3 can be ignored in order for him to issue an Occupation Certificate. Can you please send me an email stating that Condition E.3 can be ignored in order for an Occupation Certificate to be issued?

As I am sure you are well aware this is a matter of urgency as I cannot get the bank to release payment to my builder without being issued an Occupation Certificate.

Please see Brian Dewing's email below. He said if you need any further clarification he would be happy to discuss the issue over the phone with him on 9668 4660

Thank you for your help,

Regards,

Marc Bellomo  
0402 503 286

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

From: **Brian Dewing** <[Dewing@burtonandfield.com.au](mailto:Dewing@burtonandfield.com.au)>

Date: 30 May 2018 at 08:35

Subject: RE: [98 Wakehurst Parkway](#) - Subdivision Certificate Application

To: Marc Bellomo <[marc.bellomo@gmail.com](mailto:marc.bellomo@gmail.com)>

***E. Matters to be satisfied prior to the issue of Occupation Certificate***

***E.3 An inter-allotment easement to drain water, under Section 88B of the Act is required to be created on the title of Lot 1 to carry stormwater discharged from the upstream Lot 2 to the public drainage system in favour of the upstream Lot 2.***

Marc,

Lot 1 does NOT currently exist and will not exist until the Plan of Subdivision is registered and the original Certificate of Title cancelled and new titles issued.

Therefore it is NOT possible registered this easement Prior to issuing the Occupation Certificate.

The easement WILL be created and registered on the relevant Lot(s) when the Plan of Subdivision is finally registered.

Regards

*Brian Dewing*

**Director**



**BURTON & FIELD**

surveying & land development

Consulting Surveyors - Engineers - Town Planners

Project Managers - Water Servicing Coordinators

**202/2 Pembroke Street**

**Epping NSW 2121**

**Ph 9868-4660**

**Fax 9868-6035**

**PO Box 242 Liverpool 1871**

**Email: [dewing@burtonandfield.com.au](mailto:dewing@burtonandfield.com.au)**

**343 Hume Highway**

**Liverpool NSW 2170**

**Ph 9602-1199**

**Fax 9821-2620**

**PO Box 1150 Epping 1710**

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